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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. HEFLEY].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
November 1, 1995.

I hereby designate the Honorable JOEL HEFLEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

On this day, almighty God, we pray for all people who are called to public service, who are committed to serving You by serving others and who see occasions to work for justice and opportunity. As they hear the voices from every side and the inevitable contentions that mark the days, may Your gift of discernment be imprinted on their character and may wisdom be their guiding star. Encourage all, O God, to grasp facts and understand issues, and yet always to seek the truth and the insight and the good judgment that will give justice and mercy for us and all people. 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 gentleman from New Jersey [Mr. SMITH] come forward and lead the House in the Pledge of Allegiance.

Mr. SMITH of New Jersey 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 without amendment a bill of the House of the following title:

H.R. 1715. An act representing the relationship between workers' compensation benefits and the benefits available under the Migrant and Seasonal Agricultural Worker Protection Act.

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

S. 187. An act to provide for the safety of journeymen boxers, and for other purposes; and

S. 325. An act to make certain technical corrections in laws relating to native Americans, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 1905) ''An act making appropriations for energy and water development for the fiscal year ending September 30, 1996, and for other purposes.''

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2002) ''An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that there will be fifteen 1-minutes on each side.

SUPPORT PARTIAL-BIRTH ABORTION BAN

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

Mr. SMITH of New Jersey. Mr. Speaker, why is the pro-abortion movement even more fiercely opposed to the partial birth abortion bill than other pro-life measures? They insist that this bill would regulate only a small percentage of abortions, yet they are outraged that the bill is on the docket today.

I think it is this. Usually when we discuss abortion we talk about everything but abortion itself. According to the rules of the game the abortion controversy is about philosophy or religion or economics, about everything but what actually happens in each and every abortion.

By addressing one particular kind of abortion, this legislation forces us for the first time to acknowledge the dark, dirty secret of what actually happens. The baby dies. The 23-year coverup about the brutal methods of abortion, including dismemberment, injections of chemical poisons and now brain-sucking procedures is over. The coverup is over. The gruesome spectacle of partial-birth abortions forces us to admit that what happens is death. It forces us to acknowledge that what dies is a baby, and we see all too clearly that the death inflicted on that baby is unspeakably cruel.

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WHO IS DRAFTING ECONOMIC POLICY?

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

Mr. TRAFICANT. Mr. Speaker, something does not fit. There is civil war in Mexico. The peso is so low it could walk under a closed door with a top hat on. Mexico's biggest business is narcotics and they end up on the streets in America. Up north Canada just dodged a bullet. They almost voluntarily self-destructed.

After all this I keep reading the papers telling us how great the economy is. Well, if that is the case, how come wages keep going down? Workers are afraid of losing their house.

Tell me, Mr. Speaker, why is individual debt so high in America? Why are savings so low in America? And after all this, this administration wants a free-trade agreement with Chile. I ask today on the House floor, who is drafting our economic policies in America? Larry, Moe, and Curly, or a bunch of bureaucratic masochists who never stood in an unemployment line and are so dumb they could throw themselves at the ground and miss.

THE DEVIL IS IN THE DENIAL

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

Mr. HAYWORTH. Mr. Speaker, it is always an honor to follow my colleague from Ohio in these morning sessions.

This morning, Mr. Speaker, I thought I would illustrate a couple of differences between our budget plan, the conservative commonsense budget plan, and what the White House has offered. This is the budget reconciliation package. Yes, it is lengthy. Yes, it is exhaustive. But yes, it is complete. We have managed to do in less than 40 weeks what the liberals could not do in 40 years. That is, change the size and scope of the Federal Government.

On the other hand, here is the President's plan, such as it exists. Some interesting charts, a few talking points, but, Mr. Speaker, the devil is not in the details. The devil is in the denial.

As our Speaker and the leader of the other body go down to the other end of Pennsylvania Avenue to meet the President, I wonder which President will show up.

I hope it is the President who says he is for a balanced budget in 7 years. I hope it is the President who says he wants a tax cut for the middle class. I hope it is the President who says he wants welfare reform. If it is that President, Mr. Speaker, let him join with us to balance this budget and get this country back on track.

WOLVES IN SHEEP'S CLOTHING

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

Mr. HILLIARD. Mr. Speaker, just like the wolf that hid in a sheepskin to kill his prey, so have the Republicans attempted to act as though they were trying to save Medicare.

But finally, finally, the Republicans have shown us their true colors, as evidenced by Senator DOLE and Speaker GINGRICH's comments that they are really voting to kill Medicare.

The Republican leaders comments on Medicare shows us that when it comes to delivering to the rich of America the obscene and bloated Republican-sponsored tax break, that they will say anything and even sell out America's seniors to appease their rich masters.

Well, America is finally getting wise to the Republican half-truths and lies.

Senator DOLE opposed Medicare in 1965, and he also opposes it in 1995.

Just like the wolf in sheep's clothing, the Republicans have attempted to lure our seniors into a false sense of security, but Senator DOLE's comments to the Conservative Union and the Speaker's comments to Blue Cross/Blue Shield have helped us sound the alarm bell to warn our seniors so we may avert this disaster.

WHO ARE THE WOLVES?

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

Mr. SCARBOROUGH. Mr. Speaker, talk about wolves in sheep's clothing. My gosh, we have got the Democratic President telling us that Medicare goes bankrupt by the year 2002. Then they backpedal for the next 6 months saying we do not have to do anything about Medicare and anybody who does anything about Medicare to save Medicare is somehow a wolf in sheep's clothing.

Talk about a wolf in sheep's clothing on the budget issue. We have got a President who, as a candidate, said as President I would present a 5-year plan to balance the budget.

The freshman class presented that. MARK NEUMANN presented that. I do not see the President supporting that.

Then the Republicans come up with a 7-year plan that the President opposes. He says we can do it in 10 years. Then in New Hampshire he says, ''Well, I think it can be done in 7 years in May.'' Then in a press conference in October he says, ''I think we can reach it in 7 years.''

''I think we could reach it in 8 years.'' ''I think we could reach it in 9 years.''

I am confused. Help me out, Mr. President, make up your mind and side on the side of the American people.

MEDICARE

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

Mr. UNDERWOOD. Mr. Speaker, the morning after Halloween, we awake to find that the majority has been out all night playing trick or treat with senior citizens and Medicare.

The treat was supposed to be fixing Medicare and the trick is that the plan all along was to dismantle Medicare one step at a time.

The leader of the other body is actually proud that he opposed Medicare in 1965. Is this the same person who is assuring seniors that he has come to save Medicare, not to bury it?

And in a second surprise after the budget votes, the majority leadership finally admits that this is the first step in dismantling the program, and that the plan is to let Medicare wither on the vine.

If these guys were doctors, they might be accused of practicing Dr. Krevorkian medicine.

If they were used car salesmen, they might be eligible for salesmen of the month.

But since they are the fix Medicare gang, we need to expose the Halloween charade and defend the best health care program this country offers for seniors. No more trick or treat. How about straight talk on Medicare.

CONTROVERSY OVER CASTRO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, the award for the most deplorable idolizing of Cuban tyrant Fidel Castro during his recent United States visit goes to my Democrat colleague from the Bronx, who handed the dictator a pair of boxing gloves engraved with ''Fidel is #1.''

Castro is No. 1 in human rights violations. He is No. 1 in persecution of political opposition. He is No. 1 in detainment of political prisoners. He is No. 1 in the persecution of the free press. So those gloves fit Castro to a tee.

However, given the hugs and accolades my colleague laid on Castro, I doubt that the ''Fidel is #1'' slogan was intended to refer to those Castro characteristics. It was another pathetic display of the obvious disregard some have for the repression that Castro imposes on the people of Cuba, and for the millions who struggle against his tyranny. Maybe Castro should return the favor by sending our colleague a pair of gloves engraved: ''Castro's #1 pawn.''

WE CANNOT LET MEDICARE DIE ON THE VINE

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

Mr. WATT of North Carolina. Mr. Speaker, the Speaker of this House has indicated that he wants Medicare to die on the vine. That is his quote.

I do not want Medicare to die on the vine. I want it to live and to continue to provide health care and security to our older Americans.

The Speaker and the Republicans have been saying for weeks now that what they were trying to do was to save Medicare. We told you that was not their purpose. Now the truth is out. They never wanted Medicare. They never wanted Medicare in 1965. And now they want it to die on the vine.

We have got to fight to keep it living and serving our senior citizens. We cannot let Medicare die on the vine.

MORE ON THE MEDICARE DEBATE

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

Mr. PASTOR. Mr. Speaker, again, we say the Speaker made a mistake. Last weekend I happened to be in Phoenix with a number of senior citizens at a senior housing project, El Prima Vera, and they were concerned that we were taking away Medicare. I said, what is it, the Democrats in the debate scaring you?

They said, no, our fear has been reassured, reconfirmed, because we have heard the Republican leadership plan and clear, plain English, with the Senate President telling us that he did not support Medicare because he thought it would fail, which is false because that is a safety net that many seniors today rely on to get their medical health care.

□ 1015

And then to top it off, it was the Speaker who was not concerned about the administration but who wanted to abolish Medicare, and that is the plain English truth.

REPUBLICANS HAVE THE ONLY PLAN

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

Mr. ALLARD. Mr. Speaker, President Clinton says he thinks we can balance the budget in 7 years. Republicans have passed a bill that balances the budget in 7 years.

President Clinton says he wants to cut taxes. Republicans have passed a bill that cuts taxes for families and promotes economic growth.

President Clinton says he wants to save Medicare from bankruptcy. Republicans have passed a bill that saves Medicare for this generation and sets the stage for the baby boomers.

President Clinton says he wants to end welfare as we know it. Republicans have passed a plan to revolutionize the failed welfare system.

Mr. Speaker, talk is cheap. If the President is going to veto our balanced budget bill, then he is obligated to show us specifically what he would do differently. Balancing the budget is about more than just press conferences and talking points, it is about specific plans. And right now Republicans are the only ones with a legitimate plan.

THE DEFICIT HAS ALREADY BEEN CUT

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

Mr. GENE GREEN of Texas. Mr. Speaker, Members, we hear talk about the 7-year balanced budget and the 10-year balanced budget.

We did not develop the debt that we have or the deficit in 7 years or even 10 years. In fact, in the 1980's, the deficit exploded, but it took us decades to get the financial house in the shape that we have it now. In fact, in 1992, the last year of a Republican administration in the White House, we had a $290 billion deficit. This year, that deficit is down to $163 billion.

Now, whether we talk about 7 years or 10 years, that is all a political game. What we are talking about is that we reduced the deficit under a Democratic President, without cutting Medicare, without cutting education, and without raiding the pension plans.

We do not need to let Medicare wither on the vine, Mr. Speaker.

KEEPING OUR PROMISES

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

Mr. HOKE. Mr. Speaker, apparently the previous speaker does not understand the difference between the debt and the deficit. We are not talking about paying off a debt that it has taken some 40 years to run up. We are talking about balancing the budget and bringing the deficit from $200 billion down to zero.

No question about it, when you have a $5 trillion debt, it would be very difficult to pay that off in a 7-year period. Unfortunately, this budget does not do that. It does not, in fact, pay off any of it, but what it does do is it gets us down to zero in terms of deficit.

Last week we did pass a balanced budget bill for the first time in 25 years. In doing that, we kept our promise. We kept our promise.

The President made a promise 3 years ago he was going to balance the budget in a 5-year period. He did not keep that promise.

In fact, he gave us a bad budget agreement in 1993 that showed $250 billion deficits as far as the eye can see.

We made the promise to balance the budget. We kept that promise, and that is probably the most important promise that we could have kept.

Because what does it mean? It means lower interest rates. It means more prosperity. It means more jobs. It means we are not going to be taxing our children for our own profligacy.

MOTION TO INSTRUCT CONFEREES ON VA–HUD BILL TO ELIMINATE ENVIRONMENTAL RIDERS

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

Mr. PALLONE. Mr. Speaker, there is going to be an effort this afternoon which I support to try to eliminate environmental riders that were put into the EPA appropriations bill by the Republican leadership. These Republican riders would severely hamper the EPA's ability to enforce regulations that are the veritable backbone of environmental protection in this country, leaving the EPA severely crippled and the environment utterly defenseless.

These provisos, supported by the Republican leadership, would limit EPA's ability to spend funds on activities related to the Clean Water Act, the Clean Air Act, RCRA, and Superfund. They even prevent the EPA from establishing drinking water standards for radon and arsenic, both known carcinogens.

These provisions are criminal in terms of the effects they will have on the environment. Then again, letting the environmental criminals off the hook is exactly what these provisions are all about.

I hope we are successful on a bipartisan basis this afternoon in eliminating these riders that severely hamper our ability to prevent the degradation of the Nation's environment.

IT IS TIME TO SET OUR COUNTRY ON THE RIGHT COURSE

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

Mrs. SEASTRAND. Mr. Speaker, what do the American people want? They want a Federal Government that is smaller, less costly, and less intrusive. They want us to cut spending and balance the budget. They want relief from taxes. They want us to reform the broken welfare system. And they want us to save Medicare from going bankrupt.

This is exactly why the people elected a Republican majority for the first time in 40 years. They wanted change from the status quo, and we have delivered that change. They wanted Republicans to keep our promises to balance the budget, cut taxes, reform welfare, and save Medicare. We have kept our promises.

Now it is our President's turn. Will President Clinton keep the promises he made? It is time to set our country on the right course. It is what the people want.

DO NOT SHUT DOWN THE GOVERNMENT

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

minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, I would like to tell those who happen to be mortgage holders across America they have a surprise in store. It is the Republican Christmas tax.

Here is what it is all about: In order to force the President's hand on this budget negotiation, Speaker GINGRICH has suggested he would close down the Government.

Major economists know if that occurs interest rates go up. People who have adjusted rate mortgages, where the interest rates vary as those interest rates go up, will have to pay more on their monthly mortgage payment.

So Merry Christmas, America. What Speaker GINGRICH would like to do is close down the Government, raise the interest rates, force higher payments on people's home mortgages.

We just read in the paper this morning working families are finding it tougher than ever to get by. They do not need to receive this sort of Christmas gift from Speaker GINGRICH, this kind of hidden tax, that imposes a greater burden on families in America. It is unfair.

What we need is a bipartisan, commonsense approach that does not cut Medicare, that does not provide a tax break for the wealthiest of Americans. That is what people sent us to Washington to do.

TAXPAYER-SUBSIDIZED LOBBYING

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

Mr. COBURN. Mr. Speaker, if one were to take the time to explain the current controversy over taxpayer-subsidized lobbying to the average American, I have no doubt that the Istook-McIntosh-Ehrlich language would win easy approval.

Most of my constituents are flabbergasted to learn that taxpayer-subsidized lobbying occurs at all. They do not believe it is an appropriate use of their tax dollars. It is only inside the beltway that it is considered normal for groups to receive Federal grants that enable those same groups to lobby for more Federal grants. Mr. Speaker, this pernicious practice must end.

A few weeks ago, the House voted to retain the Istook language in an appropriations bill. Now, it is doubtful that that bill will ever make it to the Senate floor. And Senate conferences on a different vehicle have refused to add it to that bill. Mr. Speaker, the instincts of the average American are right. No one can plausibly justify the continuation of taxpayer-subsidized lobbying as we have come to know it.

Mr. Speaker, let us say no to business as usual and at the same time stand up for the taxpayer. Yes to the Istook-McIntosh language on Treasury—Postal.

PROHIBITING DEFENSE CONTRACTORS FROM LOBBYING

(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, basically what is going on here is not a debate about will we cut the budget. Of course. It is not a debate about will we cut the deficit. Of course. The question is who bears the brunt of the cuts, and is that fair.

You know, we just heard a 1-minute about charities lobbying. Well, I have an amendment trying to prohibit defense contractors from lobbying. Guess what, it got turned down. You talk about federally subsidized lobbying, and boy, did it pay off. They are getting about $8 billion more in defense dollars than the President asked for or the Joint Chiefs of Staff asked for.

So to get to a balanced budget then, if you are going to let those paid lobbyists have their way, you are going to have to cut someone else. So who are we cutting? Well, we hear the Speaker saying he hopes Medicare dies on the vine, so I guess we are going to cut the older people. We see people saying we have got to do away with nursing home provisions and so forth.

So the issue is not will we, the question is how we, and the question is who we listen to.

VOTE ''YES'' ON THE PARTIAL BIRTH ABORTION BAN

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

Mr. HOSTETTLER. Mr. Speaker, my friends, can 3 inches really be our guide to death over live?

Can 3 inches determine the definition of ''person'' under the 14th and 5th amendments?

Have we become so hardened in our hearts that not even the killing of a child during birth can be recognized as wrong?

It was not always so in America. At one point in our history, ''We held these truths to be self-evident: that all men are created equal; that they are endowed, by their Creator, with certain unalienable rights; that among these are life * * *.''

God have mercy on us.

I urge a ''yes'' vote on H.R. 1833, the partial birth abortion ban.

SAVE SOCIAL SECURITY AND MEDICARE

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

Mr. DOGGETT. Mr. Speaker, adjust your hearing aids, purchase new spectacles. Yes, if you were surprised to hear NEWT GINGRICH telling the truth for a change that he wanted, as his words say, ''Now, we don't get rid of it in round one,'' referring to Medicare, ''because we don't think that is politically smart, and we don't think that is the right way to go through a transition period; but we believe it is going to wither on the vine,'' then you have not been listening and you have not been watching.

Because there is nothing new about this plan to wreck Medicare. It was only in February that his very own Progress and Freedom Foundation newspaper entitled their lead editorial ''For Freedom's Sake, Eliminate Social Security,'' and proceeded to say it is time to slay the largest Government entitlement program of all, Social Security.

What we have had here this year is round 1 of eliminating and destroying Medicare and Social Security.

The Republicans did not come to this Congress to save Social Security and Medicare. They came to bury it.

WHAT DOES THE PRESIDENT REALLY WANT?

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

Mr. BARTLETT of Maryland. Mr. Speaker, I suspect that most Americans are confused as to what the President wants in a Federal budget. The President has said that he wants, one, a plan that will balance the Federal budget in 7 years; two, a plan that will save Medicare from bankruptcy; three, a plan that will end welfare as we know it; and, four, a plan that will cut taxes for families and reduce the capital gains tax to spur job creation and economic growth.

But the President has never presented a plan that would balance the budget and do these other things. The Congress has. However, the President has announced he intends to veto this plan that will balance the budget the House and Senate will shortly send to him.

Mr. Speaker, I, for one, do not understand why the President would veto the only plan that will balance the Federal budget and accomplish the goals he says he supports which is also what the American people want.

Why go through all of that trouble? What does the President really want, Mr. Speaker?

PLAYING WITH FIRE

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

Mr. BENTSEN. Mr. Speaker, there are some in this House who have suggested that perhaps the United States should default on its debt limit and, therefore, default on Treasury bonds.

As one who came to this House from the private sector, who came to this House from the securities industry, let

me tell you if we default on Treasury bonds, it will be violating a faith that the U.S. Government has had with the rest of the world and with its taxpayers since we came into existence.

If we break that faith, we will never again regain the confidence of the markets; but, furthermore, we will hurt U.S. bondholders which include pensioners throughout this country. We will hurt homeowners who will see their mortgage rates to up, particularly those who have adjustable rate mortgages.

Mr. Speaker, you are playing with fire if you are talking about defaulting on United States debt. Do not default, or history will find you wrong.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on International Relations, Committee on the Judiciary, Committee on Science, and the Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentlewoman from Utah?

There was no objection.

□ 1030

PROVIDING FOR CONSIDERATION OF H.R. 1833, PARTIAL-BIRTH ABORTION BAN ACT OF 1995

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 251 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 251

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered as read for amendment under the five-minute rule. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted in the House and in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House. The previous question shall be considered as ordered on the bill, as amended, to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yield is for the purpose of debate only.

Mr. Speaker, House Resolution 251 is a closed rule providing for consideration of H.R. 1833, the Partial-Birth Abortion Ban Act of 1995. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Judiciary Committee and provides for one motion to recommit with or without instructions.

Mr. Speaker, of all of the issues with which our society, and this Congress, grapples, perhaps none is so contentious and difficult as the issue of abortion. It is an issue on which thoughtful people of good will, who have carefully pondered and considered its various aspects, passionately disagree, each side believing it is protecting the most fundamental of rights.

And yet, as divisive as this issue is, a majority of the citizens of our Nation have sought and found some common ground. One such area of general agreement relates to use of taxpayer funds. Most Americans do not think the money they send to their Government should be used to pay for elective abortions.

Mr. Speaker, I believe that the bill that we will debate today is another area where we can find that common ground. Because through this bill we will bring to an end a practice that is so gruesome and horrific and so repugnant to the valuing of human life that the American Medical Association's Council on Legislation voted unanimously to recommend that the AMA Board of Trustees endorse this bill, with one member voting that the council members agreed that this procedure is basically repulsive.

Mr. Speaker, let me stress that this debate is not about the myriad of other issues relating to abortion. This bill is very narrowly drawn to address only this particular procedure, and that is why we have brought this bill to the floor under a closed rule. While the Rules Committee has successfully worked to drastically reduce the number of closed rules in this Congress as compared to past years, it is appropriate to limit the debate on this very narrow proposal, and not attempt to use this as a vehicle to debate the enormous range of contentious issues relating to abortion.

Mr. Speaker, we have some anomalies in our laws across the country regarding the rights and interests of children. We recognize that children of parents who die before the child's birth should nevertheless be recognized as heirs of that parents's estate—establishing a property right for unborn children. We recognize causes of action for death or injury to unborn children—recognition of their right to be free from injury or pain. The moment a child is born any intentional injury to that child can be prosecuted as child abuse. And yet, the procedure we debate today indisputably causes pain and ends the life of partially born children—children whose bodies have been delivered and are outside the mother's womb but whose heads remain inside while the doctor ends the child's life and then finished the birth—except there is no birth now because the child is now dead. And currently, our laws do not protect these children.

Mr. Speaker, surely this is an area where we can find that elusive common ground—and prohibit a procedure used in lateterm abortions that measures the difference between life and death in inches. A procedure that one practitioner admits he has used for purely elective abortions 80 percent of the time.

Mr. Speaker, I submit that this bill is a place for us to set aside our other differences and unite in prohibiting a violent, morally repugnant practice. I urge my colleagues to support the rule and the bill.

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

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

Mr. Speaker, I thank the gentlewoman from Utah [Mrs. WALDHOLTZ] for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, we oppose in the strongest possible terms both this closed rule and the legislation it makes in order. This is, we believe, a dangerous piece of legislation that makes it a crime to perform a medically established, safe method of completing late abortions. We oppose the bill not only because it is the first time the Federal Government would ban a form of abortion, but also because it is part of an effort to make it virtually impossible for any abortion to be performed late in a pregnancy, no matter how endangered the mother's life on health might be.

On a personal note, Mr. Speaker, if I may say so as the author of California's Therapeutic Abortion Act, which our then Governor Mr. Reagan signed into law back in 1967, which is one of the first laws in the Nation passed to protect the lives of women, I cannot express how strongly and strenuously I oppose the bill, and how profoundly sad and disturbing I find it that we seem to be poised to turn back the clock 30 years by insisting again, as we used to, that the State, and not the individual woman and her family, make this most personal and horrific decision for every family facing this tragic choice.

Mr. Speaker, we believe it is an unconstitutional infringement on the right to an abortion. It directly challenges the Roe versus Wade decision to protect a woman's right to choose; it contravenes the central holding of Roe that the Government may not ban an abortion where it is necessary for the preservation of the life or health of the mother. Under the bill, preserving the health of the mother is no defense at all, so the bill would sacrifice a woman's health to serve an extreme political agenda.

The bill is so vague that it is bound to produce a chilling effect on a broad range of abortion procedures. Physicians will think long and hard about whether they can endure practicing medicine under the constant threat of imprisonment, of civil lawsuits, and with the knowledge Congress has forbidden them from exercising their best professional judgments on behalf of their patients.

Mr. Speaker, the U.S. Congress has absolutely no business passing judgments on lifesaving medical procedures. This legislation is reprehensible in its arrogance and it is an unprecedented intrusion by the Congress into the practice of medicine and into the private lives of our Nation's families at a time when they are facing the most terrible decisions they will ever, ever have to make.

It is bad enough Members are being asked to vote on this irresponsible piece of legislation. To make matters worse, we are being required to consider this very controversial bill under a completely closed rule. There is simply no excuse. There is simply no good reason for denying Members any opportunity at all to try to cure the obvious defects in this legislation.

At the very least, if we could not consider the bill under an open rule, the majority should have allowed votes on three very critical amendments. First, the Farr-Lofgren amendment, which would have given us the opportunity to add language to the bill to create a life and health exception to the abortion ban. This is a fundamental concern, obviously, to women and their families.

Without this exception, Mr. Speaker, the bill will force women and their physicians to resort to procedures that may be more dangerous to the woman's health than the method banned. This amendment would permit Members to cast a vote that respects the paramount importance of women's health and future fertility.

We also believe strongly the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON], should have been made in order. Her amendment would have created a life exception to the abortion ban. We heard yesterday in the Committee on Rules extremely compelling testimony about how critical this exception is.

The bill before us contains a very narrow affirmative defense for cases where the banned procedure was the only one that would have saved the woman's life. This is not a life exception at all. It is only an affirmative defense, not an exception to the ban. It shifts the burden of proof to the doctor when he is already under indictment, already in court, already forced to have undergone lengthy and expensive legal proceedings. The Johnson amendment is extremely important, and Members should have been allowed the opportunity to debate it and to vote on it.

Finally, Mr. Speaker, the amendment by the gentleman from North Carolina [Mr. WATT], which would have returned the burden of proof in these cases to the Government, where it belongs, should have been allowed.

As the gentleman from North Carolina testified, the burden of proof in criminal cases is always on the Government. This bill upsets that time-honored legal standard by requiring the defendant, in this case the physician, to prove that the procedure was necessary to save a woman's life, and that no other procedure was available. This basic and fundamental standard of law should not be reversed in this bill. This is a great disservice not only to the medical people involved, but to our entire legal system. Mr. Speaker, we frankly find it outrageous that the gentleman from North Carolina [Mr. WATT], was not allowed to offer this very basic, very necessary amendment, which we believe the Members in their wisdom would have seen fit to adopt.

Mr. Speaker, this legislation before us is an uncalled for expansion of the Federal Government's power. It is one more step in the move to end a woman's access to safe and legal abortions. It is so broadly written it will surely prevent physicians from performing those lifesaving late-term abortions that are being performed because of deformities that prevent the fetus' survival or because a woman's life, health, or future reproductive capacity may be severely threatened.

We strongly oppose the rule before us and the bill it makes in order. We urge defeat of the rule.

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

Mrs. WALDHOLTZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there are five good reasons for granting a closed rule for the Partial-Birth Abortion Ban Act. Here they are:

The act pictured here in these photographs, is, in the words of the American Medical Association's Legislative Council, basically repulsive.

The Rules Committee crafted this rule in a bipartisan fashion. Some Members voiced support for the addition of a life-of-the-mother amendment to be allowed to this legislation. The reason that this closed rule makes no provision for that is simple: The bill already permits a physician to perform a partial-birth abortion if he reasonably believes that it is necessary to save the life of the mother, and that no other procedure would suffice for that purpose.

Mr. Speaker, even the most ardent opponents of partial-birth abortion would not wish to allow women's lives to be endangered.

But make no mistake: Partial-birth abortions are being performed for many other elective reasons. According to the National Abortion Federation a national coalition of abortionists, late-term abortions are performed for fetal indications, lack of money or health insurance, social crises, or lack of knowledge about human reproduction. One abortionist even stated that he performed nine partial-birth abortions because the unborn baby had a cleft lip.

Mr. Speaker, this repulsive procedure is the act of a culture of death. Even at the turn of the century, American suffragettes recognized abortion as ''child murder'', in the words of Susan B. Anthony. Along with Elizabeth Cady Stanton, another one of the organizers of the women's right-to-vote movement, whose 75th anniversary we celebrate this year, Susan B. Anthony also wrote, ''When a woman destroys the life of her unborn child, it is a sign that, by education or circumstances, she has been greatly wronged.''

Let us not continue to offer partial-birth abortions to women as a solution to real-life problems. In the spirit of our American suffragettes, support the rule and the Partial-Birth Abortion Ban Act of 1995. Your conscience will make you glad you did.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mr. Speaker, indeed this is a very, very tragic day and decision, and this rule is even more tragic, because it closes the door on the life or health of the mother. This is a closed rule, and it says that this procedure cannot be used for the life or health of the mother. This is in violation of Roe versus Wade, which says States can put all sorts of restrictions on late term abortions, and I certainly support that, but they cannot restrict them when it comes to life or health of the mother.

☐ 1045

So if this rule goes forward and we are not allowed to bring the life of the mother and all of the, I think, justice that that brings with it to this floor, I am appalled that we have shut down that plea.

Mr. Speaker, people will say that the life of the mother is protected in this bill. That is absolutely wrong. All this bill allows is, after a doctor is arrested in a criminal offense, the doctor then has the burden of proof to prove that

there was no other way that they could do this, and that is a very difficult burden of proof. And who in the world is going to submit to being arrested first. So the life of the mother is given very secondary status here.

But let me read from the California Medical Society's 38,000 doctors. They say, in their letter to this body,

An abortion performed in the late trimester of pregnancy is extremely difficult for everyone involved, and we wish to clarify we are not advocating the performance of elective abortions in this late stage of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy or a pregnant woman develops life-threatening medical conditions inconsistent with the continuation of that pregnancy, abortion, however heart wrenching, may be medically necessary. And in such cases the procedure described in this bill would be outlawed, and it would prohibit all sorts of medical benefits and the chance to give safer alternatives to her by maintaining uterine integrity, reducing blood loss, and other potential complications,

including death.

Mr. Speaker, how can we turn our back on that? Never, never have we outlawed a medical procedure or criminalized it, and here we are doing it, even if it is for the life of the mother. Vote ''no'' on this rule.

The information referred to above is included for the RECORD as follows:

CALIFORNIA MEDICAL ASSOCIATION,
San Francisco, CA, October 24, 1995.

RE. H.R. 1833.

Hon. SAM FARR,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE FARR: The California Medical Association is writing to express its strong opposition to the above-referenced bill, which would ban ''partial-birth abortions.'' We believe that this bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Furthermore, it would impose an horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy to which the woman and her spouse are deeply committed.

An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved, and CMA wishes to clarify that it is not advocating the performance of *elective* abortions in the last stage of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilation and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several aspects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. It also permits the parents to hold and mourn the fetus as a lost child, which may assist them in reaching closure on a tragic situation. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Thus, there are numerous reasons why the IDE procedure may be medically appropriate in a particular case, and there is virtually no *scientific* evidence supporting a ban on its use.

CMA recognizes that this type of abortion procedure performed late in a pregnancy is a very serious matter. However, political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients. CMA opposes any legislation, state or federal, that denies a pregnant woman and her physician the ability to make medically appropriate decisions about the course of her medical care. The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care. It would set a very undesirable precedent if Congress were by legislation fiat to decide such matters. The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge.

CMA urges you to defeat this bill. The patients who would seek the IDE procedure are already in great personal turmoil. Their physical and emotional trauma should not be compounded by an oppressive law that is devoid of scientific justification.

Sincerely,

EUGENE S. OGROD, II, M.D.,
President.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I think the record should be very clear that in the past, prior to Roe versus Wade, abortion was illegal and unborn children were protected in most of the States and it was the doctors that were prosecuted, the abortionists, the quacks, who were doing those abortions. So the previous speaker's statement simply is not true.

Mr. Speaker, the vote on this rule boils down to one simple question. Will our discussion and our votes today be about the procedure known as partial birth abortion or will the organized pro-abortion forces succeed again in diverting the debate and muddying the waters?

The professional abortionists and the paid representatives of the abortion industry desperately want to avoid a congressional debate on what actually happens in this procedure or any other method of abortion for that matter. They already know better than anyone else the gruesome details about every method of abortion. The abortion lobby also knows that most Members of Congress who generally vote on their side of the issue, like most Americans, are really not pro abortion in their heart of hearts.

Mr. Speaker, they know that today, if this rule is adopted, the abortion debate will shift from the abstract to the real. They know that the 23 year coverup by the multibillion dollar abortion industry, with the complicity of many in the media, will be over and history will be made.

For the first time ever we will directly confront the violence of what the abortionist actually does. For the first time ever we will directly confront the child abuse called legal abortion and say yes or no. If this rule is adopted Members of Congress who have sincere differences about abortion will be faced with one important question and only one: Whether this procedure, which inflicts a death so cruel that it would never be inflicted on a convicted murderer, so cruel that it would surely be a crime to inflict such torture on a dog, is too cruel to be inflicted on a child.

Mr. Speaker, the abortion industry knows that it can never win unless it deflects attention away from itself, away from the abortion procedures and on to something else. So this industry and its supporters are particularly infuriated when anyone threatens to describe an abortion procedure in detail. They attack as dangerous, an extremist, anyone who would describe such a procedure either with words or with pictures. So they know if this rule is adopted, if we have a fair and honest and thorough discussion today, not about side issues, but about the partial birth abortion procedure itself, the abortion debate will forever change.

Americans will see that the real extremists are not the people who insist on calling attention to the grizzly details of abortion, such as dismemberment of the unborn child, including injections of high concentrated salt solutions and other kinds of poisons that chemically burn and then kill the baby, or this particular method, a brain sucking method of abortion. They will see that the real extremists are those who actually do these heinous procedures and want to keep it a secret.

The dangerous person is not the one who shows us the pictures or who describes abortions, the dangerous person, the child abuser, is the one depicted in the picture, the person holding the scissors at the base of the baby's skull.

Mr. Speaker, Dr. Martin Haskel, one of the leaders in trying to promote this method who has actually done hundreds of these partial birth abortions, said in a recorded interview that 80 percent of the partial birth abortions are elective abortions, abortions on-demand, not life of the mother abortions, which again this bill would allow. Dr. Haskel describes it this way. These are his words. ''The surgeon forces the scissors into the base of the skull. Having safely entered the skull, he spreads the scissors to enlarge the opening. The surgeon then removes those scissors and introduces a suction catheter into the hole and evacuates the skull contents. That is the brain of an unborn baby. Evacuates the skull contents.'' How dehumanizing.

Mr. Speaker, let us have a real debate on this issue today. Abortion methods and the coverup that has gone on for so long must end. Abortion is child abuse. This is a particularly heinous form of that child abuse. Why are so many good people on the other side

and on this side, that I know and respect, defending this kind of abuse against children?

I urge Members to vote for the Canady bill. Vote for this rule. We need to end this legalized child abuse. These children are precious. We have to look at life and birth really as an event that happens to each and every one of us. In this particular bill we are talking about a baby who is half born. The feet are literally out of the mother's womb. Vote for the Canady amendment and vote for this rule.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. HALL], my good friend.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I want to thank my friend, the gentleman from California [Mr. BEILENSON], a gentleman, a good legislator, and a very fine man for yielding time to me.

Mr. Speaker, I stand up as a sponsor of this legislation, actually I am proud to be an original cosponsor.

While abortions, except to save the mother's life, are wrong for those of us who believe in life, this particular procedure is doubly wrong. It requires a partial delivery and involves pain to the baby.

Mr. Speaker, you will hear the medical details of these abortions from other witnesses, but I simply lend my support to the bill as one who ascribes to a moral code and common sense. A compassionate society should not promote a procedure that is gruesome and inflicts pain on the victim. We have humane methods of capitol punishment. We have humane treatment of prisoners. We even have laws to protect animals. It seems to me we should have some standards for abortion as well.

Many years ago surgery was performed on newborns with the thought that they did not feel pain. Now we know they do feel pain. According to Dr. Paul Ranalli, a neurologist at the University of Toronto, at 20 weeks a human fetus is covered by pain receptors and has 1 billion nerve cells—more than us, since ours start dying off with adolescence. Regardless of the arguments surrounding the ethics of the procedure, it does seem that pain is inflicted.

Finally, Mr. Speaker, I do not want to discuss a bill relating to abortion without saying that we have a deep moral obligation to improving the quality of life for children after they are born. I am a Member of Congress who is opposed to abortion. But, I could not sit here and honestly debate this subject with a clear conscience if I did not spend a good portion of my time on hunger and trying to help children and their families achieve a just life.

We need to promote social policies that ensure the mother and child will receive adequate health care, training and other assistance that will, in turn, enable them to become productive members of society. We have not done a good job so far, and I am afraid to say, this House has been unraveling social programs all too easily. Until our Nation makes a commitment to offering pregnant women and their children a promising future, I am afraid the demand for abortion will not subside.

Enough is enough. I'm glad we have a very clean bill in front of us. The vote is clean—up or down. Yes or no. No vagueness, no cloudiness to the issue. No chance to say my vote will be a definite maybe. If there's one thing this Congress ought to do this year is stop this very reprehensible and gruesome technique of abortion. We treat dogs better than this. Vote yes on this bill.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 4 minutes to the gentleman from Kentucky [Mr. BUNNING].

(Mr. BUNNING of Kentucky asked and was given permission to revise and extend his remarks.)

Mr. BUNNING of Kentucky. Mr. Speaker, the title of this bill which we debate today includes the ultimate in gory contradictions—partial birth—abortion. Unfortunately, this contradictory term accurately depicts this horrendous abortion procedure in which a viable child is pulled partially from the womb only to be killed inches from life. It goes beyond repulsive. It goes beyond grotesque.

H.R. 1833 would prohibit abortionists from committing this horrible medical procedure. While some of my colleagues might suggest this is the first step in overturning Roe versus Wade, that is not the case at all. I wish we were considering legislation to do away with abortion altogether, but this bill doesn't do that. This is simply a bill to prohibit one particularly despicable method of abortion.

As a father of 9 children and a grandfather to 28, I have had a lot of experience in the wonders of new life being brought into this world. When a baby is born, it is the most innocent of creatures, its hands reach out for something to hold, its leg stretch and kick with energy, and its cry is filled with life.

Compare this to what occurs during a partial-birth abortion. The baby exits the uterus, its hands extend to hold its mother, its legs kick wildly in the air as the child attempts to breathe, but its first breath will never come. As registered nurse, Brenda Pratt Schafer, of Dayton, OH, who has witnessed this procedure describes it:

> The doctor kept the baby's head just inside the uterus. The baby's little fingers were clasping and unclasping, and his feet were kicking.
>
> Then the doctor stuck the scissors through the back of his head, and the baby's arms jerked out in a flinch, a startled reaction, like a new baby does when he thinks that he might fall.

Abortion has always been a controversial issue in this body. There are so many strong differences of opinion involved—differences of opinion about when life begins and differences of opinion about the point beyond which life should be protected.

But this procedure—the partial-birth abortion—is so grotesque—so inhuman—that I can see no way at all that any rational person could defend it.

Join me in doing what is right by supporting the partial birth abortion ban act.

□ 1100

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. CONYERS], the distinguished ranking Democratic member on the Committee on the Judiciary.

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

Mr. CONYERS. Mr. Speaker, this vote against the rule is very important.

I urge all Members to vote against this rule. It is a sham.

Despite all the rhetoric on open rules, we get the door slammed shut when it comes to the most important issue of all: life and death.

Because that is what this bill is about. It says that even when a mother is in danger of losing her life, she may not undergo a late-term abortion, even if the physician says it is necessary to save her life.

That issue of life and death of the mother is thus relegated to the 5 minutes in a motion to recommit. That is an insult to this minority and it is an insult to women.

The language that a threat to a mother's life is an ''affirmative defense'' is also a sham in the bill. Anyone familiar with how the legal system works knows that this means a doctor could still be arrested, prosecuted, have to retain an attorney, suffer through a trial, before he could even suggest the defense of life and death necessity.

This bill is not written with the interests of the American family in mind, but rather represents a cynical attempt to exploit a highly sensitive and personal issue.

We learned at the hearings that third trimester abortions are incredibly rare—less than one one-hundredth of 1 percent of abortions are performed after 24 weeks. Only three doctors in the entire United States are known to offer abortions during this time period.

We also learned that abortion late in a pregnancy typically occurs under the most tragic of circumstances—the fetus may be severely disfigured and have little chance of long-term survival, or a mother may have contracted a serious disease which did not exist at the beginning of the pregnancy.

Ironically, the so-called D&X procedure sought to be outlawed by this bill is very often the safest procedure from the mother's perspective, and that the terms of the bill are so vague that they are likely to inhibit all third trimester abortions.

Despite these concerns, the Republicans are rushing through a bill that goes against the very principles they purport to stand for in a crude effort to take political advantage of the very difficult choices facing American families.

How else can we explain a bill that would—for the very first time—federalize the regulation of abortion, a matter traditionally left to the discretion of the States? How else can we explain a bill that would decimate the traditional doctor-patient privilege and shred constitutional protection of a woman's health? And how else can we explain the creation of a new tort action, with no dollar caps whatsoever? The sponsors are so intent on using the civil justice system to inhibit third trimester abortions that they would authorize lawsuits by men who have committed rape or incest.

Vote against the rule, please.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule and urge my colleagues to defeat it. This will be the first time that this Congress will address the subject of abortion without clearly protecting the life of the mother.

I went to the Committee on Rules with an amendment that would very narrowly protect the life of the mother. It was very clear. It would just allow the physician to take into account preservation of the life of the mother. Never have we addressed this issue without clearly protecting the life of the mother.

We should not abrogate our allegiance to women, facing the most terrible personal tragedy any of us could be called upon to face, without protecting her life, without allowing her and her husband to protect her life. Voting ''no'' on this rule will not kill the bill. It will merely allow the Committee on Rules to return to this House a bill with a rule that will allow us to consider the two amendments that would assure that a woman's life and reproductive future can be taken into account as she and her physician and husband decide how best to deal with a level of tragedy most of us will never experience.

Men and women of this Congress, if it were your daughter, would you not want her life, her reproductive hopes and dreams, protected? Would you compound her agony? Would you compound her peril? Vote ''no'' on this rule. The Committee on Rules can bring back the bill with the right rule, so that we will have an opportunity to discuss fully the issues that are at stake here both for the woman and for the child. I urge a ''no'' vote

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, this is a bill with very good intentions, but this is a terrible rule. As a Member, I am offended that we cannot have a true debate. The procedure that has been described as a partial birth abortion is abhorrent, it is repugnant, it is gruesome. But that is not the only issue. It seems to me that we have to logically and in all fairness consider the life of the mother. This rule does not allow us to do it.

They say, well, we have an affirmative defense. That means that the doctor has to be arrested, he is in the process of prosecution, he has been humiliated he has the expenses, and then, yes, he gets to defend himself and say I made a decision on the mother's behalf. That is not the way this bill ought to operate.

We ought to have the opportunity to debate not whether we ought to have the procedure, because I do not want the procedure. What we ought to debate is whether we ought to consider the life and the reproductive future of the mother as we make this decision.

The gentlewoman from Utah said that this is an important issue. It is an important issue. It is not a fiscal issue. It is a moral and an ethical issue. It is an issue on which we ought to have a full debate and not a closed rule.

Mr. BEILENSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Speaker, in 6 weeks my wife will have our first child. I cannot put into words the joy that she and I share together. For months this baby has been at the center of our hearts and our hopes and our dreams and our prayers.

One of those prayers is that this little baby comes into the world with perfect health. But if for any reason our child has physical or mental disabilities, we will love that child and nurture it even more. But God forbid, if our physician in the next several weeks tells my wife that our baby for whatever reason has no chance of life, and that terminating this pregnancy was the best way to save my wife, my love one's life, and her ability to have children, to have the joy that some of you have already had, then that difficult choice should be my wife's and mine to make with her doctor, not this Congress' choice to make.

No politician, no pollster, no interest group, so election should determine that choice for my wife and for me and our family.

If my wife's life or her ability to have more children were to be at risk, I would want her doctor to be able to consider whatever procedure best protects her and that ability to have children.

What so offends me about this bill is that a physician could be sent to prison for saving my wife's life. Let me repeat that, because it is incredulous, but it is true. Under this bill, a physician could be sent to prison for saving my wife's life. That is wrong, that is immoral, that is unconscionable.

No Member of this House has the right to put the life of my wife or her ability to let us share in the joy that you have shared in in having children. No one in this House, no one in any Congress has the right to put that risk of my wife's life to task.

Yesterday morning I talked to our physician, the person that we hope will deliver a health baby in just a few weeks. He told me that this bill as written could force him to choose in an emergency between risking his patient's life, my wife's life, or his going to prison. This Congress has no right to put that choice before any physician, to make a doctor choose between keeping his oath as a doctor or going to prison.

This bill is not about saving the lives of babies. It is about risking the lives of mothers and their chance to have babies. This bill is not about protecting babies from late-term abortions. Look at it. Read it. The fact is this bill does not prohibit late-term abortions, not a single one. It deals with procedure.

What this bill does do, though, is allow Members of Congress, in our great medical wisdom, to dictate to physicians what medical procedures cannot be used even if those procedures maximize the chance of living for one's wife or one's daughter.

To my colleagues who share my personal belief that late-term abortion should only be used in rare and extreme cases, I plead with you to read this bill. Read it. It does not accomplish that goal. To my colleagues, even those that are pro-life, I plead with you to ask this question of yourself. If the life of your wife or your daughter or your granddaughter were at risk, if their ability, your wife, your daughter, your granddaughter, their ability to have future children were to be at risk, who do you want to make the decision about what best medical procedure to use? This Congress or your loved one.

If you agree with me that that difficult choice should be left to our families and to our loved ones, not the politicians and pollsters, then I plead with you to vote ''no'' on this rule and ''no'' on this bill.

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

Mr. Speaker, before I yield to the next speaker, I think it is important that we note exactly what we are talking about. I have great respect and agree with those who say that we need to protect the lives of mothers, but this procedure, Mr. Speaker, is not used for what people believe are emergency lifesaving procedures or circumstances, because this procedure requires 3 days to execute.

Mr. Speaker, 9 weeks ago Thursday, I gave birth to my first daughter. I had to have my labor induced because my daughter was experiencing some difficulties and she needed to be born quickly. But it nevertheless took over 24 hours to induce my labor to the point that we could begin the real work of delivering my daughter. So this is not a procedure that is used in emergency life-threatening situations.

With that, Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Speaker, I rise in support of the rule and in support of the rule and in support of this legislation.

Five times my wife and I have been blessed to give birth to a child, five times the opportunity to hold a brand new, newborn baby.

Mr. Speaker, it sickens me to think that some people believe it is a proper practice to delivery all of a baby, save only the head, and then before birth occurs, to jam a set of scissors into the back of the skull of that child and scramble its brains. That is what we are talking about, Mr. Speaker.

Should that be legal in a civilized society? We are talking about civilization versus barbarism.

Some people may not want to recognize the practice that we seek to prohibit. Some people did not want to look when Hitler was slaughtering the Jews or Stalin was slaughtering his countrymen. I am sure they did not want to look when Pharaoh went after the newborns or King Herod went after the newborn children, either.

It was slaughter, nevertheless, Mr. Speaker. If we do not look, if we do not understand what is being done, and instead of barbarity, they call it a choice. We have got to get away from that kind of language. We have got to get where someone speaks for the child, speaks for the newborn, speaks for a society that cares about life.

Words cannot convey the horror of this procedure. I would hope that no Member of this Chamber would endorse barbarism by voting against this legislation.

□ 1115

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise to urge my colleagues to defeat this rule so this vote on this procedure will not come to the floor today.

This legislation concerns a rare, extraordinarily personal, extremely difficult decision that a few families across this country have to make each year. This situation: A late-term pregnancy has become a crisis. What has happened is the life of the mother is at risk, her child will not be able to exist outside the womb, and some families choose to end this crisis.

Let me be clear about what we are voting on. This bill does not eliminate other third-term procedures. Roe, the law of the land, permits this to protect the life of the mother. What this bill does is involve the Congress in an incredibly difficult medical decision.

I fear for this Chamber, Mr. Speaker. It does, at times like this, begin to resemble a political gymnasium that plays political games to get political points, not a great hall which over history has debated the great problems that face this country.

Do we know on restraint? Is nothing sacred for the individual from the interference of government?

Vote down this rule, my colleagues. Return this tragic decision to where it belongs, in the doctor's office with the family.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL of Georgia. Mr. Speaker, the issue of abortions is, perhaps, the most divisive subject to enter the political arena. It is a specific subject encompassed with other broader subjects of religion, morality, and constitutional rights. Theologians and jurists have struggled with this subject for centuries, and in recent decades, as the quest to establish a civilized balance between the rights of the mother and those of her unborn child have intensified, certain markers or points of demarcation have been sought. Viability and corresponding trimesters of pregnancy have become the courts' standard. As uncertain and arbitrary as this standard may be, since it has a fluctuation factory of months or weeks, there should be no disagreement that partial-birth abortions should be prohibited—for here, the difference between life and death is not months or weeks or days, it is a few centimeters.

Surely, no civilized society should tolerate such a barbaric procedure that allows the brains of a baby to be sucked from its skull within a few centimeters and a second away from its birth. Our humanity demands that we reject this procedure.

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

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

Mr. SCHUMER. Mr. Speaker, I rise in opposition to this rule.

Let me say that, for the last year, my major involvement in this issue has been as author and then watching the FACE law, the clinic access law, be implemented; and what we say in that, why we needed that law, why a vast majority of people in this body, or not a vast majority but certainly a strong majority supported that law was because there was a pattern of intimidation. Doctors who were doing a perfectly legal procedure were being intimidated, harassed, threatened, and even shot.

This bill, in my judgment, given what it does, extends that intimidation to mental intimidation. What it is doing is saying to physicians, by the way it is constructed, that they must choose between their Hippocratic oath, this and their fear of prosecution, very simply. A physician and his patient or her patient may come together and decide that something is perfectly legal and necessary.

We have heard the horror stories all along, and then if the physician presumes that the life of the mother is at stake and feels that this procedure is necessary, he must then, or she must then, weigh the fact that once they do it, they will have to go to court and prove that the life of the mother was truly at stake or that no other procedure was possibly available. What kind of choice is that? What kind of country is this?

If you wish to debate the issue of pro-life versus pro-choice, let us do it. My view that this is a matter that should be left to the individual because some people believe life begins at conception, some people believe life begins at birth and others believe it begins somewhere in between is not an issue for the Government to decide but for us and our maker. But do not try this backdoor way of intimidating physicians to do something perfectly legal.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 1½ minutes to my colleague, the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Speaker, I rise today as a supporter of this rule, this bill and a strong advocate for the human rights of all Americans, both born and unborn.

This Nation must raise the value of life if we are to survive as a nation, as a prosperous people. We must value human life.

My colleagues, this is an appropriate rule, because this procedure is so horrible, so inhumane that we should be able to vote right now without question to protect the lives of these little ones.

My friends, what more do we need to know? This bill outlaws a medical procedure which takes a child, almost completely outside the mother's body and robs the child of its life. What more do we need to know? A child, a fully formed child with arms, with legs, a body, feet, hands, and fingers, all outside the mother's womb in the very same air that you and I breathe, yet it is legal to end the life of this child, this gift from God, and, of course, a beating heart.

My friends, if it is not human, if it is not a human child, then why does their little heart have to be silenced? This silence should stir the very soul of this Nation and cause this House to act now. In the end, if we do not raise the value of life, we will have no life to value.

I urge Members to support this rule.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

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

Mr. BENTSEN. Mr. Speaker, this is part of the ongoing stealth campaign to outlaw choice for women in America, and now it is through criminalizing an ill-defined medical procedure. This is the congressional equivalent of medical malpractice.

For the record, let us make clear the American Medical Association did not endorse this legislation. In fact, I believe they unanimously rejected it. There is the same AMA which endorsed

the Medicare, Republican Medicare plan, so you cannot have it both ways.

Let us go a little bit further about this rule. This rule prohibits any amendments which would exclude instances in the case of rape or incest or the life of the mother. That is simply not right. But unfortunately that is politics in the 104th Congress.

Let us talk about parenthood, because I think those of us who are parents are all genuinely good parents. Last night I had the opportunity to leave early, to take my two daughters, Louise and Meredith, trick-or-treating in our neighborhood. It was one of those special moments that you get to spend as a father with your 4-year-old and 2-year-old. There are not many of those that you get in this job.

I will not come to this House today as a legislator and vote to take away their right to this medical procedure if their life depended on it. That is wrong. There is not a parent in this House who should consider doing that. This rule is wrong. This bill is ill-defined. This is politics in its worst form.

Vote against this rule.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Speaker, I rise today as an original cosponsor of the partial birth abortion ban, and so to voice my support for this rule. Let us be clear about one thing, this has nothing to do with the life of the mother.

For those that support abortion on demand, they will use any excuse or any reason to overturn this rule.

What I do want to talk about though is this procedure is so grotesque, any American who understands what this procedure is about would be against it. I believe that banning partial birth abortions would start us on the road to restoring sanity to our Nation's abortion laws and away from the abortion-on-demand policies this Chamber has supported over the last few decades.

As the majority's report on this legislation pointed out, even the Roe court rejected the notion that a woman is entitled to an abortion at whatever time in whatever way and for whatever reason she alone chooses. Abortion on demand, that is what this bill's opponents are for, and what the heart of this debate is about.

Is this Nation destined to forever retain the most permissive, immoral abortion laws in the industrial world? You know, we have laws protecting the environment, we have laws protecting endangered species, we have laws protecting the air and water. It is time that we have laws protecting the unborn child.

I saw two bumper stickers this morning on a car. One said, ''Save the whales,'' and the other side said, ''I am pro-choice.'' What a sad state that this country has gone to that we are for saving the whales and murdering our unborn children.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, my colleagues, as a mother of three beautiful grown children, I just have to express how deeply offended I am by this discussion today. Thank God, my husband and I never had to make a painful decision like this.

But how can we send this message to those few families that have to face this tragedy, that received a message that the fetus could not live and their wife was in danger of losing her life?

Mr. Speaker, the bill before us would ban a specific type of medical procedure used to perform abortions in cases where the life and health of the mother is threatened by her pregnancy. It would make it a crime for doctors to use this procedure to save the lives of their patients.

This legislation undermines the right to choose by directly challenging the historic Roe versus Wade decision; and, my colleagues, I wish we would deal with that issue head-on rather than undermine it in this backhanded way.

The bill provides no exception for cases where the life and health of the mother is endangered. Not only is it immoral, it is unconstitutional, and the fact that this closed rule does not allow us to protect the life and health of the mother is an absolute tragedy.

Mr. Speaker, we tried to offer amendments, but the Republican leadership said ''no''. Let me explain very clearly what this bill does instead. Doctors who perform this procedure to save their patients' lives would be arrested, indicted and tried. At trial, that doctor would have to prove the patient's life was in danger. In other words, the doctor is guilty until proven innocent.

This bill places doctors in an untenable situation. They have to choose between saving their patient's life and a 2-year jail term.

I urge my colleagues to defeat this rule.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 1 minute to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Speaker, shame on those Members on the other side who are flagrantly misrepresenting this bill.

You know if you read the bill that it provides an exemption in the case of saving the life of the mother; and any American who requests this bill, wants to read it themselves, will see exactly what you are dishing out today, flagrant untruths.

What this is about, this is not the traditional pro-life-pro-choice debate. This is about a procedure so heinous as to take the baby outside of the body and leave the head still inside the womb and murder the baby.

How far are we from China where they are taking the baby girl, as soon as they are born, and snapping the spine and killing the baby once it has already been born? What is the difference? How far are we going to be from that?

I would not be surprised to see some of those of you on the other side defend that procedure as well. If you can sit there with a straight face and defend this kind of barbaric procedure and misrepresent with a bold face what this does, as you done today, shame on you.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, the amendment to H.R. 1833 that Ms. LOFGREN and I had intended to offer this morning was narrowly drafted to protect the life and health of the mother and in those tragic instances of severe, fatal fetal abnormalities.

While this is an emotional issue, we must remember that we are talking about real women's lives—in this case my former constituent, Tammy Watts, who lived in Monterey at the time she and her husband faced the painful choice to terminate her third trimester pregnancy.

Tammy and her husband, Mitch, had been eagerly looking forward to the birth of their first child they had named the child, and bought the furniture, with all the dreams and joy of any expectant couple.

The Watts' received the devastating news in her seventh month of pregnancy that their fetus suffered from a severe and fatal fetal anomaly, Trisomy 13. Their fetus already had enlarged and failing kidneys, no eyes, diseased and malfunctioning brain tissue, and a non-functional mass of bowels, intestines, and bladder growing outside the body.

The Watts' were told by numerous doctors that there were no surgical or genetic therapies to help their fetus. For all the advances in medical science, the sad and painful truth that Tammy and Mitch had to face was that their fetus would not live, even if carried full term.

As if the situation were not tragic enough, Tammy was told by her physicians that if she had continued the pregnancy and let the fetus die in utero, dangerous toxins could have been released into Tammy's body, presenting grave risk to her health and to her ability to have children in the future.

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Mrs. WALDHOLTZ. Mr. Speaker, I am pleased to yield 2½ minutes to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Speaker, the gentlewoman from Connecticut said something quite interesting. She asked, ''Is nothing safe from the interference of government?'' Well, when a woman and her doctor decide that her pregnancy is inconvenient or inopportune, where does the tiny little member of the human family struggling to be born in the womb turn for equal protection of the law, for due process of the law?

The facts of life are and the facts of this legislation are the life-of-the-mother exception is in the law as an affirmative defense. The doctor only has to show that he reasonably believed that the woman's life was in danger. He does not have to prove it beyond a reasonable doubt. He does not even have to be right. He just has to have reasonable belief that the woman's life would be in danger unless he performed this macabre, gruesome, Auschwitz-like operation, this butchery in the service of infanticide.

I am stunned that people are not running from defending this type of gruesome procedure. Yet the only question that this bill asks is yes or no. Never mind the nuances and the highways and the byways. Do you support a process where an infant, a live infant, talk about I feel your pain, a live infant is almost extracted from the birth canal, 3 inches from being a fully-born child, and a scissors punctures the neck and the brains are sucked out.

Anybody that can find a word of defense for that is someone I do not understand. The American Medical Association Council on Legislation unanimously approved recommending this bill. The full AMA did not. They did nothing. They took a pass. They washed their hands. But at least the council on legislation unanimously supported it.

Look: If one thinks abortion is a good idea, that is fine, go ahead and live with that. But this form of abortion is indefensible. Indefensible.

This rule is a focused rule. It asks the question do you or do you not approve of this procedure? That is the only question that needs to be asked. The life of the mother is protected. Prosecutors are not going around indicating people willy-nilly when they have an affirmative defense, and it is an easy affirmative defense.

Mr. Speaker, I ask for support for this rule.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to my good friend, the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, I rise in opposition to the rule on this bill for two reasons:

One, this bill allows no exceptions—even to save a woman's life—making this bill clearly unconstitutional. We asked for a rule to allow that exception but we were denied.

Why? Because proponents of this bill want to challenge the legal right to choose for all women. This is just a step in that challenge. This is a legal strategy.

The second reason I oppose this rule and this bill is that by not allowing an exception to save the life of the woman, this bill is just cruel on its face.

My friends and colleagues, this bill bans the right to make a necessary medical decision when circumstances are most dire.

Despite the other side's spin doctors—real doctors know that the late term abortions this bill seeks to ban are rare and they're done only when there is no better alternative to save the woman and, if possible, preserve her ability to have children. They are done after a family has given careful thought and prayer to the matter—and has sought out the best medical advice possible.

When a woman is pregnant—with a pregnancy wanted and hoped for—and finds herself in a life-threatening situation late in that pregnancy, she is in grave danger and she's emotionally devastated.

I cannot imagine a more cruel act this Congress could make than to tell that woman—that woman whose hopes and dreams rested on the pending birth of her child—that we won't even allow her doctor to take the necessary steps to save her life and make every effort to preserve her ability to try again when she has grieved the loss and her health is restored.

Over and over again this Congress has picked on the weakest among us—the children, the elderly, families struggling just to make it—but now you're picking on a woman who very much wants to be a mother and you're telling her that her life means nothing. Telling he we'll jail her doctor for saving her life. Colleagues, we have never stooped lower than this.

If you care about life—about families—search your hearts and vote against this rule and against this bill.

Mr. BEILENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. MALONEY].

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Speaker, I rise in opposition to this rule.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY]. As she reaches the podium, I ask Members to vote no on this rule, so we can send it back to the Committee on Rules and ask for a rule which would allow us to vote on amendments to preserve the life and health of the mother.

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

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to the rule for H.R. 1833.

The proposed rule for the Canady late term abortion bill is nothing less than an outrage. This rule bars Members from offering amendments which would allow a procedure when the life of the mother is in danger or when the fetus is so malformed that it has zero chance of survival.

This restrictive rule makes sure that an awful bill remains an awful bill.

Ladies and gentlemen, let's make one thing clear. This rule ensures that H.R. 1833 will be a direct challenge to Roe versus Wade. In other words, if you are a pro-choice Member of Congress, if your constituents vote for you because they feel assured that you will not violate a woman's right to choose, if you agree that the mother's life has value then there is no way that you can vote for this rule.

This rule will force the House of Representatives to vote on banning a specific surgical procedure with absolutely no safeguards for the life, health, or future fertility of the mother.

To my colleagues on both sides of the aisle I urge you to defeat this rule. This issue does not belong on the floor of the House of Representatives, it belongs in a doctor's office. Politicians should not decide whether a terminally malformed fetus should be brought to term. A woman, with her doctor's advice, should.

Remember this my friends, you can not say you are pro-choice and vote for this rule. Defeat this rule, stand up for women's lives, do not violate Roe versus Wade.

The SPEAKER pro tempore (Mr. HANSEN). All time has expired on the minority side. The majority has 1 minute remaining.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if this Congress has no other purpose, are we not obligated to protect the rights of those in our society who are too weak to protect themselves? The procedure that is the subject of this bill denies protection, life itself, to children who are nearly born alive, but for a few centimeters with their head left in the birth canal, a procedure used for elective abortion, a procedure used on viable children.

Mr. Speaker, this bill is not about protecting the life of the mother. This procedure is too lengthy to be used in true emergency situations. It takes too long.

This Congress, Mr. Speaker, cannot seriously defend measuring life in mere inches. It is time to outlaw this procedure, which even members of the AMA's Council on Legislation describe as repulsive and recommended that they take action against.

This is barbarism, Mr. Speaker. It is an area where those of us who differ on other issues relating to abortion can agree, that this is not something we want to go on in our country.

Mr. Speaker, I include for the RECORD the following information relating to rules reported by the Committee on Rules during the 104th Congress.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of October 31, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	52	69
Modified Closed [3]	49	47	18	24
Closed [4]	9	9	5	7
Total	104	100	75	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of October 31, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. LAZIO of New York. Mr. Speaker, I rise today to oppose the rule on H.R. 1833, the Partial-Birth Abortion Act of 1995. When Republicans won a majority last November we promised to have many more open rules on legislation than in previous years. Open rules are essential in order to have an open debate on important issues. Yet, regrettably the rule before us today prevents us from voting on an

important amendment to allow for exceptions from the bill's provisions in cases where the life of the mother is endangered.

This is an issue of great concern to many of us. It deserves to be openly debated, and it deserves a vote by the full House. Therefore, I urge my colleagues to vote against this rule so we can bring this bill back under an open rule and allow the will of the full House to prevail.

Mrs. WALDHOLTZ. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 237, nays 190, not voting 5, as follows:

[Roll No. 754]

YEAS—237

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Borski
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Thornton
Tiahrt
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Boehlert
Bonior
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Chapman
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
Cramer
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Dunn
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Ramstad
Rangel
Reed
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Tanner
Thomas
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOT VOTING—5

Crane
Fields (LA)
Regula
Tucker
Weldon (PA)

☐ 1201

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO INSERT EXTRANEOUS MATERIAL

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent to insert extraneous material at this point in the RECORD.

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

There was no objection.

Mr. BEILENSON. Mr. Speaker, the material referred to is as follows:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ).	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr.	N/A.
H.R. 1944	Rescissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority.	N/A.
H.R. 1977	Interior Appropriations	H.Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 0f rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority..	N/A.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	*RULE AMENDED* Open; Provides that the first order of business will be the managers amendments (10 min), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title.	N/A
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min) If adopted, it is considered as base text; Pre-printing gets priority.	N/A
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A
H.R. 2491	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes).	1D
H. Con. Res. 109				
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation, 54% restrictive; 46% open. ***Restrictive rules are those which limit the number of amendments which can be offered, and include so called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103rd Congress. ****Not included in this chart are three bills which should have been placed on the Suspension Calendar. H.R. 101, H.R. 400, H.R. 440.

PARTIAL-BIRTH ABORTION BAN ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 251 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1833.

□ 1201

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1833) to amend title 18, United States Code, to ban partial-birth abortions, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The text of the Committee amendment in the nature of a substitute is as follows:

H.R. 1833

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 ''Partial-Birth Abortion Ban Act of 1995''.

SEC. 2. PROHIBITION ON PARTIAL-BIRTH ABORTIONS.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after chapter 73 the following:

''CHAPTER 74—PARTIAL-BIRTH ABORTIONS

''Sec.
''1531. Partial-birth abortions prohibited.

''§ 1531. Partial-birth abortions prohibited

''(a) Whoever, in or affecting interstate or foreign commerce, knowingly performs a partial-birth abortion and thereby kills a human fetus shall be fined under this title or imprisoned not more than two years, or both.

''(b) As used in this section, the term 'partial-birth abortion' means an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.

''(c)(1) The father, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.

''(2) Such relief shall include—

''(A) money damages for all injuries, psychological and physical, occasioned by the violation of this section; and

''(B) statutory damages equal to three times the cost of the partial-birth abortion.

''(d) A woman upon whom a partial-birth abortion is performed may not be prosecuted under this section, for a conspiracy to violate this section, or for an offense under section 2, 3, or 4 of this title based on a violation of this section.

''(e) It is an affirmative defense to a prosecution or a civil action under this section, which must be proved by a preponderance of the evidence, that the partial-birth abortion was performed by a physician who reasonably believed—

''(1) the partial-birth abortion was necessary to save the life of the mother; and

''(2) no other procedure would suffice for that purpose.''.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title 18, United States Code, is amended by inserting after the item relating to chapter 73 the following new item:

"74. Partial-birth abortions ..... 1531".

The CHAIRMAN. Under the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 30 minutes and the gentlewoman from Colorado [Mrs. SCHROEDER] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, someone has observed that hard truths travel slowly. Ugly realities are often hidden from view. Uncomfortable facts are concealed or ignored. This is true in many areas of politics and of life. But nowhere is it more true than with respect to abortion.

Today we consider a bill that deals with a hard truth. H.R. 1833 addresses the ugly reality of partial-birth abortion. In this debate today, we confront the uncomfortable facts about this heinous procedure, facts that have been concealed for too long.

While every abortion sadly takes a human life, the partial-birth abortion method takes that life as the baby emerges from the mother's womb, while the baby is only partially in the birth canal. The difference between the partial-birth abortion procedure and homicide is a mere 3 inches.

Partial-birth abortion goes a step beyond abortion on demand. The baby involved is not unborn. His or her life is taken during a breech delivery. A procedure which obstetricians use in some circumstances to bring a healthy child into the world is perverted to result in a dead child. The physician, traditionally trained to do everything in his power to assist and protect both mother and child during the birth process, deliberately kills the child in the birth canal.

Ms. JACKSON-LEE. Mr. Chairman, the House is not in order.

The CHAIRMAN. The Chair observes that the House is in order, but the Chair will try to obtain better order. Will Members please cease and desist their conversation.

Mrs. SCHROEDER. Mr. Chairman, I rise because I had hoped the Speaker would exercise his authority under rule I, clause 2 to preserve the order and decorum in this Chamber.

It seems obvious to me that we are going to have exhibits that I think are a breach of decorum. I would object to the use of these exhibits that have not been certified medically, and I would hope that the other side would withdraw them at this time.

The CHAIRMAN. The Chair will put the question to the Committee under rule XXX if any Member objects to the use of an exhibit in debate. The gentlewoman from Colorado has objected.

The question is: Shall the gentleman be permitted to use the exhibit that he has at his left?

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The CHAIRMAN (during the vote). The Chair will make a statement. A rollcall is in process, but the Chair understands that there is confusion. A ''yes'' vote on the question before the Committee permits the use of the material in question. A ''no'' vote would deny the use of the material in question. The vote will proceed.

The vote was taken by electronic device, and there were—ayes 332, noes 86, not voting 14, as follows:

[Roll No. 755]

AYES—332

Abercrombie
Ackerman
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Metcalf
Mfume
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Torres
Traficant
Upton
Velazquez
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (FL)
Zeliff
Zimmer

NOES—86

Allard
Baesler
Baldacci
Beilenson
Bishop
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clyburn
Collins (IL)
Collins (MI)
Conyers
Cox
Coyne
de la Garza
DeFazio
Deutsch
Dooley
Farr
Filner
Flake
Ford
Frank (MA)
Frost
Gekas
Geren
Gilchrest
Gilman
Goodling
Greenwood
Gutierrez
Hastings (FL)
Hilliard
Horn
Houghton
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kennelly
Lincoln
Lofgren
Lowey
Maloney
Martinez
Martini
McKinney
Meek
Menendez
Meyers
Morella
Murtha
Nussle
Payne (NJ)
Payne (VA)
Pelosi
Rangel
Rivers
Roukema
Rush
Schroeder
Scott
Slaughter
Stark
Stokes
Studds
Tanner
Thompson
Thornton
Thurman
Torricelli
Towns
Vento
Visclosky
Walker
Waters
Woolsey
Wyden
Wynn
Yates

NOT VOTING—14

Clay
Dicks
Dornan
Fields (LA)
Gephardt
McIntosh
Olver
Owens
Tucker
Waldholtz
Weldon (PA)
Wilson
Wise
Young (AK)

□ 1227

Mr. PETE GEREN of Texas changed his vote from ''aye'' to ''no.''

Mrs. KELLY and Ms. VELÁZQUEZ, Messrs. GORDON, GEJDENSON, RICHARDSON, PALLONE, EVANS, LEWIS of Georgia, and BECERRA changed their vote from ''no'' to 'aye.''

So, the gentleman was permitted to use the exhibit in question.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Florida [Mr. CANADY] is permitted to utilize the exhibit in question.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, the attempt to further conceal the truth about this horrible procedure has failed, and I am very grateful to my colleagues on both sides of the aisle who supported my right to display these charts and explain the reality of this procedure.

This is partial-birth abortion: First, guided by ultrasound, the abortionist grabs the live baby's leg with forceps. Second, the baby's leg is pulled out into the birth canal. Third, the abortionist delivers the baby's entire body, except for the head. Fourth, then, the abortionist jams scissors into the baby's skull. The scissors are then opened to enlarge the hole. Fifth, the scissors are then removed and a suction catheter is inserted. The child's brains are sucked out causing the skull to collapse so the delivery of the child can be completed.

□ 1230

This is a procedure which should not be allowed. This is a procedure which shocks the conscience.

Many claims are being made in opposition to this bill. We have heard them today. The abortion advocates claim that H.R. 1833 would jail doctors who perform lifesaving abortions. This statement makes me wonder whether the opponents of the bill have even bothered to read the bill.

H.R. 133 makes specific allowances for a practitioner who reasonably believes a partial birth abortion is necessary to save the life of a mother. No one can be prosecuted and convicted under this bill for performing a partial birth abortion which is necessary to save the life of the mother. Anyone who has any doubt about that should look at the text of the bill itself. No doctor who reasonably believes, he must simply reasonably believe, that he acted to save the life of the mother, will be arrested and go to prison under this bill.

Of course, there is not a shred of evidence to suggest that a partial birth abortion is ever necessary to save the life of the mother. In fact, few doctors even know the procedure exists. The American Medical Association's Council on Legislation, which includes 12 doctors, voted unanimously to recommend that the AMA Board of Trustees endorse H.R. 1833. The council felt partial birth abortion was not a recognized medical procedure.

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

Mr. CANADY of Florida. I will not yield. We have limited time, as the gentlewoman knows.

The Council on Legislation agreed that the procedure is basically repulsive. In the end, the AMA board decided to remain neutral on H.R. 18933, but it is significant that the council of 12 doctors did not recognize partial birth abortion as a proper medical technique.

The truth is that the partial birth abortion procedure is never necessary to protect either the life or the health of the mother. Indeed, the procedure poses significant risks to maternal health—risks such as uterine rupture, and the development of cervical incompetence. Dr. Pamela Smith, Director of Medical Education, Department of Obstetrics and Gynecology at Mount Sinai Hospital in Chicago has written:

> There are absolutely no obstetrical situations encountered in this country which require a partially delivered human fetus to be destroyed to preserve the health of the mother. Partial-birth abortion is a technique devised by abortionists for their own convenience . . . ignoring the known health risks to the mother. The health status of women in this country will . . . only be enhanced by the banning of this procedure.

Proponents of the partial-birth abortion method have also claimed that the procedure is only used to kill babies with serious disabilities. Focusing the debate on babies with disabilities is a blatant attempt to avoid addressing the reality of this inhuman procedure. Remember the brutal reality of what is done in a partial-birth abortion: The baby is partially delivered alive, then stabbed through the skull. No baby's life should be taken in this manner. It does not matter whether that baby is perfectly healthy or suffers from the most tragic of disabilities.

Further, neither Dr. Haskell nor Dr. McMahon—the two abortionists who have publicly discussed their use of the procedure—claims that this technique is used only in limited circumstances. In fact, they advocate this method as the preferred method for late-term abortions. Dr. Haskell advocates the method from 20 to 26 weeks into the pregnancy and told the ''American Medical News'' that most of the partial-birth abortions he performs are elective. In fact, he told the reporter, ''I'll be quite frank: most of my abortions are elective in that 20–24 week range . . . probably 20 percent are for genetic reasons. And the other 80 percent are purely elective.''

Dr. McMahon uses the partial-birth abortion method through the entire 40 weeks of pregnancy. He claims that most of the abortions he performs are nonelective, but his definition of nonelective is extremely broad. Dr. McMahon sent a letter to the Constitution Subcommittee in which he described abortions performed because of a mother's youth or depression as nonelective. I do not believe the American people support aborting babies in the second and third trimesters because the mother is young or suffers from depression.

Dr. McMahon also sent the subcommittee a graph which shows the percentage of, quote, ''flawed fetuses,'' that he aborted using the partial-birth abortion method. The graph shows that even at 26 weeks of gestation half the babies Dr. McMahon aborted were perfectly healthy and many of the babies he described as ''flawed'' had conditions that were compatible with long life, either with our without a disability. For example, Dr. McMahon listed 9 partial-birth abortions performed because the baby had a cleft lip.

The National Abortion Federation, a group representing abortionists, has also recognized that partial-birth abortions are performed for many reasons other than fetal abnormalities. In 1993, NAF counseled its members, ''Don't apologize: this is a legal abortion procedure,'' and stated:

> There are many reasons why women have late abortions: life endangerment, fetal indications, lack of money or health insurance, social-psychological crisis, lack of knowledge about human reproduction, etc.

Now the National Abortion Federation is emphasizing only one of those reasons. In fact, NAF sent a letter to Members of Congress with pictures of babies with severe disabilities urging them to support the use of partial-birth abortion.

I find it offensive to suggest that taking a baby's life in this manner is justified because that baby has abnormalities. Abnormalities do not make babies any less human or any less deserving of humane treatment. No baby's life should be taken in this manner.

Abortion advocates are claiming that by banning partial-birth abortion we are mounting ''a direct attack on Roe versus Wade.'' Yet, in Roe, the Court explicitly rejected the argument that the right to an abortion is absolute and that a woman ''is entitled to terminate her pregnancy at whatever time, in whatever way, and for whatever reason she alone chooses.''

This is the question I would raise to my colleagues who support abortion on demand: Is there ever an instance when abortion, or a particular type of abortion, is inappropriate? The vehement opposition of abortion rights supporters to H.R. 1833 makes their answer to my question clear. For them there is never an instance when abortion is inappropriate. For them the right to abortion is absolute, and the termination of an unborn child's life is acceptable at whatever time, for whatever reason, and in whatever way a woman or an abortionist chooses.

Despite their relentless effort to misrepresent and confuse the issue, the opponents of this bill can no longer conceal the uncomfortable facts about this horrible practice.

The supporters of partial-birth abortion seek to defend the indefensible. But today the hard truth cries out against them. The ugly reality of partial-birth abortion is revealed here in these drawings for all to see.

To all my colleagues I say: Look at this drawing. Open your eyes wide and see what is being done to innocent, defenseless babies. What you see is an offense to the conscience of humankind. Put an end to this detestable practice; vote in favor of H.R. 1833.

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

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

(Mrs. SCHROEDER asked and was given permission to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Chairman, first of all, I regret the gentleman from Florida would not yield so I could correct the numerous distortions and inaccuracies in his statement. I will include the following materials for the RECORD.

H.R. 1833 contains an extremely narrow affirmative defense, available only when the doctor reasonably believed that the banned procedure was the only method that would save the woman's life. This is not a life exception for several reasons:

First, it is only an affirmative defense, not an exception to the ban. This means that it is available to the doctor after the handcuffs have snapped around his or her wrists, bond has been posted, and the criminal trial is underway.

An affirmative defense shifts the burden of proof to the doctor, placing on him or her the medically difficult burden of proving that no part of the fetus passed through the cervix before fetal demise; or proving that no other procedure would have sufficed to save the woman's life. Representative CHET EDWARDS consulted his wife's obstetrician, who told him that although this procedure is safer for the woman, a doctor would not be able to meet the burden of proof required under this bill. Thus, doctors would refuse to perform the safer procedure even when the woman's life is threatened.

Perhaps most important to the woman and her family, the affirmative defense is not available when, in the context of an abortion necessary to save her life, the woman and her doctor decide upon the banned procedure because it is the best method to preserve her health and her future fertility. These considerations are disallowed under the narrow affirmative defense found in the bill. Thus, doctors are in effect ordered by the Congress to set aside the paramount interests of the woman's health, and to trade off her health and future fertility to avoid the possibility of criminal prosecution.

The California Medical Association of 38,000 doctors would answer the gentleman from Florida by saying:

An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved, and CMA wishes to clarify that it is not advocating the performance of elective abortions in the last state of pregnancy. However, when serious fetal anomalies are discovered late in a pregnancy, or the pregnant woman develops a life-threatening medical condition that is inconsistent with continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary. In such cases, the intact dilation and extraction procedure (IDE)—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several respects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. It also permits the parents to hold and mourn the fetus as a lost child, which may assist them in reaching closure on a tragic situation. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Thus, there are numerous reasons why the IDE procedure may be medically appropriate in a particular case, and there is virtually no scientific evidence supporting a ban on its use.

Mr. Chairman, I yield 2¼ minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, the hard truth is, sir, some can never conceive of a circumstance when an abortion is proper, even when it requires that the mother sacrifice her life. They call themselves pro-life? What about the life of mother which is at stake here? Because that is what is involved.

I have read this bill. It provides absolutely no protection to the physician who would go out and perform this procedure in order to preserve the life of the mother.

You see, this is all part of a broader agenda. These antichoice militants have an agenda: Prohibit abortion. No matter what the reason for that abortion, prohibit it. Prohibit all family planning monies. Even go in and dictate what type of birth control a woman can use.

Today's initiative reflects on the successes that some have had in this Congress: Successes like saying to an American service woman in a foreign land who is a victim of rape that she must bear that child; successes such as telling the minor daughter of a Federal employee who is the victim of incest, you must bear that child; successes such as telling a female prisoner who is beaten and raped, you must be a mother. That is the kind of successes that have come out of this Congress to date.

We will compel you to carry that child to pregnancy; you have no right to privacy, these zealots say.

Well, late term abortions are extremely rare. This procedure is even more rare. Indeed, I have yet to find a physician anywhere who ever heard the term ''partial birth abortion,'' until this bill came out. You see, it is not a medical term that they use in a medical school. It is a political term. It is a public relations term that they have come up with to describe a procedure that is used in the rarest of circumstances, when a woman's life is at stake. It is properly known as the intact dilation and evacuation procedure. In those circumstances, when it is used, it is necessary to use it to protect the life of the mother.

Some of the zealots as recently as this past month for this position have said they will never cease until they are able to declare in Federal law that having an abortion or providing one is murder. That is where this bill is leading us.

Mr. CANADY of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama [Mr. BACHUS].

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

Mr. BACHUS. Mr. Chairman, the hard truth apparently is not what it used to be. I rise in strong support for banning partial birth abortions, and in defense of the innocent little victims of these procedures.

Today we take another important step in protecting the lives of the unborn. The Partial Birth Abortion Ban Act will end this most cruel practice—a practice that even the American Medical Association's legislative council has publicly stated is, ''not a recognized medical technique.'' They also called this procedure, ''repulsive.''

Abortion advocates argue that partial birth abortions are only used after 26 weeks of pregnancy in cases where the procedure is nonelective. But the abortionists' interpretation of nonelective has an enormous scope and includes: severe fetal abnormality, Down's Syndrome, cleft palate, pediatric pelvis—that's if the mother is under age 18, depression of the mother, and even ignorance of human reproduction.

Today, those who would support this horrible procedure tell us that it is not a common practice. Can anyone really take comfort in debating the number of babies subject to this death? Whether it is a few hundred or tens of thousands or even one, wrong is wrong and no argument on how many will ever change that. A single life being taken in this way is reprehensible.

In conclusion, I would like to introduce into the RECORD a copy of a recent editorial in the Washington Post by Douglas Johnson. It spells out some of the most important reasons to support this legislation. Support H.R. 1833, the ban on partial birth abortions.

[From the Washington Post, July 16, 1995]

BAN PARTIAL-BIRTH ABORTIONS

(By Douglas Johnson)

Congress is considering a bill to ban the ''partial-birth abortion'' method, defined as ''an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.''

The bill is aimed at an abortion method usually used after 4½ months into pregnancy and often much later, even into the ninth month. At 4½ months, a human being is about eight inches long, and—in the words of columnist Richard Cohen [op-ed, June 20]—''looks like a baby.''

The method in question, as described in a June 16 Los Angeles Times story, ''requires a physician to extract a fetus . . . through the birth canal until all but its head is exposed. Then the tips of surgical scissors are thrust into the base of the fetus's skull and a suction catheter is inserted through the opening and the brain is removed.''

Some pro-abortion lobbying groups now claim that this method is utilized mainly to save the life of the mother or on fetuses that suffer from grave disorders incompatible with life. A number of syndicated columnists, major newspaper editorial boards and members of Congress have uncritically embraced these claims, even though there is

ample documentation that they are erroneous.

How many partial-birth abortions are performed? In the mind of Richard Cohen, ''they almost don't exist'' because ''just four one-hundredths of one percent of abortions are performed after 24 weeks.'' Why does citing such percentages give so much comfort to defenders of late-term abortions? Consider that Cohen's statistic, if accurate, would translate into the death of 600 humans each year—more than twice as many as resulted from the recent Ebola virus epidemic in Africa.

Actually, there are 13,000 abortions annually after 4½ months, according to the Alan Guttmacher Institute, whose estimate should be regarded as conservative. There is really no way to know how many doctors are using the partial-birth abortion method, or how many partial-birth abortions are performed.

However, two specialists in the method, Dr. Martin Haskell of Dayton, Ohio, and Dr. James McMahon of Los Angeles, have between them performed more than 3,000 such abortions, and have also circulated detailed papers and given interviews on the subject. The polemical claims now being made by critics of the pending legislation cannot survive a careful reading of this material.

Is the baby already dead when the abortionist partly removes her from the uterus? The American Medical News—official newspaper of the ''pro-choice'' AMA—put that question to Haskell in a tape-recorded interview in 1993. Haskell replied, ''No, it's not. No, it's really not. . . . I would think probably about a third of those definitely are dead before I actually start to remove the fetus. And probably the other two-thirds are not.''

Brenda Shafer, a registered nurse, accepted assignment to Haskell's clinic because she was strongly ''pro-choice.'' She quit after witnessing, close-up, three partial-birth abortions. In a July 9 letter to Rep. Tony Hall, Shafer described the end of life for one six-month-old ''fetus'': ''His little fingers were clasping together. He was kicking his feet. All the while his little head was still stuck inside [the uterus]. Haskell took a pair of scissors and inserted them into the back of the baby's head. Then he opened the scissors up.''

McMahon now claims that analgesia he administers to the mother causes ''a medical coma'' and ''neurological fetal demise.'' But Prof. Watson Bowes, co-editor of the Obsterical and Gynecological Survey and an internationally recognized authority on fetal and maternal medicine at the University of North Carolina, responds: ''This statement suggests a lack of understanding of maternal/fetal pharmacology. . . . Having cared for pregnant women who for one reason or another required surgical procedures in the second trimester, I know that they were often heavily sedated or anesthetized for the procedures, and the fetuses did not die. . . . Although it is true that analgesic medications given to the mother will reach the fetus and presumably provide some degree of pain relief, the extent to which this renders this procedure pain free would be very difficult to document.''

A 1993 internal memo written by the then-executive director of the National Abortion Federation explained that these late abortions are done for ''many reasons,'' including ''social-psychological crises [and] lack of knowledge about human reproduction.''

An even more revealing statement appears in the American Medical News interview transcript, in which Haskell said, ''In my particular case, probably 20 percent are for genetic reasons. And the other 80 percent are purely elective.''

McMahon told American Medical News that he uses the method for ''elective'' abortions up until 26 weeks (six months). After that point, he said, he does only ''non-elective'' abortions. But in materials provided to a House Judiciary subcommittee, McMahon revealed that his definition of ''non-elective'' is extremely expensive. For example, he listed ''depression'' as the largest single ''maternal indication'' for such so-called ''non-elective'' abortions. A 1990 article about McMahon by reporter Karen Tumulty, published in the Los Angeles Times Magazine, found that many such abortions involve not medical factors but young teenagers, who ''put telling anyone as long as they can.''

McMahon's materials also show that he uses the method to destroy many ''flawed fetuses,'' as he calls them. These include unborn humans with a wide variety of disorders—including conditions compatible with a long life with or without disability (e.g., cleft palate, spina bifida, Down's syndrome).

True, some babies have more profound disorders that will result in death soon after birth. These unfortunate members of the human family should not be killed. In some such situations there are good medical reasons to deliver such a child early, after which natural death will follow quickly. The bill itself permits use of the partial-birth abortion method in any case in which it is really necessary because of danger to the life of the mother.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Virginia [Mr. GOODLATTE], a member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I rise in strong support of this legislation, and commend the gentleman from Florida for his leadership.

Mr. Chairman, I have seen and heard it all now with this effort to block the chairman's ability to bring to the floor these charts. It is no wonder that abortion proponents are opposed to having a mother having informed consent, to children and parents having the benefit of parental notification, if they would hide even this inhumane, abominable procedure from this Congress and the American people. Perhaps it is shame on the part of those most dedicated abortion proponents, who would cause a vote to block this information from being presented. Even they feel the shame, that we as a society would allow a partial birth abortion.

By the way, those charts fully conform to this legislation. And by the way, this legislation fully protects the life of the mother. It is only the difference of 3 inches between full delivery and doing the same procedure which would be murder in this act.

Mr. Chairman, I strongly support this legislation. Let us ban this procedure.

Mrs. SCHROEDER. Mr. Chairman, I yield 15 seconds to the gentleman from California [Mr. BECERRA].

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

Mr. BECERRA. Mr. Chairman, disgraceful. That is the only way I can describe the proponents' descriptions of what is going on. My wife, who happens to be a obstetrician-gynecologist in high risk pregnancies, these types of pregnancies, has never had to do this, but she tells me this is not what is going on. We are not partially aborting a baby that would be born alive. This is to preserve the mother's life.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in full support of H.R. 1833, the Partial-Birth Abortion Ban Act. As a mother of two adopted children, I clearly understand the importance and significance of this legislation.

As a woman, I am amazed by claims of those who would suggest that I would support anything that would allow a woman's life to be placed at risk. Let me make this clear—the mother deserves and has the right to the best medical treatment possible. But partial birth abortions are not about saving the life of the mother.

Doctors performing partial birth abortions have reported that most are done as purely elective—one doctor stating that he had performed nine partial-births because the baby had a cleft lip. A member of the American Medical Association's Council on Legislation stated recently that ''he felt this was not a recognized procedure.'' Other council members agreed that the ''procedure is basically repulsive.'' However, with great consideration given to our commitment to protect the life of a mother. H.R. 1833 allows for the procedure when it is clear that ''no other procedure would suffice for that purpose.''

Incorrect information concerning H.R. 1833 has been spread by those who want to disguise the cruelty of this so-called normal medical procedure. The fact is nothing is normal or humane about extracting a baby, feet first, from the womb and through the birth canal until the head is exposed—thrusting scissors into the base of the baby's skull and inserting a suction catheter to remove the brain, I ask my colleagues to support H.R. 1833 and end this procedure that is the ultimate of child abuse.

□ 1245

Mrs. SCHROEDER. Mr. Chairman, I yield 4 minutes and 30 seconds to the distinguished gentlewoman from Connecticut [Mrs. JOHNSON].

(Mrs. JOHNSON of Connecticut asked and was given permission to revise and extend her remarks.)

Mrs. JOHNSON of Connecticut. Mr. Chairman, I rise in firm opposition to this bill and remind my colleagues that late-term abortions are, in fact, legal only in very exceptional circumstances. I ask my colleagues to ask themselves this question. If their daughter and son-in-law or their son and daughter-in-law were faced with the extraordinary tragedy of discovering extreme fetal deformity late in pregnancy, or a life-threatening development, with abortion being the only

alternative, could they, would they want her to have available the procedure that was least life-threatening, most protective of her future reproductive capability, and most respectful of the fetus and the need of the parents and their living children to mourn this early, this eagerly anticipated child?

Mr. Chairman, this debate is not about the grossness of reducing the circumference of a fatally deformed fetus' head to allow vaginal delivery. It is about women facing terrible tragedy and their right to have the safest appropriate medical treatment. I am truly appalled at the flipness with which the proponents of this bill suggest she can have a cesarean. It is almost criminal. Women die every year of the complications of cesarean sections. C-sections have four times the fatality rate of vaginal births.

Why? Why would my colleagues ask their daughter to shoulder this small but real risk of death for a fetus with no potential of life. We are talking about extreme deformity. I am not going to keep this up here because I do not want children watching, I do not want people to have to be burdened with the terrible anguish and tragedy we are talking about when we say extreme deformity that prevents life. That is what these families are facing.

Another alternative? Cesarean section is one. The only other alternative to this kind of vaginal delivery through which a needle is used to reduce the circumference of the head so that the delivery can take place, the only other alternative is the old traditional alternative that this alternative was developed in order to avoid the terrible dangers to a woman's reproductive health and to her life that the other method posed. The other method I did not bring pictures of. I would not impose that on the world like my other colleague imposed his diagrams, but the other method is uglier.

The other method also endangers the birth canal and, therefore, the future reproductive capability of the woman. Why would my colleagues endanger their daughter's reproductive future for a fetus that cannot eat, has no kidneys, no heart? Not one physician in this body has ever performed a late-term abortion. No obstetrician I know has ever done one. That is because they are very, very rare. They are five-tenths of 1 percent of all the abortions performed after 20 weeks. But of the 600 third-trimester abortions performed last year, 450 were done through this method.

Mr. Chairman, what does that tell us? Why? Because it is the safest. Less bleeding, lower complication rate for the mother, less painful, and the geneticists can better determine what went wrong and counsel the couple for future pregnancies.

Men and women of this Congress, if it were our daughters, would we want her life and reproductive hopes and dreams protected? Will we vote for a bill that for the first time in history criminalizes a single procedure that could preserve life and health? No medical organization supports congressional censorship of treatment alternatives. None.

As a mother who lost a child, I can tell my colleagues that the tragedy of death is miraculously assuaged by the miracle of birth. Do not vote to let the tragedy of one death create the tragedy of another death and banish the renewing miracle of life. Vote no on this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Oklahoma, Dr. COBURN.

Mr. COBURN. Mr. Chairman, I think it is important that we have just had a medical lesson from a Member of this body that is totally inaccurate. Late-term abortions can be performed in a number of ways. This, least of which, is mostly convenient for the abortionist, has nothing to do with safety of the mother. Other methods are far safer than this method, where the uterus itself is never instrumented, the risk of bleeding, the risk of incompetent cervix, and the risk of fertility is avoided by the other methods.

Mrs. SCHROEDER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

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

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to this most unwise legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. BRYANT], a member of the Committee on the Judiciary.

Mr. BRYANT of Tennessee. Mr. Chairman, as a freshman, I am very often disappointed with what goes on in Washington, but nothing disappoints me more than to hear the low level, on occasion, the debate on this floor reaches, especially when we hear people, like one of my distinguished colleagues on the other side, refer to the folks who disagree with him as zealots and anitchoice militants.

I am very disappointed. That gentleman, as a former judge, I am sure if he were in the courtroom, and someone attempted to use this procedure as a means of execution in a capital murder case, his courtroom would have been full of civil libertarians hollering that this was cruel and inhumane punishment.

I want to tell my colleagues who some of these zealots and antichoice militants are. It is the Council on Legislation for the American Medical Association, who unanimously voted to endorse this particular bill 12 to nothing. Some of those said this was not a recognized medical technique. One even called it repulsive.

So, Mr. Chairman, if that is the kind of zealots, antichoice militants that we have, then I will stand with the Council on Legislation of the AMA every day.

Mrs. SCHROEDER. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from California [Ms. LOFGREN] who is also a member of the Committee on the Judiciary.

Ms. LOFGREN. Mr. Chairman, in many ways I feel very sad that we are here discussing this issue today. I have heard a lot of rhetoric. We saw charts, but one of the things that has been a real help to me in this discussion is the fact, through an odd quirk of fate, that I know real people who have had this procedure. I know a real family that has a mother today because this late-term abortion procedure is legal in America.

It was about a year ago last spring that Suzy Wilson, my long-time colleague on the board of supervisors, confided to me and her other friends that she was going to be a grandmother again and she was so happy that she would have a little Abigail.

Her son, Bill, and daughter-in-law, Vicky, were expecting. And it was late, very late in the pregnancy that Vicky and Bill discovered, much to their horror, that the birth defects of little Abigail were so severe that this child could not survive. They went to doctors seeking surgery in utero, could anything be done, and the sad truth was, no, nothing could be done.

Now Vicky had had very strong contractions and believed that that meant this was a very strong child in her excitement. The truth was that little Abigail was having seizures in utero because this child's brains had formed entirely outside of the cranial cavity. And those brains that did form were not normal brains. This child could not live.

Mr. Chairman, I voted to ban the use of charts, the cartoon charts, so I show this picture of Abigail with some trepidation but with the permission of the Wilson family. As Members can see, this child's brains are completely formed outside the cranial cavity. This child was a love child.

The Wilson family is raising money in Abigail's memory for a playground in their hometown. The fact that Abigail had these life-threatening deformities did not make her any less loved by her mother and father. What it did mean is that Abigail could not live.

Because of this procedure, which the California Medical Association has said is the safest, and the safest in several respects, Abigail's mother is still alive to be a mother to her other two children. If this bill passes, Vicky Wilson would be dead and her two living children without a mother.

I urge defeat of this bill.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS–LEHTINEN. Mr. Chairman, I rise to support Mr. Canady's bill, which is an important step to help eliminate this tragic procedure. There is widespread agreement that this unfortunate and sickening act is not necessary and should not be permitted.

The partial birth abortion is not a legitimate medical procedure and it is not needed for any particular reason.

While the American Medical Association has officially taken no position on this bill, the AMA's Council on Legislation has voted unanimously to recommend support of this bill. As one member of the council said, ''The council believes that this is not a recognized medical technique and the procedure is basically repulsive.''

Listen to the words of a registered nurse who has witnessed partial birth abortions. Quote, ''The baby's feet were moving. His little fingers were collapsing together. He was kicking his feet. All the while his little head was still stuck inside. The doctor took a pair of scissors and inserted them in the back of the baby's head. Then he opened the scissors up. Then he stuck the high-powered suction tube into the hole and sucked the baby's brains out.''

As the mother of two children, I do not comprehend how we can allow any baby to be subjected to such inhumane treatment. I wholeheartedly support Mr. Canady's bill and I urge my colleagues to do so as well.

□ 1300

Mrs. SCHROEDER. Mr. Chairman, I submit for the RECORD the following medical statements on this bill:

WHAT THE MEDICAL PROFESSION SAYS ABOUT H.R. 1833

1. California Medical Association (approx. 38,000 doctors: Strongly opposes H.R. 1833 as an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Further, it would impose a horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy to which the woman and her spouse are deeply committed.

2. American College of Obstetricians and Gynecologists [ACOG]: Will not support or endorse H.R. 1833. Opposed to any law that mandates against a specific medical procedure and criminalizes such a procedure.

3. American Medical Women's Association (approx. 13,000 women doctors): Opposes H.R. 1833 as legislation which unduly interferes with the physician-patient relationship. H.R. 1833 represents a serious impingement on the rights of physicians to determine appropriate medical management for individual patients.

4. American Medical Association: Refused to take a position on H.R. 1833. Rejected a recommendation from its legislative council, a 12-member council that includes no ob-gyns, to endorse the bill.

INDIVIDUAL STATEMENTS

Dr. Mitchell Creinin, Assistant Professor, U. of Pittsburgh School of Medicine, and Director of Family Planning and Family Planning Research in the Department of Obstetrics, Gynecology and Reproductive Sciences: ''This technique is a highly specialized operative procedure that is used for pregnancy termination under special circumstances by trained specialists. The usual patient has a desired pregnancy that is complicated most commonly by a genetic abnormality; this is not a procedure used arbitrarily by any practitioner under any circumstances. * * * In performing the abortion, the physician keeps in mind the woman's health, life and future reproductive ability. As such, it should be up to the physician to treat the patient with the procedure that is most appropriate . . . . [T]he decision about how the procedure is to be performed * * * is one that needs to be made by the doctor and patient together given that patient's individual needs and the specifics of the underlying disease and other illnesses. . . . [I]t should be obvious . . . that restricting the medical practice of a safe and effective procedure would never act to serve a patient's best interest.

Dr. David A. Grimes, Chief, Department of Obstetrics, Gynecology and Reproductive sciences, San Francisco General Hospital /University of California, San Francisco; formerly, Chief of the Abortion Surveillance Branch at the Centers for Disease Control, the principal official responsible for determining the safety of abortion in the U.S.:

As I understand the term, opponents of abortion are using [the phrase ''partial birth abortion''] to describe one variant of the dilation and evacuation procedure (D&E), which is the dominant method of second-trimester abortion in the U.S. If one does not use D&E, the alternative methods of abortion after 12 weeks' gestation are ''total birth abortion,'' labor induction, which is more costly and painful, or hysterectomy, which is still more costly, painful, and hazardous. Given the enviable record of safety of all D&E methods, as documented by the Centers for Disease Control and Prevention, there is no public health justification for any regulation or intervention in a physician's decision-making with the patient.

. . . [A]bortions after 24 weeks gestation are exceedingly uncommon and are done for compelling fetal or maternal indications only. . . . D&E dramatically reduces medical costs and patient suffering. . . . From a public health perspective, any intrusion of Congress into this medical issue is both unwarranted and unjustified. . . .

Dr. Lewis H. Koplik, Albuquerque, New Mexico:

This bill does not include any definitions. . . . These are no small concerns. We who provide abortions may be at risk for legal prosecution because of these omissions, even when an abortion is done in the first trimester or early second trimester.

With any dilation and evacuation (D&E) abortion procedure there is the possibility that the fetus may still have a pulsating heart when a somatic element is grasped with a forceps and brought through the dilated cervix. If this is true would those physicians who do second trimester D&E procedures, prior to viability, be at risk for being charged under the proposed bill? . . . During a suction curettage abortion is the fetus live if the heart muscle is contracting as the fetal tissue passes through the suction tubing? If this could be shown to be true would all suction abortions also be outlawed?

Though these considerations may seem far fetched, so was the likelihood, a few years ago, that a physician would be murdered because he or she was practicing medicine and providing a legally sanctioned operative procedure. Now such ''far fetched'' concerns and risks are what abortion providers live with daily.

[T]he D&X procedure is well recognized as a safe and effective technique by those who provided abortion care. It was originally developed to reduce the risk of complication to women who had to undergo a distressing late abortion procedure. With the D&X procedure the risk of severe cervical laceration and the possibility of damage to the uterine artery by a sharp fragment of calvarium is virtually eliminated. Without the release of thromboplastic material from the fetal central nervous system into the maternal circulation, the risk of coagulation problems, D.I.C. does not occur. In skilled hands uterine perforation is almost unknown during D&X procedures . . . The fact that there are few who are skilled in its use speaks more to the small (but important) need for this care . . . Only the D&X procedure or a hysterotomy is able to provide a geneticist or a dysmorphologist with a specimen which is (almost) intact. The D&X may allow some women to grieve more effectively because they may hold their child, if they wish. . . .

Dr. Bruce Ferguson, New Mexico Medical Group, Albuquerque, NM:

This bill is an unprecedented and unwarranted attempt to legislate the type of surgical procedure that a physician may use in a particular case. . . . Those promoting the bill have used sensationalized drawings and graphic language to attempt to inflate opposition to this surgery. They have left out or distorted the realities that lead to difficult abortion decision late in pregnancy, the facts about how this procedure is performed, and how rarely this surgery takes place. But more importantly, the bill's language is vague and would probably apply to most second trimester abortions, even those done using the more conventional techniques.

[T]he language of the bill would make many doctors [who don't perform third trimester IDE procedures] into criminals, since there are many abortions in which a portion of the fetus may pass into the vaginal canal and there is no clarification of what is meant by ''a living fetus.''. . . Does the doctor have to do some kind of electrocardiogram and brain wave test to be able to prove their fetus was not living before he allows a foot or hand to pass through the cervix? The vagueness and the civil cause of action created in the bill will create all the opening that woman's parents need to file a suit against their daughter's physician. Even though the physician prevails in court, the costs of defending these suits by the patient's parents will cause considerable increased costs to all doctors providing abortion care, not just to those currently doing late third trimester IDE procedures.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute and 20 seconds to the gentlewoman from Texas [Ms. JACKSON-LEE], another distinguished member of the Committee on the Judiciary.

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, this is so very tough. It is grueling. It is overwhelming. It is in the name of Abigail. It is in the name of Tammy Watts, who came to our committee and said that she lost a child because of its severe abnormalities and inability to live. Her quote was that, ''I would have done anything to save its life.''

Mr. Chairman, I do not want to be here. I do not want to have this debate, but the truth must be told and today, unfortunately, we are not telling the truth.

This bill presumes a physician guilty. This bill allows our sheriff, our chief of police, our FBI, whatever law enforcement, to go into the office of a physician and say that although you have saved the life of the woman you have violated the law.

This bill attacks Roe versus Wade. This bill presumes that saving the life of a mother is not a relevant part of what this physician or any physician has to do. This bill did not even allow

exception for the life or health of the mother.

This debate has injected an ugly picture of incorrect representation about this medical procedure simply to inflame your emotions. The fetus is already deceased based on an excessive amount of anesthesia. This is the only way to allow a situation for that mother to then be a mother again, because of this safe procedure.

Mr. Chairman, I only ask that my colleagues look realistically and not castigate those of us who painfully stand up here to ask that Americans' rights be protected and the rights of women and their right of good health to be able to become pregnant again. Vote against this bill. It does not help the American people. It breaks the hearts of mothers and criminalizes physicians.

Mr. Chairman, in 1973, and more recently in 1992, the Supreme Court held that a woman has a constitutional right to choose whether or not to have an abortion. H.R. 1833 is a direct attack on the principles established in both Roe versus Wade and Planned Parenthood versus Casey.

H.R. 1833 is a dangerous piece of legislation which would ban a range of late term abortion procedures that are used when a woman's health or life is threatened or when a fetus is diagnosed with severe abnormalities incompatible with life. Because H.R. 1833 does not use medical terminology, it fails to clearly identify which abortion procedures it seeks to prohibit, and as a result could prohibit physicians from using a range of abortion techniques, including those safest for the woman.

H.R. 1833 is a direct challenge to Roe versus Wade, 1973. This legislation would make it a crime to perform a particular abortion method utilized primarily after the 20th week of pregnancy. This legislation represents an unprecedented and unconstitutional attempt to ban abortion and interfere with physicians' ability to provide the best medical care for their patients.

If enacted, such a law would have a devastating effect on women who learn late in their pregnancies that their lives or health are at risk or that the fetuses they are carrying have severe, often fatal, anomalies.

In Roe, the Supreme Court established that after viability, abortion may be banned by States as long as an exception is provided in cases in which the woman's life or health is at risk. H.R. 1833 provides no exceptions for cases in which a banned procedure would be necessary to preserve a woman's life or health.

Instead the bill contains an ''affirmative defense'' that could be asserted by a doctor after he or she faces criminal prosecution or a civil claim. The affirmative defense covers only cases where a doctor could prove that he or she ''reasonably believed'' that no other procedure could have saved the woman's life. Few physicians would be willing to perform the procedure and risk the harsh penalties contained in the bill.

This bill would create an unwarranted intrusion into the physician-patient relationship by preventing physicians from providing necessary medical care to their patients. Furthermore, it would impose a horrendous burden on families who are already facing a crushing personal situation—the loss of a wanted pregnancy.

The misconceptions surrounding this bill are as astonishing:

First of all, the term ''Partial birth abortion'' is not found in any medical dictionaries, textbooks or coding manuals. The definition 1531(b) of H.R. 1833 is so vague as to be uninterpretable, yet chilling. Many OB/GYNs fear that this language could be interpreted to ban all abortions where the fetus remains intact. Partial birth abortion is a term made up by the authors of H.R. 1833 to suggest that a living baby is partially delivered and then killed.

Second, the fetus is not alive when it leaves the womb. The fetus dies of an overdose of anesthesia given to the mother intravenously. This dose is calculated for the mother's weight which is 50 to 100 times the weight of the fetus. The mother gets the anesthesia for each insertion of the dilators, twice a day. This induces brain death in a fetus in a matter of minutes. Fetal demise, therefore, occurs at the beginning of the procedure while the fetus is still in the womb.

Third, there are no scissors involved. Using the intact D&E procedure, a doctor can put into the cervix small dry cylinders that expand as they absorb fluid from the mother, causing gradual expansion of the cervix overnight. The patient can return home except for twice daily clinic visits to ensure that she is dilating and to replace the osmotic dilators if more dilation is required. She receives intravenous anesthesia for the insertion of the dilators as well as for the procedure.

The procedure can be accomplished with less dilation—which means less trauma to the cervix and less chance of problems in the next pregnancy—if some of the fluid is removed from the fetal head—which is the largest part of the fetus—by using a spinal needle for aspiration. This technique reduces the chances of lacerating the cervix which contains large blood vessels.

Fourth, late term abortions are not common. Ninety-five and one-half percent of abortions take place before 15 weeks. Only a little more than one-half of one percent take place at or after 20 weeks. Fewer than 600 abortions per year are done in the third trimester and all are done for reasons of life or health of the mother—severe heart disease, kidney failure, or rapidly advancing cancer—and in the case of severe fetal abnormalities incompatible with life—no eyes, no kidneys, a heart with one chamber instead of four or large amounts of brain tissue missing or positioned outside of the skull, which itself may be missing.

Finally, there are no safer alternatives: First, a woman cannot simply wait and ''let nature take its course'' that is, let the woman go to term and go into labor. Fetuses with severe abnormalities have a high chance of dying, in utero, even before labor begins thus posing a severe health threat to the mother. When a fetus dies, its tissues begin to break down and are released into the mother's circulation. This can lead to major problems with the mother's clotting mechanism, making it more difficult for her to stop bleeding. This is a huge problem for a woman undergoing either labor or a surgical delivery and increases the chances of requiring blood products and/or an emergency hysterectomy.

Second, induction of labor with drugs is not a safer alternative. The cervix, which holds the uterus closed during pregnancy, is very resistant to dilation until about 36 weeks. Inductions done before this time take between 2 to 4 days. Induction is also a physically painful process. Because of the danger of uterine rupture, inductions require constant nursing supervision and are therefore done on the labor and delivery ward. The physical pain is intensified by the emotional pain of losing a wanted pregnancy while spending days listening to other newborns cry and other families cheer in delight.

Third, a cesarean is a dangerous procedure. A cesarean delivery involves twice as much blood loss as a vaginal delivery. Before 34 weeks gestation the lower segment of the uterus is usually too thick to use a standard horizontal incision, so a vertical incision is necessary. Any uterine incision complicates future pregnancy, but a vertical incision is more dangerous and jeopardizes both the mother's health and any future pregnancies. When the uterus has a vertical scar, future pregnancies require a cesarean section and are more apt to be complicated by uterine rupture.

An abortion performed in the late second trimester or in the third trimester of pregnancy is extremely difficult for everyone involved. However, when serious fetal anomalies are discovered late in a pregnancy, or the mother develops a life-threatening medical condition that is inconsistent with the continuation of the pregnancy, abortion—however heart-wrenching—may be medically necessary.

In such cases, the intact dilation and extraction procedure [IDE]—which would be outlawed by this bill—may provide substantial medical benefits. It is safer in several respects than the alternatives, maintaining uterine integrity, and reducing blood loss and other potential complications. In addition, the procedure permits the performance of a careful autopsy and therefore a more accurate diagnosis of the fetal anomaly. Intact delivery allows geneticists, pathologists, and perinatalogists to determine what exactly the fetus's problems were. As a result, these families, who are extremely desirous of having more children, can receive appropriate genetic counseling and more focused prenatal care and testing in future pregnancies. Often, in these cases, the knowledge that a woman can have another child in the future is the only thing that keeps families going in their time of tragedy.

Political concerns and religious beliefs should not be permitted to take precedence over the health and safety of patients. The determination of the medical need for, and effectiveness of, particular medical procedures must be left to the medical profession, to be reflected in the standard of care.

In passing H.R. 1833, this Congress would set an undesirable precedent which goes way beyond the scope of the abortion debate. Will we someday be standing here debating the validity of a triple bypass or hip replacement procedure? Aren't these dangerous and unpleasant procedures?

The legislative process is ill-suited to evaluate complex medical procedures whose importance may vary with a particular patient's case and with the state of scientific knowledge. The mothers and families who seek late-term abortions are already severely distressed. They do not want an abortion—they want a child. Tammy Watts told us that she would have done anything to save her child. She told

me, ''If I could have given my life for my child's I would have done it in a second.''

Unfortunately, however, there was nothing she could do. For Tammy, and women like her, a late term abortion is not a choice it is a necessity. We must not compound the physical and emotional trauma facing these women by denying them the safest medical procedure available.

This bill unravels the fundamental constitutional rights that American women have to receive medical treatment that they and their doctors have determined are safest and medically bet for them. By seeking to ban a safe and accepted medical technique, Members of Congress are intruding directly into the practice of medicine and interfering with the ability of physicians and patients to determine the best course of treatment. The creation of felony penalties and Federal tort claims for the performance of a specific medical procedure would mark a dramatic and unprecedented expansion of congressional regulation of health care.

This bill is bad medicine, bad law, and bad policy. Women facing late term abortions due to risks to their lives, health or severe fetal abnormalities incompatible with life must be able to make this decision in consultation with their families, their physicians, and their god. Women do not need medical instruction from the Government. To criminalize a physician for using a procedure which he or she deems to be safest for the mother is tantamount to legislating malpractice.

Mr. CANADY of Florida. Mr. Chairman, I yield 15 seconds to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, again to correct the medical facts, infants under this procedure who have received an anesthetic from their mother are not dead. They are not dead. They are as alive as my colleagues or I. The anesthetic required to terminate a fetus in utero would put the mother at great risk and it is never performed.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I rise in support of this bill as a prolife Democrat, not only concerned as we are talking about the process of birth today, but about the cycle of life for our Nation's children.

Mr. Chairman, what are we talking about today with partial-birth abortions? On page 5 in this bill we define this as meaning: An abortion in which the person performing the abortion partially delivers a living fetus before killing the fetus and completing the delivery.

Mr. Chairman, I would encourage my colleagues to pay careful attention to that. ''Delivers a living fetus before killing the fetus.'' We have had disagreements on this floor before about States' rights and restricting abortion and health care plans. This debate today is about a gruesome and repulsive medical technique that we should act on in a bipartisan way to ban on this House floor.

Mr. Chairman, this is not a vote that should divide men and women or Democrats from Republicans. This is a vote to ban a procedure that is not proper, that is not ethical, and that is inhumane to children.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK], a distinguished member of the Committee on the Judiciary.

Mr. FRANK of Massachusetts. Mr. Chairman, first, let us underline again the outrage of bringing up this bill under an absolutely closed rule. No Member was allowed to offer an amendment to explicitly allow for the protection of the life or serious health of the mother, except in the convoluted way in this bill because of only an hour of debate. I have rarely seen so important a subject so shabbily treated procedurally.

Second, this once again shows the great gap that exists between the Republicans' profession about States' rights and the reality. This bill makes criminal procedures which the States could make criminal, presumably, if they wanted to or not. What this bill says is that States are not smart enough; they do not care enough about these children. We, the Federal Government, will step in.

It does try to deal with that. It say this only involves abortions as crimes which are in or affect interstate or foreign commerce. How does the woman know that she is in foreign commerce or interstate commerce? Is her head in Canada and her feet in Detroit? What kind of nonsense are we talking about?

What they are is embarrassed that they are so blatantly preempting the States, because they know how much it differs with what they profess. It says we will make it a criminal procedure if it happens to be in interstate commerce.

Mr. Chairman, it also has a supposed defense if the doctor is worried about the life of the mother, but it becomes a defense that the doctor has to prove. To avoid a criminal proceeding here, a doctor will have to show that he was in interstate commerce. Nothing in here tells the doctor whether he is in interstate commerce or not.

Second, the doctor would have the burden of proof before the jury to show that he was trying to save the woman's life. Obviously, it will keep people from doing it.

This, obviously, once again shows that all that we hear about States' rights is just cover. When Republicans think the States are wrong, they will preempt the States. This is a disrespectful bill towards States' rights as well as the rights of women.

Mr. CANADY of Florida. Mr. Chairman, I would inquire of the Chair as to the remaining time on each side.

The CHAIRMAN (Mr. EMERSON). The gentleman from Florida [Mr. CANADY] has 11 minutes and 15 seconds remaining, and the gentlewoman from Colorado [Mr. SCHROEDER] has 17 minutes and 10 seconds remaining.

Mrs. SCHROEDER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I want to follow up on asking my colleagues to look at the bill. We have been looking at a lot of pictures today, but look at the bill.

Mr. Chairman, we are lawmakers. That is what my colleagues were sent here to do. This law says whoever performs a partial-birth abortion. What is a partial-birth abortion? There is no medical description of that. We are making that up today.

Whoever performs it shall be fined or imprisoned for not more than 2 years, or both. This is a bad law. We need to vote it down, because we did not pass the rule to allow for a good debate and good amendments.

Mrs. SCHROEDER. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington [Mr. MCDERMOTT].

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

Mr. MCDERMOTT. Mr. Chairman, I rise to enter my remarks in the RECORD in opposition to this terrible, terrible bill.

Mr. Chairman, I rise in strong opposition to H.R. 1833. As a medical doctor, I was trained to evaluate all viable options when accessing a patient's medical condition.

I oppose H.R. 1833 because it will ban a legitimate medical procedure, and jeopardize the lives of thousands of child-bearing women.

H.R. 1833 will ban a specific procedure used only in the most extreme and necessary cases of late-term abortions, usually when the health or life of the woman is at risk.

This legislation provides no exceptions in cases where the health or even the life of the woman are at risk. It is inhumane to unnecessarily risk a woman's life simply to pursue a political agenda.

This bill is not only bad public policy, but it is also bad medicine. Why should we interfere with the very personal, ethical, and medical decisions made between a patient and a doctor?

Why should we deny a woman's constitutional right to decide whether or not to have an abortion. The answer is that it is not our job to step between a woman and her doctor.

We know that the U.S. Supreme Court specifically recognized a woman's right to choose a safe abortion under the principles of Roe versus Wade, and those principles were again upheld in Planned Parenthood versus Casey.

The Supreme Court has already ruled that States may restrict late-term abortions, except when the woman's health or life are at risk. This bill is a blatant constitutional challenge to the rights outlined in Roe versus Wade.

Mr. Chairman, let me stress that this bill is opposed by several reputable medical organizations including the American College of Obstetricians and Gynecologists, and the American Medical Women's Association. It is not even endorsed by the American Medical Association.

Do not be fooled by H.R. 1833. If you vote yes, you are voting to deny a patient's right to receive medically necessary care. I urge you to take a long look at the potential ethical and medical dangers of this bill. Vote ''no'' on H.R. 1833.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I just want to alert the proponents of this bill that as we speak, two clinics have received bomb threats. I think we have to be very careful for our rhetoric and take responsibility for our words.

Mr. Chairman, this legislation is another attempt to make sure that doctors who perform abortions, which are legal in this country, are harassed. Around the country, anti-choice extremists are targeting doctors and their patients for harassment and violence, and it looks like on Capitol Hill anti-choice politicians seek to criminalize abortions and put the doctors who perform them in jail.

Mr. Chairman, I rise in strong opposition to this bill. Proponents of this bill attempt to exploit one of the greatest tragedies any family can ever face by using graphic pictures and sensationalized language and distortions.

Families facing a late-term abortion are families that want to have a child. These couples have chosen to become parents and only face terminating the pregnancy due to unavoidable circumstances. Unfortunately, our technology is still not sophisticated enough to detect all possible medical problems early in a pregnancy.

Mr. Chairman, I say to my colleagues, this bill is not about choice; it is about necessity. As the mother of three grown children, I thank God every day that my children were born healthy and strong. However, not everyone is so lucky.

Yesterday, my office received a call from Claudia Ades. She lives in Santa Monica. She had heard about this bill and called to beg us, called to ask us if there was anything she could do to defeat it. Claudia said so passionately, ''this procedure saved my life and saved my family.''

Mr. Chairman, 3 years ago Claudia was pregnant and happier than she had ever been in her life. However, 6 months into her pregnancy she discovered that the child she was carrying suffered from severe fetal anomalies and made its survival impossible and placed Claudia's life at risk.

After speaking to a number of doctors, Claudia and her husband finally had to accept that there was no way to save this pregnancy. Again, this was a desperately wanted pregnancy and she had to make this very difficult decision; not the Congress.

Mr. CANADY of Florida. Mr. Chairman, I yield 1½ minutes to the gentlewoman from North Carolina [Mrs. MYRICK].

Mrs. MYRICK. Mr. Chairman, I honestly believe that many of the societal problems we have today stem from the fact that we have no regard for human life. Partial-birth abortions, drive-by shootings, cop killings, they have all become a way of life.

Mr. Chairman, call me old-fashioned, but I believe every individual born into this world is special, needed and important.

Our forefathers shared this philosophy when they wrote into our Declaration of Independence that, ''We are endowed by our Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.''

Mr. Chairman, I ask that we consider the difference. A doctor performs a painful, cruel, partial-birth abortion one day and it is accepted. Then, if that same mother gave birth to the same age child the next day and then she killed her child, she would be charged with murder.

Mr. Chairman, only a few hours separate these two acts, but one is considered unjust and the other is accepted and even promoted. There is something wrong with our society today if we continue to justify such an unjust procedure.

Mr. Chairman, let us show our respect for human life and support H.R. 1833.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Arizona [Mr. PASTOR].

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

Mr. PASTOR. Mr. Chairman, this is in response to the question that the distinguished gentlewoman from Connecticut asked me to consider.

Mr. Chairman, I have two daughters and they are in their mid-20s. My wife and I expect that they will have happy lives and we hope that they have children and are very productive. We pray to God that our daughters will never in their pregnancy have to face a situation in which their life is threatened or the fetus is developing in a very abnormal way.

But, Mr. Chairman, if God wills it, then we hope that the decision of this medical practice will be determined by a doctor and not a politician.

Mr. Chairman, this bill will force doctors to decide whether or not to perform this medical procedure under the threat of civil and criminal prosecution, even though my daughter's life may be threatened.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I rise today in strong support of H.R. 1833, a bill that is clearly pro-life. It protects the unborn from one of the most grotesque forms of death imaginable.

Mr. Chairman, I urge my colleagues, who might otherwise not support a pro-life piece of legislation, to very carefully consider supporting this piece of legislation which simply and narrowly protects against partial-birth abortions.

Mr. Chairman, I would also like to note that H.R. 1833 does in fact recognize that there may be circumstances in which a physician must have legal protection when called on to perform one of these procedures in order to save the life of the mother.

While I do not believe there is evidence to suggest a partial-birth abortion would be necessary to save the mother's life, let me be clear, and the legislation is equally clear. If this procedure is ever needed for this reason, H.R. 1833 grants a defense to the physician performing it. Section E of the bill does this.

□ 1315

As a former prosecutor, I know it is not uncommon in the area of criminal law to provide an exception to a general prohibition in the form of a defense. For example, we have a general rule against homicide, but an exception to this general rule is carved out for those who are forced to kill another human being in order to defend themselves. We commonly call this exception self-defense. So in H.R. 1833, we allow a partial-birth abortion to be performed if it is necessary to save a mother's life.

There are more than 30 affirmative defenses in Federal law. These defenses share a common thread. The evidence for the defense is under the control of the defendant, and the defendant has special knowledge of the facts which establish the defense.

The practitioner who has performed a partial-birth abortion and claims that he performed it in order to save the life of the mother has the specific knowledge of the circumstances which surrounded his action and has complete control of the evidence to show why he used this method of abortion. There is simply no reason to oppose this narrow piece of legislation to protect our children.

Mrs. SCHROEDER. Mr. Chairman, I yield myself such time as I may consume.

I just add to the record, please read page 6 of the bill where on the affirmative defense, it is only after the doctor has been arrested and, No. 2, it says the doctor must also prove no other procedure would suffice. Not that it is the best, but none would suffice. I would like to counter what the gentleman has just said on the floor.

Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

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

Ms. SLAUGHTER. Mr. Chairman, I am absolutely panicked and concerned today that a majority of this House believes that a young pregnant woman has no right to life. Her health status, her family's wishes have nothing to say here. It is simply that we will do everything we can to preserve a fetus, which on the face of it, has no chance at life itself.

Remember that a third-trimester abortion is a medically necessary abortion to start with. The law specifies that. It has already been determined that the fetus will not live, cannot survive birth, or that the mother's life is in severe danger.

If you believe that a doctor having put his whole life in his medical practice, with a family of his own, faced with an emergency situation is going to act to save the life of the mother, putting himself up for arrest and to go to jail, then you pray to God that no member of your family is ever put in that position.

What is next for us? Are we going to decide that no woman of child-bearing age will be allowed to have a hysterectomy no matter what the circumstances? What do the great medical experts in the House of Representatives have in store for women of America next?

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, prior to coming to the House of Representatives, I was practicing medicine and, indeed, I was sitting at my desk and reading a copy of the American Medical News where this procedure was first described back in 1993, where the originators of this procedure printed in the article that in about 80 percent of the cases, it is purely an elective procedure. It is not a fetus that has defects, and, indeed, they admitted that they do them in not only the late second trimester, but as well in the third trimester.

I was shocked that these guys would admit it in public. I was not so much shocked by the grotesqueness of the procedure because all these abortion procedures are vile but the fact that these guys would admit how they do it to the public and admit that it is an elective procedure.

I very much support the legislation of the gentleman from Florida [Mr. CANADY]. I encourage all of my colleagues to vote in support of this legislation and make partial-birth abortions illegal.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

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

Ms. WOOLSEY. Mr. Chairman, make no mistake, you are hearing it. This bill is for one thing and one thing only and that is to criminalize late-term abortions and it is a cruel attempt to make a political point.

H.R. 1833 is a frontal attack on Roe versus Wade, plain and simple. The radical right wants to do away with Roe, and this bill is the first step. So let us be honest about what this debate is really about. This legislation seeks to prohibit abortion techniques which are used in the late stages of a pregnancy, when the life of the mother is in danger, or when a fetus is so malformed that it has no chance of survival.

Mr. Chairman, I cannot help but make the comparison and connection that a lot of the proponents of this bill are the same people who are cutting Medicaid, who are doing away with the support systems for those children that are going to be born malformed and for the mothers who will be ill.

Because of the gag rule which was just passed, the life or health of the mother, or the fetus will have zero consideration.

Mrs. SCHROEDER. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. I thank the gentlewoman for yielding me the time.

Mr. Chairman, I rise in opposition to this antiwoman, extremist, unwise legislation. They would not even allow an amendment to save the mother's life. Apparently, the supporters of H.R. 1833 think it is more important to save a doomed fetus than to save the life of a woman and her ability to have children in the future.

This is the first time that this body has moved forward to criminalize a medical procedure. As the mother of two children, I know firsthand the joy and excitement that a pregnant woman has when she awaits the birth of a very much wanted child. I cannot think of anything more horrible than to learn that the baby, the fetus, has abnormalities incompatible with life. In these situations, the family is confronted with the child dying in her womb, possibly killing the mother, or this lifesaving procedure.

Vote to put people over propaganda. This legislation is bad medicine and bad policy.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. DORNAN].

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

Mr. DORNAN. Mr. Chairman, I asked for 30 seconds so I could hear more from this excellent prolife freshman class, our prolife women, our prolife doctors, we have two of them on our side now. I will do a 5-minute or a 60-minute, depending on how we conclude today, to analyze the vote and I welcome any participation.

Thomas Aquinas died 721 years ago at age 50 and there was some discussion then about when life began. My pal, the gentleman from New York [Mr. SCHUMER], said we all have different opinions. When you pull out feet, f-e-e-t, and you feel a little beating heart and you are sucking out brains, you know it is a human being. And it has a soul. S-o-u-l, soul.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I do not want to be here today and the AMA does not want to be here today, and the groups who protect the interests of women do not want to be here today.

All of us agree that late-term abortions are terrible and we hope that none ever have to be performed. But we are here because others have decided that it is imperative that we vote on the floor of this House on the medical procedure.

We know that after the 24 week, only .01 percent of all abortions are performed, .01 percent. There are two or three procedures that are used, meaning that this procedure is used in only a portion of that .01 percent. Of these procedures, all are more terrifying and unpleasant than this one. But if a woman is carrying a fetus which has a severe abnormality or if she herself has a severe health condition which threatens her health if she continues to carry the fetus, one of these procedures must be used. The bill itself states that there are circumstances in which no other procedure will suffice.

I believe strongly that we should not decide medical procedures on the floor of this House and am deeply concerned about where this might lead.

I believe strongly that we should always provide exceptions to save the life of the mother, and this bill criminalizes that process.

I do not think we should be voting on this process today, but because the bill is before us, I intend to vote ''no.''

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, some might argue otherwise but I would submit that this should not be controversial legislation. This bill would prohibit a particularly grotesque and inhuman practice. A partial birth abortion is literally the killing, in a most brutal fashion, of a late-term baby. It is incredible that a practice like this could go on in a civilized society. Adoption of this legislation would stop it.

I hope my colleagues resoundingly support this bill. It is a major step in the battle to protect the lives of the unborn.

Mrs. SCHROEDER. Mr. Chairman, I yield 2 minutes to the distinguished freshman gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, as we listen to the debate today, it is very clear that one side would like us to focus more on the procedure than on the circumstances that lead families to this decision. I think it is important that we do not do so. I think it is important that we recognize that this is a rare procedure that is performed under relatively narrow legal conditions. That, for the most part, the women involved are older, they are married, the pregnancies are wanted, planned for, joyously anticipated, and it is only when things go terribly, terribly wrong that families turn to this option when there is a fetal anomaly, when there is a threat to the mom.

Many people have talked here today about their own experiences as parents and the joy and the happiness that they went through holding the baby for the first time, counting the fingers, counting the toes. You are right. It is an exciting and wonderful time, but it is particularly cruel to use those kinds of experiences as an attack on these families who, through circumstances they cannot control, are not going to have that opportunity.

We are talking about mothers who are carrying pregnancies that cannot survive, promises that cannot be fulfilled, and people are attacking them unfairly.

We are leaving those moms with no avenue. We are saying they must risk their lives, because the fetus' condition can oftentimes cause infection, sometimes even sterility, taking away the opportunity for a later pregnancy. For what reason? To make a point.

I think it is important that Congress makes a point, but I also think it is important that they consider a point, which is we have made a decision that the 435 people in this room should decide for families across America. So I ask you, which among us, who will step forward to be the messenger who will go into the homes and tell the husband that we will not step in to protect his wife, his helpmate, the love of his life, or the mother of a 5-year-old child? Who wants to carry that message?

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I rise today in support of H.R. 1833, the Partial-Birth Abortion Act and I urge my colleagues to vote in favor of this important legislation.

As a pro-life advocate, I am committed to protecting the rights of unborn children. My primary concern is that abortion should not be treated like a routine medical procedure and my pro-life position is always foremost in my mind. although Some consider partial-birth abortions routine medical procedures, this could not be further from the truth. Partial-birth abortions are neither routine, legitimate or necessary.

Partial-birth abortions are most often performed in the second or third trimester and I am particularly troubled by the horrifying prospect of late-term abortions. Even in Roe versus Wade abortions are limited to the first trimester. Today, we are considering continuing to allow abortions through the third trimester or fetal viability.

H.R. 1833 not only bans the performance of this type of inhuman abortion but imposes fines and a maximum of 2 years imprisonment for any person who administers a partial-birth abortion. This gruesome and brutal procedure should not be permitted.

I strongly believe in the sanctity of life and if 80 percent of the abortions are elective, we have to reconsider and reevaluate the value our society places on human life. this decision is not made in the case of rape or incest, not if the mother's life is in danger, and not if there are birth defects. In many cases, this is a cold, calculated, and selfish decision.

This is not a choice issue. this is a life or death issue for an innocent child. Please join me in making this heinous procedure illegal.

□ 1330

Mrs. SCHROEDER. Mr. Chairman, I yield 30 seconds to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I would like to respond and remind my colleagues once more to be very careful of their rhetoric. The analogy between abortion and drive-by shootings is extremely inflammatory.

I also would like to remind my colleagues that during this debate it has been reported that there are two serious bomb threats on clinics, so let us be careful to watch our rhetoric and not use political advantage in a very serious issue.

Mr. CANADY of Florida. Mr. Chairman, I yield 30 seconds to the gentleman from South Carolina [Mr. INGLIS].

Mr. INGLIS of South Carolina. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise with tremendous compassion for the victims of abortions that are walking around today. There are a lot of them in America that did not know what was going on. But that compassion gives way to the facts, or should here on the floor, that a lot of Members who persist in talking about this being an unfortunate choice, but 80 percent, according to published reports, 80 percent of these abortions are done in an elective manner.

Surely the facts will come out on this floor, and surely we can vote in support of this very excellent piece of legislation that will ban this procedure.

Mrs. SCHROEDER. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT], a member of the Committee on the Judiciary.

(Mr. BRYANT of Texas asked and was given permission to revise and extend his remarks.)

Mr. BRYANT of Texas. Mr. Chairman, I would just like to add one important point to this debate, and that is that I think we should be honest with ourselves and honest with the American people.

The fact of the matter is that not one single person who has spoken in favor of this bill today can deny the fact that they are opposed to abortion entirely and do not support Roe versus Wade and do not believe in the right of the mother to choose. So we are really not talking here today about a procedure. We are talking about Roe versus Wade and about the right of a woman to be able to choose.

I asked in the Committee on the Judiciary when this was being considered, of the chairman on the Committee on the Judiciary if it was not the case that the entire Republican majority, if it was just a little bit bigger, would bring a constitutional amendment before the House to totally criminalize abortion. He said, as far as he was concerned, he would do it in a minute. That is a matter of record.

The fact of the matter is this bill represents the almost total politicization of this process, as you have brought a bill before the House today that really is a surrogate for what you want to do and that is make all abortions criminal. That is really what is at issue.

I urge the Members to vote against it.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, this is a historic day for our Nation. The coverup of abortion methods is over.

Today, Congress comes to grips with the specifics of what an abortion actually does, and it ain't pretty. From this day forward, we will no longer be able to say we did not know. We now know, and every Member of this Chamber should know, that every abortion takes the life of a child. Whether it be a partial-birth abortion or D&E abortion, where the baby is literally dismembered while in utero, or the suction abortions routinely done, thousands per day, where a high-powered vacuum, 20 to 30 times more powerful than a vacuum cleaner in one's home, literally dismembers the child. All of these methods kill the baby. This is all about human rights for children, and it is about preserving and protecting the right to life of baby girls and baby boys.

Somebody said this is anti-woman. Half of those little infants killed are baby girls. Let us not ever forget that. Then again, let's also remember what Dr. Haskel himself has said. I would like to repeat it very briefly. Dr. Haskel said and I quote: ''The surgeon forces the scissors into the base of the skull.'' This is medical practice? And then a high-powered suction catheter is introduced, and the baby's brains are sucked out.

This is not medical practice.

This is child abuse.

Mrs. SCHROEDER. Mr. Chairman, I yield, 1 minute to the distinguished gentleman from New York [Mr. SCHUMER], a member of the Committee on the Judiciary.

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

Mr. SCHUMER. Mr. Chairman, I would like to address my comments to those who might be for this bill. You know, the great debate on abortion is—of course, it all boils down to when do you think life begins, and those who are pro-life fervently believe, and I respect it, that life begins at conception. Others of us do not believe that, and we believe ultimately that the choice ought not be made by the Government but ought to be made by each individual convening with his or her maker.

Even if you believe that life begins at conception, why did you prohibit an amendment dealing with life of the mother? If it is the life of the mother versus the life of a child, why does this legislation impose the fact that it must be the life of the child that takes precedence over the life of the mother? That is what the bill does, plain and simple.

If you are so sure it did not, you would not have prohibited us in the rule from having a clause in the bill that says that if the life of the mother

is at stake the choice should be between the woman and her doctor. That is the hypocrisy of this legislation.

Mr. CANADY of Florida. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, this bill in no way limits the ability of the doctor to care for a woman whose life is at risk with a late-term pregnancy.

Having been involved in obstetrical care, delivering over 3,000 children, caring for women with complicated pregnancies, anencephaly, neural tube defects, hydrocephaly and all the major complications associated with that, this procedure is an unneeded, gruesome attack on life.

May God forgive this Nation for what we allow in terms of procedures to be performed on our unborn children.

Mrs. SCHROEDER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am not a doctor. But I am a lawyer. I am a mother. I have been married 33 years. I think I belong in the Marriage Hall of Fame, and I will put up my family values against anyone.

I must say, as a woman today standing in this Chamber, I feel like I am in the Chamber of Horrors, because no one really talks about the mother. But let me begin my statement by reading a letter that we received from the American College of Obstetricians and Gynecologists saying that they do not support or endorse this bill, but they are opposed to any law mandating a specific medical procedure and against criminalization of the procedure, and these bills are flawed. They go on to say they have no idea where the rumor was that they supported the bill. It is incorrect. These are obstetricians and gynecologists whose main concern is the health of the mother, and they are also looking at the child.

What we are talking about today is rolling back the road to save motherhood that this country began on. If you look at 1920, 800 women died for every 100,000 births. If you look at 1990, we got that 800 down to 8, down to 8.

For most people, going through pregnancy is not difficult; but for some it can be life-threatening; and, fortunately, medical science has made some progress that has been able to deal with these life-threatening situations and also preserve the health of the mother so that if this pregnancy goes terribly wrong, they can have another one and be able to have the great privilege I have been able to have of being a mother.

Today, what this Chamber is saying is we are going to limit one of these procedures for doctors. We are not going to allow them to be able to say the life of the mother is an exemption. No, we were not allowed to offer that amendment on this floor, nor were we allowed to bring the health of the mother to this floor; no; no; no; no; no. We show charts, but we do not show the chart with the face of the mother, the family, the decisions made.

Does anybody here think someone would engage in a late-term abortion frivolously? Do you think that they have not thought about this in the last minute? Do you think doctors would engage in this frivolously? No, no and no.

There is only a handful of these ever done in a year. These are tragic situations in which there are not many good choices yet.

We hear people over there saying ''elective.'' It is not elective in the sense folks are claiming it is over there. Every doctor has said you only have limited procedures at certain points if you are concerned about the mother's health, and you must elect one of those.

What we are talking about today seems to be one that for some women can help preserve their life and is the safest and best for them in that circumstance. Why are we taking that away? Why does this Congress think they have a better idea of what is going on, and why do we insist on criminalizing the doctor that would try to listen to their patient's best needs?

Vote ''no.'' This is terrible. We are gagging women. This is terrible. We are not listening, and if you want to know why most of the speakers today were women is because they understand what is happening here. Wake up, America. This is an outrage.

Mr. CANADY of Florida. Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, ladies and gentlemen, I wish I had a lot of time. We got a very short hour of debate on this important issue.

I would like to talk about how you would not treat an animal this way. You would not take a coyote, a mangy raccoon and treat that animal that way, because it is too cruel. I would like to talk about Dr. Joseph Mengele or Dr. Kevorkian. We talk about interfering with the doctor.

Our job is to protect the weak from the strong.

But, no, I want to talk about a love story. Here is a letter that came October 30 to the gentleman from Florida [Mr. CANADY] from my own district, Oak Park, IL, Jeannie Wallace French. She says:

DEAR CONGRESSMAN CANADY: Opponents of H.R. 1833, ''The Partial-Birth Abortion Ban Act,'' claim that partial-birth abortion is justifiable when performed on babies with disabilities. Please consider the personal experience of our family as you debate HR 1833 on the floor of the House.

In June of 1993 I was 5 months along carrying twins. My husband and I were notified that one of the twins, our daughter Mary, suffered from a severe neural tube defect. Mary's prognosis for life was slim, and her chance at normal development nonexistent. Her severe abnormality complicated the twin pregnancy and specialists encouraged amniocentesis and Mary's abortion.

Though severely disabled, we knew that Mary was a member of our family and was entitled to live out her allotted time without being assaulted by instruments or chemicals. When it became clear that Mary, whose brain had developed outside of her skull (an occipital encephalocele) would not survive normal labor, we opted for a Cesarean delivery.

Born December 13, 1993, a minute after her healthy big brother Will, Mary lived 6 hours cradled peacefully in her father's arms. She was with us long enough to greet her grandparents and our close friends. She also gave a special gift to other children: The gift of life. On the day of her funeral we received a letter from the Regional Organ Bank of Illinois. Our daughter's heart valves were a match for 2 Chicago infants, critically ill at the time of Mary's birth. We have learned that even anencephalic babies and meningomyelocele children like our Mary can give life, or sight, or strength to others.

The death of a child is the most tragic experience many of us will ever face. As parents, we can do only what we can—insure that our children do not suffer. As we now know, when their natural time comes it can be comforting that their short life has become a gift to others.

Our daughter, living less than a day, saved the lives of two other children. Which of us, even after decades of living, can make the same claim?

Sincerely,

JEANNIE WALLACE FRENCH.

□ 1345

The CHAIRMAN. The Chair will state to the gentlewoman from Colorado [Mrs. SCHROEDER] that he was as generous with the gavel as it applied to her as he was with the gentleman from Illinois [Mr. HYDE].

Mrs. SCHROEDER. Mr. Chairman, if I might say, I thought that was a moving letter, but I also must say I do not think we should mandate one's choice on everybody else in this Congress.

Mr. LEVIN. Mr. Chairman, H.R. 1833 would criminalize the use of one medical procedure, but not others, utilized rarely in cases where the health or life of a mother is at risk or a fetus is diagnosed with severe abnormalities.

By making this procedure a crime, H.R. 1833 would subject doctors to prosecution for offering to a woman a chance to save her life. Further, H.R. 1833 is inconsistent with present law which allows States to ban abortions after viability except where the woman's life or health is at risk.

This kind of decision barring women from utilizing a procedure when their health and life are involved does not belong in Washington, DC. I cannot support limiting a patient's right to receive medically necessary care, especially when her life is at stake.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 1833, the partial-birth abortion ban. The fact that we are voting on this bill today is a true testament to how extreme many of the Members of this House of Representatives and their agenda are. Further evidence that extremists are pushing their agenda through the House of Representatives is the fact that the Rules Committee would not allow any amendments to be offered, not even amendments to protect the health or life of the mother.

Despite their campaign pledges to ''get the U.S. government out of your life'', today Republican Members are advocating that the

U.S. Congress take an unprecedented step into the personal lives of American women and their families—as well as into the doctor's office—in order to ban a particular type of abortion procedure.

In order to promote H.R. 1833, Members are focusing on certain aspects of this medical procedure that are intended to elicit emotional responses. What they do not focus on, however, is that women who seek rare, third-trimester abortions are almost overwhelmingly in tragic, heart-rendering situations in which they must make one of the most difficult decisions of their lives.

Often the women are faced with personal health risks that threaten their lives and/or their ability to have children in the future. Or, some women discover very late in their pregnancy, in some cases after they already know the sex of the child, have picked out a name, and gotten the baby's crib ready, that their child has horrific fetal anomalies that are incompatible with life and will cause the baby terrible pain before the end of its short life.

Clearly, each of these situations are serious, tragic, and terribly difficult for the families involved, and the decision to seek such an abortion is one that is not made carelessly or lightly. The U.S. Congress is the last entity that should be intruding into this type of personal, family decision.

The U.S. Congress also has absolutely no right to interfere with a doctor's medical judgment when he or she is making critical decisions affecting the life of a woman, her health, and her ability to bear children in the future.

It is extremely important to note that this bill makes no exception for the health of the mother. In fact, it makes no mention of the health of the mother whatsoever. Clearly, her health and her reproductive future mean nothing to the extremists who are pushing this bill forward or else they would have included this essential exception.

H.R. 1833 takes advantage of tragic circumstances and sacrifices the health and maybe lives of women in order to push an extremist agenda forward. We should reject it completely.

Mr. McCOLLUM. Mr. Chairman, I rise today in strong support of H.R. 1833, the partial-birth abortion act. This bill would ban the barbaric acts of partial-birth abortions.

I believe that life begins at conception and that it should be protected. I understand that there are those who differ with me, but a partial-birth abortion goes far beyond what is reasonably considered a pro-life versus pro-choice debate.

A partial-birth abortion is just that—an abortion performed on a partially born child. The fetus is generally between 4½ months old to 9 months old when the doctor partially delivers the child through the birth canal, leaving the head in the uterus. The baby's arms and legs will squirm as the doctor inserts scissors into the base of the baby's skull. A high-powered suction tube is then inserted and the brains are literally sucked out.

Remember when doctors were expected to do everything in their power to assist and protect both the mother and child during the birth process? Now the doctor is the executioner as the baby travels down the birth canal.

This is barbaric in a partial-birth abortion. The only thing separating the child's head from the outside world is 3 inches. This is clearly homicide.

H.R. 1833 would make it against the law to perform a partial-birth abortion. I cannot imagine how anyone could oppose this bill. Whether you are pro-life, as I am, or pro-choice there should be no disagreement about ending this abhorrent practice which so callously and cruelly destroys an infant during birth.

I urge my colleagues on both sides of the aisle to vote for H.R. 1833.

Ms. SLAUGHTER. Mr. Chairman, I am deeply concerned about the potential precedent H.R. 1833 would set. There are vast and dangerous implications of the Congress interfering with medical practice and procedure.

H.R. 1833 would ban late-term abortions which account for only one half of 1 percent of all abortions. Annually, fewer than 600 abortions occur in the third trimester and they are performed in cases of severe fetal anomalies and/or risk to the life and health of the pregnant woman.

This bill makes it a criminal offense for a doctor to make the professional decision of how best to protect the life and health of his patients. Imagine the repercussions of such legislation. What will be next. Will a physician end up in jail for performing a hysterectomy in order to save the life of a woman with cancer.

Never before has Congress made such an unprecedented attempt to legislate the type of surgical procedure that a physician may use in a particular case. H.R. 1833 is an unwarranted intrusion by Congress into medical decision-making, and it poses a serious risk to women's health. If enacted, this bill will compromise the physicians ability to provide life and health preserving medical care to their patients. H.R. 1833 represents a serious impingement on the rights of physicians to determine appropriate medical management for their patients.

I urge my colleagues to vote against this deadly attack on the life and health of our Nation's women.

Mrs. VUCANOVICH. Mr. Chairman, as many of you know, I have 15 grandchildren. Two of my grandchildren, the miracle twins, I call them, were born early at 7 months. They were so tiny that they could fit in your hands but they were perfectly formed little human beings and they are now 13 years old.

It makes me shudder to think that somewhere, perhaps even today, in this country that there are other little preborn human beings 7 months old in their mothers' womb that are going to be subject to this brutal, horrible procedure known as a partial birth abortion.

I am not the only one who finds this procedure horrifying. Recently the American Medical Association's legislative council unanimously decided that this procedure was not ''a recognized medical technique'' and that ''this procedure is basically repulsive.''

I have also heard from my constituents who overwhelmingly object to this repugnant procedure, especially in light of the fact that 80 percent of these types of abortion are done as a purely elective procedure. I strongly urge my colleagues to support H.R. 1833, which would ban this brutal procedure known as partial birth abortion.

Mr. HOKE. Mr. Chairman, since many of my colleagues have already explained the procedure under debate today, I will spare our listeners an additional description. Suffice it to say that this is one of the most brutal, uncivilized assaults on human life imaginable.

Abortion is wrong to begin with, but this procedure is so grotesque as to disgust the moral sensibility of anyone exposed to it.

In this procedure, the feet, legs, chest and arms of the baby have already been delivered from the birth canal. Only the head has not. The distinction that the procedure's defenders make between the fully-protected rights of a delivered baby and the total absence of rights of a three-quarters delivered baby is as irrational as it is disturbing.

I have been especially interested in this bill, since my own State legislature has passed a similar measure. Governor Voinovich signed the bill and it is now law.

There are a great many pieces of misinformation circulating about this bill. Let me try to address just one of them—the issue of whether this sort of procedure is used frequently or only in the most extreme emergencies.

While opponents of this legislation argue that the procedure is rarely performed, some of their cohorts belie this characterization. We know that there are at least 13,000 late term abortions each year. How many of these are accomplished by this procedure? We do not know for sure. But what we do know is that two doctors who specialize in the method have publicly said they use this procedure about 450 times a year. Between the two of them, they have performed more than 3,000 such abortions.

Doctor McMahon was quoted in the January 7, 1990 Los Angeles Times, as saying ''Frankly, I don't think I was any good until I had done 3,000 or 4,000'' late term abortions. In his own literature, the doctor refers to having performed a ''series'' of more than 2,000 abortions by the partial birth method.

Whatever the real numbers are, I think it is safe to say that this procedure is used more frequently than it would be if it were truly limited to the most extreme emergencies. Because the bill's opponents cannot possibly win this debate on the merits of the procedure, they have taken to distorting the facts about its use.

I for one have heard enough to know that as a nation founded on and dedicated to the preservation of life and liberty, this procedure has no place in our society.

Mr. BUYER. Mr. Chairman, I rise in support of H.R. 1833 to ban a late-term abortion procedure. This procedure is defined in the bill as the partial delivery of a living fetus, which is then destroyed prior to the completion of delivery. This is a particularly appalling procedure in which the difference between a complete birth and an abortion is a matter of a few inches in the birth canal.

This bill does not ban all late-term abortions. Other procedures are available. This bill applies only to the procedure in which the living fetus is partially delivered prior to the abortion act being completed. It does not jeopardize maternal health in instances when the fetus has died in utero. There is an exception in the bill for instances in which the life of the mother is at risk and no other procedure will be sufficient to preserve the mother's life.

Even if the procedure is rare, as is contended by the opponents of this legislation, it is a horrific procedure that should not be performed. Constitutionally, the Congress can legislate and regulate in protecting legitimate State interests, including protecting human life and encouraging childbirth over abortion.

This bill bans an abortion practice that offends most Americans who value the sanctity of life. H.R. 1833 would ban a cruel and inhuman method of abortion and I urge its adoption.

Mr. SMITH of Texas. Mr. Chairman, I rise today in support of H.R. 1833, the Partial-Birth Abortion Ban Act.

Many of my colleagues on the other side of the aisle will attempt to frame this debate in terms of a woman's right to choose. But the Partial Birth Abortion Ban Act is not about women, choice, or reproductive rights. The true issue that this legislation addresses is the brutal late-term abortion procedure called partial-birth abortion.

Regardless of whether or not one believes that life begins at conception, a partial-birth abortion, which can be performed at any time following the 5-month period, is clearly the taking of an innocent human life. A baby is developed enough at 5-months to be able to live outside of the womb and there are many instances of infants being born prematurely at 5 months and surviving to live a full life.

The partial-birth abortion procedure should be prohibited. I heartily support this effort to protect the sanctity of human life.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered as read for amendment under the 5-minute rule and the amendment in the nature of a substitute is adopted.

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HANSEN) having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1833), to amend title 18, United States Code, to ban partial-birth abortions, pursuant to House Resolution 251, he reported the bill, as amended pursuant to that rule, back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered and the amendment is adopted.

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 passage of the bill.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 288, nays 139, answered ''present'' 1, not voting 4, as follows:

[Roll No. 756]

YEAS—288

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (NJ)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff

NAYS—139

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Boehlert
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Frank (MA)
Franks (CT)
Frelinghuysen
Frost
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennelly
Kolbe
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mink
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Rangel
Reed
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

ANSWERED ''PRESENT''—1

Houghton

NOT VOTING—4

Becerra
Fields (LA)
Tucker
Weldon (PA)

☐ 1408

Mr. RUSH changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and insert extraneous material in the RECORD on the legislation just completed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2546, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 252 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 252

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2546) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and amendments specified in this resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Before consideration of any other amendment, it shall be in order without intervention of any point of order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. The bill, as amended, shall be considered as read through page 58, line 4. All points of order against provisions of the bill, as amended, for failure to comply with clause 2 or 6 of rule XXI are waived. Debate on each further amendment to the bill and any amendments thereto shall be limited to thirty minutes. It shall be in order without intervention of any point of order to consider each of the amendments printed in the Congressional Record and numbered 1, 2 or 4 pursuant to clause 6 of rule XXIII, if offered by the Member who caused it to be printed or a designee. Each such amendment shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Mr. LINDER. Mr. Speaker, for purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. LINDER asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. LINDER. Mr. Speaker, House Resolution 252 is a modified open rule which provides for consideration of the H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996, and waives all points of order against this bill. House Resolution 252 allows for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations.

Following the hour of general debate, the bill shall be considered for amendment under the 5-minute rule. Before consideration of any other amendment, it shall be in order to consider the amendment offered by Representative WALSH, which is printed in the Rules Committee's report, will not be subject to amendment and shall be debatable for 10 minutes equally divided and controlled by a proponent and an opponent of the amendment.

If the Walsh amendment is adopted, the bill as amended shall be considered as the original bill for the purpose of further amendment, and shall be considered as read through page 58, line 4. The rule also waives clauses 2 and 6 of rule XXI. As a consequence of the District's precarious financial situation, the subcommittee has included a number of legislative provisions that will ensure that a few specified activities are achieved by the local government.

The rule holds that debate and consideration of any amendments to the bill, and amendments thereto, shall be limited to 30 minutes. House Resolution 252 specifically makes in order amendments numbered 1, 2, and 4 which were printed in the CONGRESSIONAL RECORD of October 30, 1995, waives points of order against these amendments, and provides that these amendments shall not be subject to amendment.

Amendment No. 1, offered by Representative BONILLA, is designed to revoke the National Education Association's property tax exemption. It is now acknowledged that the NEA is a taxpayer subsidized labor union that has strayed from its original purpose to promote education. The NEA no longer deserves this tax exemption, and the Bonilla amendment will remove this Federal mandate and bring in over $1 million to the District of Columbia.

Amendment No. 2, offered by Representative GUNDERSON, offers an opportunity to revive the District's school system by authorizing funding for school reforms and the creation of renewable 5-year public school charters. Mr. GUNDERSON has consulted with local officials on his reform package to help repair the ruined District school system, and the Rules Committee believes that this amendment deserved consideration by the whole House.

Amendment No. 4, offered by Representative HOSTETTLER, would repeal the District's Domestic Partners Act, which provides that unmarried, adult, non-dependent cohabitants may register to receive health benefits and other legal rights. This act is simply poor public policy. Congress has consistently prohibited the use of Federal funds for implementing this act, and this amendment will end the annual process of prohibiting the enforcement of this law.

Members will have the opportunity to offer additional amendments under the 30 minute time arrangement for each amendment. The specified time limits will give all Members the opportunity to debate fully each amendment, while ensuring that this important bill moves along the appropriations process in a timely manner. The rule permits the chairman of the Committee of the Whole to accord priority in recognition to those Members who pre-printed their amendments in the CONGRESSIONAL RECORD, which will assist all the Members of the House in the consideration of the merits of each proposed amendment. Finally, the resolution provides for a motion to recommit with or without instructions as is the right of the minority.

Mr. Speaker, the District of Columbia, by all accounts, has gotten itself into a financial predicament that necessitates the serious action taken in H.R. 2546. The bill provides a total appropriation of $4.97 billion for fiscal year 1996, and takes the additional step of placing a cap of $4.87 billion on the total amount of appropriations available to the District Government for operating expenses. Certainly, a city the size of Washington, DC, can survive on almost $5 billion, especially after the local District leadership institutes the necessary reforms to create a more efficient operation for our Nation's capital and its citizens.

Mr. Speaker, I might parenthetically point out that the county in which I live has 20,000 more citizens than the District of Columbia and it provides all the same services and does so for $410 million per year, rather than $4.97 billion.

In addition to the provisions that the DC subcommittee has included in the bill, I am pleased that the District Financial Management Assistance Authority has been specifically encouraged to expedite the implementation of sound financial practices as soon as possible. The Financial Authority, the local government and the inhabitants of the capital all recognize the feeling of apprehension that exists about the ability of the District to govern itself, and I hope that everyone can agree that this bill will effectively spur the District toward financial solvency.

Under the leadership of Chairman WALSH, the appropriators have had to balance an assortment of concerns, including home rule, and make difficult choices with the limited funding available this year. The product of their

work reflects both these new budget realities and the District's fiscal emergency. As a result, H.R. 2546 guarantees that the available funding is spent efficiently and where it is needed most.

Mr. Speaker, this rule was favorably reported by the Rules Committee yesterday. I urge my colleagues to support the rule so that we may proceed with debate and consideration of the underlying legislation which will assist the District along the road to financial well-being.

☐ 1415

Mr. Speaker, I submit the following for the CONGRESSIONAL RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of November 1, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	52	69
Modified Closed [3]	49	47	18	24
Closed [4]	9	9	5	7
Total	104	100	75	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of November 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of November 1, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

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

Mr. FROST. Mr. Speaker, I rise in opposition not only to this rule, but the D.C. Appropriations bill. Mr. Speaker, this bill makes me wonder what has happened to oft repeated Republican mantra of ''local knows best.'' After reviewing the contents of this bill and the amendments made in order in the rule, that mantra might rather be ''father knows best.''

The Republican majority has for the past 10 months explained away their dismantling of Federal programs by claiming that the American people elected them to Congress to return power to the States and local governments. Well, Mr. Speaker, if those claims are so true, can you explain why the District of Columbia Subcommittee has seen fit to send us a bill which micromanages the affairs of the rightfully and lawfully elected government of this city?

Mr. Speaker, I am no particular fan of the manner in which the government of the District has been run in the past. It is bloated, inefficient, and taxes its residents far heavily. Its financial affairs are a disgrace, and that is evidenced by the street lights that are burned out and not replaced, the animal shelter nearly closed because the city did not pay its bills, and the ranks of the police force being decimated by the loss of senior experienced officers because of cuts in their basic rates of pay. The situation in which the Nation's Capital finds itself is very, very sad.

But, Mr. Speaker, does this situation then grant license to the gentleman from New York [Mr. WALSH] and his subcommittee to impose their own vision of the world as it should be? Does this situation grant the Congress the right to subvert the will of those American people who reside in the District? Because, as you well know, Mr. Speaker, those people have no voting voice in this Congress and this bill ensures that what little voice they have in governing their own affairs is nothing short of meaningless.

Mr. Speaker, if the content of the reported bill is not bad enough, then the rule reported by the Republican majority of the Rules Committee only makes matters worse. I am particularly opposed to the rule because of an amendment which was made in order. That amendment, to be offered by the gentleman from Wisconsin [Mr. GUNDERSON] will allow the use of Federal tax dollars to provide vouchers for students to attend private and religious schools. I have long opposed the use of tax-funded vouchers and I must strongly protest the inclusion of this amendment in the rule.

Mr. Speaker, in April the Congress enacted legislation which established the financial control board for the District of Columbia. That board, along with the city council and the Mayor, is working to resolve the deep financial crisis that faces this city. I do not know, Mr. Speaker, how prohibiting any city-owned or city-run facility from performing abortions is going to help the board, the council, or the Mayor find a way to fund the $256 million shortfall in funds provided in this bill.

Mr. Speaker, we all agree the District of Columbia is in serious trouble and that much of this trouble is of the city's own doing. But that does not, Mr. Speaker, give this Congress the right to act in such a blatantly paternalistic manner. If the Republican majority finds such value in letting local governments conduct their own affairs, then I believe one of the first places they should demonstrate this commitment is in the city which houses our Nation's Capital. Let's let the financial control board do its job. Let's let the council make the laws which govern those American citizens who elected them.

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

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield 3 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, it is interesting to me that the other side of this House is suddenly concerned about micromanaging Washington, DC. Maybe if they had dared to micromanage Washington, DC, for 1 or 2 of the years that they have been in the majority, Washington, DC, would not be a bankrupt city.

Mr. Speaker, we are in a position where we have been working with the Financial Control Board, with city officials, with outside experts, all year long trying to turn the Nation's Capital around.

It is a great city. They have some good folks involved in the government of Washington. We want them to run their own city. We want them to run the Nation's Capital. Yet, at the same time, we cannot continue year after year writing checks to Washington, DC, and turning the other way and act like the status quo is good enough.

Mr. Speaker, the city is in the red. It has been in the red. The audit is just unbelievable, the amount of things that have been found in it. For the other side of this House to be saying that we are micromanaging it is absurd.

Mr. Speaker, I have only been a Member of this body for 3 years, but I know that we have debated the abortion issue, the domestic partnership issue, year after year every time the DC bill comes up. That is not something new. That is something that, yes, there is a philosophical difference generally outlined by party differences on those particular issues. But actually bringing it to the floor of the House shows that we are not trying to ram it through in a backroom deal. We are not trying to micromanage.

Mr. Speaker, these are things that we believe the American people should debate about. Remember this, the history of Washington, DC, is the Government moving to Washington. When George Washington was the President, the capital was in New York City and it was in Philadelphia. When they came here, it was a swamp. Washington surveyed this land, established the Nation's Capital and the city of Washington.

The city of Washington, DC, grew up around Congress; not vice versa. The only city that was here was Georgetown. Washington, DC, actually went through a period of home rule and lost it in the year 1874, because of mismanagement. Congress took over then for 100 years and then in 1974, home rule was started again.

We are at a situation now where we had all the evidence needed to pull home rule away, but we are choosing not to. The gentleman from New York [Mr. WALSH] and the committee, in a bipartisan basis with the gentleman from California [Mr. DIXON] has said no. Let us do not. Let us work with the Financial Control Board. Let us work with the city officials and give them the arm's-length support and leadership and partnership that they need to turn this great Nation's Capital around.

Mr. Speaker, I am confident that we can do that and I urge Members to support the rule.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. DIXON].

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

Mr. DIXON. Mr. Speaker, I rise in opposition to the rule for the fiscal year 1996 District of Columbia appropriations bill. Mr. Speaker, the House begins consideration of the District of Columbia Appropriations bill 1 month after the fiscal year has begun and 13 days before the continuing resolution—which covers the District government as well as the Federal Government—expires. Since the time that the subcommittee first marked up this bill on September 19, this measure has been mired in controversy about the budget cuts included in the bill, as well as some 40 legislative provisions initially

recommended by Chairman WALSH for inclusion in the bill.

After a second subcommittee markup on October 19, the District of Columbia appropriations bill was able to proceed to consideration by the full Appropriations Committee, in large measure, only because of an agreement reached among the principals to drop legislative and policy riders from the bill that deeply undermined the principle of home rule for the District of Columbia. Given the District's precarious financial condition, I thought that we had agreed to drop these controversial matters to expedite consideration of the bill, so that we could begin conference deliberations promptly and enact a final measure prior to the November 13 expiration of the continuing resolution.

Now, Mr. Speaker, we find ourselves in much the same situation in which we started with this bill. Apparently, the majority is determined to be the second city council for the District of Columbia. This rule grants point of order waivers for several legislative matters that should be determined by District voters through their elected representatives, not by this Congress.

During consideration of the bill by the full Appropriations Committee, an amendment was added to amend the District of Columbia Code to prohibit the use of both Federal and District funds for abortions, and to prohibit even privately-funded abortions in District-owned or operated facilities, except in the cases of life, rape or incest.

Mr. Speaker, this section of the bill goes far beyond the existing Hyde restrictions. In fact, this language is the most restrictive language ever imposed on women in the District of Columbia who rely on public facilities to receive health care. This language simply does not belong in this bill. And, the President has signaled that he will veto the bill of this language remains in it.

Second, the rule protects provisions which amend the District of Columbia Code to prohibit joint adoptions by individuals who are not married. Again, this is a policy matter that does not belong in an appropriations bill. It is a matter for local residents to decide, just as we allow residents of every other local and State government to determine their own adoption laws.

Mr. Speaker, I must also oppose the rule because it violates what I believed was an agreement reached to keep this bill as clean as possible of additional legislative provisions. The pending rule would make in order a 142-page legislative amendment on educational reform in the District of Columbia. Now, we all know that the District public schools are not doing the job that should be done for students. And, I commend the distinguished gentleman from Wisconsin [Mr. GUNDERSON], for his sincerity and hard work in crafting this amendment. But, the reality is that this is a very controversial amendment. There is no consensus on it. There is, however, a great deal of concern about the bill's provisions as they relate to the establishment of charter schools and a voucher program in the District of Columbia. The Secretary of Education is opposed to the authorization of Federal funding to pay for private school vouchers. The American Civil Liberties is opposed to the voucher program in the amendment. As is the American Jewish Congress, Americans United for Separation of Church and State, the National Parent Teacher Association, and the National Association of State Boards of Education, American Federation of Teachers, American Association of School Administrators, National Education Association, Council of Great City Schools, and National Association of Elementary School Principals.

Mr. Speaker, the fact remains that this amendment simply does not belong in this bill, notwithstanding the fact that many elements of this bill have support among District of Columbia elected officials and residents. Adoption of the Gunderson amendment will only serve to further prolong the time it takes to enact the District's funding measure when it is critical to provide additional financial resources to a city on the brink of insolvency.

Finally, Mr. Speaker, the rule makes in order an amendment designed solely to punish one organization because some members do not happen to like its ideology. The Bonilla amendment would strip a congressional-granted District property tax exemption from the National Education Association. This is a punitive amendment that singles out just 1 of 27 organizations that enjoy the same exemption. The amendment does not belong on this bill.

Mr. Speaker, this rule is a bad rule. I cannot support it and I urge its defeat.

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

Mr. FROST. Mr. Speaker, I yield 7 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, this is a first for many Members of this body. It is the first time the Republicans have carried an appropriation for the District of Columbia since home rule. It is the first time that freshmen have had to vote on a bill at all for the capital of the United States. I hope they are bewildered by the exercise, because they have come here, of course, for national, not local matters.

I had hoped that this would be the year of bipartisanship, and I had every reason to believe it might. The District is in a financial crisis that is known around the world. And every Member of this body bears a responsibility, wherever the fault lies, to help raise the city again so that it can proudly claim to be the capital of this Nation.

I had every reason to hope for bipartisanship in the tone set by Speaker GINGRICH and in my work, especially with the chair of the Subcommittee on the District of Columbia, the gentleman from Virginia, Mr. DAVIS. I faced a personal crisis, when my city had all the signs of going down the drain. Somebody had to speak up. At some political risk to myself, I said to the residents of my city, there must be a financial authority. Do not fight it. You need it in order to borrow, and you need it because we must revive the finances and management of the D.C. government. And in a bipartisan way and with the help of the administration, we worked on the financial authority bill.

The gentleman from New York [Mr. WALSH] worked fruitfully and productively with us as well. The bipartisanship continued when the District did not have funds so that it could put its share for Federal highway money. The majority helped get us the votes and that bill was passed, also with the help of the administration.

Pitifully, the Speaker, the Speaker's office called PEPCO last week to say, do not turn off the lights in the District. Money is coming. We will see to it. Yet I am told, there is plenty of money down there somewhere, ELEANOR. And the cops cannot get their cars out of the garage and yet the gentleman from New York [Mr. WALSH] says, I do not know where it is but it has got to be there. And, of course, he imposes a huge cut on the District knowing full well that he himself cannot point to where the money is. That is folded into this bill.

Thanks to the Speaker, we were able to negotiate most of the home rule and statutory items off the bill; and then of course we came to the Committee on Appropriations, and Members began to add such items to the bill. It is those items that make it impossible for this bill to come forward in the bipartisan way that other bills involving the District this year have come forward.

Some amendments are more gratuitous than others. Mr. WALSH regularly puts in an abortion amendment, but for some reason, he ceded his amendment to a Member that would amend the DC code on abortion. That has never been done in 20 years of home rule, and one wonders why he would not have exercised the necessary leadership on this instead of driving votes away on a statutory amendment on abortion, coming from the Congress, when every single jurisdiction in the United States has a local option on this controversial issue.

Where was his leadership then? Where was his leadership on Hostettler, when he comes forward knowing that there is already a domestic partnership amendment in the bill that keeps D.C. from spending its money and demagogically comes forward and says, let us enact it into legislation. Where is your leadership on that, Mr. WALSH?

The tragedy here is the Gunderson matter which has been negotiated endlessly and wonderfully with the District. Yet a voucher is in that bill that will drive votes from my side, and I can tell you from your side, as well, off the bill. And then just to be truly partisan

about it, you go to the list of agencies that have been granted exemption from DC property taxes, none of which should have been granted, and you say, let us pick out our political favorite to get. Let us pick out the NEA.

Pick them all out. Give us all 27, if you are serious, and you are not serious.

Mr. LIVINGSTON. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I will not yield, sir.

POINT OF ORDER

Mr. LIVINGSTON. Mr. Speaker, I rise to a point of order.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman will state his point of order.

Mr. LIVINGSTON. Mr. Speaker, the remarks of the gentlewoman at the desk are very personal. I would like to inquire of the Chair what the rule is regarding personal arguments versus substantive arguments.

The SPEAKER pro tempore. Members cannot indulge in personalities during the debate.

Ms. NORTON. Mr. Speaker, I ask the gentleman to cite a personal remark. I have called the name of the leader of the subcommittee. I have made no personal remarks.

Mr. LIVINGSTON. Mr. Speaker, continuing my point of order, Mr. Speaker, I do not intend to ask that the Chair take down the words of the gentlewoman at this point, but the RECORD is replete with personal comments. We can debate this bill and we can pass this bill if we talk about the substance of the bill and not personalities.

Ms. NORTON. Mr. Speaker, I have made no invidious remarks. The one thing you have taken from me is my vote. Let me speak for my city.

The real crime is that this bill undercuts the financial authority that this body set up. Against the advice of the financial authority, this bill says, you must impose severe cuts on the city. A tough financial authority stepped forward and said, we have imposed cuts on the city. Now they said, give us only time enough so that we can also impose management reforms on the city, then perhaps we will go back to cuts. And still cuts have been extracted from our own (DC) budget.

This appropriation bill did not follow the bipartisan lead that was the lead of the Speaker and the authorizing committee this year. There were four pages of invasions into home rule. They were finally gotten off with the help of the leadership. Now there is a cut that will bury the city. Now the financial authority which the city has accepted has been ignored. Now the District is being treated like a Federal agency.

My colleagues, I represent 600,000 breathing Americans who have been loyal to their country. In their name, I ask that they be treated with the respect each and every one of you have insisted for your constituents.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Speaker, I thank the distinguished gentleman from the Committee on Rules for yielding time to me.

Mr. Speaker, I rise in strong support of this rule. I think the rule recommended by the Committee on Rules gives us all an opportunity to offer amendments. The rule makes some amendments in order. Other amendments would be in order to strike language in the bill. In all cases an adequate amount of time is allowed by the rule for full debate. I think it is a fair rule, and I urge bipartisan support.

Speaking of bipartisanship, Mr. Speaker, I would like to suggest that last year when the other party, the former majority party, had control of this committee, I worked with them to pass this bill. The District of Columbia spends every penny of the Federal formula funds that it receives from this Congress on the very first day of its fiscal year. That is the kind of fiscal house they operate.

The District of Columbia spends $5 billion every year on a city of 570,000 people. That is unheard of anywhere else in this country. But I, along with others on our side, reached across the aisle to help the current minority party get this bill passed last year.

I would ask nothing less of them this year than to help us to pass this bill. It is our responsibility to govern. It is our responsibility to pass this bill. It took Republican votes last year to pass this bill, and I would ask them to reach across the aisle this year.

I would ask the Delegate, who has spoken so strongly in opposition to this bill, to recognize the fact that the District needs the money in this bill, that the District government needs the money to meet their commitments. There was no emphasis or effort on this side of the aisle to cut Federal funds from this bill. This is a hold-fast, steady-as-you-go, financial commitment to the District of Columbia. While the rest of the country is being asked to take severe cuts all across the board, we are not cutting the Federal funds to the District of Columbia. If this rule were to fail, that might be the first order of business by this subcommittee.

Home rule: Home rule is a delegation of responsibility from the Congress to the District of Columbia to organize and operate its own affairs. In the 20 years of home rule, we have seen one unbalanced budget after another to the point where the new administration last January announced that they were $700 million in the hole. When Mayor Kelly was elected 4 years ago, the Congress gave the District authority to borrow $336 million and gave them an additional $100 million within the first eight months of her administration—$400 million to cover the financial deficit that was occurring then.

The consistent message to the Congress from the District of Columbia is ''respect home rule and send money; as much as you can send us, send us.''

The District Government has done a terrible job running this city. Congress is always criticized for stepping in and involving itself, but I dare say the Congress would not step in, would not involve itself, if the city was being run in a responsible way.

There is no accountability in this city. There is no fiscal discipline in this city. There is an inability to deliver basic services in this city. The potholes do not get fixed, the garbage does not get picked up, the water and sewer system does not work right. It is rife with overemployment. The list goes on and on. They have the worst schools in America.

This subcommittee pursued the resolution of these problems aggressively. Then we took a step back and said, okay, we have the financial control board in place now. We will ask them to review these problems and make recommendations to Congress, back to the authorizing committee. So we basically took our hands off of the problem. I felt we should have been more aggressive, but that was not to be. But the fact is the control board now has the responsibility. We have delegated additional responsibility to them in our bill, and we have done our level best to avoid involving ourselves in the responsibilities of the District.

□ 1445

When the other party ran this committee, they interfered in home rule when it served their purposes. The underlying definition of ''home rule'' was, ''if it is not controversial, we can do it. If it is controversial, we cannot do it.'' That is not home rule. That is a rationalization process.

Let me end by saying the delicate question: Where is the leadership here? Leadership requires individuals to take risks. The Delegate has taken no risks. They want the money, but they do not want to stand up for the bill. My colleagues cannot have it both ways; that is not leadership. They cannot say we have got to help the District, we have got to move the bill along, and then stand up and oppose the rule and oppose the bill. That is not leadership, not by my definition.

So I would suggest as a challenge to all of us to work together to extend a hand across the aisle, as the Republicans did for the Democrats last year, and get together, and pass this bill. There is enough in this bill to make everybody angry, but it is what the District needs at a minimum, and I would urge all of us, Republicans and Democrats, to support the rule and support the bill.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me, and I rise to respond to the chairman of the subcommittee because I think his comments here point to the crux of the situation. There is certainly a financial

crisis in the District of Columbia, and I believe the gentleman from New York [Mr. WALSH] at the time believed that the approach to take was to establish the Financial Review Authority, and for my point of view that is working. But if anyone believes that the justification for the most rigid abortion language has anything to do with the financial crisis of the District, I will sell them the Brooklyn Bridge. If anyone believes that language dealing with adoption relates to the financial crisis, I will sell them a bridge in California. And if anyone believes the NEA or the domestic partners has anything to do with the financial crisis or moves the District forward as it relates to its finances, I will sell them this Capitol.

Mr. Speaker, the point is that this bill is being used to justify the political persuasions of some Members of this House.

Now it is clear that we have the jurisdiction to do so, but to stand up and say that we would not be interfering in the District's affairs if things were going well financially just ain't so because, these philosophies, notwithstanding problems of the District financially, are being driven to demonstrate a point to a constituent in anybody's particular State or district.

Finally, yes, the Congress, when there has been a Federal interest, has exercised certain discipline over the District of Columbia, but when we move on the issues that I am concerned about, we are not dealing with the financial structure of this District. No one on this floor believes it. No one on this floor thinks that we are eliminating abortion in city facilities either funded or operated because of the finances of this District. So let us be straightforward, Mr. Speaker. There is philosophy driving this and not financial concerns.

Mr. Speaker, I, in particular, support my colleagues' desire to get the finances of the District straight, but I do not, in particular, support the philosophy that is driving the amendments that we are going to be discussing to enter into this bill and the amendments that are already in this bill.

Mr. LINDER. Mr. Speaker, I yield myself a couple of seconds to say that, if the gentleman from California [Mr. DIXON] does not believe giving the NEA, or any other organization, tax-free use of its property, expanding the health insurance plans, or any of the other costly social programs that they have tried to not add to fiscal woes, he probably does believe he has bridges in Brooklyn to sell.

Mr. DIXON. Mr. Speaker, will the gentleman yield to me to respond?

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

Mr. DIXON. The problem with the NEA exemption is that the gentleman from Texas [Mr. BONILLA] says that they have violated their charter that was established in 1906. The committee of jurisdiction is the Committee on the Judiciary. There are 26 other organizations that enjoy the same, yes antiquated, exemption. Either we should make a finding and hold a hearing, but not come to a committee one day, and because we do not like this particular organization, say we are going to take it, the exemption, away from it. Whether my colleague is for the NEA or against the NEA, this is fundamentally wrong.

Mr. LINDER. Reclaiming my time, I would just respond to that by saying the only point to your reference that I was responding to was the notion that giving them $1.4 million a year worth of the tax-free benefit is not additional financial burden. It does indeed.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

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

Mr. GUNDERSON. Mr. Speaker, I would like to calm things down just a little bit, if I can, and I would like to begin by paying my respects to my friend and colleague, the gentleman from New York [Mr. WALSH], who has more patience than Solomon, and to the gentleman from California [Mr. DIXON] and to the gentlewoman from the District of Columbia [Ms. NORTON]. I got to tell the rest of my colleagues I have not been involved in the D.C. issue until this year. It is some of the hardest work in this Congress, and my colleagues all ought to understand that, and they ought to respect what these people go through, but I want to share with my colleagues in that mode three particular points that I think are important as we debate this rule and as we deal, in particular, with the so-called Gunderson amendment on reforming D.C.'s education.

There was an agreed upon process at the very beginning that we would try to reach a consensus in the various initiatives of reform, whether it be the schools, or the housing, or the crime and safety, or the taxes, and, where those agreements could be reached, we would marry them with the appropriation bill. Now nobody objected to that last spring, and I just have to tell my colleagues not to complain about the process now when they did not complain about the process at the beginning. There was a common understanding of how this was going to work.

Second, I think it is important to understand guidelines. It was the gentlewoman from the District of Columbia [Ms. NORTON] who told the Speaker that after some of my initial mistakes and some of my efforts to compensate for those mistakes by reaching out to the District that she believed we could reach a consensus on education and reform and that she asked the Speaker directly to do that, and so I have tried to bring everybody along in a consensus. This is not my preferred document. If I were going to have my name on education reform, there are a lot of things I would change in this because I would want to know I could guarantee the outcomes, but we tried to bring everybody along in a consensus package under the guidelines that every one of us had to like 80 percent of the package.

Some of the people today who are opposing the package are the very ones who submitted to us in their reform document the very recommendations for independent charter schools included in our bill. Some of those who are opposing the scholarships today are the very people who sat in my office and said they understood, while they could not endorse this, this was a rational, reasonable compromise between the education reformers and the public education advocates and they would accept that, not endorse that, but they would accept that. They have changed. I cannot help that, that they have changed their word in that regard.

Third, let us talk about the scholarships. The Department of Education, the AFT, the NEA said, ''Steve, we cannot in any way, shape, or form support a voucher, because a voucher takes money out of D.C. schools and puts it into private schools.''

I said, ''That's fair, and we're not going to do that.'' So we are not doing vouchers in this bill, and anybody who tries to say we are doing vouchers in this bill is frankly lying and misleading intentionally to misrepresent what this bill does.

This bill is a scholarship bill. It is a scholarship for D.C.'s children to improve their education. It is scholarships so students can go to the public schools in the District of Columbia. If a student in Anacostia wants transportation to go to Northwest, they can do so. If a young kid in Northeast wants to join the band, but does not have the money to buy a trombone, they can get a scholarship to do so. In the public schools of the District of Columbia, yes, there is a chance that a young student who wants to go to Gonzaga can apply for a scholarship, and if there is enough money there from public and private resources, not one dime coming from the District of Columbia, they can apply for that scholarship, and they may or may not get it.

But do not confuse this with the vouchers, and in the name of D.C.'s children do not misrepresent what we are doing, and in the name of those children of the District of Columbia and their future can we calm the rhetoric? Can we find a consensus? And can we find a way to move forward to reform D.C. schools? Because if we do not do it this week, we lose that chance for a whole year.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I thank the gentleman from Texas [Mr. FROST] for yielding this time to me, and I want to use this opportunity to express my dismay at this bill. I think the Delegate from the District of Columbia [Ms.

NORTON] spoke very eloquently when she spoke about the elimination of home rule for D.C. We talk a good game about giving the power back to the States and the cities, about taking it away from the Congress, and when it comes to Washington, DC, we want to, apparently, do just the opposite. I think that home rule is home rule, and, if we are going to allow it for others, D.C. should be no different.

What disturbs me in this bill are several different parts. First of all, and it has been mentioned before, the whole abortion dispute to amend the D.C. Code not to allow the people of the District to decide what is right for them, not to allow them to spend their own money when it comes to abortion; this to me is wrong despite what people may feel, pro or con, on the issue of abortion. Singling out the NEA, as the gentleman from California [Mr. DIXON] points out, when there are 26 other groups that have the same privileges, singling them out to me seems absolutely wrong. The whole issue of domestic partnership, again to make it statutory not to allow D.C. home rule, if they want to have and allow domestic partnerships, I do not think that should be this Congress' business to tell them no. I think they ought to have a right to do whatever they want in terms of domestic partnership, and I do not think we ought to impose our views on them.

I also rise today to oppose the gentleman from Wisconsin, Mr. GUNDERSON's amendment to a D.C. appropriations bill. This amendment in my opinion is the latest in the ongoing efforts of this Congress to destroy rather than improve the public school system in this country, and it is time, when D.C. public schools need our strongest support, we are instead, in my opinion, considering proposals that will weaken them. I commend the gentleman from Wisconsin for his efforts to be open and inclusive in developing school reform proposals, however the provisions in the amendment to provide funding for charter schools will only create chaos in the D.C. schools without promoting real reform. The charter schools that could be funded by the legislation will include private schools. These private schools would have a direct entitlement to public funds and would not include requirements that teachers be certified.

□ 1500

Mr. Speaker, Federal funding of the charter schools would deprive the District's public schools of needed funds and further divide students along class, religious, and ethnic lines, without doing anything to improve education or increase student achievement.

The so-called low-income scholarship program in reality, despite what my friend, the gentleman from Wisconsin [Mr. GUNDERSON], says, is actually a voucher system and would have a similar adverse effect on the District's public schools. The program would allow Federal tax dollars to provide funding for students attending private and religious schools in and outside the District.

This plan will divert attention and vital resources away from efforts to reform the District's schools. If additional resources can be found to support education in Washington, DC, they should be spent on helping the public system within the District, rather than funding schools outside of the District.

Mr. Speaker, I urge my colleagues to vote against the Gunderson amendment. We must reform D.C. schools, but the way to solve this problem is not to take funds and attention away from students that need help. The public schools need our support so our students can succeed. I also want to say if there are any amendments, the gentleman from Indiana [Mr. HOSTETTLER], I understand, is doing one on domestic partnership, I think, that should be rejected. The domestic partnership allows two people who are living together as a family for more than 6 months to enjoy certain rights.

If the people in the District of Columbia want to have that, that should be their prerogative. We cannot have this dual standard, this double standard whereby we say we want to take power away from Congress and give it to the States and cities, but when it comes to Washington, DC, we want to hit them over the head and tell them that they cannot run their own show.

Mr. FROST. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the gentleman from Wisconsin [Mr. GUNDERSON] accused me of misrepresenting the facts. I have a copy of his amendment in front of me. I would like to read from the amendment. The English language is very clear.

> There is hereby established in the Treasury a fund that shall be known as the District of Columbia Scholarship Fund, to be administered by the Secretary of the Treasury.
>
> The Secretary of the Treasury shall make available and disburse to the corporation, at the beginning of each of fiscal years 1996 through 2000, such funds as may have been appropriated to the District of Columbia Scholarship Fund. . . .

There are authorized to be appropriated to the fund $5 million in fiscal year 1996, $7 million in fiscal year 1997, and $10 million for each of fiscal years 1998 through the year 2000. That is Federal funds going into those scholarships. That is vouchers.

The gentleman accused me of misrepresenting the fact, saying that there were no Federal funds involved in those vouchers. It is in the language of his amendment on pages 110, 111, and 112.

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

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

Mr. GUNDERSON. Mr. Speaker, I appreciate the gentleman yielding.

Mr. Speaker, I never said there were not Federal funds involved. There are obviously Federal funds involved. I said there is a huge difference between a voucher and a scholarship. I would invite the gentleman, frankly, to go look up the two words in Webster's dictionary.

Mr. FROST. Reclaiming my time, Mr. Speaker, I believe the gentleman said there were no Federal funds involved, and that I was misrepresenting the fact that Federal funds were involved for this purpose. His own amendment, in the pages that I just read, 111 and 112, make it very clear that Federal funds were authorized to be appropriated under this bill for vouchers.

Mr. Speaker, I yield 2½ minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I urge my colleagues, somewhat reluctantly but urgently, to oppose this rule on the basis that it will allow public money to go to religious institutions. It does that through this rule because the rule, through the use of a parliamentary gimmick, allows for authorization on an appropriation bill. The bill that will be before us contains what has consistently and historically been described as school vouchers.

The gentleman from Wisconsin [Mr. GUNDERSON] prefers to call them scholarships, but I think that is a distinction without much of a difference. Vouchers, or scholarships, as the gentleman from Wisconsin calls them, have been a great national issue for the past decade and more in this country. They have been widely considered and debated in cities all across America, including this city, the District of Columbia, which just a few years ago had this proposal before them. They were not called vouchers, they were not called scholarships. At that time it was called paroch aid.

The voters of the District of Columbia, in a fairly broad turnout, voted 9 to 1 against vouchers, scholarships, paroch aid. Are we not going to tell them that the Congress of the United States knows better than they do, when they spoke by a vote of 9 to 1?

Mr. Speaker, time and time again, Supreme Court after Supreme Court has found that taxpayer money being diverted to religious schools is unconstitutional because it violates, clearly, the first amendment to the Constitution of the United States. I urge my colleagues, therefore, to begin the process of opposing vouchers. I urge my colleagues to oppose vouchers, scholarships, and paroch aid by voting no on the rule, and then no on the Gunderson substitute.

In my remaining time, however, I want to commend the gentlewoman from the District of Columbia [Ms. NORTON], who finds herself, unfortunately, in a fiscal and legislative box canyon not of her making. She is doing a good job in trying to solve this dilemma. I do not urge my colleagues to support the bill, but I do urge them in their commendation of the work of the

gentlewoman from the District of Columbia.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Texas [Mr. FROST] has 2½ minutes remaining, and the gentleman from Georgia [Mr. LINDER] has 7½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield myself the balance of our time.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) is recognized for 2½ minutes.

Mr. FROST. The issues are very clear, Mr. Speaker. This is a question of local control, which the other side says they believe in, but they obviously only believe in it in every case except the District of Columbia. This is a question of are we going to appropriate Federal funds to be used for school vouchers in the District of Columbia; are we going to do other things that have been described by the gentleman from California [Mr. DIXON], the ranking member on this committee, that we have not done in the past.

Mr. Speaker, I urge a ''no'' vote on the rule, and if the rule should be successful, a ''no'' vote on the bill.

Mr. LINDER. Mr. Speaker, I yield myself the remainder of our time.

Mr. Speaker, it may not be very exciting to talk about the rule, but I think the rule is fair. We would be here all day with efforts to instruct Washington, DC on how to conduct their lives and their government if we did not have a reasonably closed rule, and we have that. Yet, we have the important decisions to be put before us.

I think the Gunderson amendment is an important one, because it is an honest effort to try to change a school system that is an abject failure by any measure. It spends more money per pupil than any other school system in the Nation and does not graduate 50 percent of its people. To try and do that not with their money, not telling them how to spend their money, but money we give to them, seems to me to be reasonable.

Someone said if the people of the District of Columbia want that, they ought to have it. That is true in theory, but in practice, they are spending 40 percent of their budget coming from other folks. I would not be here pleading and begging for more of your money plus freedom if it were my county. I would not think I would have deserved more of your money. I would be embarrassed to make some of these claims. However, this District of Columbia government spends over 10 times what my county government spends with more people and more services, and yet runs up an annual deficit that exceeds my county's entire budget by two times. I would be embarrassed to say we deserve more.

The fact of the matter is we could just read this morning on the front page of the Washington Post Metro section, where the city of the District of Columbia gave a $547,000 loan to an entrepreneur who had not paid back the previous loan, had $100,000 in liens against his businesses, had not paid back his school loan until this year, and the Mayor, in announcing the $547,000 loan, did not even know how much it was for. He thought it was $400,000.

No, this is not a city that does know better. It is a city that has been spending other people's money for an awful lot of time, and wants, of course, absolute freedom in doing that. There is not another city in America that can look to someone else for 40 percent of its budget, and look to themselves for the freedom to spend it.

I think this bill will pass today, because I think we have to pass some kind of appropriations for this city to keep it going. It will be close. I think it will pass without much help from the minority, but I think we must pass the rule to get the bill to the floor. There are too many bills unpaid, there are too many fire engines in garages, being held there because we have not been able to pay for the repair. There are too many hospitals waiting for reimbursements. We simply must help them pay their bills to keep the city moving. I suspect we will be doing this.

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

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

Mr. DIXON. Mr. Speaker, I do not want to argue with the gentleman from Georgia, but the gentleman says that 40 percent of the budget is someone else's money. The gentleman may be correct, I do not know for sure. Could he tell me where he gets this figure?

Mr. LINDER. I suspect that the gentleman who is the chairman of the subcommittee could address that.

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

Mr. LINDER. I yield to the gentleman from New York.

Mr. WALSH. Mr. Speaker, I think the gentleman is correct. The District's total appropriated budget is about $5 billion, including a $712 million direct grant to the District by Congress.

Mr. DIXON. Is the gentleman referring to the Federal payment——

Mr. WALSH. Yes.

Mr. DIXON. Of $660 million.

Mr. WALSH. Plus $52 million for the pensions.

Mr. DIXON. $712 million.

Mr. WALSH. $712 million, and another perhaps $1 billion, $1.2 billion, for formula funds, Medicaid funds, transportation funds, and so on.

Mr. DIXON. All communities receive those.

Mr. WALSH. The gentleman made the point that it makes up 40 percent of their budget. It does not in other communities around the United States.

Mr. LINDER. Mr. Speaker, reclaiming my time, there is not another city in America that has 40 percent of its money coming from a Federal grant or direct aid.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

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

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

Mr. FROST. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 241, nays 181, not voting 10, as follows:

[Roll No. 757]

YEAS—241

Allard
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Armey
Fields (LA)
Franks (NJ)
Gephardt
Harman
Moakley
Rose
Tejeda
Tucker
Weldon (PA)

□ 1532

Ms. ESHOO, Mrs. ROUKEMA, Mr. STENHOLM, and Mr. ABERCROMBIE changed their vote from ''yea'' to ''nay.''

Mr. CRAMER and Mr. COX of California changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I may include tabular and extraneous material on the bill, H.R. 2546.

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

There was no objection.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 252 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2546.

□ 1533

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2546) making appropriations for the government of the district of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. WALSH] will be recognized for 30 minutes and the gentleman from California [Mr. DIXON] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

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

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 20 years of home rule and 15 years of unrestrained spending have brought the District government to the brink of financial insolvency.

The District government has had the same mayor for 13 of those 20 years. It is very difficult sometimes to discern charisma from leadership, and when that occurs and the latter is lacking, unsuspecting citizens are left to shoulder the burden.

The bill we bring to you today will provide the District government with a total budget of $4.97 billion for fiscal year 1996 consisting of $4.87 billion for operating expenses and $102 million for capital outlay. I believe $4.97 billion is sufficient to provide adequate services given the size—68 square miles—and population—570,000—of the city. The District needs to do a better job of managing and setting priorities. It needs to be held accountable. I believe that will be done through the D.C. Financial Responsibility and Management Assistance Authority that was established earlier this year by Public Law 104–8. The authority is chaired by Dr. Brimmer, and I am confident with he and his colleagues will be successful in encouraging meaningful structural reforms and accountability in the District government.

Mr. Chairman, the $4.97 billion consists of $2.8 billion of the District's own funds, and $712 million in Federal funds provided in this bill, $1 billion in Federal grants, and $362 million in private and other funds, and $161 million in intra-District funds.

The $712 million in Federal funds recommended in this bill is consistent with our 602(b) allocation in budget authority and outlays. That amount includes a Federal payment to the general fund of $660 million as authorized in Public Law 103–373 and requested in the President's budget. In my opinion, Mr. Chairman, this payment by the Federal Government is generous.

The other part of the $712 million is the $52 million for the Federal contribution to the police, fire, teachers, and judges retirement funds. This amount is $70 thousand below the President's request and reflects a reduction that was necessary in order to comply with our 602(b) allocation.

DISTRICT'S FINANCIAL CRISIS

During fiscal year 1994 it became apparent that the District government was in serious financial trouble. The District's annual financial statement for fiscal year 1994 confirmed everyone's suspiction—the biggest annual deficit in the District's history had occurred and the government was technically insolvent.

Realizing what was about to occur, the House fifteen months ago made a decision that was long overdue. It recognized that there was very little accountability in the District government and a great deal of deception. Although the budgets in the past were balanced on paper, the city was overspending its budget and would soon be out of cash unless it changed its ways. The House, on a bipartisan basis, voted to cut the District's spending by $150 million—no change was made to its revenues.

When the bill came out of conference last year the reductions were $140 million and 2,000 positions as well as a cut in the Federal payment of $10 million.

A year later the District is still in a financial crisis.

FINANCIAL MANAGEMENT AUTHORITY

Recognizing this the Congress in April of this year created a Financial Responsibility and Management Assistance Authority. The Authority became operative in June and in the last 5 months has made some tough decisions. I have a lot of confidence in the Authority and believe it is headed in the right direction to bring the District government back from the brink of financial disaster to a sound financial footing.

BILL APPROPRIATES ALL REVENUE SOURCES

Unlike past years, our bill this year appropriates all of the District's revenues which include the Federal payment, local taxes and other local revenues, and Federal and other grants. In past years the bill did not include Federal and other grants which were considered nonappropriated revenues. The

independent audit for fiscal year 1994 showed that two-thirds of the District's $335 million deficit was due to this nonappropriated category.

ACTION BY DISTRICT

While the bill does not go as far as some think it should, our actions at the subcommittee level have resulted in what I believe to be positive action by the District. The day after our markup the Board of Education voted to allow the Superintendent to use his discretion in contracting out the management of any of the 164 public schools. According to the press the Board as well as the Mayor and Council are taking a look at the salaries of school board members which are said to be the highest in the country. City officials have agreed to turn over the Blue Plains sewage treatment plant to an independent authority under a pact with suburban governments.

One of the Council members introduced a bill to consolidate the District government's economic development entities into a single unit to cut costs and improve services. In addition, the Council Chairman sent up a draft copy of a bill to establish a pension plan for new hires that will not have any unfunded liability.

So all in all I believe our actions are getting some results even though the legislative provisions were dropped from our bill in our subsequent markup on October 19. Instead of including the language in our bill, we are asking the Financial Authority to review several matters listed on pages 7, 8 and 9 of the report and try to resolve them at the local level and report to the Congress in March 1996 on the disposition of the items and recommendations for resolving those that are still outstanding at that time.

It is vitally important that District officials try to change the culture that has contributed greatly to the city's financial predicament.

HIGH PER CAPITA COSTS

Another top priority of the Authority will have to be—and I reiterate the words ''have to be''—getting the per capita costs of operating the District under control. By almost every measure the cost of delivering services here in the District is the highest around. According to a Congressional Research Service comparison of the District of Columbia to cities of comparable size for fiscal year 1992, the District had the highest per capita costs for police, fire, education and welfare services.

To provide police protection in 1992 the District government spent $467 per person compared to $248 for the city of Boston, MA. Regarding Emergency Assistance Services, the City Auditor recently reported that a ''comparison between the District and neighboring jurisdictions revealed that the District provided the most generous emergency assistance benefits in the region during fiscal years 1993 and 1994. The District provided benefits up to a maximum of $4,350, while Prince George's and Montgomery Counties in Maryland limit their maximum benefits to $750.'' The City Auditor's report goes on further to say that ''the District lags behind in receiving its full share of the 50 percent Federal reimbursement through participation in the Emergency Assistance Services program sponsored by the U.S. Department of Health and Human Services.'' This occurs because of deficiencies in meeting certain Federal documentation requirements, so therefore the District has to pick up the full cost of the program when they cannot provide the documentation.

''WASTE'' IN DISTRICT GOVERNMENT

It is waste such as this which I believe is causing a lot of the city's problems. Recently the court-appointed Receiver of the District's foster care services discovered another instance of waste. According to press reports, and I quote: ''Miller (the court-appointed receiver) said that in an astounding example of lax cost control, his staff discovered that the agency is paying an additional $5,000 a month rent for cafeteria space in the basement of (a building) without ever having installed the cafeteria.'' Miller goes on to talk about other problems like a questionable $25 million data-processing contract. The point is that this and so many other reports and testimonies we have had seem to indicate that there is a lot of waste going on in the District and if we can at least begin to eliminate some of this we may see some of those high per capita costs come down.

ACCOUNTABILITY

We need accountability in the District government, both for finances as well as the delivery of services. We are hopeful that the Authority will begin to show the kind of results we are all looking forward to, and we hope that this will be done in an atmosphere of cooperation with the Mayor and City Council.

CONCLUSION

We are all in this together and we each have to accept our role in this process of making our Nation's Capital the urban jewel it should be. It is Congress' role to appropriate. The Authority's role is to formulate the financial controls and the process to improve services so that the city can perform its role, which is to execute and carry out that process in a disciplined and professional manner.

We hope much will be accomplished this year so that we do not see more of the city's operations falling under court orders or into receivership. That is the final action that will need to be taken if the city cannot get control of its spending and reduce its costs to reasonable levels.

Other very important issues, such as tax reform and health and welfare issues, will also have to be reviewed by the authorizing committees. These reforms will be needed to revitalize the economy of the District and will be the subject of many discussions and possible future legislation.

In closing, I want to thank all of the members of our subcommittee for their assistance in bringing this bill to the Committee.

Mr. BONILLA of Texas, Mr. KINGSTON of Georgia, Mr. FRELINGHUYSEN of New Jersey, Mr. NEUMANN of Wisconsin, Mr. DIXON of California, the ranking member of our subcommittee who served as chairman for the past 15 years, Mr. DURBIN of Illinois, and Ms. KAPTUR of Ohio.

Also Mr. Chairman, I want to thank the staff for a job well done under some very difficult circumstances.

John Simmons of my personal staff has done an outstanding job in coordinating between the Speaker's office, the appropriations and authorizing committees, the Speaker's task force and Members' officers.

Mary Porter who does an excellent job keeping track of the numbers. I am told she has been doing this for the Committee for 35 years—she started back when our departed colleague Mr. Natcher first became chairman of the DC Subcommittee. She is detailed to the Committee from the District government and works with the numbers when they are first put together in the Mayor's budget office, and follows them through the Council, the House, the Senate and conference. She is to be commended for the high quality of her work as well as for her endurance and perseverance.

Mike Fischetti is on loan from GAO. He is a CPA and a certified fraud examiner who is in great demand these days. We are very fortunate to have the benefit of his expertise and analysis.

And of course Migo Miconi, who has been on the staff for longer than he cares to admit.

Each of them does an excellent job and together they make a great team.

Mr. Chairman, I believe the bill we bring to the House today is a good bill and one that the District can live with.

At the appropriate time I will offer a managers amendment to clarify language concerning adoptions by unmarried couples.

Mr. Chairman, I strongly recommend this bill to my colleagues and urge an ''aye'' vote.

□ 1545

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

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

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

Mr. DIXON. Mr. Chairman, I rise today in opposition to this bill. I do so with great reluctance because while I do not always agree philosophically with the distinguished gentleman from New York, I realize that and understand that we both respect each other's opinions. I commend Chairman WALSH for his work on a very difficult bill, for his sincere efforts to bring the District back to financial health.

I also want to thank the staff that he just mentioned, Migo Micone, Mr. John Simmons, Mike Fischetti, and Mary

Porter, and a special thanks to the minority consultant on this bill, Cheryl Smith.

Additionally, I would like to throw an accolade to the delegate from the District of Columbia, the gentlewoman from the District of Columbia [Ms. NORTON]. She has done yeoman's work in trying to work with both Republicans and Democrats to craft a better bill for the District. She has been tireless in her efforts to facilitate agreements between all of the various parties that have competing interests in this bill.

This bill is important for what it does not contain as much as for what it does contain. In particular, I commend the chairman, the gentleman from New York [Mr. WALSH], for decisions to drop some 40 legislative provisions from the bill that would have created considerable controversy and delayed consideration of this matter. In this respect, the bill has been greatly improved over earlier versions.

I also want to commend our chairman, the gentleman from New York [Mr. WALSH], for recommending the full Federal payment for the District. This bill includes $660 million for the Federal payment in fiscal year 1996, the full authorized amount, and $52 million for the Federal contributions to the District's retirement funds for police, fire, judges, and teachers. There has been no disagreement on these funds, and they are fully provided for in this bill.

Unfortunately, though, notwithstanding the good parts of this bill, this bill falls far short. We all know that the District is in a financial crisis. Yet this bill imposes a spending cap of $4.867 billion on the District of Columbia's operating budget for fiscal year 1996. The spending cap will force the Mayor, under the direction of the District of Columbia Financial Control Board, to allocate $256 million in additional cuts below the cuts already recommended by the District of Columbia's Financial Review Board.

Mr. Chairman, this is a bad bill because it tells the District that it cannot spend all of the tax revenue it generates. Let me repeat that: all of the tax revenue that it generates from District residents. It is a bad bill, because Congress has decided, not the District nor the Financial Board, knows best about what to do in this situation. As it relates to the District, apparently, the Republican rhetoric to get the Federal Government out of the lives of Americans does not apply to the District's citizens.

Mr. Chairman, in April of this year, Congress established a new Financial Oversight Board comprised of District residents to solve the District's financial and management problems and to bring the District's budget into balance over a 4-year period. That legislation included some very tough medicine for the District including granting the Financial Oversight Board the most extensive powers of any such board in the Nation.

In September, the Mayor, the City Council, and the Financial Oversight Board reached an agreement on significant budget cuts and staffing reductions that will result in over 5,200 positions being cut from the fiscal year 1996 budget. These personnel cuts amount to a 13-percent cut from the staffing levels originally requested by the Mayor.

Yet despite these reductions, this bill would require the District to cut an additional $256 million more than the Financial Control Board says is prudent. These cuts are not endorsed by the Financial Control Board.

Mr. Chairman, members of the Financial Oversight Board now find that months of hard working with the District officials and analyzing the District's budget have seen their figures and facts thrown out the door. I cannot understand how the majority and the gentleman from New York [Mr. WALSH] in particular can say it accepts the findings of the Control Board and they totally disagree with him.

For the first time I recall the committee has knowingly used figures in this bill that are wrong. The figures are just plain wrong. The majority continues to disregard the Control Board's recommendation that $5.123 billion be provided for the District's operating budget in fiscal year 1996, not $5.16 billion, not $4.86 billion, not $5.12 billion. This bill falls far short of the mark.

If we approve this bill, we severely undermine the credibility and the confidence of the Control Board. When the Control Board was put in place, its main responsibility was to establish under their budget how much the District Government would cost to run for the fiscal year and to recommend to us appropriate cuts. We have not accepted their figure nor have we accepted their recommendations, and so I just fail to see how we are placing any confidence in the Board that has done a stellar job thus far in this bill.

Mr. Chairman, this is a bad bill, because the District will not be able to use its own money to buy books for students, repair the schools, pick up the garbage, fight crime, maintaining other critical services for the District residents. The additional budget cuts endorsed by the majority were made without consultation with the District officials or Control Board regarding their impact on city services. These cuts are not based on sound analysis or thorough review of the budget savings that responsibly could be achieved by the District in less than a year's time nor any evaluation of the resources needed to sustain education, public safety, sanitation, public works for those who work and live in and visit the District.

This is an analysis that was conducted by the Control Board and rejected out of hand by the majority.

I will insert in the CONGRESSIONAL RECORD at the end of my statement the various documents submitted by the Financial Control Board concerning its recommendations for the District for 1996.

Mr. Chairman, the distinguished gentleman from New York has indicated, and will indicate, that this bill will result only in an $85 million cut for the District below the 1995 budget. In reality, this cut will be much deeper. Realistically speaking, these cuts will likely have to be made over a 9-month period, because it will take the Financial Oversight Board and the Mayor several months to determine where to make these cuts, and the choices are not pretty.

The District already owes millions to vendors who have already provided services to the city. In August, the District stopped making Medicaid payments to hospitals and health care providers because of the lack of funds. Last week, the Washington Post included an article about the inability of the District to promptly repair broken street lights and traffic signals because it owes the local utility company nearly $4 million.

The District cannot pay health insurance premiums for city employees because of shortage of funds. Low-income citizens cannot receive timely care at D.C. General Hospital because of lack of resources to purchase supplies and to retain medical personnel. Distraught firefighters must call on surrounding jurisdictions to fight two-alarm fires because funding shortages have prevented them from maintaining the fleet of fire trucks.

Many believe the District's schools are among the worst in the Nation, and that is why we will be debating the Gunderson education reform package later in this bill. Yet this bill cuts funds that could be used to hire teachers, to buy books and repair schools, to provide the city, this city, with the quality of education that I think we all agree it deserves.

This bill will make this bad situation only worse.

Finally, Mr. Chairman, this is a bad bill because it clearly violates the home rule of the District of Columbia and has nothing to do with the financial situation here. The bill amends the code to ban all Federal and local funding for abortion and would ban even privately funded abortions conducted in District-operated or funded facilities except to save the life of the mother, rape, or incest. These restrictions go far beyond any previous restrictions in the District of Columbia appropriations bill. They simply do not belong in this bill.

Second, the bill amends the local statutes to dictate to District residents who may or may not adopt a child in the District of Columbia. This provision simply does not belong in this bill and has nothing to do with the financial condition of this city.

Mr. Chairman, these are policy decisions that severely trample the rights of District residents to make their own

judgments about the matters through their elected officials. The inclusion of these provisions in this bill is even more outrageous because, with the exception of the Delegate from the District of Columbia, many Members of this body have no accountability to the District.

Mr. Chairman, the President has indicated that he will veto this bill because the budget cuts are too deep and the home-rule violations are intrusive.

The bill should be defeated.

Finally, Mr. Chairman, I want to once again acknowledge the hard work of the chairman, the gentleman from New York [Mr. WALSH]. He has taken a lot of heat on this bill. We just disagree with the judgment that the way to get the finances in order in this community is, first, to use the wrong numbers so the cuts turn out to be greater than he says, not 148, but 256; that, in fact, the way to do it is just to arbitrarily take the 250 and tell the Control Board to make those cuts.

Second, we disagree that now that the Republicans are in control they can do whatever they want to, they can bring up any bill they want to on abortion, they can bring up a clean bill to affect the NEA or any of the other 26 organizations that they want to.

Those matters do not belong in the financial condition of the bill; but, nevertheless, I understand his dilemma.

The materials referred to are as follows:

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY,
Washington, DC, October 20, 1995.

Hon. JULIAN DIXON,
Ranking Minority Member, Subcommittee on the District of Columbia, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. DIXON: I am writing in response to your October 19, 1995 letter regarding recent actions taken by the House Appropriations Subcommittee on the District of Columbia.

The Authority is aware that the Subcommittee's actions, if passed by the Congress and signed into law by the President, will result in fiscal year 1996 cuts to the District of Columbia of $256 million below the $5.123 billion level recommended by the Authority in our August 15, 1995, report to Congress.

On September 28, 1995, I wrote to Chairman Walsh to express the views of the Authority on the proposed cuts to the District's appropriations. I advised him that additional cuts below the Authority's recommendations, made without further study, could harm service delivery and have a negative impact on District residents. A copy of my letter to Chairman Walsh is enclosed.

You observed that recent statements attributed to me in the media suggested that we now support the proposed budget reductions. Actually, in the meeting with Messrs. Gingrich, Livingston, and Walsh on October 17, I was not asked whether the Board would support the lower budget ceiling. Rather, I was asked only whether we would be prepared to allocate the amount appropriated. I said we would do that.

Let me assure you that the Authority continues to stand by its recommendations on the District budget. We continue to believe that an adverse impact on the city is likely if the additional cuts become law. Many District agencies already are experiencing serious problems in maintaining adequate service delivery and in meeting their obligations to vendors. Cuts to levels below our recommendations would only exacerbate these problems.

Sincerely yours,

ANDREW F. BRIMMER,
Chairman.

Enclosure.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY,
Washington, DC, September 28, 1995.

Hon. JAMES T. WALSH,
Chairman, Subcommittee on the District of Columbia, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Last week, the House Subcommittee on Appropriations for the District of Columbia marked up the District's transition budget for fiscal year 1996. The District of Columbia Financial Responsibility and Management Assistance Authority (DCFRA) has reviewed the Subcommittee's actions. We are respectfully submitting this letter because we have several concerns about the potential impact of many of those actions.

According to preliminary information on the Subcommittee mark up, the Subcommittee approved further reductions of District appropriations by $258 million and 461 FTEs. The Authority is very concerned about these additional reductions. Public Law 104–8, which created the Authority, also laid out a process for addressing the District's financial and management weaknesses. This process for fiscal year 1996 called not only for a review of the initial fiscal year 1996 transition budget, but also for preparation of a supplemental budget for fiscal year 1996 and a financial plan that must be approved by February 1, 1996. The special process used for fiscal year 1996 was developed because there was agreement that more information and analysis was needed before a final fiscal year budget was approved. The Authority and staff spent considerable time reviewing District documents and meeting with District officials before making both our July 15 recommendations to the District and the final recommendations contained in our August 15 report to the Congress. We believe additional reductions to the District budget, without further review and analysis, could harm service delivery and be counter-productive to the process stipulated in Public Law 104–8. The Authority also has a number of concerns about some of the other provisions that surfaced during the mark up of the District appropriations bill. I detail our concerns later in this letter.

BACKGROUND

Before I provide our detailed views on the various Subcommittee's amendments and other actions, I want to emphasize the careful analysis and assessment which served as a basis for the Authority's initial recommendations to the District and our final recommendations to the Congress. The District of Columbia initially submitted a budget for fiscal year 1996 to the Congress on May 8, 1995. In accordance with Public Law 104–8, Section 208(a)(1), on July 15, 1995, the Authority made recommendations on the fiscal year 1996 budget to the Major, the Council, the President, and the Congress. The Council adopted a revised fiscal year 1996 transition budget and on August 1, 1995, submitted the budget to the Authority, the President, and the Congress in accordance with Public Law 104–8, Section 208(a)(2). On August 15, 1995, the Authority issued a report to the Congress that contained recommendations for revisions to the District's fiscal year 1996 transition budget in accordance with Public Law 104–8, Section 208(a)(3).

As was intended in the legislation, the process has been iterative. The final budget based on Authority recommendations was significantly different from the original budget submitted by the District in May. Based on our recommendations, not only did the final District budget call for more than 5,000 FTE reductions, but the District also has started to develop information that will be valuable in developing the supplemental fiscal year 1996 budget and future budgets and financial plans.

As a part of this process, the Authority staff worked closely with both the District's executive and legislative branch offices. This included meetings with the Mayor, the Chairman and Members of the City Council, the City Administrator, the Director of the Budget, and the Directors and Chief Financial Officers of Several District agencies.

We analyzed numerous District-wide issues including personnel, financial management systems, and cash projections. This information, combined with a review of previous studies of the District (including the November, 1990, Rivlin report), provided the context necessary for the Authority to address District-wide issues. Furthermore, we undertook extensive analysis of current personnel levels, FTE calculations, and historical personnel patterns. This analysis was the basis of our detailed recommendations on District FTE levels. We also met with officials in the District's Office of Financial Management, City Administrator, Controller, and agency heads and Chief Financial Officers to assess the financial information management system weaknesses, and we concluded a new system is needed immediately.

In addition to our analysis of District-wide issues, we also held detailed discussions with agency officials and analyzed many aspects of agencies' budget projections. Some examples include:

District Public Schools: we reviewed personnel reports for locations and types of employees and school building utilization reports;

Medicaid within DHS: we examined cost reports and cash flow analysis to determine the reasonableness of the fiscal year 1996 projections;

District General Hospital: we met with hospital officials and reviewed management initiatives;

Department of Public Works: we reviewed historical personnel levels and studied management initiatives designed to reengineer DPW programs and improve customer service;

Department of Corrections: we analyzed staffing levels and patterns and studied the costs of housing prisoners in federal facilities.

VIEWS OF FTE AND FUNDING CHANGES

The Authority does not currently have final data on the District of Columbia budget as marked up by the Subcommittee. Nevertheless, it would appear from available information that total budget figures included in the draft House documents are preliminary. For example, the House Subcommittee summary budget shows total expenditures of $4.943 billion. However, detailed agency breakouts total to $4.867 billion.

Based on the revised District budget (August 1 budget) of $5.148 billion and the detailed information contained in the Subcommittee's preliminary tables, the Subcommittee calls for reductions of 461 FTEs and $258 million! The attached table illustrates these changes by appropriation title.

FTE changes

The Authority is very concerned about further reductions of 461 FTEs contained in the

Subcommittee budget. These reductions would have a deleterious effect on the ability of many District agencies to carry out their missions and to deliver services to residents. We are particularly disturbed by the following proposed reductions:

(1) The Department of Public Works was reduced by 146 FTEs and $17.7 million. The Authority believes these additional reductions would be very harmful, especially since, in recent years, DPW has already taken significant cuts and reduced many upper and middle management positions. In our recommendation directing the District to allocate an additional 704 reductions, we specifically recommended that the District not allocate any of these reductions to DPW. We believed at that time that additional DPW cuts would seriously harm an agency critical to District service provision. We still believe this would be the case. Consequently, we do not support these reductions.

(2) The University of the District of Columbia was reduced by 120 FTEs, from 1,079 to 959, and by $7 million. the Authority does not support this reduction. In meetings held with Authority staff, UDC officials noted that the revised budget of 1,079 FTEs, which reduced more than 200 FTEs from actual fiscal year 1994 levels, would adversely impact the university. In our recommendation, we urged the university to assess its undergraduate and graduate offerings as one part of its efforts to reduce costs. Cutting additional FTEs at this time before such a study is complete is not prudent.

(3) The Department of Employment Services was reduced by 86 positions. The Authority does not support this reduction and notes that this budget had already been reduced by more than 150 FTEs. At the August Budget Summit, District officials noted that any further reductions in this department could result in the loss of substantial federal grant funds, which comprise approximately one-half of this agency's budget.

(4) The Department of Human Services (DHS) was reduced by 149 FTEs. The Authority does not support this reduction. The Authority had already recommended reductions from on-board DHS staffing of 637 FTEs. As with the other reductions, further cuts without additional study could harm this critical agency which serves the District's most disadvantaged citizens.

Funding and other changes

The Subcommittee markup also contained a number of other financial and organizational changes that the Authority does not support without additional analytical study.

(1) The Office of Financial Management was reduced by more than $30 million, which mostly consisted of funds for the new Financial Management System (FMS). The Authority strongly disagrees with this action. We recommended that $28 million be appropriated to finance the development and installation of the FMS. However, funding for the FMS was shifted to pay-as-you-go capital project, a shift the Authority opposes. Improved financial management requires a new FMS now. By shifting FMS funding to the capital budget, the project would have to compete with other capital needs, which could delay FMS' implementation.

(2) The Inspector General's budget was decreased by an additional $73,000. The Authority does not support this reduction. The Authority recommended that resources for this office be increased, not decreased. Public Law 104–8 created a more powerful IG, a role that could not be fulfilled if funding for the office is decreased. In a related issue, the District of Columbia Auditor staffing was nearly doubled from 12 FTEs to 22 FTEs and funding increased by more than $300,000. The D.C. Auditor performs a valuable function, but a doubling of the staff, especially in the face of reductions in the IG's office, is not warranted.

(3) Funding for the City Administrator's Office was more than doubled from $4.7 million to $9.7 million. Officials in the City Administrator's Office were not previously aware of this change and did not know the purpose of the substantial funds increase. Based on information available, the Authority does not support this funding change.

(4) The Board of Elections and Ethics' budget and FTEs were doubled. Funds increased from $2.1 million to $4.3 million and FTEs increased from 35 to 73. Based on information available, the Authority does not support this increase.

(5) WMATA was reduced by $12.5 million. WMATA is jointly funded by Washington Metropolitan Area governments. Reduction of the District's subsidy could impact the entire system. Any change should be considered as part of a broader agreement. The Authority advises against making such reductions without additional study and consultation with other area jurisdictions.

(6) District employees health benefits were reduced by $68 million. Total health benefit costs are currently $148 million, which includes approximately 18,000 employees under the Federal Health Benefits program and the remaining employees under the District's health program. The District's Office of Personnel is planning a major restructuring of the health benefits program, but reducing funding by more than 45 percent would undoubtedly have harmful consequences for the District. Therefore, the Authority does not support this reduction.

VIEWS ON OTHER PROPOSALS

The Subcommittee in markup considered 40 specific provisions, some of which were approved, others of which were withdrawn. The Authority has views on a number of these proposals:

(1) Ryan White federal grant funds be disbursed by the District within 90 days. The Authority believes this is sound management and good policy, but it should not be legislated. Such a policy should not be limited to Ryan White grant funds.

(2) Directs Board of Education to: (a) contract out all food services and security services operations, and (b) develop management, data systems, and training. The Authority believes the District should be encouraged to explore these contracting out options, but the decision should be based on cost-benefit analysis, as opposed to an arbitrary mandate. The Authority agrees that management and data systems are needed. Such systems should be compatible with District-wide systems.

(3) Board of Education should maintain the number of school-based educational and clerical employees at a minimum of 7,000. The Authority believes that school-based FTEs should be set according to an agreed staffing plan, but not by mandates at arbitrary levels.

(4) establishes ceiling of 2,200 non-school based employees. As stated under provision 3, staffing should be based on a plan.

(5) Requires that DC Public Schools financial management and related information be interfaced with D.C. systems and accessible to staff of Mayor, Council, Congress, and the Authority. The Authority agrees that DCPS' system must be compatible with District-wide information.

(6) Directs School Board to develop school-by-school gross operating budget. The Authority does not believe such a provision should be mandated. Other school systems budgets should be studied to see if they budget on the basis of individual schools. The advantages and disadvantages should be weighed, but the decision whether to adopt this type of budget delineation should be left to school officials.

(7) Requires escrowing of motor vehicle fuel taxes. The Authority is opposed to this provision. Recently enacted legislation allowed the District to receive highway funds with a delayed match. This legislation required the establishment of a fund to provide for these matches in the future. The fund was established, but Congress did not mandate the funding mechanism. However, the Authority plans to review these requirements and to provide assurance that the provisions are carried out. Without knowing the total amount of fuel tax and matching funds, setting up a fund escrowing these amounts would be ill advised.

(8) Work rules for police, firefighters, and teachers should include performance measures and the District should hire consultants to negotiate labor contracts. The Authority agrees that work rules should include performance measures, but it is opposed to mandating the retention of a consultant for labor negotiations.

(9) Requires the Inspector General to audit use of vehicles, cellular phones, fax machines, and televisions. The Authority believes that, although these issues are important and may be worthy of study, specifically requiring the IG to perform these audits is ill-advised. Areas studied by the IG should be identified in a strategic plan. The IG is required to prepare a plan in conjunction with the CFO and the Authority. Such a plan may identify other areas that are more urgent than these mandated audits. The resources of the IG should be allocated on the basis of the most critical issues to be faced.

(10) Directs District to develop a plan for a health care facility or close D.C. General by September 30, 1996. The Authority is strongly opposed to this provision. The hospital should not be forced to close at the end of the fiscal year without alternative provision for services to the most needy in the community. This would have a drastic effect on the health industry in the Washington area since other hospitals would have to absorb the uncompensated care of those displaced by D.C. General's closing. In its August 15 report to Congress on the District's Fiscal Year 1996 budget, the Authority supported a proposal to turn over control of the Hospital to a Public Benefits Corporation. The Authority also noted, however, that the Authority and the District need much more information about the new entity proposed to be created, the impact of the shift on employee rights, and other factors.

(11) Requires management assessment studies in several areas and requires the establishment of 25 inspection stations. The Authority has already recommended pilot studies in three areas: Department of Public Works, Department of Administrative Services, and Office of Personnel. The potential need for more inspection stations will be a part of these efforts.

(12) Requires preparation of budget within 15 days of enactment of the appropriation bill. The Authority agrees with this recommendation.

(13) Technical changes to the provisions establishing the Financial Responsibility Authority. The Authority agrees with this recommendation.

(14) Gives the Authority responsibility to appoint the Chief Financial Officer and Inspector General if the positions remain vacant for more than 60 days. The Authority supports this provision.

(15) Requires CFO to make appropriation allotments to each certifying and contract officer and provides that these officials who incur obligations in excess of their allotments shall be in violation of the Anti-Deficiency Act and shall be personally liable. In

these cases, these officials will be terminated without by the CFO without recourse. The Authority supports the basic concept of this provision to establish accountability for managers. However, there must be some recognition of the fact that the District is still working with the same system that was in place in the past. As pointed out by GAO and others, there are limitations to the accuracy and timeliness of the data in this system. These are the same data that officials must use to make their certifications. However, the Authority recommends that the mandatory firing provision be eliminated, especially a firing provision without recourse. The CFO should be given the authority to make all personnel decisions with respect to those peoples reporting to the CFO.

(16) Places a cap on the amount appropriated for each type of fund and requires that funds must be obligated by object class, purpose, and department. Variances require approval of CFO, Authority, and advance notice to appropriations subcommittees. The Authority generally agrees with this provision, except for advance notice to the Congress. The Authority believes quarterly reporting as required under Public Law 104–8 may be sufficient. The Authority also points out that the limitations of the current financial management system could hamper implementation of these kinds of controls. As noted previously, the Authority strongly supports the immediate development and implementation of a new financial management system.

(17) Prohibits debt restructuring. The Authority is opposed to this restriction. There may be situations where debt restructuring is a prudent course of action. The Authority is required to approve such actions.

(18) Waives personnel rules to downsize workforce and prohibits buyout incentives to employees in positions that will be downsized. The Authority notes PL 104–8 waives all personnel rules if reductions are carried out as a result of an approved financial plan and budget. The Authority also believes that this is a good general rule, but there may be a case where the District would want to encourage turnover in positions that they would backfill. This should be an exceptional condition, but it should not be closed off to the District as an option.

(19) Repeals Displaced Workers Act. In general, the Authority supports eliminating barriers to privatization and therefore supports the concept of this proposal.

(20) Requires the District to develop a plan to close Lorton. Although a study of Lorton should be an integral part of future options for the District, the Authority opposes this provision because it requires closing the facility without benefit of a study. The Authority would be willing to coordinate such a study. The District should be able to consider a variety of options concerning Lorton. All actions should be the result of the Financial Plan and Budget process.

(21) Requires privatization of Blue Plains. The Authority opposes mandating the privatization of Blue Plains immediately. The Authority agrees that the problems at Blue Plains need to be immediately addressed, but Congress should allow the implementation of the existing review process and long range plan. This decision also should be left to the planning process of the local government and other jurisdictions which have a direct interest.

(22) Repeals the Clean Air Compliance Fee Act of 1994. The authority notes that, if the repeal of this provision has tax implications and changes in revenue, the likely impact should be studied before the Act is repealed or modified.

In closing, I would reiterate that the Authority feels quite strongly that the prices put in place by the District of Columbia Financial Responsibility and Management Assistance Act of 1995 should be used in order to effect positive financial and management changes in the District. This process anticipates a strong role for the Authority in ensuring financial discipline and improving services in the District. I look forward to working with you in ensuring that the process mandated by Congress benefits the District.

Sincerely yours,

ANDREW F. BRIMMER,
Chairman.

Attachment.

DISTRICT OF COLUMBIA FISCAL YEAR 1996 BUDGET

	Revised district	Authority	House	House authority	Percent change
Appropriation title:					
Economic Development	$142,661	$139,335	$121,966	−$17,369	−12.47
Financing and Other Uses	273,717	343,717	271,154	−72,563	−21.11
Government Direction	150,721	149,793	118,290	−31,503	−21.03
Human Resources	0	0	0	0	.....
Health and Human Services	1,859,622	1,845,638	1,729,019	−116,619	−6.32
Public Education	800,081	789,079	780,519	−8,560	−1.08
Public Safety and Justice	960,747	961,559	939,672	−21,887	−2.28
Public Works	297,568	297,326	267,154	−30,172	−10.15
Enterprise	663,181	597,156	639,509	42,353	−7.09
Total	5,148,298	5,123,603	4,867,283	−256,320	−5.00
FTE's:					
Economic Development	1,800	1,692	1,543	−149	−8.81
Financing and Other Uses	−1,000	.....	.....	0	.....
Government Direction	1,625	1,465	1,448	−17	−1.16
Human Resources	.....	.....	.....	0	.....
Health and Human Services	6,757	6,289	6,320	31	0.49
Public Education	12,139	11,670	11,514	−156	−1.34
Public Safety and Justice	11,697	11,544	11,588	44	0.38
Public Works	1,914	1,914	1,768	−146	−7.63
Enterprise	1,309	1,197	1,129	−68	−5.68
Total	36,241	35,771	35,310	−461	−1.29

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY,
Washington, DC, August 15, 1995.

Hon. BOB LIVINGSTON,
Chairman, Committee on Appropriations, House of Representatives.

DEAR MR. CHAIRMAN: This letter transmits the District of Columbia Financial Responsibility and Management Assistance Authority's (Authority) report on the District of Columbia's fiscal year 1996 budget in accordance with Public Law 104–8 Section 208(a)(3). The report contains recommendations for revisions to the District of Columbia's Fiscal Year 1996 transition budget.

These recommendations are designed to help ensure the District government makes continuous, substantial progress towards equalizing its expenditures and revenues and reducing the cumulative fund balance deficit. They also address other key goals of the legislation. As such, they not only focus on addressing the current fiscal condition of the District, but they also begin a process that will help the District ensure the appropriate and efficient delivery of services and future financial stability. The District has already agreed to take steps to (1) develop pilot performance management projects and (2) to strengthen its financial management information infrastructure so that critical information is available not only to assess the finances of the District, but more importantly to give District officials better real-time information to manage their programs.

The Authority and its staff stand ready to respond to any questions you may have about this report. We look forward to working with you and your staff.

Sincerely yours,

Dr. ANDREW F. BRIMMER,
Chairman.

Enclosure.

REPORT OF THE DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY ON THE DISTRICT OF COLUMBIA'S FISCAL YEAR 1996 BUDGET

The Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8) created the Authority to help eliminate District budget deficits and cash shortages; to assist the District in restructuring its organization and work force for more efficient and effective service delivery; and to ensure the long-term economic, financial, and fiscal viability of the District. The review of District budgets is one aspect of carrying out this responsibility. Therefore, the Authority's review of the fiscal year 1996 budget was a much broader look than simply an analysis of budget dollars or the number of full-time equivalent (FTE) personnel. The Authority also focused on improving the quality of services provided to the District. Authority members expressed concerns about maintaining and improving quality services for those who need it most. For example, targets for reductions are focused on administrative and mid-management level personnel, not on the employees who are in front-line service delivery positions.

Authority members have listened to many citizens at the Authority's public meetings and other forums talk about the quality of services. For example, one citizen said that essential services such as police and emergency services need to be improved. Others have talked about improvements needed in

the schools or the Department of Corrections. These citizens want and deserve an effective and efficient District Government. The District has many qualified employees who are working hard every day to deliver services to District residents. However, many of the processes for carrying out these programs are ineffective and service delivery suffers no matter how hard employees work.

In order to carry out its mandate, the Authority worked closely with both the executive and legislative branches of the District Government. In addition to detailed budget analyses by the Authority staff and frequent meetings with District staff, the Authority members held several extended sessions with the Mayor and the Council. The Executive Director met individually with most Council Members. Although review of District government documents and meetings with District officials formed the basis of our review, a vital ingredient was the views of individual District citizens and organizations. Not only did the Authority hear oral statements from more than 100 citizens at public meetings held on July 13, 1995 and August 12, 1995, but hundreds of statements containing comments and suggestions were received by mail. In addition, Authority members and staff have heard from many citizens at community meetings.

The Authority is making a series of recommendations for revisions to the District's Fiscal Year 1996 transition budget that was enacted by the Council and transmitted to the Authority on August 1, 1995. These recommendations address a variety of topics, including management initiatives, the need for more and better information, and reductions in FTEs. After adjusting for agencies that should be removed from the FTE base, the Authority FTE recommendations call for reductions of 5,239 FTEs from the original fiscal year 1996 budget, which will result in 2,164 fewer FTEs than were on-board in June 1995. A complete discussion of the Authority's recommendations is included later in this report.

In addition to the Authority's recommendations on the transition budget, this report contains, a description of the two July 15 Authority recommendations that were satisfactorily adopted by the District in the transition budget, and a summary of the projected fiscal year 1996 revenues and expenditures taking into account these recommendations.

BACKGROUND

On May 8, 1995, the District of Columbia submitted a budget for fiscal year 1996 to the Congress (original fiscal year 1996 budget). In accordance with Public Law 104–8, Section 208(a)(1), on July 15, 1995, the Authority made recommendations on the fiscal year 1996 budget to the Mayor, Council, President, and Congress (these recommendations are shown as appendix I). The Council adopted a revised fiscal year 1996 transition budget and on August 1, 1995, submitted the budget to the Authority, President, and Congress, in accordance with Public Law 104–8, Section 208(a)(2). This report contains the Authority's recommendations for revisions to the District's fiscal year 1996 transition budget in accordance with Public Law 104–8, Section 208(a)(3).

As stipulated in Public Law 104–8 Section 208(a)(3), the Authority reviewed the District's Fiscal Year 1996 transition budget to determine if it ''promotes the financial stability of the District government during the fiscal year.'' Section 201 of Public Law 104–8 describes several standards to promote financial stability including:

The District government shall make continuous, substantial progress towards equalizing the expenditures and revenues of the District government;

The District government shall provide for the orderly liquidation of the cumulative fund balance deficit of the District government;

The financial plan and budget shall assure the continuing long-term financial stability of the District government, as indicated by factors including access to short-term and long-term capital markets, the efficient management of the District government's workforce, and the effective provision of services by the District government.

In meeting these standards with respect to the financial plan and budget, the District government shall apply sound budgetary practices, including reducing costs and other expenditures, improving productivity, increasing revenues, or combinations of such practices.

RECOMMENDATIONS FOR REVISIONS TO THE DISTRICT'S FISCAL YEAR 1996 TRANSITION BUDGET

This section outlines the Authority's specific recommendations for revisions to the District's Fiscal Year 1996 transition budget. There are three overall categories of recommendations: (1) adjustments and reductions in full-time equivalent personnel (FTEs), (2) recommendations on management initiatives, the financial plan, and total expenditures, and (3) recommendations for more information.

Adjustments and reductions in FTE's

Personnel is a large component of District spending. The District has 1 employee for every 13 residents. The Rivlin Commission Report[1] in 1990 noted that, even accounting for state and county services, the District has 40 percent more staff per 10,000 population (or nearly 15,000 more staff) than the average for 12 similar cities. This report recommended staff reductions. Personnel management is seen as a major challenge and key to the financial recovery effort. District personnel positions are financed by both appropriated and non-appropriated funds. The District reports personnel data in a variety of ways, including actual FTEs, approved FTEs, the number of personnel receiving paychecks, and full-time on-board staff. An FTE is used to measure the number of equivalent positions and takes into account how many hours are actually being worked. For example, two employees working half-time would be counted as one FTE.[2]

The Authority is making a series of FTE recommendations to: (1) remove agencies from the District's FTE base; (2) make adjustments for FTEs related to contracting out; (3) reduce FTEs in agencies in the Government Direction and Support and Public Education appropriation titles; and (4) request the Council to allocate another 704 FTE reductions. The Authority targeted these reductions to administrative and mid-level management positions, and not to front-line workers who actually deliver the services to District residents. For example, the Authority called for reductions in the District of Columbia Public Schools to be targeted to non-teaching positions (see page 9 for definition of non-teaching positions) that do not directly serve students. In addition, several citizens at public meetings cautioned the Authority against eliminating the jobs of front-line workers, who provide direct-services to the public.

The following recommendations result in a new FTE ceiling for the District of 35,771. This FTE ceiling is to be reached by September 30, 1996, the end of fiscal year 1996. The Authority will ask the District to develop a plan for reaching these FTE targets and monitor progress toward executing this plan throughout fiscal year 1996. This plan needs to be developed quickly and should become a integral part of the District's financial plan.

The net result of the FTE reductions are outlined in the following table:

Appropriation title	Adjusted original budget	Adjusted council	Adjusted on board June 1995	Authority recommendation	Authority less council	Authority less original	Authority less on board
Government Direction	1,868	1,625	1,672	1,465	(160)	(403)	(207)
Economic Development	1,996	1,800	1,779	1,800	0	(196)	21
Public Safety and Justice	11,867	11,558	11,536	11,558	0	(309)	22
Public Education	12,588	12,141	12,729	11,672	(469)	(916)	(1,057)
Health and Human Services	8,154	6,757	7,127	6,757	0	(1,397)	(370)
Public Works	2,207	1,914	1,636	1,914	0	(293)	278
Enterprise	2,330	1,309	1,456	1,309	0	(1,021)	(147)
FTE to be allocated	.....	.....	.....	(704)	(704)	(704)	(704)
Total	41,010	37,104	37,935	35,771	(1,333)	(5,239)	(2,164)

The specific FTE recommendations follow.

Recommendation 1A: Reduce the original budget base for FTEs (2,926) related to the Department of Public and Assisted Housing, Public Defender Service, Washington Aqueduct, and D.C. General Hospital. Adjust the 5,600 required reduction by the same proportion.

The Department of Public and Assisted Housing, Public Defender Service, Washington Aqueduct, and D.C. General Hospital were included in the original budget from which the Authority determined its 5,600 reduction. The Authority recommends they not be counted in the FTE calculations for the following reasons:

(1) The Department of Public and Assisted Housing is under the direction of a court-appointed receiver and is not presently directly controlled by the District of Columbia government.

(2) The Public Defender Service and Washington Aqueduct employees are not District of Columbia employees.

(3) The District has proposed putting the District of Columbia General Hospital under the control of a Public Benefits Corporation. If this is done, the employees should not be

[1] ''Financing the Nation's Capital: The Report of the Commission on Budget and Financial Priorities of the District of Columbia,'' November 1990.

[2] OMB circular A–11 defines FTE employment as the total number of regular hours, not including overtime and holiday hours worked by employees, divided by the number of compensable hours applicable to each fiscal year (260 days or 2,080 hours in fiscal year 1995).

counted in the District's FTE budget. Further discussion of D.C. General Hospital is included under Recommendation 1B.

These agencies comprised 2,926 FTEs out of the total of 45,378 FTEs in the original fiscal year 1996 budget. When these agency FTEs are removed from the base the total remaining is 42,452 FTEs. The Authority originally recommended 5,600 reductions from the fiscal year 1996 budget. The Authority recommends reducing this number in the same proportion as the removed agencies' FTEs (2,926) or 6.45%. Thus, the 5,600 FTE reduction should be reduced by 6.45% for an adjusted total FTE reduction of 5,239. The new reduction target is a figure that is comparable to the original 5,600 reduction.

Description		FTEs
Total original fiscal year 1996 budget		45,378
Agencies eliminated from calculation:		
Public and Assisted Housing (other than local)	913	
Public Defender Service	139	
Aqueduct	294	
D.C. General Hospital [1]	1,580	2,926
Revised original fiscal year 1996 total		42,452
Authority recommended reduction	5,600	
Proportion of eliminated agencies in original FTE budget (2,926/45,378=6.45%)	361	
Authority recommended revised reduction	5,239	

[1] This represents the number of D.C. General employees on-board as of August 1995. The Authority used this number rather than the original fiscal year 1996 budget of 1,760 FTEs. The Authority did this to give the District credit for the reductions already achieved at D.C. General.

Recommendation 1B: Transfer D.C. General Hospital to a Public Benefits Corporation and continue to address the issue of restructuring the manner in which health care is provided. As noted in recommendation 1A, remove D.C. General from the District's FTE calculations. D.C. General Hospital budget should reflect no more than 1,580 FTEs (the current on-board staff).

The District of Columbia Hospital is a significant cost component of District expenditures. Funding for the hospital's operations comes largely from three sources: net patient service revenue, D.C. government appropriations, and a series of loans from the D.C. government. The table below outlines D.C. General funding sources for the last several years.

[In millions of dollars]

Year	Patient revenue (net)	D.C. appropriated subsidy	D.C. other subsidies ''loans''	Total
1990	46.9	50.0	9.7	106.6
1991	70.7	59.5	18.3	148.5
1992	79.2	69.0	12.9	161.1
1993	76.8	58.8	17.1	152.7
1994	74.8	46.7	27.0	148.5
1995 [1]	87.4	56.7	8.9	153.0
1996 [1]	58.3	56.7	0	115.0

[1] Note.—Fiscal years 1995 and 1996 are budgeted information.

The District has proposed to turn over control of the Hospital to a Public Benefits Corporation (PBC) and to study the delivery of health care to the citizens of the District. The Authority supports the District's proposal. However, the Authority and the District need much more information about the new entity created, the impact of the shift on employee rights, and other factors. A critical part of the proposal to turn over the hospital to a Public Benefits Corporation is the need to study the entire District of Columbia health care delivery system. District officials maintain that a PBC will allow the hospital to operate independently of District procurement and personnel restrictions, which in their opinion have hampered its efficiency. The decision to turn over control of the hospital to the PBC was also supported by the Mayor's Blue Ribbon Panel on Health Care Reform Implementation. The Authority points out that even with these changes, the District is expected to continue to pay a substantial subsidy to the hospital whether it is directly operated by the District or operated by the Public Benefits Corporation. Holding down costs, including FTEs, will help to reduce this subsidy.

The Authority believes the Hospital has made progress to reduce staff to its current FTE level of 1,580. The Authority recommends that the hospital not exceed 1,580 FTEs during fiscal year 1996. The Authority members pointed out that this recommendation calls for no further reductions from the June 1995 on-board strength, and emphasized the importance of D.C. General to the safety net for those District residents who are most vulnerable. As noted in recommendation 1A, the Authority is recommending removing 1,580 FTEs from the District's FTE base. By using this on-board strength rather than the 1,760 FTEs in the budget, the Authority acknowledges the reductions already achieved.

Recommendation 1C: Agency FTE budgets are reduced by the total amount of the contracting out initiatives (1,519 FTEs); however only five percent (77 FTEs) of the privatization initiatives should be counted toward the recommended 5,239 FTE reductions.

The Council proposed a variety of contracting out initiatives in several District agencies and said these initiatives involved functions that totaled 1,519 FTEs. The Council also counted all of the these FTEs toward the recommended FTE reductions. Contracting out city services can have substantial benefits by reducing cost and increasing efficiencies and these efforts are encouraged.

During discussions with the Authority, District officials said they expected that the efforts are encouraged.

During discussions with the Authority, District officials said they expected that the efforts would save at least five percent of the District's total cost of the providing these services. The Authority therefore recommends that five percent of the FTE's involved in these contracting out proposals be counted toward FTE reductions. All of the 1,519 FTEs are removed from the agency budgets. The table below outlines the contracting out proposals and the savings as a function of FTEs.

Agency and program	Contracting out FTE's	Amount counted toward reductions
Police: Medical services	32	2
Corrections: Medical services, inmate food services, other	352	18
Schools: Food services and security	892	45
Human services: Health services, dental services, medical affairs	201	10
Public Works: Transportation Systems Administration	42	2
Total	1,519	77

The Authority is not encouraging contracting out for every service in all parts of the District government, only in those instances where savings and administrative or management efficiencies could be achieved, and the quality of services can be improved. The Authority will monitor all contracts negotiated for these services.

The FTE adjustments to the base, the Authority recommended reductions discussed in Recommendation 1A, and the adjustments for the contracting out initiatives recommended, result in a revised FTE ceiling for District agencies of 35,771. This calculation is shown in the following table.

Description	*FTE's*
Total original fiscal year 1996 budget	45,378
Agencies eliminated from calculation.	(2,926)
Revised original fiscal year 1996 total	42,452
Authority revised reduction	(5,239)
Contracting out reductions	(1,519)
Credit for contracting out	77
Authority recommended revised fiscal year 1996 ceiling	35,771

Recommendation 1D: The District should reduce 160 FTEs from the Government Direction and Support of the Council's revised fiscal year 1996 budget.

As a part of the narrative that accompanied the Authority's July 15, 1995, recommendation to reduce 5,600 FTEs from the Fiscal Year 1996 budget, the Authority noted that ''the District should focus on overhead positions and not exclusively on positions that provide a direct service to the public.'' Numerous citizens at the August 12, 1995, public hearing said that reductions in positions that provide services to the public will result in a decline in service. The Authority is stressing that the recommended 160 reductions not occur in those types of positions. The Government Direction and Support function contains a variety of administrative and overhead positions. The Authority believes that 160 (10%) additional FTE reductions should be made from these agencies.

Recommendation 1E: The District should set the level of FTEs for the D.C. Public Schools at 10,167, which is the Mayor's revised budget adjusted for the Council's contracting out initiatives.

The Council's revised budget for the District of Columbia Public Schools reduced 190 FTEs from the original fiscal year 1996 budget, not including 892 positions through contracting out as was discussed in recommendation 1B. The Mayor recommended 500 reductions from the original fiscal year 1996 budget. The Authority accepts the Mayor's FTE reduction amount. The Council had identified specific positions that should be cut. The Authority believes that the specific reductions should be determined by the Superintendent, but that the reductions should be from administrative, non-teaching positions. The Authority defined non-teaching positions as those that do not directly impact students. Positions that directly affect students include, but are not limited to, teachers, counselors, librarians, and principals.

The Authority also supports contracting out initiatives involving food services and security. The table below summarizes the Public Schools recommended reductions.

Description	*FTE's*
Original fiscal year 1996 budget	11,559
Cuts made by mayor	(*500*)
Mayor's revised budget	11,059
Council recommended contracting out of food service and security	(*892*)
Authority recommended FTE's	10,167

The Authority also expressed interest in the number of school buildings and noted that information provided by the Superintendent indicated a substantial number of schools were significantly under capacity. The Schools currently have a study underway to assess school facilities for capital needs, as well as capacity. The Authority will review this study and other information to assist the school's in determining the extent to which District schools can be consolidated.

Recommendation 1F: The District should set the level of FTEs for the University of the District of Columbia (UDC) at 1,079 FTEs, which is the Mayor's budget less 48 FTEs.

The Council recommended that UDC reduce 188 FTEs from the original fiscal year 1996 budget to 1,238 FTEs. The Mayor recommended that UDC reduce 299 FTEs to 1,127 FTEs. The District said that, as of June 1995, UDC had 1,079 FTEs on-board. District officials informed the Authority that the Mayor's recommendation of 1,127 was calculated by adding the on-board UDC strength to the 48 positions transferred from the Law School. The closing of the District of Columbia Law School has been discussed for years. The Rivlin Commission recommended closing the Law School in its November 1990 report. The Authority members are uncertain regarding the need for a District government supported law school. However, the Authority believes that the Law School's future should be determined as a part of a broader assessment of all offerings at UDC, both undergraduate and graduate. The Authority recommends accepting the Mayor's revised budget, but reducing it by an addition 48 FTEs.

Recommendation 1G: The District should transfer to the Inspector General auditor FTEs currently allocated in other agencies.

Public Law 104–8 redefined an Inspector General for the District of Columbia who was given more powers and independence to review District programs for fraud, waste, and abuse and other purposes. Since fiscal year 1994, the District has reduced staff in the current Inspector General's staff by more than half and proposed additional reductions in Fiscal Year 1996. The Authority believes the Inspector General will need a substantial increase in resources. One of the Authority's July 15 recommendations included a request for information on the number of auditors in all District agencies. (See Appendix 1 Recommendation 12.) The District in its response identified 18 auditor positions: Police (8 FTE's), Board of Education (3 FTE's), D.C. General (1 FTE), and Department of Public Works (6 FTE's). These positions should be transferred to the Inspector General's Office. The District also needs to continue the process of identifying all auditor positions in its agencies, and these additional positions should also be transferred to the Inspector General's office. The Authority notes that this will result in no net change in FTEs District-wide.

In transferring the auditor positions to the Inspector General, the IG needs to assess the background and qualifications of each individual currently filling the positions to determine if the person has the appropriate qualifications and background for the job. Centralizing the auditors under the Inspector General will provide the new Inspector General an increased staff and the flexibility to focus the resources on the priority issues requiring audit within the District government. This initial centralizing of all auditor positions under the Inspector General should not be viewed as a limitation on the new Inspector General to organize the audit function as deemed necessary and appropriate to most efficiently utilize those resources.

Recommendation 1H: The District should allocate the reduction of an additional 704 FTEs before the congressional mark-up of the District's fiscal year 1996 budget. The Authority will make these allocations if this information is not provided timely.

Implementation of recommendations 1A through 1G will result in 4,535 reductions in FTEs from the adjusted fiscal year 1996 budget, 704 short of the revised target of 5,239 FTEs. The Council proposed that 1,000 additional reductions could be achieved by offering an extension of retirement and voluntary separation incentive programs through March 1996. The Council did not allocate where the net result of these reductions should occur. There was some concern expressed as to whether this reduction goal was achievable. The Authority believes that any reductions need to be identified at least at the appropriation level. Therefore, the Authority recommends that the District provide information to the Authority that allocates at least 704 additional FTE reductions. These reductions should be focussed on management positions and not front-line employees who provide services to the public.

These FTE reductions should also not take place in the Metropolitan Police Department or the Department of Public Works. This information should be supplied to the Authority before congressional mark-up of the District's fiscal year 1996 budget, which is expected to begin in early September 1995. If the Authority does not receive the information before the mark-up, the Authority will allocate the 704 reductions.

Recommendation 1J: Section 601 of the Enrolled Original Legislation that prevents backfilling of FTE positions resulting from any incentive program should be modified.

The Council enacted legislation that prohibits the backfilling of any vacant position resulting from the exercise of an early-out retirement, easy-out retirement, or voluntary severance incentive program. The Mayor had proposed to create a pool of 300 FTEs to be used to backfill certain positions that were critical or resulted from restructuring and reengineering of District functions. The Mayor noted that he needed the flexibility of such a pool especially in light of the proposed Council legislation. The Authority had noted that the backfilling of positions should generally be discouraged; however the Authority does not believe that the complete elimination of such backfilling is wise due to the possibility that positions critical to providing services to residents may go unfilled. The Authority recommends elimination of section 601 and believes that the backfilling of any position should follow the procedure outlined in Section 602 of the Enrolled Original legislation. This provision allows the City Administrator to certify that the position is critical before it can be backfilled. The backfilling of positions should be within the FTE limit set in the appropriation title line item.

RECOMMENDATIONS ON MANAGEMENT INITIATIVES, THE FINANCIAL PLAN, AND TOTAL EXPENDITURES

Recommendation 2: Eliminate $70 million in reductions from the budget for debt restructuring. Also, make sure that cost savings from government reengineering, alternative service delivery, and recisions of board and commission members stipends are achieved.

The Authority initially recommended to the Council that plans and milestones for achieving $70 million of management initiatives be provided to document the actions and time frames for implementing actions to reduce costs and save funds. See Appendix 1 Recommendation 2. The revised fiscal year 1996 budget from the Council includes $70 million in savings attributable to debt restructuring, $16 million in cost savings from government reengineering and alternative service delivery, and $500,000 in cost reductions from board and commission recisions.

The District indicates that it will pursue a debt restructuring in fiscal year 1996 to achieve a projected debt service reduction of $70 million. The Mayor has submitted legislation to the Council which would amend the General Obligation Bond Act of 1994 to authorize a negotiated sale of certain general obligation bonds issued by the District. However, specific plans and milestones to accomplish the restructuring are still being discussed. In addition, the District's financial condition makes it uncertain whether such a restructuring is achievable. If these savings are achieved, they should be used to reduce the District's accumulated deficit or held in contingencies. The use of any such contingency should be approved by the Authority.

The District anticipates that it will save $16 million in fiscal year 1996 through restructuring, privatization initiatives, and procurement reform. The projected target involves agencies and functions across the government. However, the description of the actions to be taken generally describes the program and its scope, but does not provide specific plans with steps to be taken to implement the actions and milestones for accomplishing the steps.

The budget includes cost reductions of $500,000 to be achieved by eliminating stipends for all board and commission members except those who are full-time and certain select boards and commissions. The budget does not specify which boards' and commissions' members will not be paid.

The Authority instructs the Executive Director to work with the District to develop specific plans and milestones for management actions intended to reduce costs. Further, the Authority directs the Authority staff to monitor District initiatives to assure that progress is made in implementing the initiatives.

Recommendation 3: The authority's Executive Director will work with the City Administrator's staff and contractors hired by the city to develop the financial plan and budget in accordance with the Authority's guidance that is under development.

The City Administrator's office identified ''an increase of $2 million to provide resources to assist the government in responding to the Financial Control Board's directives.'' More specifically, according to District officials these funds are expected to be used to contract with public finance specialists to develop the following:

—an improved budget process and procedures,

—the financial plan and budget for fiscal year 1996,

—improved cash flow forecasting models,

—performance measurement models and tracking system, and

—re-engineering the procurement process.

The contract related to the first three items should be transferred to the new Chief Financial Officer (CFO) when appointed and the performance measurement contract should be a joint contract in which both the City Administrator and CFO participate.

Guidance for the financial plan and budget are currently being developed by the Authority staff and includes the concepts originally recommended by the Authority on July 15 (See Appendix 1) as well as the recommendations included in this report. The overall objective is to develop a comprehensive, realistic financial plan that is actually a management plan with financial effects. Accordingly, the plan needs to include not only the general operations, but also needs to incorporate the capital plan and plans for the enterprise funds and the new public benefits corporation.

Recommendation 4: Based on the current information, the total expenditures for fiscal year 1996 should be $5.016 billion.

The District's gross budget estimate for fiscal year 1996 includes all funds and revenue sources as recommended by the Authority on July 15 (see Appendix 1 Recommendation 5). The adjustments to the Council's proposed budget are for additional personnel reductions and debt restructuring. Appendix 1 provides a summary of the District's budget with the Authority's adjustments.

The personnel savings of $39.5 million were estimated based on $32,000 for a vacant position and $16,000 for a filled position. Additional adjustments may be necessary related to the following:

—additional information is provided concerning the extent to which intra-District funds are double counted in the budget estimates;

—the personnel savings do not include any savings that may be realized from federal grants and intra-District FTE's; and

—management initiatives are implemented and savings result.

The Authority is even more concerned about delivery of services by the District. Many of the issues and concerns presented by groups and individuals during the public meeting addressed specific service problems within the District. These concerns and problems are related to the fiscal crisis, but also are caused by archaic procedures, lack of equipment because repairs are needed, and insufficient nonpersonal services funds to purchase parts and supplies. The Authority believes that implementation of the performance measurement recommendation discussed later in this report will help address this concern.

The Authority instructs the Executive Director to work with the District to (1) analyze the intra-District funds to identify any double counting in the budget estimates and (2) identify any savings that may be realized from FTE reductions in federal grants and intra-District budget estimates. Before mark-up of the appropriation, the total budget of the District recommended by the Authority will be adjusted for the results of this review.

INFORMATION RECOMMENDATIONS

The Authority made a number of recommendations requesting information that should be included with the budget. The District provided a substantial amount of information in response to these recommendations, but much more is needed. The Authority expects that much of this information should be developed over the next several months. Although much of this information appears to be fundamental data that should be readily available, it is not necessarily easy to compile the data and is even more difficult to analyze and present the data in a meaningful format for higher level managers to utilize. This information will not only assist the Authority as it reviews the budget and financial plan, but more importantly will assist District managers as they develop multi-year budgets and plans and implement programs. Essential to developing and maintaining this information is the hiring of the CFO. The Authority will continue working with the Mayor in the search for a new CFO and a new Inspector General.

Recommendation 5A: Detail all major revenue and expenditure assumptions and include them in the budget documents.

The District's budget is generally developed based upon the amounts estimated in the previous year's budget rather than constructed from budget assumptions. The budget is not constructed from an identified or defined program need, such as the number of Medicaid patients receiving inpatient care multiplied by the average cost for that type of care. For the most part, the budget estimates are developed as a percentage increase or decrease from the previous year's budget estimates, which was estimated in a similar manner. Using a percentage basis to adjust budgets from one year to the next is not an uncommon practice. However, the adjusted amounts should still be assessed by those knowledgeable about the programs and operations to determine the effect on the program or service delivery or efficiencies which have to be achieved to meet the budget.

The Authority directs its staff to work with the District administration and the City Council to outline and/or develop the types of information needed to define revenue and expenditure assumptions for future budget estimates. Developing budgets based on revenue and expenditure assumptions will not only provide a better basis for making budget related decisions, but also will facilitate the development of performance measures and will provide a basis to monitor budget execution throughout each year.

Recommendation 5B: Develop a capital plan that identifies total capital needs.

The District agrees with this recommendation as proposed in Appendix 1 Recommendation 7. However, they acknowledge that a current assessment of the total capital needs does not exist and plan to enter into a professional services contract ($1.5–2 million) to provide the technical expertise to document and produce a comprehensive capital needs assessment that complements a government operations master plan for the District government. For Fiscal Year 1996, the District plans over $369 million in capital spending in the following appropriation title areas:

Fiscal year 1996 planned gross capital spending

Appropriation title	*Millions*
Government Direction	$24,954
Economic	24,250
Public Safety	18,854
Public Education	22,519
Health and Human Services	11,730
Public Works	195,857
Financing and other uses/enterprise funds	71,334
Total	369,398

A task force has been formed to define the scope of work for the contract; select the contractor and coordinate their work; develop prioritization standards; and, ultimately, recommend the restructuring of the capital program. The task force expects to develop the Request for Proposal and select a contractor by October 1995. The initial needs assessment stage of this process is planned for completion to be included in the Financial Plan to be submitted on February 1, 1996. During the first phase of the contract, an assessment will be developed that details the condition of all of the District's infrastructure. In this assessment the contractor will categorize the needs and detail the condition within each category. Phase two of the contract will have the contractor assist in developing the plan including identification of funding alternatives.

The Authority instructs the Executive Director to monitor and coordinate with the task force and contractor during the development of the capital plan.

Recommendation 5C: Develop a schedule that links the District's current financing obligations with its long term financial plan.

The District agreed with the recommendation to include in the budget estimates of short- and long-term debt as proposed on July 15 as Recommendation 8 (see Appendix 1). Further refining the original recommendation, a schedule needs to be developed that links the District's current financing obligations with its long term financial plan. The amounts from expected borrowings should also be linked to the capital plan so that priorities of financing are evident from the financial plan. Other areas that should be considered in this schedule include:

—the impact on the revenue assumptions of segregating revenue streams for borrowings related to the sports arena and the convention center. In addition, the current letter of credit affects the use of property taxes by requiring escrows sooner than those utilized for the general obligation bonds;

—the District's outstanding short-term Treasury borrowings and the repayment of these borrowings will result in decreased future revenues available for future borrowings;

—how the District will address the cash flow shortage, including how this shortfall will impact long- and short-term debt; and

—the effect of any planned refinancing on debts, including impact on the cash forecasts and the budget.

The Authority staff has asked for this information, but the District does not have this type of data readily available. This type of data is essential for any borrowings to occur and more importantly for the District's internal management of its cash and debt. The Authority instructs the Executive Director to work with the District in developing and refining the debt information for the budgets.

Recommendation 5D: Develop information on the costs associated with court orders.

A substantial portion of the District's operations are subject to court orders and consent decrees. In effect, these judicial mandates are establishing policies and directing significant segments of the District's operations and programs. Considering the scope of these orders and decrees, the District and the Authority need to establish an effective working relationship with the courts to help the District move programs out from judicial control and avoid future court orders and consent decrees. Accordingly, the District should assess its current programs and operations under court orders and consent decrees to determine the levels of compliance and relate the compliance with the available resources. The District should also identify costs that it is incurring that would not be incurred in the absence of the court order. This information could provide a basis for discussions with the appropriate court officials in resolving what can be realistically accomplished in light of the current financial crisis. The District should also assess the vulnerability of all other District programs and operations to obviate the need for future action by the courts.

The District provided information on the various court orders its operations are subject to, but the information could be improved by distinguishing between the costs of the programs that would be incurred if the programs were not subject to a court order and the additional costs that are attributable to the court orders. Refer to the Authority's July 15 recommendation 9 (see Appendix 1). For example, the entire budget for several agencies is included as a cost of the court order, which does not recognize the fact that the agency would have operated at some level without the court order. The Authority instructs the Executive Director to work with the District to develop and report more meaningful information on the court orders' costs.

Recommendation 5F: Include cash flow estimates for all funds.

The District agreed that cash flow estimates for all funds should be developed as proposed by the Authority in Appendix 1 Recommendation 10 and stated that a consolidated cash flow statement and a cash statement for all debt service escrow accounts will be prepared once a final budget for fiscal year 1996 is adopted. Cash flow statements for enterprise funds will be developed after decisions related to staffing reductions are made in response to Authority recommendations. Finally, a cash flow statement for the capital account will be based on the approved capital plan for fiscal year 1996 and borrowing assumptions related to market access or U.S. Treasury access.

The Authority instructs the Executive Director to monitor development of the various cash flow statements.

Recommendation 5F: Include information on all active grants and develop a list of grants that the District has not yet applied for but for which it may be eligible. Identify the grant funding that is at risk because of staff reductions.

The District provided a list of grants and the expenditures for each grant for the first three quarters of fiscal year 1995. However, it's not clear how this information relates to the fiscal year 1996 budget as proposed on July 15 in Recommendation 11 (see Appendix 1). The Authority instructs the Executive Director to work with the District to develop the reporting of the grant information requested.

The District's budget overview states that ''the District may lose grant funding because of the staff reductions.'' However, the budget does not identify the grants where funding may be ''lost''. The Authority instructs the Executive Director to coordinate with the District in the development of the information related to the loss of grant funding due to staff reductions.

Grant funding is an important source of financing the needs of District residents, particularly in times of budget crisis. It is not acceptable to have these valued resources unavailable because the District lacks matching funds or has not applied for the grants. Furthermore, the District also needs to assure compliance with all the requirements defined for the grants, particularly the audit requirements on grant settlements, to maximize cost reimbursement.

The Authority heard from several sources that the District has not applied for all the grants for which it may be eligible and citizens questioned how the District was using federal grant money for AIDS treatment and awareness. The District needs to identify all the grants for which its programs and operations may be eligible and attempt to obtain funding from the appropriate entities for such grants.

JULY 15 RECOMMENDATIONS ADOPTED BY THE DISTRICT FOR THE FISCAL YEAR 1996 TRANSITION BUDGET

The District provided responses to parts of all twelve recommendations that the Authority made on July 15, 1995. These recommendations are included as Appendix 1. Two of the twelve recommendations that the Authority made on July 15, 1995 on the original fiscal year 1996 budget were incorporated in the District's fiscal year 1996 transition budget. These were recommendations to develop an improved financial management system and a recommendation to develop pilot performance management projects in the Department of Public Works, the Office of Personnel, and the Office of Administrative Services. These recommendations and District responses are discussed below.

Develop an improved financial management system

The Authority recommended that the District should immediately develop and implement an improved financial management information system. Such a system should include not only equipment and software improvements, but also improved financial controls, procedures, and training of financial management employees.

Numerous internal and external studies and audits over a number of years have highlighted problems with various aspects of the District's financial information system. The Rivlin Commission Report[3] in November 1990 recommended a comprehensive financial management improvement program, including a new financial management system. Both the current interim Chief Financial Officer (CFO) and previous Ceo have recommended major financial management improvements, including better procedures and improved training, and specifically discussed developing and implementing a new financial management system. The U.S. General Accounting Office reported on June 21, 1995[4] that: The District's financial information and internal controls are poor. The District does not know the status of expenditures against budgeted amounts, does not know how many bills it owes, is allowing millions of dollars of obligations to occur without required written contracts, and does not know its cash status on a daily basis. Millions of dollars of bills are not entered into the Financial Management System until months and sometimes years after they are paid.

The District's financial management system consists of a 15-year old central system and at least 17 separate program systems. These separate program systems are not integrated with the central system. As a result, District Controller officials must input to the central system thousands of general journal entries that were originally entered into the individual systems. For example, at the Department of Human Services, benefit payments made under programs such as Medicaid, Aid to Families with Dependent Children, General Public Assistance, and Foster Care are computed by the program's own unique systems, which are not integrated with the city's Financial Management System. The benefit payment amounts for these programs and the associated obligations are then manually recorded in the Financial Management System by the D.C. Controller's Office after the payments are made. This results in processing delays and a lack of timely and accurate information to manage budget execution and cash flow.

The District's financial management system is not an effective tool to monitor or manage activities on the agency level. The District's current financial management system and operations do not establish agency managers as accountable for the resources at their disposal, particularly the funds available to pay for the costs of their operations. The new financial management system should incorporate a fund control system with regulatory controls that fixes responsibility with agency officials to ensure that the agency stays within authorized funding limits. Agency managers would then know the resources available to them to operate their programs and would be responsible for operating within those funding constraints.

The Congress should continue to appropriate the District's funds at the appropriation title level. The Authority would then have some flexibility to reprogram funds if necessary within the appropriations. The Authority instructs the Executive Director to assist the Congress throughout the appropriations mark up process.

The CFO would be responsible for monitoring agency use of funds and the CFO staff within each agency (the agency controllers and controller staff) would serve as the agency's source of data on the status of funds. Agency officials should be required to consult with the agency controller as to the availability of funds to cover any proposed obligations before entering into the obligation. The agency controller would be responsible for keeping the fund control system current concerning the availability of funds and reserving funds to ensure their continued availability even though the obligation may not be finalized until a later date. The CFO could also delegate to the agency controllers the authority to certify and approve payment of all bills, invoices, payrolls and other disbursements. This certification and approval would also include a determination of the legality and correctness of the payments. The Authority also plans to monitor the District's spending throughout the fiscal year and will closely review the contracts subject to Authority approval against the transition budget initially and the fiscal year 1996 budget and financial plan when it has been developed. The Authority will also review the financial impact of the Council's legislation in context with the budgets and financial plans.

Further, the CFO should develop guidelines related to administrative discipline and/or penalties for violations and fund limitations. The Inspector General should be responsible for investigating any such violations and reporting on the violations to the CFO who would then recommend the appropriate discipline/penalty to the Mayor for imposition. The reports, including a description of the resulting discipline/penalty, should also be forwarded to the congressional authorization and appropriation committees.

The District needs to immediately purchase and implement a financial management system. But more importantly, District managers cannot effectively manage programs without drastically improved real-time financial information. This system needs to consider the needs of all users and appropriate interface with other information systems. The District should consult with other jurisdictions that have implemented new financial management systems. In order to reduce cost and shorten the time needed to implement a system, off-the-shelf systems should be considered. The District should immediately make funds available for this system, which should be implemented no later than the end of fiscal year 1996.

The District agreed with this recommendation and provided $28 million, an increase of $21 million from the original fiscal year 1996 budget, to replace the existing financial management system with technology that will address its current financial and informational management needs. System development and implementation will occur in the following phases:

During Phase 1 (fourth quarter of fiscal year 1995), the District will develop and prepare a Request for Proposal to contract for identification of the processes that need to be automated and interfaces with other existing District systems.

Phase 2 (first and second quarters of fiscal year 1996) will assess the existing financial management system environment, including the purpose and functions, staff, process and procedures, and technology as well as further refinement of the technology needs and procurement of the needs.

Phase 3 (third and fourth quarters of fiscal year 1996) will involve procurement of the necessary hardware and installation of the software for the new system. During this phase, processes will be redesigned and staff qualifications and the organizational structure will be addressed.

Phase 4 (fourth quarter of fiscal year 1996 and first quarter of fiscal year 1997) will be data conversion, system testing, and training.

Phase 5 (first quarter of fiscal year 1997) will be full on-line implementation.

The Executive Director will work with the District and its contractors in monitoring the development and implementation of the new financial management system and related procedures with the goal of an earlier implementation, if possible.

[3] Financing the Nation's Capital: The Report of the Commission on Budget and Financial Priorities of the District of Columbia, November 1990.

[4] District of Columbia: Improved Financial Information and Controls Are Essential to Address the Financial Crisis, GAO/T–AIMD–95–176, June 21, 1995.

Implement pilot performance management projects

The District agreed with the Authority's recommendation to implement pilot performance management/results-oriented programs in the Department of Public Works, the Department of Administrative Services, and the Office of Personnel. These pilots should incorporate business process re-engineering and quality management principles.

The District of Columbia is not only facing a financial crisis, it is facing a performance delivery crisis. All citizens of the District want quality services. The Authority has already received numerous comments about the poor quality of service provided by District agencies. For example, a constant comment is that citizens simply want their trash picked up. These citizens want and deserve an effective and efficient District Government. The district has many qualified employees who are working hard every day to deliver services to District residents. However, many of the processes for carrying out these programs are ineffective and service delivery suffers no matter how hard employees work.

Other jurisdictions have implemented effective results-oriented customer service approaches to many of their functions. Of particular note are the states of Florida, Minnesota, North Carolina, Oregon, Texas, and Virginia, and the cities of Sunnyvale, California and Portland, Oregon. Last December the U.S. General Accounting Office issued a report on the experiences of these states.[5] The experiences of these jurisdictions could help the District develop its pilot programs. The approach used by these entities focuses on program outcomes as opposed to only inputs and outputs. These entities have found that aligning departments and employees around results can yield such benefits as: improved service to citizens, improved productivity and elimination of extraneous programs, and better information for making budget and program decisions.

A key first step in implementing these pilots is developing information on: (1) specific programs and their cost, (2) all outputs for the selected programs, (3) the impact (outcomes expected) and methodology for achievement, (4) all constituents impacted and how their satisfaction will be measured, (5) benchmarks for programs using other jurisdictions' experiences and results, and (6) spending and performance targets to hold managers accountable. Training programs to bring worker skills in line with those needed for the new processes should be an integral part of the implementation plan.

A critical part of this process includes involving the workers, who are carrying out these tasks every day, in the development of innovative solutions. Many of the best ideas for improving the process come from the people who do the job. We want to openly solicit any and all ideas relating to District operations and suggestions to improve delivery of services.

The District responded that several initiatives are already underway in the three agencies that incorporate business process reengineering and quality management concepts. The transition budget includes an additional $2 million to split among the three agencies to implement these initiatives. The initiatives underway include: at the Department of Public Works, household trash collection, the recycling program, and a fleet management program; at the Office of Personnel, an effort to re-engineer the District's entire personnel system, including the planned identification of legislative changes needed to the Comprehensive Merit Personnel Act of 1978; and at the Department of Administrative Services, the development of the Excellence in Procurement Task Force.

The Authority will work with the District on these and other projects and identify individuals or organizations that can assist in the development of the pilots. The Authority members have noted that many private and public organizations in the Washington Metropolitan area have expertise in results-oriented management and they may be willing to assist the District.

SUMMARY OF REVISED FISCAL YEAR 1996 PROJECTED REVENUES AND EXPENDITURES

The District's fiscal year 1996 estimates for revenues are $4.979 billion. These estimates are consistent with prior years' actual revenues. Based on the Authority's recommended revisions to the transition budget, the District's expenditures are estimated to total $5.016 billion. Thus the results of operations is projected to show a deficit of $37 million.

These estimates are based on the City Council's budget is adjusted for Authority recommendations. Additional analysis will need to be performed as the District develops assumptions for its expenditures. In addition, data is needed from the District regarding the intra-District operations. These estimates may also require adjustment based upon the District's success with its management initiatives and debt restructuring.

The table on the next page summarizes the fiscal year 1996 expenditures for the District.

[In thousands of dollars]

Appropriation title	Original adjusted budget	Adjusted council	Authority	Authority less council	Authority less original
Revenue:					
Taxes	2,449,855	2,449,855	2,449,855	0	0
Other local sources	271,992	271,992	271,992	0	0
Federal payment	660,000	660,000	660,000	0	0
Grants	851,532	851,532	851,532	0	0
Enterprise	505,113	505,113	505,113	0	0
Intra District and private	240,068	240,068	240,068	0	0
Total revenue	4,978,560	4,978,560	4,978,560	0	0
Expenditures:					
Governament direction	124,122	150,721	149,793	(928)	25,671
Economic	144,149	142,661	141,013	(1,648)	(3,136)
Public safety	958,955	952,971	954,331	1,360	(4,624)
Public education	802,951	799,367	789,015	(10,352)	(13,936)
Health and human services	1,872,614	1,859,622	1,850,422	(9,200)	(22,192)
Public works	297,315	297,534	297,326	(208)	(11)
Enterprise	505,123	508,623	501,338	(7,305)	(3,785)
To be allocated	0	0	(11,248)	(11,248)	(11,248)
Net effect of FTE changes	4,705,229	4,711,519	4,671,990	(39,529)	(33,239)
Financing and other uses	280,654	273,717	343,717	70,000	63,063
Total expenditures	4,985,883	4,985,236	5,015,707	30,471	29,824
Deficit	(7,323)	(6,676)	(37,147)		

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, October 30, 1995.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 2546—DISTRICT OF COLUMBIA APPROPRIATIONS BILL, FY 1996

(Sponsors: Livingston (R), Louisiana; Walsh (R), New York)

This Statement of Administration Policy provides the Administration's views on H.R. 2546, the District of Columbia Appropriations Bill, FY 1996, as reported by the House Appropriations Committee.

The Administration strongly objects to the $256 million reduction that the Committee would require the District to take in FY 1996 from the level estimated by the Financial Responsibility and Management Assistance Authority (the Authority) based on deliberations with the Mayor and District Council in September. A reduction of this magnitude would most likely result in substantial interruptions in program operations and service delivery. The Authority was established in April to assist the District in balancing its budget and improving its management structure over time. Working with the District, the Authority is committed to bringing the District's budget into balance, but within a reasonable timeframe of two to three years. It would be inappropriate for Congress to override the considered judgment of the Authority on the District's budget, a responsibility that the Congress gave to the Authority in April.

The Administration strongly opposes the abortion language of the bill, which would alter current law by prohibiting the use of both Federal and District funds to pay for abortions except in those cases where the life of the mother is endangered or in situations of rape or incest. The Administration objects to the prohibition on the use of local funds as an unwarranted intrusion into the affairs of the District. In addition, the Committee bill would prohibit any abortions from being performed by ''any facility owned or operated'' by the District, except in cases where the life of the mother is endangered ''or in

[5] Managing for Results: State Experiences Provide Insights for Federal Management Reforms (GAO/GGD–95–22, December 21, 1994).

cases of forcible rape reported within 30 days to a law enforcement agency, or cases of incest reported to a law enforcement agency or child abuse agency prior to the performance of the abortion.'' The Administration objects to this provision because it would prevent women who need legal abortion services from exercising that choice at a hospital or clinic owned or operated by the District, even if they were using their own funds. Furthermore, the Administration objects to the language that purports to require women who are victims of rape to prove that the crime was ''forcible'' and the language adding reporting requirements both for rape and for children who are victims of incest.

These provisions are all designed to preclude or discourage women who need legal abortions from obtaining them. For all of the reasons cited above, if the bill were presented to the President as reported by the Committee, the President's senior advisers would recommend that he veto the bill.

Additionally, the Administration has concerns regarding the request that the Authority review 28 amendments, some of which were originally introduced in the Committee's first mark-up on September 19, 1995. First, the amendments infringe on Home Rule and represent congressional micromanagement of the District government. Many of the proposed amendments involve issues that the Mayor and the City Council should work together to resolve or study, such as the effect of the Displaced Workers Protection Act on the District government or the economic impact of rent control and the feasibility of decontrolling units. The Authority was specifically mandated to assist in District budgetary and management reform. The Authority's role should not involve the review of policy issues unrelated to improving the District's financial condition.

The Administration supports the Committee's action to approve $28 million for a new financial management system for the District of Columbia. The District should immediately develop and implement an improved financial management information system. The District's current financial information and internal controls are weak, making it difficult for city officials and managers to track expenditures and to know how much is owed.

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

□ 1600

Mr. WALSH. Mr. Chairman, I yield 4½ minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations.

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

Mr. LIVINGSTON. Mr. Chairman, I, too, want to congratulate the gentleman from New York [Mr. WALSH] for all of his hard work. This has been an extraordinarily difficult bill. But the gentleman and the staff, both the majority and the minority, have worked diligently to bring this bill to the floor today. They are to be commended for their efforts.

Mr. Chairman, this has not been an easy course, but it is my hope the majority of the Members will vote for this bill, because I think this is the best bill we are going to get, both in terms of the needs of the American people and the needs of the District of Columbia.

I want to congratulate and thank the gentleman from California [Mr. DIXON], the ranking minority Member, for his cooperation, as well as thanking the gentlewoman from the District of Columbia [Ms. NORTON]. They may not support the bill at this point, we regret that fact, but at least they worked well with us to get us to this point, and we appreciate their cooperation.

Mr. Chairman, I will disagree though with what has just been said, because this is a fiscally responsible bill. It is well within the targets set by the budget resolution passed in this House only a few days ago, and in fact it cuts $84 million from the District's budget under what was appropriated last year. We have heard a lot of talk about the fact that we are $256 million below what the control board wants. Sure, that is their wish-list. If everything were the same, they would have asked for $256 million more than this bill appropriates. Actually, this bill still appropriates $84 million less than what was appropriated last year. That is pretty close to even, when you are talking about a $5 billion bill. There is really very little difference.

Under the provision of this bill, no Federal or local funds can be used for the city-approved Domestic Partners Program. This language is identical to current law. It existed last year. This bill is designed to send a strong message that the mismanagement, the acknowledged mismanagement of District finances, cannot and will not be tolerated.

But its mission is not to leave the city in dire straits. Five billion dollars is not ''in dire straits,'' as some D.C. officials have suggested. The fact of the matter is, there are only 570,000 residents in the District of Columbia. The amount we provided averages out to $9,000 per resident. That is a higher per capita investment than almost any other city. In fact, probably any other city that I know of, but certainly most other cities in America. It is a considerable investment. Still we see that the services are not adequate and that there has been mismanagement and waste and inefficiency.

So it seems to me we are not being overly restrictive. In fact, I believe the city officials should embrace this bill, because almost all the authorization language which was in the bill at the outset and which was heavily complained about by the delegate and others has been stripped. Most of that authorization language has been stripped out in deference to home rule.

As a matter of fact, I might add, it was the mayor's own transition team that recommended in November of 1994 that the District ''Implement a budget plan to cut expenditures in the magnitude of $431 million and to generate additional cash of $100 million to solve the cash crisis.'' The team put forth a plan to do this. Yet nothing has been done by the District Government to achieve the savings pointed out by both them, the transition team, and the Rivlin Commission, which was headed by none other than the current director of the Office of Management and Budget, Alice Rivlin.

The Rivlin Commission report goes on to say that ''The high cost of the District's government is the logical outcome of a long series of events and decisions. Although steps have been taken to reverse the process, they haven't been enough.'' That is Alice Rivlin.

In this bill we have honored the Control Board's request for a $28 million new financial management system, with $2 million immediately available for a needs analysis and investment assessment report. We believe the initiative will help the D.C. Government get its finances back on track.

The District needs to understand that the American people are serious about the need for structural reforms of the District's finances. We have invested the Control Board with tremendous power. We have given them enough money to manage and to begin the fiscal reforms that we seek from every agency and every government program that receives taxpayer dollars.

Mr. Chairman, this is a good bill. It complies with the demands by the Rivlin Commission, it complies with the promises by the city administration when they took office, and I urge our Members to vote for this bill. The next bill will only be worse.

Mr. DIXON. Mr. Chairman, I yield 9 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I recognize for most Members, this is just another bill. But I ask Members to recognize that for me, this is my life and my city, and your Capital City.

Mr. Chairman, the bill puts me in the worst of positions. The Mayor cannot support a bill that would wreck the city. My city council, which has gathered courage, now finds it did not do any good. The Congress has second-guessed it. And I do not know what I am going to recommend as Members come up to me and say, ''Eleanor, what shall we do?'' And I do not know, I must say to you, whether it would make a dime's worth of difference, whatever I recommend.

This is an appropriations bill, my friends, so let us talk about money. I have heard in this debate about ''your money.'' Let us be clear whose money this is. More than 80 percent of the money in this bill is the hard-earned money raised in the District of Columbia from District taxpayers.

This is not your Federal payment alone. This is our money, and we cannot get our money without coming to a national legislature to get it. I hope Members are proud of that, because, if they are, they should be ashamed of that. This is not a Federal agency. This is a self-governing jurisdiction of the United States of America.

My greatest regret about this bill is how close it came to being a bipartisan bill. I do not know why four pages of home rule violations were put on the bill, but I do know that the Speaker stepped forward and said ''Perhaps we can work this out,'' and they got off the bill. I said, ''Oh, my goodness, we really are going toward bipartisanship.''

I appreciate that the gentleman from New York [Mr. WALSH] cooperated in that procedure and has said that he never indeed intended to have the bill, nor did the gentleman from Louisiana [Mr. LIVINGSTON] intend to have the bill full of home rule matters that were unrelated to the appropriation.

At the end of the day, however, this bill has in fact invited other home rule violations, of a kind that only excite those who would ordinarily vote for the bill. By allowing on to the appropriation these amendments, the majority has made it impossible for me to do what I certainly desire to do, and that was to get votes on my side of the aisle. It is very hard to ask a Member to vote for you when you are asking a Member to vote against his own principles on something like abortion, especially when the amendment on abortion of the gentleman from New York [Mr. WALSH] was expected, and we have an escalated version. It makes it very difficult for all of us, and especially for me.

Whose money is this? Let us be entirely accurate. This is a Congress that is particularly excited about taxes. I bet there are few Members in this Congress who know that there is only one State that pays more taxes to the Federal Treasury per capita than I do. And yet I stand before this body representing 600,000 District residents, and I cannot vote for the bill that is before us, the bill that has my money, my taxpayers' money in it, far more than any Federal money in it.

We are No. 2 per capita. If you are from New Jersey, my hat is off to you, because you pay more taxes per capita to the Federal Government than I do. The rest of you, get in line behind me.

Nor am I here as an apologist for my own city or city government. You have not heard me say ''This is a wonderful city government; why don't you vote for it?'' We know the city government has problems. The city government has in fact agreed to the acceptance of a financial control board.

How many times did I go before my own people and publicly say, ''Reform your own government, or the Congress may do it.'' So to beat up on the District government because it is not yet reformed is particularly gratuitous, since we have just put in place a financial authority to assist it in reforming. The authority just got there, and got there only in time to cut.

It is said, ''Hey, why doesn't the government look wonderful yet?'' The government looks about the same way it does in Syracuse and in Newark and in San Diego and Atlanta, and it needs reforming, and you have in place a mechanism to do that reform. And you are not respecting that mechanism when it says if you cut beyond what they are already cut, you will cut into the blood and guts of the District government and bring it down.

I do not use those words lightly. I am more accustomed to going to the District government and saying ''Please, cut yourself before they cut.''

We have heard a lot about the District and its responsibility. I do not know why we did not hear more about congressional responsibility. We have not heard a peep about $5 billion in unfunded pension liability handed to the District government when home rule was given. The Congress used to pay for the pensions out of its pocket because it had access to the Treasury. It gave us that unfunded pension liability and said ''Now you pay for it out of your pocket.'' That is $300 million a year we pay so our cops can get their pensions. And the Federal Government and the Congress have not responded when we have said ''Help us out of this, and you will help our budget and help our bond rating.''

We have not heard them tell us about Medicaid, where we pay the entire cost, county and State, of Medicaid; and not one Member comes from a city that would be left standing if that were the case. And we have not heard them say a thing about State prison systems, and we are the only city in the United States that pays the full cost of State prisons. Medicaid and the State prison system, as much as anything, these are what has driven the District close to insolvency. When one talks about unfunded Federal mandates, if they hurt your State, they hurt your entire State.

The budget cuts are not cuts I oppose on their face. The financial authority said ''Give us time to do the reengineering before any more cuts.'' Why that would not be respected is completely puzzling to me. For 2 years in a row, the District simply cannot take it off the top. That is what we are asking them to do. We are saying take it from the police department, that cannot get the cars out of the garage. We have had to raise the retirement age of the police department and cut the pay, so the police department is completely noncompetitive. We cannot recruit police. That is a danger to public safety. This shows callous disregard for innocent bystanders, the people who pay the highest taxes per capita in the United States, except for New Jersey.

The gentleman from New York [Mr. WALSH] had a case to make on the merits, and he has failed to make it. Let me make it quickly. The reasons that he did not need this reckless cut, the reasons that he did not need these amendments, are the following: On his watch, there has been the establishment of a financial authority. On his watch the District has eliminated 3,600 jobs, not 2,000 as the Congress demanded. On his watch, the authority has gotten 750 additional positions from the District. On his watch there has been a 12-percent give-back from District employees and 6 furlough days. On his watch there has been the initiation of a baseline audit. On his watch there has been a reduction in spending from $3.9 billion to $3.3 billion. On his watch, the District has made requests that are in fact going through for Medicaid savings. That should have been enough to get this bill passed within putting on this bill amendments that have chased away those who devoutly wanted to support it.

Mr. WALSH. Mr. Chairman, I thank the gentlewoman for recognizing the progress that we have made, and would submit we have a lot more to make.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BONILLA], a member of the subcommittee.

□ 1615

Mr. BONILLA. Mr. Chairman, I thank the gentleman for this time, and I rise in strong support of the District of Columbia appropriations bill. And in the spirit of David Letterman, I have a top 10 list of reasons why Republicans and Democrats should support this in a bipartisan way.

Reason No. 10. It continues the process of restoring discipline and accountability in D.C. government.

Reason No. 9. It is the responsibility of Congress to pass a bill that provides for the operation and maintenance of the Federal city, our Nation's capital.

Reason No. 8. Prohibits the use of taxpayer dollars to implement the Domestic Partners Act.

Reason No. 7. Empowers control board to enforce the budget cap, allocate spending cuts and reprogram funds.

Reason No. 6. Eliminates over 5,000 full time city positions.

Reason No. 5. Places a spending cap at $4.87 billion.

Reason No. 4. Appropriates $346 million less than the Mayor originally requested.

Reason No. 3. Appropriates fewer Federal funds than last year.

Reason No. 2. Appropriates $84 million less than last year.

And reason No. 1. It is this bill or, more than likely, no bill.

Mr. Chairman, I would also like to put in a word for an amendment I will be offering on this bill that will make it even better. Those who support adding additional funding and making it available to the District of Columbia for educational purposes will hopefully support my amendment to eliminate the special privilege allotted to the National Education Association of a property tax exemption, a privilege that is not granted to any other labor union in the District of Columbia and a privilege that should be revoked because we need to eliminate this privilege that has been on the books for a long time, granted by congressional charter.

We are not picking on the National Education Association. The IRS has already deemed it a union and it is only protected by the congressional charter that was written in the early part of the century. We need this money to be available for the District of Columbia and we hope that people will vote for this amendment on both sides of the aisle and support the District of Columbia's opportunity to garner $1.6 million in property taxes from a very rich union in D.C.

Mr. DIXON. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. OBEY], the distinguished ranking minority member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, this is an appropriations bill, and being an appropriations bill we are supposed to be dealing with financial issues. I do not like the fact that we have to interpose ourselves when it comes to the financial decisions of the District, that we have to interpose ourselves in their affairs, but we have no choice because the District Government has proven itself to be incapable of managing its financial affairs. Because that lack of capability has a spillover effect on taxpayers around the country, I think we have no choice but to reenter the fray.

Having said that, I would observe, however, that I do not honestly believe, given the nature of the District and given the nature of the surrounding territory, the suburbs, I do not believe that the District will ever truly be financially viable unless there is exhibited a great deal, or a great—well, I will make somebody mad if I put it that way. Let me simply say that I think persons who reside in suburbs need to recognize their financial responsibilities to the District that they use to a much greater degree than they do right now if the District is ever to be financially viable. That will probably make some people mad, too.

Having said that, Mr. Chairman, I want to deal with what I consider to be a very serious overreaching on the part of the Congress here this afternoon. It is one thing for us to make financial decisions affecting the District because we have no financial choice. It is quite another for us to become the city council for the District of Columbia on nonfinancial affairs and start changing D.C. law on a variety of subjects just because we do not like what D.C. law happens to be at this moment.

Example. We are being asked to make major changes in D.C. law with respect to their education system. We are being asked to make major changes in D.C. law with respect to adoption. We are being asked to single out the NEA for the loss of a tax exemption, when there are many other organizations who are also exempt from paying property taxes in the District.

Mr. Chairman, I believe that when the Congress crosses the line and gets involved in these legislative issues it does so illegitimately for one very simple reason: Because the persons who live in the District of Columbia cannot retaliate against the elected officials who make those decisions. They have no ability to vote us in or out, unlike out constituents. And when we start making legislative decisions that affect their lives and they do not have any redress, our forefathers called that taxation without representation.

So I think that when we get into these other legislative areas, we are engaging in an illegitimate legislative act, and that is why, when they come to the floor, if they do not relate strictly to the financial problems that the District has, I will not vote for them or against them. I will simply cast a vote ''present'' in order to, in some small way, to protest the fact that this House is being asked to act as a mini city council and I do not think our taxpayers back home expect us to do that.

Mr. Chairman, we screw up enough of what we touch at the national level without wasting time screwing things up in the District of Columbia as well, to be blunt about it. I think that it is the height of arrogance for Members to use their power simply because in this instance we have the political ability to engage in these actions.

I would simply observe in closing that while I do not know what the proper level of the Federal payment to the District ought to be, I think the committee has a right to make a judgment on that. But when we start telling the District how it must change its law on nonfinancial items, I think we are abusing the power we have been given by our own constituents and I think we ought not to do it.

Mr. WALSH. Mr. Chairman, I yield myself 30 seconds just to clarify a couple of points just raised.

I would remind the distinguished ranking member of the full committee that the Constitution of the United States, article 1, section 8, paragraph 17, empowers the Congress of the United States to exercise exclusive legislation in all cases whatsoever over such District.

Clearly, he would not argue with the founding fathers of this Nation who suggest that this is our responsibility.

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

Mr. WALSH. I only have 5 seconds remaining.

The CHAIRMAN. The gentleman's time has expired.

Mr. OBEY. I would appreciate it if the gentleman would not mention my name if he is not going to yield to me.

The CHAIRMAN. The gentleman from New York is recognized. The gentleman from New York has the time.

Mr. WALSH. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

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

Mr. DAVIS. Mr. Chairman, I rise today to lend my support and urge my fellow Members to vote in favor of H.R. 2546, the fiscal year 1996 District of Columbia appropriations bill.

Like most appropriations bills, this has some good elements to it; it has some bad element to it, and I would suggest to my colleagues that this is the first step in a long process of moving the appropriation bill through Congress and eventually getting it signed. I think the good news for the city is, as many other items are being cut around us, the appropriation level from Congress is consistent with last year's appropriations.

No one seriously doubts that the District of Columbia is in the midst of a serious financial crisis. This Congress has already laid a strong foundation for the successful resolution of the city's problems with the passage of the District of Columbia Financial Responsibility and Management Assistance Act earlier this year. The authority has been operating for 5 months. It appears to be moving ahead forcefully with its mission, but the passage of that act did not absolve Congress of either its duties or obligations to the District of Columbia.

The matter before us today, the fiscal year 1996 appropriations bill, must be passed for the District and the authority to know what parameters they must operate within from both policy and financial perspectives. The District can ask for, and the authority may recommend anything they want to Congress, but, ultimately, it is only Congress which has the power to act.

Now, more than a full month into fiscal year 1996, the House must act to move forward in the process of dealing with the city's problems rather than continuing to wring our hands and talk about them. This legislation is only the first step in what will be a year-long fiscal year 1996 appropriations process for the city.

The Financial Responsibility and Management Assistance Act established a special process for fiscal year 1996. One of the main reasons behind the creation of the authority is the lack of accurate financial information from the city. The authority and the city need substantial time to develop a more accurate picture of the true financial condition of the city.

Mr. Chairman, Congress decided to delay the submission of the District's 4-year financial plan until February 1, 1996.

Mr. Chairman, I commend the long hours of dedicated toil which Mr. WALSH, the chairman of the District of Columbia Appropriations Subcommittee and Mr. LIVINGSTON, the chairman of the Appropriations Committee have devoted to this bill. Their hard work was ably supplemented by the many invaluable contributions of Ms. NORTON and Mr. DIXON. Their efforts, aided by the valuable contribution of staff, in writing the bill and its rule mark a major step forward in this must pass legislation.

The bill before the House this afternoon should be passed because it enables this body to deliberate and work its will on the budget of our Capital City including several matters of great importance not only to the

residents of our Nation's Capital, but to citizens all across America. No other city in our Nation holds the place of Washington, DC in the hearts of the American people. The city, its monuments, museums, and most of all, its public buildings symbolize all that is great and good about the American way of life. It is our duty to give mature consideration to its affairs and to do our best to enhance our Capital City and to help steer it back to a course of fiscal responsibility.

The first year of the plan is a supplemental fiscal year 1996 budget. The supplemental budget will be a document that the authority has been intimately involved with from its inception. It will provide this Congress a second opportunity to exercise its collective oversight responsibilities for the District's finances and one with far more credibility as far as both revenue and spending estimates are concerned.

This legislation sets an overall fiscal year 1996 District spending level at $4.867 billion. It establishes guidelines for the basic categories of the city's spending. The bill also establishes new, lower levels for FTEs. The city, under the vigilant guidance of the authority, has begun the process of reforming itself. Passage of H.R. 2546 is the next, essential step in the process. H.R. 2546 is important not only because our Nation's Capital needs a budget. It needs a budget which will enable it to move a few more steps along the road to financial stability. By moving the appropriations process forward, we come closer to meeting our responsibility for the well being of the District.

This legislation serves to further the new and vital partnership we are forging between the 104th Congress and our Nation's Capital. As this bill works its way through the legislative process it may receive further modifications. In its final form, the fiscal year 1996 District appropriation bill will be a reflection of both local and national priorities. Only by working closely together as partners can either the District of Columbia, the White House, or Congress realize our common goal—a city in which all Americans take great pride.

Once again, I commend the hard work of the members and staff who have brought us to this point in the process. I am happy to stand in strong support of this bill and urge all my colleagues to do likewise and to vote in favor of H.R. 2546.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding, and I rise as a lawyer who spent most of her life as a constitutional scholar to say that it is inappropriate to cite the Constitution of the United States for taxation without representation. It is inappropriate to cite the Constitution of the United States for overriding the consent of the governed. To do so is to defile the Constitution and to defame Madison, its principal author.

Mr. WALSH. Mr. Chairman, I yield myself such time as I may consume to say to the gentlewoman that I would suggest it is never wrong to quote from the Constitution of the United States.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, I would never defile that five-foot-four package of constitutional genius James Madison, nor George Mason up here, who was too old to ever be President and loved his privacy too much, but who also probably should have debated this whole thing longer.

I will not apologize for interesting myself in this Federal enclave, our beloved District. It is my job. It is the job of all 435 of us. But I do come close to feeling empathy for when we discuss domestic partnership, abortions in the District, and other issues that seem far afield from a District that, frankly, I am surprised somebody did not come up with a motion to strip it of its name, Columbia, because it is named after a dead, white, Catholic, Italian male who sailed from Spain and did not find what he was looking for.

But, nevertheless, Mr. Chairman, let me put everyone on notice about two amendments coming up here. The Bonilla-Hayes, that is a good member of the minority, Dornan amendment on tax exempt status for one of the most politically charged groups in America, the National Education Association.

My brother is a high school teacher, finishing his third decade as one of the best high school teachers I have ever watched in operation in my life. He will not join this organization because it is so politically fired up and so ideologically far left. I will avoid words like, extremist and radical, like we heard earlier in the debate.

The other is domestic partnership, Mr. Chairman. This will be a fascinating debate because in Seattle they decided they were not about to ask firemen and policemen if they do the nasty; if they have bizarre sex with their roommate. So they said it is going to apply to bonded friendships. Heterosexual females living together as friends for life, males brought together by bonding of mutual affection, vets from Vietnam who saved one another's lives.

There is going to be a strange commonsense debate on what is wrong with domestic partnership. When they have to fire, they perform certain weird sex acts.

□ 1630

Mr. DIXON. Mr. Chairman, I reserve the balance of my time.

Mr. WALSH. Mr. Chairman, just to clarify a couple of points that have been made earlier in the debate, the appropriated level in this bill is $84 million less than last year's appropriated level. There are a lot of other numbers that have been offered. The District government requested an appropriation level; the Control Board responded to that; the subcommittee responded to that. Mr. Chairman, take all the numbers away, we end up with $84 million less than last year.

Again, regarding the Constitution, it does clearly state that Congress has the authority and responsibility regarding the District of Columbia. The Home Rule Act was a delegation of that responsibility to the District government, but it was contingent upon the District presenting balanced budgets to the Congress each and every year.

Mr. Chairman, the General Accounting Office showed us very clearly that over the last 3 or 4 years, they have not done that. They used fiscal gimmickry, they decided not to make pension payments, or they included five quarters of property tax collections in 1 year, which is impossible. There are four quarters in 1 year and they cannot get five quarters in 1 year. Mr. Chairman, they did anything and everything to make it look like the budgets were balanced. But the fact is they have not been balanced.

Mr. Chairman, we have bent over backward to continue home rule. Mr. Chairman, lately this committee has done its best to try to allow the District to continue to govern itself, and we have asked the Control Board to work with the District government to resolve some of these issues.

We are prepared to support the Control Board and give them the authority to allocate the reductions recommended in our bill. I think that is fair.

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

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

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

The CHAIRMAN (Mr. HASTINGS of Washington). All time for general debate has expired.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 104–302, if offered by the gentleman from New York [Mr. WALSH], or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. Debate on each further amendment shall be limited to 30 minutes.

It shall be in order to consider each of the amendments numbered 1, 2, or 4 printed in the designated place in the CONGRESSIONAL RECORD if offered by the Member who caused each to be printed, or a designee. Each of those amendments shall be considered read, shall be debatable for 30 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 1996, and for other purposes, namely:

The CHAIRMAN. Pursuant to the rule, it is now in order to consider the amendment by the gentleman from New York [Mr. WALSH].

AMENDMENT OFFERED BY MR. WALSH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WALSH: Page 57, line 23, strike ''Section'' and insert ''(a) IN GENERAL.—Section''.

Page 58, insert after line 4 the following:

(b) NO EFFECT ON PETITIONS FOR ADOPTION FILED BY INDIVIDUAL UNMARRIED PETITIONER.—Nothing in section 16–302(b), D.C. Code (as added by subsection (a)) shall be construed to affect the ability of any unmarried person to file a petition for adoption in the Superior Court of the District of Columbia where no other person joins in the petition.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. WALSH] and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, my amendment clarifies the language in section 153 on pages 57 and 58 of the bill concerning adoptions by unmarried couples.

Mr. Chairman, the language presently in the bill amends the D.C. Code and requires that a person who joins in a petition to adopt must be spouse of the petitioner.

My perfecting amendment makes it clear that the language does not apply to individual, unmarried petitioners. In other words, a single person is permitted to file a petition for adoption, and that has always been the case.

Mr. Chairman, I urge my colleagues to support my amendment.

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

Mr. DIXON. Mr. Chairman, I am not in opposition, nor do I know of anyone who is in opposition. I am in opposition to the original underlying amendment here, but I have no objections to it.

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

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WALSH].

The amendment was agreed to.

The CHAIRMAN. Pursuant to the rule, the bill is considered read through page 58, line 4.

The text of H.R. 2546, as amended, through page 58, line 4, is as follows:

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,000,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $149,793,000 and 1,465 full-time equivalent positions (end of year) (including $118,167,000 and 1,125 full-time equivalent positions from local funds, $2,464,000 and 5 full-time equivalent positions from Federal funds, $4,474,000 and 71 full-time equivalent positions from other funds, and $24,688,000 and 264 full-time equivalent positions from intra-District funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That $29,500,000 is used for pay-as-you-go capital projects of which $1,500,000 shall be used for a capital needs assessment study, and $28,000,000 shall be used for a new financial management system of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: *Provided further,* That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the General Accounting Office within 90 days after the date of enactment of this Act reporting the results of the needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; (2) the General Accounting Office reviews the Authority's report and forwards it along with such comments or recommendations as deemed appropriate on any matter contained therein to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate within 60 days from receipt of the report; and (3) 30 days lapse after receipt by Congress of the General Accounting Office's comments or recommendations.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $139,285,000 and 1,692 full-time equivalent positions (end-of-year) (including $66,505,000 and 696 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 260 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): *Provided,* That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: *Provided further,* That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: *Provided further,* That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $954,106,000 and 11,544 full-time equivalent positions (end-of-year) (including $930,889,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided further,* That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: *Provided further,* That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under

the Act in each fiscal year since inception in the fiscal year 1975: *Provided further,* That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: *Provided further,* That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: *Provided further,* That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: *Provided further,* That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: *Provided further,* That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: *Provided further,* That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: *Provided further,* That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $788,983,000 and 11,670 full-time equivalent positions (end-of-year) (including $670,833,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,046,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $577,242,000 and 10,167 full-time equivalent positions (including $494,556,000 and 9,014 full-time equivalent positions from local funds, $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $109,175,000 from local funds shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,269,000 and 1,079 full-time equivalent positions (including $45,250,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $21,062,000 and 415 full-time equivalent positions (including $20,159,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, $454,000 and 1 full-time equivalent position from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities; $64,000 from local funds for the District of Columbia School of Law and a reduction of $96,000 for the Education Licensure Commission: *Provided,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

HUMAN SUPPORT SERVICES

Human support services, $1,845,638,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,067,516,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,763,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): *Provided,* That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,326,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,673,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

WASHINGTON CONVENTION CENTER FUND

For payment to the Washington Convention Center Fund, $5,400,000 from local funds.

REPAYMENT OF LOANS AND INTEREST

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

SHORT-TERM BORROWING

For short-term borrowing, $9,698,000 from local funds.

PAY RENEGOTIATION OR REDUCTION IN COMPENSATION

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized for employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: *Provided,* That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements.

RAINY DAY FUND

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant

to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000 from local funds: *Provided,* That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

INCENTIVE BUYOUT PROGRAM

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

OUTPLACEMENT SERVICES

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

BOARDS AND COMMISSIONS

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this Act in the amount of $500,000.

GOVERNMENT RE-ENGINEERING PROGRAM

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Act.

PERSONAL AND NONPERSONAL SERVICES ADJUSTMENTS

Notwithstanding any other provision of law, the Mayor shall adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $148,411,000, within or among one or several of the various appropriation headings in this Act, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: *Provided,* That $105,660,000 appropriated under this heading in prior fiscal years is rescinded: *Provided further,* That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further,* That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further,* That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: *Provided further,* That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

WATER AND SEWER ENTERPRISE FUND

For the Water and Sewer Enterprise Fund, $193,398,000 and 1,024 full-time equivalent positions (end-of-year) (including $188,221,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided,* That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $229,907,000 and 88 full-time equivalent positions (end-of-year) (including $8,099,000 and 88 full-time equivalent positions for administrative expenses and $221,808,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: *Provided,* That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

CABLE TELEVISION ENTERPRISE FUND

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,469,000 and 8 full-time equivalent positions (end-of-year) (including $2,137,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $690,000 shall be transferred to the general fund of the District of Columbia.

STARPLEX FUND

For the Starplex Fund, $8,637,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish a District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided,* That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. GENERAL HOSPITAL

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, a reduction of $2,487,000 and a reduction of 180 full-time equivalent positions in intra-District funds.

D.C. RETIREMENT BOARD

For the D.C. Retirement Board, established by section 121 of the District of Columbia Comprehensive Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1–711), $13,417,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided,* That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further,* That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $10,048,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $6,633,000 and 44 full-time equivalent positions from intra-District funds).

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,500,000.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: *Provided*, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445; 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on General Services, Federalism, and the District of Columbia, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: *Provided*, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.).

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term ''program, project, and activity'' shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, secs. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ''entity of the District of Columbia government'' includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representatives under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. (a) IN GENERAL.—Section 602(a) of the District of Columbia Self-Government and Governmental Reorganization Act (sec. 1–233(a), D.C. Code), as amended by section 108(b)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, is amended—

(1) by striking ''or'' at the end of paragraph (9);

(2) by striking the period at the end of paragraph (10) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(11) enact any act, resolution, or rule which obligates or expends funds of the District of Columbia (without regard to the source of such funds) for any abortion, or which appropriates funds to any facility owned or operated by the District of Columbia in which any abortion is performed, except where the life of the mother would be endangered if the fetus were carried to term, or in cases of forcible rape reported within 30 days to a law enforcement agency, or cases of incest reported to a law enforcement agency or child abuse agency prior to the performance of the abortion.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to acts, resolutions, or rules of the Council of the District of Columbia which take effect in fiscal years beginning with fiscal year 1996.

SEC. 132. None of the funds appropriated in this Act shall be obligated or expended on any proposed change in either the use or configuration of, or on any proposed improvement to, the Municipal Fish Wharf until such proposed change or improvement has been reviewed and approved by Federal and local authorities including, but not limited to, the National Capital Planning Commission, the Commission of Fine Arts, and the Council of the District of Columbia, in compliance with applicable local and Federal laws which require public hearings, compliance with applicable environmental regulations including, but not limited to, any amendments to the Washington, D.C. urban renewal plan which must be approved by both the Council of the District of Columbia and the National Capital Planning Commission.

SEC. 133. (a) SENSE OF CONGRESS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each agency of the Federal or District of Columbia government, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 134. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

SEC. 135. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93–198; D.C. Code, secs. 11–1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11–1524) is amended to read as follows:

''(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.''.

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

''(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.''.

SEC. 136. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93–198; D.C. Code, sec. 1–1130), is amended by adding a new subsection (c) to read as follows:

''(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

''(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

''(A) appropriations originally available for the performance of the contract concerned;

''(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

''(C) funds appropriated for those payments.

''(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.''.

SEC. 137. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47–812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: ''If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.''.

(B) A new subsection (a–2) is added to read as follows:

''(a–2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.''.

(2) Section 413(c) (D.C. Code, sec. 47–815(c)) is repealed.

SEC. 138. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase ''or not-for-profit organizations.'' in its place.

SEC. 139. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

SEC. 140. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 141. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center and responsibility center, for all funds, including capital funds.

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains: the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes made in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 142. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor and Council of the District of Columbia, by not later than February 8 of each year.

SEC. 143. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the Congress, the Mayor, and Council of the District of Columbia, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

SEC. 144. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,771 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C Code, except chapter 23.

SEC. 147. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

SEC. 148. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 301 (D.C. Code, sec. 1–603.1) is amended as follows:

(1) A new paragraph (13A) is added to read as follows:

''(13A) 'Nonschool-based personnel' means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.''.

(2) A new paragraph (15A) is added to read as follows:

''(15A) 'School administrators' means principals, assistant principals, school program

directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.''.

(b) Section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)) is amended by adding a new subparagraph (L–i) to read as follows:

''(L–i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;''

(c) Section 2402 (D.C. Code, sec. 1–625.2) is amended by adding a new subsection (f) to read as follows:

''(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool- based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.''.

SEC. 149. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee'

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 150. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1–625.1) is amended by amending the third sentence to read as follows: ''A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.''.

(b) A new section 2406 is added to read as follows:

''SEC. 2406. Abolishment of positions for Fiscal Year 1996.

''(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

''(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

''(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

''(d) An employee effected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

''(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

''(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

''(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

''(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2–38; D.C. Code, sec. 1–2543); and

''(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

''(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

''(1) four years for an employee who qualified for veteran's preference under this act, and

''(2) three years for an employee who qualified for residency preference under this act.

''(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

''(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

''(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

''(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section''.

SEC. 151. Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption ''Division of Expenses'' shall not exceed $4,867,283,000.

REQUIRING DEVELOPMENT OF PLAN TO CLOSE LORTON CORRECTIONAL COMPLEX

SEC. 152. (a) DEVELOPMENT OF PLAN.—

(1) IN GENERAL.—Not later than February 15, 1996, the District of Columbia shall develop a plan for closing the Lorton Correctional Complex over a transition period not to exceed 5 years in length.

(2) REQUIREMENTS OF PLAN.—The plan developed by the District of Columbia under paragraph (1) shall meet the following requirements:

(A) Under the plan, the Lorton Correctional Complex will be closed by the expiration of the transition period.

(B) Under the plan, the District of Columbia may not operate any correctional facilities on the Federal property known as the Lorton Complex located in Fairfax County, Virginia, after the expiration of the transition period.

(C) The plan shall include provisions specifying how and to what extent the District will utilize alternative management, including the private sector, for the operation of correctional facilities for the District, and shall include provisions describing the treatment under such alternative management (including under contracts) of site selection, design, financing, construction, and operation of correctional facilities for the District.

(D) The plan shall include an implementation schedule, together with specific performance measures and timelines to determine the extent to which the District is meeting the schedule during the transition period.

(E) Under the plan, the Mayor of the District of Columbia shall submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all significant measures taken under the plan as soon as such measures are taken.

(b) CONSISTENCY WITH FINANCIAL PLAN AND BUDGET.—In developing the plan under subsection (a), the District of Columbia shall ensure that for each of the years during which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(c) SUBMISSION OF PLAN.—Upon completing the development of the plan under subsection (a), the District of Columbia shall submit the plan to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

PROHIBITION AGAINST ADOPTION BY UNMARRIED COUPLES

SEC. 153. Section 16–302, D.C. Code, is amended—

(1) by striking ''Any person'' and inserting ''(a) Subject to subsection (b), any person''; and

(2) by adding at the end the following subsection:

''(b) No person may join in a petition under this section unless the person is the spouse of the petitioner.''.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. DAVIS

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

The Clerk read as follows:

Amendment offered by Mr. DAVIS: Insert at the appropriate place the following new section:

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. . (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking ''may provide'' and inserting ''shall promptly provide''.

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

''(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

''(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

''(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

''(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

''(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

''(A) shall qualify such individual for the treatment described in such provisions for purposes of—

''(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

''(ii) chapter 87 of such title (relating to life insurance); and

''(iii) chapter 89 of such title (relating to health insurance); and

''(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

''(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

''(A) it is made before such individual separates from service with the Federal Government; and

''(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

''(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

''(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed by—

''(A) the Office of Personnel Management, to the extent that any program administered by the Office is involved;

''(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

''(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.''.

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

''(f) FEDERAL BENEFITS FOR OTHERS.—

''(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

''(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A)(i)–(iii); or

''(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

''(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A) or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

''(3) DEFINITION OF 'CORRESPONDING OFFICE OR AGENCY'.—For purposes of paragraph (1), the term 'corresponding office or agency of the government of the District of Columbia' means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

''(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting 'the Executive Director referred to in section 8474 of title 5, United States Code' for 'the Office of Personnel Management'.''.

(3) EFFECTIVE DATE; ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT; ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking ''the Authority and its members'' and inserting ''the Authority, its members, and its employees''; and

(2) by striking ''the District of Columbia'' and inserting ''the Authority or its members or employees or the District of Columbia''.

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

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

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. Pursuant to the rule, the gentleman from Virginia [Mr. DAVIS] and a Member opposed will each be recognized for 15 minutes.

The Chair recognizes the gentleman from Virginia [Mr. DAVIS].

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

Mr. DAVIS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as chairman of the District of Columbia Subcommittee of the Committee on Government Reform and Oversight, I offer this amendment to the District of Columbia appropriations bill of 1996.

Mr. Chairman, I offer this amendment to the District of Columbia appropriations bill of 1996, H.R. 2546, as chairman of the District of Columbia Subcommittee of the Government Reform and Oversight Committee. I also offer this amendment as chief sponsor of Public Law 104–8, the District of Columbia Financial Responsibility and Management Assistance Authority, H.R. 1345.

This Congress can take great pride in the landmark legislation we enacted this past spring for the District of Columbia. Public Law 104–8, which passed unanimously, averted a financial catastrophe and put the Nation's Capital on a glidepath towards economic recovery. It is an honor for me to be presiding as chairman of the District's Oversight Subcommittee, the Authorizing Subcommittee, at this historic time. Not only the District, but the Washington metropolitan region, and the entire country all share a vital stake in the successful outcome of what we have initiated. The amendment that I offer today is not only consistent with what we began but necessary to carry forward the work of the new Authority.

The amendment is technical in nature, and conforms to the legislative intent of Public Law 104–8. The substance of the amendment is noncontroversial. It is being offered as an amendment to the appropriations bill in order to expedite the technical corrections that are

required to enable the Authority to operate in the most efficient manner possible and to fulfill its responsibilities. The amendment does nothing more than to give the Authority tools to do the job mandated by Congress.

1. The amendment changes section 102(e)(1)(A) to insure, as intended by the legislation, the Federal employees joining the Authority may elect to have their service with the Authority treated as if performed within the Federal Government for purposes of the thrift savings plan, health insurance, life insurance, and any other Federal benefit program. The statute already provides such persons that election for purposes of the Federal retirement program. The omission of the other programs in the statutory language was clearly inadvertent.

2. The amendment changes section 102(e)(2)(B) to clarify congressional intent and make clear that an individual electing coverage under the Federal programs referred to in section 102(e)(1)(A) will not be entitled to double coverage under comparable District Government programs. This change merely conforms the sections.

3. The amendment changes section 102(e)(3) to provide that the Office of Personnel Management, in promulgating regulations authorized by section 102(e) must consult with the Authority as well as with the District government. This change is necessary because when OPM first promulgated interim regulations, as it was authorized by the statute to do, it failed to consult with the Authority or even send on its own initiative a copy of the proposed regulations to the Authority. This change is consistent with the clear legislative intent in the statute that the Authority should be consulted.

4. The amendment changes section 102(f) in order to carry out the policy mandate created in section 102(e). It clarifies that persons employed by the Authority have an election to be treated as if they were employees of the Federal Government or employees of the District of Columbia government for purposes of the retirement system, health insurance, and any other employee benefit programs. Section 102(e) deals only with employees of the Authority who come from the Federal Government. Several other categories of persons are becoming employees of the Authority, including Federal retirees, District employees, and private sector employees. This new section gives these employees the same options as persons joining the Authority from the Federal Government. It will help to insure that qualified employees will not be discouraged from seeking employment with the Authority by clarifying legislative intent so as to provide that such persons would not lose benefits.

5. The amendment changes ''may'' to ''shall'' in section 103(f) to give the General Services Administration the appropriate degree of discretion. This clarifies that the GSA has a duty to provide the administrative services required by the Authority in a prompt manner.

6. The amendment changes section 104 because the Authority is a legal entity subject to suit. A plaintiff could thus initiate a cause of action against the Authority, its members, or employees for official actions they take, instead of suing the District of Columbia. Only claims against the District are included in the technical language of the existing exemption. This was not intended in adopting the statute, as the purpose of the section is to protect the Authority and those who act on its behalf from claims arising from their official actions.

7. The amendment deletes section 203(a)(3)(C) in its entirety, as it inadvertently undermines the fundamental responsibilities of the Authority, contrary to the clear legislative intent of the statute as a whole. A significant amount of District legislation is now being enacted on an emergency basis, thus making it exempt from the Authority's power to consider under the existing section. Even if a particular enactment is later made permanent, thus subjecting it to the Authority's review, rights could in the meantime be created or claimed under the emergency legislation and objections asserted to any subsequent disapproval by the Authority. This would frustrate the very purpose of creating the Authority. Emergency legislation can clearly have a substantial fiscal impact while it is in force and effect. The current section is not only an undesirable and significant dilution of the Authority's ability to function, but it also casts doubt on the Authority's ability to require that emergency legislation be reviewed, separate and apart from the issue of approval or disapproval. Eliminating this section would remove any doubt as to legislative intent on this point and enhance the authority's basic ability to function in accordance with its congressional mandate.

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

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

Mr. DIXON. Mr. Chairman, the minority has no objections to the gentleman's amendment.

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

Mr. DAVIS. I yield to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I rise in support of the gentleman's amendment and urge its adoption.

Mr. DAVIS. Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. DAVIS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT NO. 1 OFFERED BY MR. BONILLA

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BONILLA: Insert on page 58, after line 4, the following section:

REVOCATION OF PROPERTY TAX-EXEMPTION FOR NATIONAL EDUCATION ASSOCIATION

SEC. . Effective for taxable years beginning after September 30, 1995, section 4 of the act entitled ''An Act to incorporate the National Education Association of the United States'', Approved June 30, 1906 (34 Stat. 805; Sec. 46–1036, D.C. Code) is repealed.

The CHAIRMAN. Under the rule, the gentleman from Texas [Mr. BONILLA] is recognized for 15 minutes.

Mr. BONILLA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a bipartisan amendment. It is being led on the other side by the gentleman from Louisiana [Mr. HAYES], as well as getting a tremendous amount of assistance and hard work on this amendment by the gentleman from California [Mr. DORNAN].

Mr. Chairman, this is a bipartisan amendment that would allow the District of Columbia to collect an additional $1.6 million in badly needed revenue for their operations.

My amendment would eliminate the special exemption, the special privilege currently granted under a congressional charter to the National Education Association. This is an amendment that would reserve a special privilege that has been on the books for a long time.

Mr. Chairman, the NEA was officially judged to be a union by the Internal Revenue Service, but nonetheless it is put in a special category aside from other unions that all pay taxes in the District of Columbia. So, we are trying to simply give the District of Columbia the privilege of levying local property taxes on the National Education Association.

Mr. Chairman, I would like to point out that we are not in any way singling out the NEA for any kind of special target or treatment. Other unions like the AFL–CIO, the Teamsters, they all pay taxes. The American Federation of Teachers pays taxes. We would not want these groups to have a local special-privilege exemption like the NEA any more than we would want the U.S. Chamber of Commerce to have an exemption or the NFIB or any group that would currently exist for similar purposes that is advocating positions here and in neighborhoods across the country.

There is no other group currently on the list of congressionally chartered organizations that is not a charity that falls under this exemption. In other words, the NEA is the only noncharity congressionally chartered organization that receives this special treatment.

Mr. Chairman, the NEA has also violated its original congressional charter by no longer just limiting itself to educational issues. Back in the early part of the century when it was chartered, it was originally set up to work on the basics: Reading, writing, and arithmetic. Now, we have the NEA working on issues from arms control to the NAFTA controversy, Medicare, human rights, defense issues. My colleagues can name it, they are involved in it; none of which has to do with education in our schools across this country.

Mr. Chairman, for that reason, setting it aside from the other congressionally chartered groups in this country, they have violated their charter, and we strongly are urging Members on both sides of the aisle in a bipartisan way to support this amendment that would allow the District to have an opportunity to levy the badly needed $1.5 million needed for its budget.

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

Mr. DIXON. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from California [Mr. DIXON] is recognized for 15 minutes.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment because it basically is mean-spirited. Republicans have the majority in this House and they can offer a freestanding bill to do anything they want and not attach it to this.

First of all, Mr. Chairman, let me say sincerely that I have great respect for the gentleman from Texas [Mr. BONILLA]. The gentleman served on the Committee on the District of Columbia for some time. We have discussed ideas that might improve the District and we have certainly worked together.

But Mr. Chairman, the gentleman from Texas says that the rest of the list is charities. That is not true. The American Pharmaceutical Association is not a charity. The Brookings Institute is not a charity. The National Academy of Sciences is not a charity. Mr. Chairman, I can go on and on.

This was a charter granted by the Federal Government when there was no home rule here in 1906, and it was obviously a charter granted for incorporation purposes. In that, right or wrong, the Congress at that time gave a tax exempt status as it relates to District of Columbia taxes.

The gentleman from Texas said in his opening comments that this amendment was promulgated because the gentleman wants to save money and is interested in the taxpayers. Nobody believes that. That is not what this is about. The gentleman is not trying to provide $1.4 million to the District. Even if he was, the cap that the gentleman from New York [Mr. WALSH] has put on here would prohibit it.

So, Mr. Chairman, the gentleman from Texas should not come to the floor and say that he is trying to raise money for the District. The fact is that the gentleman does not, and the Speaker does not, like the philosophy of the NEA.

That is not wrong. So, therefore, they come to the conclusion that they have violated their charter and without a hearing of the appropriate committee, we will just stand up and cancel this tax exemption. The gentleman may be right on the merits. After an adjudication of this issue, after consideration of all 27 of the organizations that have this, the gentleman may be absolutely right. Mr. Chairman, I am saying that as a member of the subcommittee, this is not the forum to address their tax status.

Even if we do, Mr. Chairman, the gentleman should not come here and say that he is trying to raise revenue for the District. It just ain't so.

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

Mr. BONILLA. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

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

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Mr. HAYES. Mr. Chairman, I went to public schools in a small town in Louisiana, in a school that would not be one that we would point to for its physical plant, in a small school in which those within the community quite often ended up baking cakes and having car washes just to have enough money to send a debate team out of town.

But it had one extraordinary resource. It had a group of men and women who were so committed to the ideals of education above everything else that they made personal financial sacrifices. They made sacrifices to the time of their own family by grading papers. They made sacrifices to attend dances and balls when they did not yet have kids old enough to go to those same high schools. And they made an incredible imprint on the community.

To the gentleman from California [Mr. DIXON], in my high school class is a young lady who is now the director of Common Cause. In my high school class is a former vice president of Johnson & Johnson. In my high school class is a gentleman who received balloting in the Heisman Trophy. And all of them taught by a handful of dedicated teachers. But the gentleman just touched upon the change that has occurred: philosophy.

What the gentleman said was that this side of the aisle disagrees with the philosophy, and I do, too. Only I am not talking about the left and the right. I am talking about placing issues above education. That is a bad philosophy.

When I last ran for Congress, I got a brochure from the NEA asking me how I felt about the nuclear freeze, how I felt about abortion. How I felt about issues that while very important and worth the time of this Chamber were not as important as what should have been going on in the classrooms of my State in the district.

I represent a great deal of teaching and educational background to where I am proud to say I worked hard and did well with the support of teachers and parents.

Now, it is wrong, and I was taught by teachers who taught me to look at the facts and determine in a very substantive and objective way, it is wrong to use an exemption given in 1906 when Theodore Roosevelt was President to protect the assets of a union that in 1978 determined as such by the Internal Revenue Service. It is wrong to reverse the concept of taxation without representation and make it representation without taxation.

We want to lobby. We want to go in your office. We want to tell you how to vote. We want to send you faxes. We want to send you letters just like today, but we do not want to pay or give a dime.

That is an insult to the people who taught me and even more an insult to the values and lessons that I learned in public schools in my home town.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I do not serve on the Subcommittee on the District of Columbia. When I saw the rule coming forth on this amendment, I had to make a special point to come down here and to listen firsthand to the arguments from those who supported the justification of this change.

My colleague from Louisiana who just spoke indicated that here is a group that comes to this office asking for support on this issue, that issue. Well, I will tell Members, if we went to the Federal tax code and deleted the tax exemption of every organization that lobbied us, from defense contractors to the Chamber, you name it, we would raise billions of dollars and we would never see anyone in the Halls of Congress or in our offices.

But as Americans, as the delegate from the District said, there is a Constitution. There is a Constitution that talks about freedom of speech. And I think we want people to do that. We want people to come forward and talk to us about the issues of the day. But I view this amendment as probably the most vindictive that I have seen in my tenure here before this body.

Many, in fact all the years except this year, I was in the majority party. There were groups that we did not like who opposed our candidates, who opposed our position on issues. Did my colleagues see the majority party, the Democrats at that point, come forth with amendments to repeal their tax exempt status? No. That would not be right. We might disagree with them, but they have a right to say what they want to say.

But here we go, the first time you folks have had the majority in years, using the majority muscle that you have to punish one group in this country that you disagree with. I think that is a shame.

If you look at the other organizations that are not touched by the gentleman's amendment, as the chairman, said, they are not charities. They are not charitable organizations. I am looking at one here, the Medical Society of the District of Columbia. Is that a charitable organization? I doubt it. But I do not think and I would not support taking away their exempt status because they endorsed your Medicare cuts.

Shame on you. Shame on you.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN], a cosponsor and a Member who was really behind this cause for some time.

Mr. DORNAN. Mr. Chairman, if I could refer in opening to my distinguished colleague, the gentleman from California [Mr. DIXON], and I do mean distinguished, he does not have to ever worry about me having hidden agendas or any other motives. But I have listened to some private conversations

where people thoughtfully and heartfelt said, hey, in the measure we saved the taxpayers a lot of money here.

I said during general debate that my younger brother, in whom I am justifiably proud because his students for 29 years, at the discouragement of the administration, have unofficially elected him best teacher on his high school campus. Dick Dornan is a natural giving, enthusiastic English and U.S. history teacher. He is disgusted with the NEA. He does not like being pressured to declare an entire month bisexuality month. That is just for openers. I am not going to mention all the other stuff, just the AC/DC, acey-deucey switch hitting crowd. What does that have to do with education?

I will not mention the 1906 charter. We have covered that. I will not mention some of the good points that the gentleman from Texas [Mr. BONILLA] has covered about switching 501(c)(3) to 501(5). I will not go back over ancient history, although I will ask permission to put that in my remarks.

The very real reason that the NEA become unionized was in order, as a retired teacher said, who took a break in service, when he came back and found it was now a union, he said, I suddenly realized that all they obsessed on were salaries and money and money and salaries and not about kids' education and teaching or the SAT scores would not have been going in the dumper, and we would have our dynamic Speaker quoting around this country that kids are getting diplomas from high school and they cannot even read the English on the diploma, let alone talk about where they are going to go with their careers or how they are going to balance their checkbooks.

It is true there are a number of organizations and enterprises within the District of Columbia that benefit from property taxes. What is so incredible is that the NEA is the only union that gets that privileged status. More about that from the distinguished Member from Indiana.

I close on this, vote for Bonilla-Hayes-Dornan. Repeal the NEA's congressionally sanctioned property tax. The taxpayers should not be expected to subsidize the palatial, plush headquarters of any union, much less one that wants a month for bisexuality advancement.

Mr. Chairman, I rise in strong support of the Bonilla-Hayes-Dornan amendment.

As Mr. BONILLA said the NEA is currently exempt from having to pay any property taxes on their palatial headquarters located here in Washington, DC. Their tax-exempt status derives from the Federal charter the NEA received back in 1906, when it was little more than an association of educators throughout the United States. At that time, and I have read some of the debate that took place in both Chambers during consideration of the NEA charter, then Members of Congress felt that it would be improper to tax property held for educational purposes.

Back then, I am certain that no one envisioned the NEA would ever evolve into anything more than a bipartisan, do-good organization dedicated to promoting education in America. But times sure have changed, Mr. Chairman, and so has the NEA. Today the NEA is not now an association of professional educators. In 1978, they changed their corporate tax status from a 501(c)(3) to a 501(5) benefiting all labor unions. The NEA is now a hostile political machine that wields its incredible power to influence legislation, public opinion, and our Nation's school children.

The very reason the NEA became unionized was in order for them to gain the maximum amount of political power and control in Washington and throughout the United States. In fact, back when the NEA was changing into a labor union, a retired teacher who took a break in service recalls their radical transformation claimed, "In the interval that I had been out of school, they had become unionized, and when they realized that I refused to join. They no longer represented my views. They had become more concerned with salaries and money than they were about students and education." Meanwhile, Mr. Speaker, its archaic congressional charter continues to allow the NEA its property tax exemption as if this power political machine were still an innocuous teachers association.

It is true that there are a number of organizations and enterprises within the District of Columbia that benefit from a property tax exemption. What's so incredible is that the NEA is the only labor union in the whole bunch. And so when opponents of our amendment complain that we are singling out the NEA for political reasons, I say they are completely missing the point. The NEA does not deserve this tax break because they are a union, the country's biggest union in fact, and no other union enjoys such preferential tax treatment in the District of Columbia.

Mr. Chairman, it is the height of irony—and it is exactly the kind of insidiousness this new Congress is attempting to undo—that the NEA, a monstrous special interest group dedicated, as they would say, "to helping America's children," ferociously clings to $1.4 million each year that otherwise could be used to improve the District's impoverished public school system.

I strongly urge you to vote in favor of the Bonilla-Hayes-Dornan amendment and repeal the NEA's congressionally-sanctioned property tax exemption. The taxpayers should not be expected to subsidize the plush headquarters of any union, much less the NEA.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. DURBIN], a member of the committee.

Mr. DURBIN. Mr. Chairman, make no mistake, a pattern is clearly emerging. The Republican soldiers in the Gingrich revolution have no respect whatsoever for freedom of expression in this country. If they can find an opportunity to close down speech and ideas which they find repulsive, they will grab at it. Six screwballs decide to burn the American flag, and the Gingrich revolutionaries want to amend the Bill of Rights for the first time in our history. Garrison Keillor makes fun of them on Prairie Home Companion, they want to close down National Public Radio.

The gentleman from Oklahoma [Mr. ISTOOK] becomes exercised because some lobby group does not agree with him. He wants to close down any opportunity for them to receive Federal funds. And today the gentleman from Texas [Mr. BONILLA], who has an axe to grind with the National Education Association, said, I know how to take care of them, hit them in their tax status.

If your ideas are so good, so right, so American, why are you so afraid of freedom of expression? The National Education Association has said things that I disagree with, as have many of the organizations here. But to go after these organizations, to close down their operations, make them more expensive, impose more taxes on them is downright unAmerican.

It is the nature of politics. It is the nature of Government to have the free exchange of ideas. Why is it once the Republicans get in control they want to turn off the microphones? They want to shut down the presses. They want to stop the free exchange of ideas.

What are you afraid of? Let us defeat this terrible amendment.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Chairman, I have no particular interest in this amendment except that, when we considered it in the full Committee on Appropriations, it was evident to me that in 1906 the NEA got a special charter from the Federal Government as an education association devoted to the cause of education. Over time, that purpose has apparently changed. It has become, and no one doubts the status of the NEA, a labor union devoted to the interests of its members.

In 1978, under the Carter administration, not a Republican administration, it was determined that in fact it was a labor union devoted to its own purposes and not to the general cause of education. So, for the last 17 years, the NEA has had a special status where it did not have to pay taxes even though every other union in the District of Columbia had to pay taxes on its property—17 years for free.

The gentleman from Illinois, my colleague from Illinois, says that we are disrupting freedom of expression? They have had free expression without paying the cost that everybody else has paid for all these years.

Are we singling them out? No, they are the only union that has this status. It seems to me that it is up to Congress, when it finds these kinds of things, to address them. They do not deserve tax-exempt status. They have not deserved it for 17 years. It is time to close the door and to say, you have had 17 free years. You do not get any more. You have to be treated just like everyone else.

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding time to me.

I make these remarks before asking the gentleman from Texas [Mr. BONILLA] to consent to a better idea. This Trojan horse, I am afraid, would be of no use to the district, if the gentleman is sincere and there is a way to help us. The comments, however, especially of the gentleman from Texas [Mr. BONILLA], the gentleman from Louisiana [Mr. HAYES], and the gentleman from California [Mr. DORNAN], give evidence to the fact that this is an unvarnished case of political retribution. They have not sought to hide it.

The gentleman from Texas [Mr. BONILLA], when he offered the amendment, went down the list of positions that NEA had taken, among them that we hear: That of course is a union. We know how the other side of the aisle loves unions. It does not want anything to do with the District and certainly not with helping the District. If so, the gentleman would have given the District the discretion to get these property taxes from all 27 of these people, none of whom should have had property taxes at our expense. My people pay higher property taxes, not because of the NEA but because of 27 people whom you gave, you gave the right to be exempt from property taxes from people I represent.

The gentleman says that these people are not about education anymore and that they have gone off their charter. Have you looked at the legislative agenda of the American Legion? Is that what you want to do, go down and see what each of these organizations are doing and put a political test into these proceedings? This is not a good precedent to set.

This was defeated in committee. There is a better idea. Give the District the jurisdiction, do not give it to us piecemeal. You do not intend to give us any more at all, do not give us one. Give us all, give us access to our property taxes from all 27 of these folks.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. chairman, I rise and speak out in support of this amendment. The NEA receives 1.6 million in a tax break from their congressional charter. This congressional charter was given to the National Education Association when it was a trade association, and it is not only quite apparent to the American public but as well to the IRS that it is no longer a trade association. It is, indeed, a union.

As has been said multiple times but deserves to be said again, it would be irresponsible for this Congress to continue to allow this tax exempt status for a union when no other unions get a tax exempt status. Indeed, this $1.6 million of funds could be applied to the District of Columbia's school system to help improve their school system. So I think this is a very good amendment. It is very much an appropriate amendment. It is in keeping with being consistent in our policies. I would encourage all of my colleagues to support this amendment.

□ 1700

Mr. DIXON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I thank the gentleman from California [Mr. DIXON] for yielding this time to me.

I, too, am not a member of the Subcommittee on the District of Columbia, but I am privileged to stand here and to support the measure that I feel is the correct one, and that is to oppose this retribution, and that is all it can be classified as.

Let me go to perhaps the heart of the matter, and what I hear being discussed, and all of the disparagement directed toward the National Education Association. My understanding is that the building that is here is peopled by a significant number of individuals, some who come here from around the country, others who are here on a regular basis, and my belief is that they make a major contribution to the well-being of the District of Columbia, perhaps a more major contribution than the micromanagement that is going on now.

Who else are exempt from taxes in the District of Columbia and why? I would not bother to be facetious enough to suggest that there are Government-owned properties in the District of Columbia that, had they been taxed over this same number of years, the District of Columbia may conceivably not have the kinds of problems that it is having today. None of us would stand for the type of micromanagement that is going on in this particular bill in our respective home cities.

Mr. Chairman, this type of retribution is retrogressive, and in the final analysis, Mr. Chairman, downright insulting to any of our Members. I do not know what the Brookings Institution stands for. I do not know what the Carnegie Institution of Washington, DC, stands for. I do not know what the Daughters of the American Revolution stand for, but I can doggone cite I do not believe they stand for much that I believe in, but at the very same time I think they have a right to be here, I think they have a right to state their position, and the tax exemption that was given to them was evidently given with well meaning.

We need to stop this micromanagement, we need to stop this retribution, especially toward such an outstanding organization as the National Education Association.

Mr. BONILLA. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, let me just say to my colleague from Florida it is our responsibility as the Congress, because this is the Nation's Capital, to keep an eye on what goes on here, so we do involve ourselves in managing this city, and we better because it was a real mess just a year ago.

Now let me just say to one of my colleagues from Illinois that spoke awhile ago; he said we are opposing the free speech. The NEA can say anything they want to, and they do, and we do not object, but we do believe they should not get a $1.6 million tax break just because they are the only union in this city that gets that tax break, the only one. And so they should not get that tax break.

Now I want to read to my colleagues something that was in the Indianapolis Star newspaper editorial just a week ago because this really upsets me. It says:

> This summer the NEA annual convention passed a resolution supporting a month-long celebration ''as a means of acknowledging the contributions of lesbians, gays and bisexuals throughout history.''
>
> The celebration was the brain child of Rodney Wilson, a gay high school teacher from St. Louis. What Wilson wanted in this October and every subsequent October, was for public high schools to focus on a gay curriculum detailing the history of homosexual persecution and acknowledging the homosexuality of some historical figures.
>
> The latter alone should give parents the jitters. According to a Concerned Women of America ad, the Alyson Almanac, ''the fact book of the lesbian and gay community,'' claims some research indicates that Jesus Christ, Winston Churchill and George Washington were homosexuals.
>
> According to Newsweek magazine, ''not a single school district in the nation accepted the history month idea or a proposed gay curriculum. Even the NEA has gotten skittish after hundreds of teachers threatened to quit when the resolution passed in July.''
>
> The Concerned Women organization was right to target the NEA action and any move to promote a gay history month. Comparing such a month, as some advocates have done, to Black History Month is an affront to social consciousness and common sense.
>
> Public education has embraced one foolishness after another in recent decades, but parents should scream bloody murder at the first sign a school in their district is prepared to adopt this latest.

Mr. DIXON. Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, if anyone had any doubt that this amendment is directed at the speech, the views, of the NEA, that should have been removed by the comments just made by the gentleman from Indiana [Mr. BURTON] who is clearly motivated in going after the NEA because he does not like what they think or say. So lest there be any doubt, this amendment is a clear, I think absolutely unashamed, act of discrimination, picking out 1 organization among 27 that has the same status because many in the majority do not like what they think or say. It is a tour de force as it is seen together with many other things going on around here right now in the suppression of opposing points of view.

Mr. Chairman, it started early in the year with the majority leader sending letters to organizations complaining if

they made charitable donations to organizations that the majority did not like. We are seeing it in the effort being made by the gentlemen from Oklahoma, and Maryland, and Indiana to suppress the ability not just of nonprofit organizations, but of many groups and individuals in this country to exercise their rights under the first amendment to the Constitution, masquerading that effort as if it had to do with the misuse of Federal funds when, in fact, we are going after the use of private funds for free political expression, and now this expedient and cynical effort to attack yet another enemy of this new and vindictive majority.

Mr. Chairman, this is part and parcel of freedom of expression. We have to be willing to hear some things we do not like if all of us are going to have the freedom to engage in our constitutionally protected right and responsibility to help shape this great democracy. This is a thinly veiled, if veiled at all, effort to get even, and when we are trying to get even based upon the content of someone else's or some other organization's position, their thought, their speech, we should all be deeply worried about the future of a robust democracy.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. CHRISTENSEN], a Member who has worked very hard on this amendment.

Mr. CHRISTENSEN. Mr. Chairman, as my colleagues know, I heard my colleague from Colorado, my colleague from Illinois, just a moment ago talk about cynical ploys and that it is un-American to disagree with someone else's point of view, and that is not the point at all. The point here is just about them paying their property taxes. There is a million six that they are not paying.

The AFL–CIO pays their property taxes. The Teamsters pay their property taxes. The American Federation of Teachers pays their fair share on property taxes. We can disagree, and we can have a honest disagreement in ideology. All we are saying is, ''Pay your property taxes.'' That is all this is about.

Mr. Chairman, it is a simple amendment. It says the NEA should pay their property taxes. Now I see why Forbes magazine not too long ago called the NEA not the National Education Association, but the National Extortion Association. That more accurately depicts what the NEA really stands for.

Mr. BONILLA. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I think everything has been said that needs to be said on this issue. The NEA is clearly in violation of their original intended purpose when their tax exemption was granted. It is time for us to be honest about this issue. I do think that there are some other institutions that are in the city of Washington, DC, that we should probably look at in the future, but this is a good start.

I do though want to emphasize that Members of our side of the aisle will be eager and ready to work with Members of the other side of the aisle in ferreting out some of these other institutions that have property tax exemptions, and let us get them to start paying property taxes to the city of Washington, DC, because the city needs the revenue and needs the money.

So in the meantime, Mr. Chairman, I believe that we should all support this Bonilla amendment.

Mr. BONILLA. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. BONILLA] is recognized for 2 minutes.

Mr. BONILLA. Mr. Chairman, I would like to close on this amendment by pointing out very clearly that no one who is supporting this amendment is opposed to free speech in this country. There is no American in this country that supports free speech as strongly as I do. What we have here is the philosophical difference. Those of us who are supporting an amendment and other issues similar to this in this Congress are tired of groups that have opinions of feeding at the public trough and then using that money to advocate political positions. I believe the NEA should thrive and survive and have a long life beyond this day to advocate the positions that they feel strongly about, absolutely. What I do not think they should do is use public money or have special privileges in order to advocate those positions.

As my colleagues know, there is one sense that the American people believe in very strongly in this country, and that is fairness, fairness. There is no other union that has this special tax exemption. Fairness. There is no other group that has this special tax exemption that is allowed to venture beyond the congressional charter boundaries which were originally created to go out and advocate their position. If the NEA or any other advocacy group in this country, be they left, or right, or in the middle, would like to go out and continue advocating their positions, wonderful, do it with their privately raised funds, do it with volunteers, do it with people who believe in their position. But do not try to hoodwink the public into trying to fool them and thinking that their tax money is somehow going somewhere else when in fact it is going to subsidize a position, a political position, in this country.

And I do not care whether that position again is a liberal position or a conservative position. It is wrong to feed at the public trough and then go out and advocate political positions in this country. We are tired of this. This is a dirty little secret that we are determined to expose across this country, and a ''yes'' vote on this amendment will help put an end to this once and for all.

Mr. DIXON. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. DIXON] is recognized for 2½ minutes.

Mr. DIXON. Mr. Chairman, the word ''responsibility'' has been raised several times in this debate. I believe that we all have a responsibility to this institution to follow due process. This is not the committee of jurisdiction. There have been no hearings. We heard the gentleman from Georgia come to the well a minute ago and say, ''We all know they violated the charger, so let us snatch their charter, and move on, and maybe we will talk about some others.'' That is not the way that this institution should proceed.

My colleagues have the votes. Send this to the Committee on the Judiciary. have a hearing where witnesses can come and bring that testimony. This charter was conferred by the Congress and should follow a process to revoke that charter.

So I am not weighing in on the merits of the case at all.

□ 1715

I am saying that you have a responsibility to this institution. I am sure that the brother of the gentleman from California, Mr. ROBERT DORNAN, teaches due process, and that is my point. You have made up your mind, I would say to the gentleman from Texas [Mr. BONILLA] and the gentleman from Georgia [Mr. LINDER] has made up his mind. But that is not the way we operate around here. That is not the way we should operate around here. Make your case to the Committee on the Judiciary on this and any other issue. Do not make up your mind and try to shove this down the body's throat.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BONILLA].

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 213, 2, not voting 7, as follows:

[Roll No. 758]

AYES—210

Allard	Blute	Chenoweth
Archer	Boehner	Christensen
Armey	Bonilla	Chrysler
Bachus	Bono	Clinger
Baker (CA)	Brewster	Coble
Baker (LA)	Brownback	Coburn
Ballenger	Bryant (TN)	Collins (GA)
Barr	Bunning	Combest
Barrett (NE)	Burr	Cooley
Bartlett	Burton	Cox
Barton	Buyer	Crane
Bass	Callahan	Crapo
Bateman	Calvert	Cremeans
Bereuter	Camp	Cubin
Bilbray	Canady	Cunningham
Bilirakis	Chabot	Deal
Bliley	Chambliss	DeLay

Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Quillen
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Young (AK)
Zeliff

NOES—213

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

ANSWERED ''PRESENT''—2

Gunderson
Obey

NOT VOTING—7

Fields (LA)
Hall (OH)
Harman
Moakley
Tucker
Weldon (PA)
Wilson

□ 1737

Mr. QUINN changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HOSTETTLER

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOSTETTLER: Page 37, line 15, strike ''No funds'' and insert ''(a) No funds''.

Page 37, line 22, strike ''; nor shall any'' and all that follows through ''1992''.

Page 38, insert after line 2 the following:

(b) The Health Care Benefits Expansion Act (D.C. Law 9–114; sec. 36–1401 et seq., D.C. Code) is hereby repealed.

The CHAIRMAN. Pursuant to the rule, the gentleman from Indiana [Mr. HOSTETTLER] will be recognized for 15 minutes, and a Member in opposition will be recognized for 15 minutes.

The Chair recognizes the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to strike down the District of Columbia's so-called domestic partners ordinance, a misguided statute that Congress has blocked the District from implementing for the past 3 years. In fact, this city act has never been implemented, which is a critical point that needs to be made. It is time today to put this bad bill to a final rest and clear away this issue so the District and the Congress can begin building a more constructive relationship. Congress has never seen fit to appropriate $1 for this legislation, and act that seeks to provide health care and extend other legal benefits to domestic partners defined as those unmarried couples who are over 18 and who live together.

Many, I'm sure, will oppose my amendment today, saying Congress is meddling in the District's matters. Or, even worse some my claim, Congress is meddling in a place where we never should venture: the bedroom. Perhaps there will also be a few here today who will castigate me for offering legislation based on what is the preferred over that many will say is the perverted. Such is the nature of our debate.

I am offering legislation today to make an important public policy statement about families in our Nation's Capital, the very seat of our whole Nation's Federal Government. This legislation is not about extending health care benefits to the needy. I can guarantee you that there are an infinite number of ways that the city can do this without enacting a domestic partnership law. This amendment is about right and wrong, about the proper role of government in general and about the appropriate role of the Federal Government in involving itself in the affairs of the Nation's Capital. Supporters of my amendment seek to affirm the positive, not to cast stones at those engaging in alternative lifestyles. We seek to lift up and honor the family, not to put down and shame anyone who does not make a commitment to furthering the family.

But let me address those opposed to my measure before I highlight the important public policy aspects of my amendment.

First, striking down this statute, which Congress has thrice blocked from being implemented, is not meddling in the local government of the District of Columbia. Congress has a clear, express, unquestioned constitutional responsibility to direct the District of Columbia, the Federal City, especially if the passage and implementation of poor public policy is at hand. Yes, Congress passed home rule, and gave the District's local governing authority greater power to enact ordinances on matters where the Congress had otherwise been silent. But this body never gave up our authority, nor renounced our responsibility to oversee our Nation's Capital. On the contrary, we reserved those rights, as we needed to under the Constitution. The statute at issue today confirms the wisdom of the Framers of the Constitution and the wise heads in a prior Congress which preserved this role for the Congress in Washington, DC. We have the right and the responsibility to act and that includes the repeal of any District act at any time. The District of Columbia is the Nation's Capital, the Federal City, our national government's seat. This seat cannot and should not be kidnaped by any group—of the left or right—to make political statement. We have the right and indeed I would argue we have the responsibility to act in this matter and strike down the Domestic Partners Act. Now while we are

on the issue of the Constitution, I cannot forget to point out that during hearings that were held on this issue in 1992, a number of significant public policy issues were raised by many legal experts including the fact that this act quite possibly is preempted by the Employee Retirement Income Security Act of 1994, which renders this act unconstitutional.

Now other who oppose my measure will say I seek to inject congressional authority and oversight in a place it should never go—the bedroom, They will again offer the well-worn phrases about consenting adults being able to engage in whatever consensual acts they wish. Well, I point out at the outset of this debate that this bill is not about sex. I know that admission will disappoint many; I can see stunned staffers looking up from their overheated word processors now as they prepared to defend sexual promiscuity and sexual orientation and sexual everything else. But that's the wrong speech. The issue before this Congress is whether we will allow the District to carry a statute on its book that allows a domestic partner, a person so vaguely defined that it can be a homosexual lover, a same-sex lover, a roommate, a member of one's extended family, a homeless person one invites into their abode, to enjoy health benefits and other legal rights by virtue of their so-called partnership with a District of Columbia government employee or any other individual for that matter.

The problem with this act is the statement it makes about family, equating the support we give families as a society and as units of government with loosely affiliated partners. It equates the faithful familial ties that are the bedrock of our society's stability and the loving environment in which we rear the next generation with a roommate or a casual live-in lover or a down-on-their-luck friend who moves to get health benefits.

Still others may rise today and say I am only disparaging gays and lesbians to satisfy a personal mean streak or to win political points at home with certain groups. This argument, too, misses the mark. My amendment seeks to lift up the positive, to value the valuable, to hold up the ideal. Government, I believe, has every right to uphold the ideal, to esteem, to value, to honor the best. Society, and society's tool of government, has a clear right and, indeed, a clear responsibility to encourage the preferred. We need to honor traditional families, which are the Nation's best hope for emotionally healthy and happy, well-adjusted citizens who can govern themselves and continue this experiment in self-government we call America.

Government can give preference to the best for our people—the best by any standard, whether health indicators or happiness measures, without punishing or singling out the aberrant, the alternative, the less-than-best. We as a Congress must stand up and say that we are familiar with the social research, we are familiar with the findings of the caring professions and mental health, we know the conclusions of the health care workers. All point to the dire need in our Nation today for stable, two-parent loving families that will honor all family measures, especially their children.

The DC statute denigrates that loving, sacrificial commitment by turning these relationships into a menu of economic goodies to be grabbed by simply going down to the Mayor's office and signing in. Living together? Come on down for health care and more. Shacking up? Then you need to sign up.

This is hardly the basis of sound fiscal stewardship or enlightened public policy, which the American taxpayer and the American citizen can expect, especially from our Nation's Capital.

But whether we agree with the misguided policy, the backhanded slap at the family cannot and should not be tolerated by this Congress. We have thrice blocked this poor piece of work. Today we need to kill it and put this issue behind this Congress for good.

□ 1745

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

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

The CHAIRMAN. The gentleman from California [Mr. DIXON] is recognized for 15 minutes.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment clearly illustrates the mean-spiritedness of this Congress. This law is intended to extend health coverage, something that everyone should have, to a domestic partner.

Yes, they can be gay; yes, they can be lesbian, but they can also be heterosexual.

This amendment costs the District government nothing. The employee pays the entire amount for the additional person carried.

What is wrong with the District government deciding to extend this benefit at no expense to them and of great ability to cover someone in their health benefit?

Yes, there is a division in this country about homosexuality, but certainly everyone is entitled to health care, and the District has made some other people eligible for it. That is all that is happening here. It is, in fact, a cost saving to the District. Because if the person does not have insurance, they, in fact, would probably go to the general hospital or some other public facility.

I understand your reservations about some lifestyles, but you are not going to change any lifestyle. You do not recognize any lifestyle by extending to a person health care coverage. That is all the DC law does. Why should Congress repeal that important progressive initiative by the District of Columbia?

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

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Georgia [Mr. BARR].

Mr. BARR. I thank the gentleman for yielding me the time.

Mr. Chairman, the question is very simple. Do we want the Congress to give its approval as representatives of all the people of this country to a law in the District of Columbia over which Congress has very clear and appropriate authority that, for purposes of extending certain privileges, not entitlements, not rights, to so-called domestic partners, placing nontraditional groupings of people, men and men, women and women, nonmarried couples on par with the traditional family structure of men and women, in marriage, with children?

I think that it is very appropriate for this Congress to step forward, have the backbone to say what previous Congresses have not done. They have done it through the back door, by simply not extending funding, to once and for all stand up and say that we do believe there is merit in the traditional family structure that has done this country so well for so long.

We believe that that heritage ought to be protected and preserved, and we think it is wrong for jurisdictions, particularly those over which this Congress has jurisdiction, to go against the grain of American history, to go against the grain of the strength of our society. This legislation is good, it is limited, it is appropriate, it does what previous Congresses have not had the backbone to do. It steps forward and says traditional family structures are good for this country. They have been the backbone of this country. They ought to remain the backbone of this country and we should not weaken that.

I support the gentleman's amendment and urge its adoption.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. STUDDS. Mr. Chairman, I have a stable, loving family.

As many Members know, this weekend I announced my intention not to seek a 13th term in this body. When I did so, I had at my side my stable, loving family: My brother, his wife, my sister. Her husband unfortunately had died a few months ago. He was a Presbyterian minister who led the fight within his church for the ordination of openly gay clergy. He would have been there. I think he was there in spirit. It was in a church that we made the announcement. And my partner, Dean Hara, whom a great many of you, perhaps most of you, know and a great many of you consider as a very close friend.

My colleague from Massachusetts has a stable, loving family; and my colleague from Wisconsin has a stable, loving family.

I would suggest that Members do something that is rare around here; that is, read the law that we are proposing to repeal. I just did that.

We have heard it referred to as privileges and economic goodies, among other things.

Let me tell you what this law does that you now are asked to repeal. It defines a domestic partner as a person with whom an individual maintains a committed relationship. It defines a committed relationship as a familial relationship between two individuals characterized by mutual caring—mutual caring—and the sharing of a mutual residence. I do not know why that frightens or offends anyone in this institution.

What are the benefits? Unless you are an employee of the District of Columbia, and I will come to that in a moment, there is only one sentence under domestic partnership benefits. See how this frightens you: All health care facilities, including hospitals, convalescent facilities, or other long-term care facilities shall allow a patient's family member to visit the patient.

That is the sum total of what is granted by this law to every resident of the District of Columbia who is not an employee of the District.

If there is any Member of this House that thinks that I or Mr. FRANK or Mr. GUNDERSON or any of the dozens of gay and lesbian staff members on both sides of this aisle ought to be denied the right to visit the hospital if their domestic partner is ill or dying, I would like to hear them stand up here and say that.

If you are an employee of the District of Columbia, here is what you are granted by the statute: Sick leave when needed to care for a family member. Funeral leave or annual leave when needed to make arrangements for or to attend a funeral or memorial service for a family member.

I have had more experience than I would like to have had attending such memorial services, and I am damned if anybody in this institution is going to tell me or anyone else that they can be forbidden the right to attend a memorial service for someone they love.

The only provision in the District statute, the only provision other than the ones I have read to you, the only privilege, as it has been characterized, the only economic goody, as it has been characterized, is optional self-financed health benefits for employees of the District of Columbia. They are allowed, and I quote, to purchase, to purchase family health insurance coverage. That is it.

That, my friends, is what we are being asked to repeal. I fail to comprehend how that could offend any person.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DORNAN], the former fighter pilot and colleague of mine in the Committee on National Security.

Mr. DORNAN. Mr. Chairman, I predicted about 10 years ago that I someday would come to this floor and announce a great tragedy in modern American life. Having just gotten the statistics this week from the Centers for Disease Control, the time has come.

More Americans in the prime of life, including thousands of children, have died because of the AIDS virus than were killed in World War II. We are now past 295,000 deaths out of 470,000 some odd reported cases. There were thousands of deaths in the early part of the 1980s that were not reported because of merciful doctors putting down as the cause of death, the proximate cause, because of the immune system collapsing, they would put down cancer or heart attack. So here we are with more people dead of AIDS than World War II, 300,000 rounded off, people who died.

I understand that that horror gives a great deal of passion to a debate on redefining the family. But what I just learned from the gentleman from California [Mr. DIXON], again I point out, my very distinguished friend, that we are covering roommates.

Two very macho heterosexual firemen or policemen who have alternately saved one another's lives in severe fires or shootouts can be rooming together and have developed a true bonding from professional danger shared that they could get health insurance for one another.

I do not know of anybody who has ever been denied going to be a memorial service ever. I never heard of that in my life. I do not know why anybody in a life-threatening situation in the hospital cannot designate a long list of friends that he or she would rather see even than some family members, blood members who have not been too kind to them. I never heard of that until recent times, and that can be easily resolved.

What we are simply debating here in the federally controlled District of Columbia is a redefinition of the family.

I do not know. These heterosexual roommates, two wives who maybe their husbands were killed in a plane crash, they go to know one another through legal process and they became close and their children got to know one another. Now they are rooming together, and they have different economic situations.

Have they come to me and lobbied me that we would like to have all the advantages of the traditional American family? I have never heard of anybody lobbying like that.

Or two Vietnam vets who alternately shared a combat and saved one another's lives and have become roommates, heterosexual roommates, I have never heard of any of them lobbying that we now have to redefine the American family. I am not prepared to redefine the American family.

Vote ''yes'' on the Hostettler amendment.

So in conclusion, Mr. Chairman, I close with these salient points.

First, we all know that the intent of this law is to officially recognize and sanction homosexual and heterosexual relationships which are outside the bonds of marriage.

Second, some are invoking the Home Rule argument to prevent the repeal of this ridiculous law. This amendment is entirely consistent with the mechanisms of Congressional review under the Home Rule Act. Congress has only delegated authority to the District government, it has not abdicated its constitutional obligations.

Third, this law erodes the legal status of the traditional family and denigrates the sanctity of marriage.

Fourth, if you want to look at reasons why we have too much drug abuse, too much teenage pregnancy, too many problems in our schools, too much crime in America, look no further than the breakdown of the American family unit. I, for one, will not be a party to any measure that tries to break down the family any further than it already is.

Fifth, besides giving health benefits and sick leave to both heterosexual and homosexual couples who are merely living together, this law gives the appearance that the Congress endorses such behavior. It also forces the residents of the District and indeed all Americans to accept the devaluation of marriage and the traditional family unit.

Sixth, this is a vote to keep the Nation's Capital in tune with the values that we are supposed to be promoting.

Mr. DIXON. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, the overriding theme, if there is any, of the 104th Congress, appears to be devolving power back to the localities. More than any measure that has come on the House floor today, this is the real test of whether the majority means it.

This, of course, is an utterly redundant provision, because it is already in the bill. The gentleman from Indiana [Mr. HOSTETTLER] raises the ante by saying let us amend the D.C. Code on an appropriations bill.

It is an insult to the District to amend our law and all and certainly in this way.

This is a gratuitously self-indulgent amendment because it rises to do what is already done in the body of the bill. It is one of those easy targets that makes you say, ''Why don't you pick on somebody your own size?''

□ 1800

District of Columbia residents feel deeply about bigotry. It may have to do with the fact that many of us are people of color. In my district, most of my residents are Baptists and Fundamentalists.

But, in the District, there is a consensus that gay men and lesbians ought to be able to register and purchase health care if they happen to be D.C. government employees, and this bill has a de minimis effect because it can help only D.C. government employees. So my constituents of every religious background and of every persuasion on the question of gays and lesbians support this bill as applied to gay men and lesbians.

I want you to know who the chief beneficiaries of this bill are given our demographics: Two elderly people living together, a disabled person who cannot live alone, two sisters or brothers living together, a grandchild and a grandparent living together, a mother and a grown daughter living together. That is who you would deny if you deny us the right to pass this bill which power should devolve to pass.

Who supports this provision? the National Council of Senior Citizens, the District of Columbia Nurses' Association, the Gray Panthers, Concerned Clergy of D.C., Churchwomen United, Disciples of Christ. We support this bill. This is our jurisdiction. Let us do with our lives and with our constituents what you might not choose to do. Give us our full rights as American citizens to recognize all of our citizens.

Do not vote for this amendment.

Mr. HOSTETTLER. Mr. Chairman, I yield 2 minutes to my distinguished colleague, the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in support of the gentleman's amendment to repeal the D.C. Domestic Partnership Act.

We voted on this last year. We got 251 votes. Basically, what this did is shut down the funding; but we did not have an amendment like this which basically from now on will prevent this from happening.

I ask my colleagues to listen carefully. The District of Columbia is a fiscal nightmare. There is too much spending and not enough savings, a classic example of big government, big spending that was wholeheartedly rejected by the voters in 1994. Priorities must be set. Repealing the Domestic Partnership Act is the perfect opportunity to set some priorities in this House and ensure that funding for nonessential programs will not be sanctioned by this Congress.

Laws that, in essence, allow homosexual, heterosexual couples to cohabitate, register as domestic partners and receive health benefits in addition to other legal rights undermine the traditional moral values that are the bedrock of this Nation. Legitimizing these relationships will only serve to erode our Nation's values. The Domestic Partnership Act is nothing more than a revolving door for people who have no desire to enter into marriage but still wish to receive all the legal and social benefits of the sacred institution of marriage.

We must make it clear that these relationships will not be endorsed by this Congress.

Support the amendment offered by the gentleman from Indiana to ensure that D.C. sets its budgetary priorities straight. Say ''no'' to irresponsible social experimenting, and let us not tonight redefine the definition of the family. Vote ''yes'' on this amendment.

Mr. DIXON. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this bill does not implicate, contrary to the previous speaker, any funds. This bill would allow, or rather this amendment would prohibit the District of Columbia law that allows a domestic partner to visit his partner in a hospital, that allows a public employee in the District of Columbia to self-finance family health insurance for himself or herself and his or her domestic partner, self-finance. This has nothing to do with financing. This has nothing to do with the fiscal crisis of the District of Columbia.

This simply has to do with Congress deciding for motives of hatred of gay people and lesbians to reach in and tell local government, ''You may not have an enlightened policy.''

The gentleman, the previous speaker, said this is beneficial to people who have no desire to marry. There is no jurisdiction in the country which allows a gay person or lesbian person to marry. All the District of Columbia has decided is certain benefits, to visit the sick, to take annual leave, to take leave for bereavement, to bury their domestic partner, that they are entitled to that. But we are going to say no, we will not let you decide that. The hypocrisy of saying that we support local rights, we support home rule, when it has nothing to do with fiscal policy, and then passing this amendment is paramount, is supreme.

I urge a ''no'' vote on this amendment on grounds of home rule and grounds of simple humanity.

Mr. HOSTETTLER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma [Mr. ISTOOK].

Mr. ISTOOK. Mr. Chairman, article I, section 8 of the U.S. Constitution says the Congress of the United States has the authority to exercise exclusive legislation in all cases whatsoever over the District of Columbia. In fact, when the home rule charter was passed for the District of Columbia, that authority was expressly retained because we cannot give it away. Even if we wanted to, we have responsibility for the laws of the District of Columbia, and if they are out of tune with what they should be, with what should be the laws in the United States of America, we as Members of Congress have the obligation, we have the duty, we have taken an oath that says we will act.

Three years straight, the House of Representatives and the Senate in bills that have passed and been signed into law by the President, 3 years straight we have said the law that is now at issue will not be effective, will not be enforced. We have had votes in 1994, in 1993, in 1992, and now in 1995. It is time that we say we make this a permanent restriction.

We do not believe in redefining the family. I heard a speaker say, after all, this measure says that people ought to be treated with the same advantages as if they were married if they are heterosexual and living together. He thought that made the bill better. I say it makes it worse. If you are saying that without benefit of marriage you want to encourage people to live together and redefine the definition of family to include that, the same as a husband and wife, then you are twisting what a family is. You are twisting what marriage is. You are undercutting families in the United States of America.

We have enough problems already. Family decline is at the root of problems in schools, problems in drug use, of too many teenage pregnancies. Marriages might have occurred and now people say, ''We don't need to have them because we can have an alternative to family. We can undercut the basic building block of our society.'' That is wrong. That is wrong to do so. The country will collapse if families collapse, and the are teetering and tottering already.

We do not need the Nation's Capital to say we are going to undercut family values. In fact, we are going to kidnap the very definition of what constitutes a family. We are going to redefine it as though we can improve upon what has given stability and strength to this country for its two centuries plus.

Mr. Chairman, I encourage people to vote in favor of the amendment. Say permanently the Congress of the United States is not going to redefine family and is not going to undercut marriage.

Mr. DIXON. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, I join the gentlewoman from the District of Columbia for her wisdom in recognizing that there is something to sovereignty.

This bill covers disabled citizens. It covers those unable to care for themselves. It covers the grandmothers living with the daughter trying to protect their life and jointly raising children. Yes, it covers African-Americans, Asians, Latinos, it covers gays and lesbians. It simply covers the human family.

I am somewhat concerned with the new message of the U.S. Congress of States rights. Although I recognize that many time States rights enslaved me as an African-American, I am prepared now to join with them and give to the District of Columbia the privilege of being able to say that they believe in the humanity of all mankind and womankind, if you will, and that they should have the opportunity to rise up to be covered by good health care, to visit their loved ones, to protect grandmothers, protect the disabled and simply run their business.

I do not know why we have nothing else to do and why we feel we must intrude into this process. I simply ask for fairness, ladies and gentlemen, just a simple question of fairness. Treat all people alike.

This is a bad amendment. I would ask you to vote against it and vote for humanity and believe that gays and lesbians are human as well.

Mr. HOSTETTLER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, in conclusion, I would just like to reiterate the points that need to be made in consideration of this amendment.

First of all, we have a constitutional obligation in this issue. Article I, section 8, clause 17, is that authority under which I am offering this amendment. Section 601 of the Home Rule Act further returns to the Constitution on Congress' ability to legislate here.

Also, there is the issue of ERISA preemption. We are also considering the moral and legal erosion of the traditional family in this.

We also must then point out, Mr. Chairman, that in all practical terms this legislation has never been implemented. This Congress has never appropriated $1 for the implementation of this legislation in this legislation's history, and so that must be reiterated.

I would like to also point out, as I am, that there is something very wrong with a piece of legislation that says this, that a person may register a new domestic partner after a waiting period of only 6 months. Thereby, a person could feasibly put two domestic partners a year onto his or her health plan every year for the rest of his or her life.

Mr. Chairman, I am coming up very soon now on 12 years of marriage. Marriage is an institution in this country that I believe needs to be edified and exalted, and our Congress should do its part.

I ask for a ''yea'' vote on this amendment.

Mr. DIXON. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, I hope intellectual honesty is still in order. ERISA, schmarisa, this is not about ERISA. This is about people who want to show a dislike and disapproval of gay men and lesbians, and for some odd reason, apparently they find gay men and lesbians more obnoxious if we happen to be in a stable relationship than if we are not.

□ 1815

This is the ''Promote Promiscuity Act,'' I suppose, but people sometimes get into unintended consequences. Let us also be clear the nitpicking of the statute, it is a District of Columbia ordinance, is besides the point. If it were tightened, if it in fact said this is for gay men and lesbians who could not otherwise be married, they would be just as angry.

I did agree with the gentleman from California, who pointed out how many people have died of AIDS, who were well below the normal age at which people die. I welcome his support for greater AIDS funding. Maybe he will explain to the Senator from North Carolina the relevance of that, when more people have died of AIDS than died in World War II.

But I want to address this notion that somehow this undermines the family. Members have said ''Well, people are here looking for their approval.'' Herb and I have been together for 8 years. I want to assure those who have spoken in favor of this, we do not seek your approval. It is of no consequence to us whatsoever.

What we seek is to protect ourselves, and, even more, people more vulnerable than us, from the bigotry and interference that would harass them, belittle them, and deny them basic rights. And you say ''Well, you have got to do this. It is not meanness, it is not bigotry. You have got to do it, because it would undermine the family.''

That is bizarre. Is your faith in the family of such fragility that you think people are going to learn that Herb and I live together, that Dean and Gary live together, and they are going to leave their wives?

I have said this before. There was a commercial before about V–8 Juice, and there would be this cartoon character. And he would drink an apple juice, and he would drink a tomato juice, and he would drink a carrot juice. And someone would give him a V–8, and he would say, ''I could have had a V–8.''

What are we, gay men, the V–8 of American society? Are you so frightened that people will see two men living together in a loving relationship, or two women living together in a loving relationship, and that will undermine the family? Shame on those. You are the ones who undermine the family when you trivialize it like this.

If you want to compare, if your view of the family is that materialistic, apparently some of them believe on the other side that if you do not bribe people, they will not stay in their families. If you have that materialistic view, I would say do not worry, because there will still be many, many more advantages. The right to visit someone who is very ill, and that right has been denied to gay partners. It is not purely academic, it has been denied to people. The material balance will still be on your side.

But I have to know what it is, how does this mechanism work? How are we undermining families? And you say, ''Well, we don't want the Federal Government to give this stamp of approval.'' That is a very totalitarian concept of the Federal Government. What happened to your libertarianism? Is it not the role of the Federal Government in fact to let people make their own choices. Are you saying that the people you represent, the people for whom you speak, do not think what they do has value, unless it is stamped ''kosher for Passover'' by the Federal Government, the necessary changes being made?

I do not understand the logic here. In fact, what has happened is the District of Columbia, and, by the way, I am also struck, I guess maybe the New York Times is going to have to recall the issue of a couple weeks ago with the picture of Marion Barry and NEWT GINGRICH on the cover, the two pals. Speaker GINGRICH said he is for home rule. What, until bigotry says otherwise?

We are not talking about the constitutional right to do things. We have a constitutional right to do a lot of things. The question is whether or not we should do it.

What is it that drives us to say that we will strike from the books something that was democratically done by the elected people of the District of Columbia? ''Well, it is going to undermine the family.'' I have asked and asked and asked again, how does the fact that Herb and I share a residence in the District of Columbia, and care for each, and love each other, and wish to spend our time together, how does that undermine your family? What is it about our life that is going to tear asunder these family ties?

What we are talking about, and this makes it very clear, we are not talking about a threat to the family. We are talking about people who cannot abide, apparently, people differing with them. That is what we are talking about.

I have no desire to abandon families. Ten days ago Herb and I were hosts to his sister and brother-in-law and their two children, and then my niece came down. We are both members of loving, extended families. We interact quite well with our families.

This is an absolute tissue of lies, this assertion that you are doing this to protect the family, because anyone who understands families, who understands what the emotion really is that brings families together, could not think that we undermine the family.

I would ask the Members to vote with the earliest speaker in favor of home rule, and not with this effort to impose bigotry on the people of the District of Columbia.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. HOSTETTLER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 249, noes 172, answered ''present'' 1, not voting 10, as follows:

[Roll No. 759]

AYES—249

Allard	Barcia	Bilbray
Archer	Barr	Bilirakis
Armey	Barrett (NE)	Bliley
Bachus	Bartlett	Boehner
Baesler	Bass	Bonilla
Baker (CA)	Bateman	Boucher
Baker (LA)	Bereuter	Brewster
Ballenger	Bevill	Browder

Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fawell
Fields (TX)
Forbes
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—172

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Barton
Becerra
Beilenson
Bentsen
Berman
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gunderson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Kolbe
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rangel
Reed
Richardson
Rivers
Rohrabacher
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Thomas
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
White
Williams
Woolsey
Wyden
Wynn
Yates

ANSWERED ''PRESENT''—1

Obey

NOT VOTING—10

Chapman
Fields (LA)
Harman
McDade
Moakley
Murtha
Thornton
Tucker
Volkmer
Weldon (PA)

☐ 1840

Mr. BONO, Mr. BALDACCI, and Ms. BROWN of Florida changed their vote from ''aye'' to ''no.''

Mr. NEY and Mr. FORBES changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. WALSH. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALLARD) having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2446) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST FURTHER CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–304) on the resolution (H. Res. 253) waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Speaker, on rollcall votes 733 and 734, I was unavoidably detained and was not here to vote.

Mr. Speaker, had I been here to vote, I would have voted, ''aye'' on rollcall vote 733 and ''aye'' on rollcall vote 734.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW DURING 5-MINUTE RULE

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on House Oversight, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Science, and the Committee on Transportation and Infrastructure.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

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

There was no objection.

ORDER OF BUSINESS

Mr. SCARBOROUGH. Mr. Speaker, I ask unanimous consent that the order of the 5-minute special orders granted today to Ms. ROS-LEHTINEN and Mr. CLINGER be transposed.

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

There was no objection.

REPUBLICAN RESPONSE TO DYING ON THE VINE

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

Mr. LINDER. Mr. Speaker, I just must respond to the comments made by the gentleman before me because they are simply not true.

What the Speaker has said in a speech last week was he would like for the Health Care Financing Administration to wither on the vine. So would I. So would everyone.

As we take Medicare into more private markets with managed care opportunities and private insurance opportunities, we hope that the Health

Care Financing Administration, which has strangled health care with regulatory burdens, does indeed die on the vine.

Let me also point out that in 1965 when Medicare was passed, nearly half of the Republicans then in this House voted in favor of it. That should be pointed out again. Nearly half of the Republicans supported it. Over half support it now. Nearly all of us want to fix it, preserve it, protect it. But allowing erroneous statements to be made simply is not helping the process.

HCFA, the Health Care Financing Administration, should wither on the vine. Medicare will be better for it.

Mr. Speaker, the text of the speech by Speaker GINGRICH follows:

[From the Washington Times, Oct. 27, 1995]

GINGRICH SAYS HALT MONOPOLY

Text of House Speaker Newt Gingrich's remarks before a conference of Blue Cross and Blue Shield on Tuesday.

Now let me talk a little bit about Medicare. Let me start at the vision level so you understand how radically different we are and why it's so hard for the press corps to cover us. Medicare is the 1964 Blue Cross plan codified into law by Lyndon B. Johnson, and it is about what you'd—I mean, if you all went out in the marketplace tomorrow morning and said, ''Hi, I've got a 1964 Blue Cross plan,'' I'll let you decide how competitive you'd be. But I don't think very.

So what we're trying to do, first of all, is say, OK, here is a government monopoly plan. We're designing a free-market plan. Now, they're very different models. You know, we tell Boris Yeltsin, ''Get rid of centralized command bureaucracies. Go to the marketplace.'' OK, what do you think the Health Care Financing Administration is? It's a centralized command bureaucracy. It's everything we're telling Boris Yeltsin to get rid of. Now we don't get rid of it in Round 1 because we don't think that that's politically smart and we don't think that's the right way to go through a transition. But we believe it's going to wither on the vine because we think people are voluntarily going to leave it—voluntarily. Notice the difference, again, from the Clinton plan. No one under our plan is coerced into doing anything.

□ 1845

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ALLARD). 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.

HEARING ''PROP'' INCIDENT DOES NOT MERIT ETHICS INVESTIGATION

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

Mr. CLINGER. Mr. Speaker, halloween is over and it is time to take off the masks and reveal to the American public the truth about the so-called ethics matter regarding a prop used at a recent subcommittee hearing in the Government Reform and Oversight Committee. The truth is that this issue is really about partisan politics. I shouldn't have to be here tonight, or for that matter none of us should be. I find it truly discouraging when Congress has so many urgent matters at hand, balancing the budget, health care, and education, just to name a few, we find ourselves having to spend time and money addressing a matter that deserves nothing more than a brief explanation and an apology. Both of which have already been done.

I hope tonight that once and for all we can put an end to discussing this issue—we are beating a dead horse. Many of us, like myself, are sick and tired of discussing this nonissue. Clearly, this whole incident has been exaggerated and blown way out of proportion.

Let me clarify exactly what happened. On September 28 as part of a hearing conducted by the National Economic Growth, Natural Resources, and Regulatory Affairs Subcommittee a prop was prepared to show that certain organizations received Federal grants. The prop, a large chart prepared by HIS, was a reproduction of the organization's letterhead and showed in red ink the amount of Federal funds received by several members of the organization. The exhibit was xeroxed on letter size paper so that those that might not otherwise be able to see the easel could review it, including members of the press, and was released before the prop itself. The prop did not include any identifying information on it as to who prepared it as many hearing props do not; it was to be used for questioning a witness as to whether the information on the chart was accurate. No one who saw the prop or document would believe that it was put out by the organization itself.

Was there a crime committed? Was there a conscious attempt to deceive? Was this a forgery? The answer to each of these questions is a resounding no. This whole incident is being blown out of proportion. What did occur is that a new staffer on the Hill simply made an error. A human error. Nothing more, nothing less. Our Democrat colleagues want to spend more taxpayer money on trying to pursue an ethics violation. However, if one looks at the history of the types of ethics investigations brought before the House in the past they are far more serious charges, such as bribery or sexual harassment. There is no basis for comparison. The one incident referenced last week regarding a staffer who in 1983 intentionally and maliciously altered transcripts, which are official records of the House was a concern because of the legal nature of the document as legislative history. There is a big distinction between a prop used at a hearing to question a witness and altering the official records of the House. There is absolutely no precedent in the history of the House for bringing up an ethics charge based upon the unintentional actions of a staffer creating a prop for purposes of questioning a witness at a hearing.

In fact, we all make errors. I would like to expose some of the inaccuracies expressed last week in speeches given by my Democrat colleagues with regards to this incident. I will give them the benefit of the doubt, and assume that they too were errors. First, it was stated that Subcommittee Chairman MCINTOSH did not issue a letter of apology for some time, but in fact, a written letter of apology was issued that very same day. Second, it was stated the motion to table Mrs. SLAUGHTER's resolution was voted down twice—when in fact it was only voted down once by the House. Third, this incident is being mischaracterized as a criminal forgery. This is erroneous. For the record, according the Perkins' casebook defining criminal law the term ''forgery'' means the fraudulent making of a false writing having apparent legal significance. This prop had no such legal significance; it was not done intentionally, and it was not done to deceive. It was intended to be used for the purposes of questioning a witness during a hearing.

Mr. Speaker, there was no forgery and there was no crime committed. What I find most embarrassing and upsetting about this entire incident is the amount of time and money spent by Members discussing it on the House floor. There is nothing more to discuss—so let's be done with it and get on with the business that the taxpayers sent us here to do.

HOLDING DEBT CEILING HOSTAGE WILL HURT WORKING AMERICANS

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

Mr. BONIOR. Mr. Speaker, in the past 220 years, America has been through 10 wars, the westward expansion, a Civil War, the Industrial Revolution, the Great Depression, Naziism, and Communism. This Capitol that we reside in right now was even burned in 1812, I believe.

Mr. Speaker, through it all, through all of that, for 220 years, the government has paid its bills. It has always paid its bills. But now Speaker GINGRICH is threatening to put it all at risk.

The Washington Times pointed out last Thursday, in order to force through the extreme Republican budget, they pointed out by the way which would cut Medicare to pay for tax breaks for the wealthy, they pointed out that the Speaker is threatening to throw the U.S. Government into default for the first time in our history.

In order to ram through their Medicare cuts, Speaker GINGRICH is willing to use the debt limit to blackmail the President, to hold America's working families hostage, and put us in league with some of the Third World nations who have not met their obligations over the years and who do not honor their promises.

Mr. Speaker, this just will not be an international embarrassment or an embarrassment that breaks records of historical precedence. It is going to have a devastating impact on the men and women, the working men and women in this country. It is going to affect them directly.

The debt ceiling affects interest rates. If we do not pay our bills, interest rates are going to go up. Some people say they are going to shoot through the roof. The Gingrich interest rate increase will mean that Americans will pay more for car loans; they will pay more for school loans; they will pay more for credit cards.

Worst of all, every family that has an adjustable mortgage rate, they have an ARM, and there are literally millions of Americans who have these financial instruments to pay for their mortgage, they will see their payments go up right around Christmas time.

New home buyers could easily see a $600 mortgage increase. That is what is at stake when we talk about the debt limit, and when we talk about holding it hostage, and when we talk about for the first time in 220 years not paying our bills.

Mr. Speaker, this will have an effect on the pension funds of senior citizens and the savings plans of many people who have payroll deduction plans.

One Republican Member on this side of the aisle even suggested that they should use all the tricks up their sleeve. He suggested that Republicans let the Government go bankrupt, even if it means delaying tax refunds next year. He even suggested that we not put payroll tax receipts into the Social Security trust fund.

Keep in mind, this comes from the same party which had a Congressman define the middle-class last week as those people who earn between $300,000 and $750,000 a year, and he defined the lower middle-class as those making between $100,000 and $200,000 a year. I would sure like to live in his neighborhood.

Mr. Speaker, the Gingrich budget passed last week slashes Medicare and slashes Medicaid; it cuts student loans; it repeals nursing home standards, all to pay for tax breaks for the wealthiest individuals and the wealthiest corporations in America.

Speaker GINGRICH says we have to default on our debt in order to get the budget passed. Mr. Speaker, I say they have to drop these irresponsible tax breaks for the wealthy. We stand with the President and we stand solid and we say to the President, ''Hold firm, Mr. President. You are doing the right thing.''

REPUBLICAN ATTEMPTS TO BLACKMAIL PRESIDENT WILL REQUIRE AMERICANS TO PAY RANSOM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, this afternoon the Republican leaders in the House and Senate went to the White House in an attempt to blackmail the President into signing their extreme budget.

Democrats and the President are opposed to the Republican budget because it includes deep cuts in Medicare and Medicaid and because it increases taxes on working families, while cutting taxes for the wealthy.

The President has promised to veto the budget unless changes are made to protect seniors, children and working families from bearing the brunt of GOP cuts.

But now, Speaker GINGRICH and the leader of the other body are attempting to blackmail the President by threatening to throw the government into default if the President doesn't sign their extreme budget. It's a very dangerous game. Playing politics with our economy is bad news for both Wall Street and Main Street. The Speaker's irresponsible threats sent shock waves up and down Wall Street. But, the real impact of the Speaker's ill-considered political gambit will be felt on Main Street. Once again, working families will be hurt the most.

In fact, the Speaker's threat to throw government into default will amount to a Christmas tax on working families. You see if the government goes belly up, interest rates will go up and up. What does that mean? Well, for starters, it would mean higher mortgage, car loan and credit card payments.

For millions of working families with adjustable rate mortgages, increased interest rates will mean their monthly payments will mean their monthly payments will increase, just in time for Christmas.

If the Speaker forces the Government into default, Americans can expect to ring in the New Year with higher car loans and credit card payments.

In fact, a Tuesday Washington Times story explained that Republicans are so committed to their blackmail strategy that they would be willing to allow the Government to default, even if it means they will have to delay income tax refunds next year.

Mr. Speaker, this is the quote from the Washington Times, Tuesday, October 31:

> Representative Nick Smith, the Michigan Republican who heads a 130 member House coalition that wants to use the debt limit as leverage to force Mr. Clinton to sign the Republican budget, said he believes the Treasury could go through January without a debt increase, and if it delayed income tax refunds next year, it might last through spring.

So, in fact, the gentleman does not really care if people do not get their income tax refund, if the interest rates go up, and people have to pay a higher mortgage payment, car loan payment, or credit card payment.

Mr. Speaker, raising mortgage rates for homeowners and denying tax refunds to hard-working Americans is wrong. But, that's what this GOP gambit will mean to working families in this country.

It's hard to believe that Republicans are willing to bankrupt the country. What's worse is that this is all being done to force the President to sign a budget that will further devastate working families.

It's a budget that would repeal Federal nursing home standards. That's right. The House budget would end minimum protections for senior citizens in nursing homes, opening the door for a return to the health care dark ages of bed restraints and mind-altering drugs.

It's a budget that would increase taxes on working families, while decreasing taxes on millionaires. By changing the earned income tax credit, the Republican budget means that working families will pay higher taxes last year. In my district, this budget will raise taxes on 14,309 working families.

It's a budget that would allow big corporations to raid the pension funds of their workers. This budget repeals current penalties for pension raids and allows companies to dip into their employees' retirement money for any reason whatever. In my State, it will mean that $6.5 billion in retirement funds will be at risk.

Eliminating nursing standards, raising taxes on working families and allowing giant corporations to squander their workers retirement benefits have nothing to do with balancing the budget. They have everything to do with the upside down priorities of the GOP majority.

Let's not play politics with working families' monthly mortgage payments. Let's not play politics with working people's tax refunds. Let's not play politics with the financial markets.

Republicans are attempting to blackmail President Clinton into signing their extreme budget bill, but it is working Americans who are being asked to pay the ransom.

□ 1900

SEQUENCE OF SPECIAL ORDER

Mr. SMITH of Michigan. Mr. Speaker, since my name was invoked by the previous speaker, I would ask unanimous consent that I be allowed to go out of order with my 5 minutes and speak at this time.

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

There was no objection.

THE DEBT CEILING

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

Mr. SMITH of Michigan. Mr. Speaker, first I would like to ask the previous speaker if I could have that

chart. It is a beautiful chart. It must have taken several dollars to construct that chart.

Let me tell you, Mr. Speaker, and our colleagues what is happening with the efforts of the Republicans to reach a balanced budget. In Kemp-Roth in the early 1980s, we talked about reaching a balanced budget and we set out a plan and we failed. In 1986 and 1985, Gramm-Rudman again tried to develop a plan and a proposal to reach a balanced budget and, again, we failed. In 1990 the same thing happened.

Now we are talking about a situation where we have increased the spending of this country from $370 billion in 1970 to the $1.5 trillion that we have today. Back in 1970, $370 billion. Today the interest on the public debt is almost that.

Last year the interest on the debt that is subject to the debt limit was $330 billion. This Congress, politicians in Washington, Members of the Senate, Members of the House, the White House have found it to their political advantage to spend more money to do things for people, and they have decided that maybe increasing taxes is not so popular so what we have done is expanded our borrowing.

Do you know what we are doing when we borrow all this money and go into debt like we are today? We are saying to our kids and our grandkids, we are going to make you pay this back out of earnings and wages that you have not even earned yet, possibly that you have not even had a chance to go through school yet, and yet we are saying to you that our overindulgence today is going to be paid for by your earnings 10, 20, 30, 40, 50 years from now.

How do we get to a balanced budget? Well, the debt limit and the vote on increasing the debt limit is not a way to have leverage. It was used in 1985 and 1986. In fact, we have increased the debt limit of this country 77 times since 1940. I mean it has become a way of life. Nobody seems to care.

The consequences of that debt are now devastating the kind of economic expansion we could have. We had four individuals from Wall Street down to Washington today. They came down to talk to Members of Congress about what they thought the consequences of not sticking to our guns and not achieving a balanced budget was going to be.

They simply said, look, you are halfway through this stream. If you do not stick to your guns, you are going to see the stock market fall. You are going to see the bond market fall, and you are going to see more chaos than if you stick to your guns.

Ms. DELAURO. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Michigan. I yield to the gentlewoman from Connecticut.

Ms. DELAURO. Is it not true, though, that what you want to try to do here with this debt limit is use it as leverage, as you have said, in order to force the President on the budget? That in itself has created chaos on Wall Street.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Speaker, that is exactly what we are trying to do. We are trying to use the debt ceiling vote as leverage to force not only the President but those 160 of us, it was not 130, it was 160.

We sent the letter to BOB DOLE. We sent the letter to NEWT GINGRICH. We said, look, our interest is in achieving a balanced budget. We know it is going to be difficult. We know it is going to be hard, but here is what we are saying. We are saying we are not going to vote to increase that debt limit unless we get on an absolute glide path to a balanced budget.

Now Stan Druckenmiller came down from Wall Street today; James Capra came down from Wall Street; Edward Hyman, ranked the number one economist for each of the last 16 years came down here today, and Kenneth Langone came down here today.

Ladies and gentlemen, what they said is, you have got to stick to your guns. If we do not stick to our guns, we are going to perpetually continue to spend and tax and borrow. The question to the American people is, do you want a bigger government with more taxes or do you want a smaller government with fewer taxes? I mean, that is the question. The American people answered it last November. They are now giving us a chance to fulfill that commitment.

Go home and ask your constituents that question.

ALLIANCE FOR JUSTICE

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

Mr. MCINTOSH. Mr. Speaker, in the past few months observers in this House may have noticed a lot of floor time being dedicated to attacks on our Subcommittee on Regulatory Relief, my character, and the character of the staff. These attacks have centered around a hearing that was held at the end of September in our subcommittee. The gentleman from Pennsylvania [Mr. CLINGER] addressed some of those issues in his 5-minute remarks earlier. I wanted to explain to the body today exactly what happened at that hearing so that each Member can decide what is at stake in this discussion.

For several months now, I have been working to enact a law that is designed to prevent the taxpayer subsidy for lobbyists here in Washington. For years it has been one of Washington's dirty little secrets that thousands and thousands of groups receive taxpayer grants. A small subset of them have become quite wealthy and use that money to hire their lobbyists to promote more and more spending here in Congress.

Now, along with the gentleman from Oklahoma, Mr. ISTOOK, and the gentleman from Maryland, Mr. EHRLICH, now Senator SIMPSON and Senator CRAIG, we have a bill that will put an end to that and put an end to an outrage of the taxpayer subsidizing the lobbyists here in Washington. But as President Reagan has said, it gets dangerous if you get between the hog and the bucket. So many of those lobbyists are now attacking us personally as we move forward with that effort.

The House Subcommittee on Regulatory Affairs, which I chair, has held four hearings into this, into the use of taxpayer funds by lobbying groups here in Washington. The last hearing was on September 28. At that hearing, the subcommittee invited one of those lobbyists, Nan Aron, who is President of the Alliance for Justice, to testify. The Alliance for Justice is a nonprofit charity that has annual revenues of about a million dollars.

The Alliance for Justice spends most of its time educating other nonprofit special interest groups on how to engage in lobbying.

The Alliance for Justice has about 30 members. Many of those members receive millions of dollars in Federal grant money and end up paying dues to the Alliance for Justice which end up funding their lobbying activity.

In many ways, this is a money laundering scheme in which the taxpayer dollars go out as grants to groups and end up subsidizing the efforts of lobbying by the Alliance for Justice.

Hillary Clinton's Children's Defense Fund, the American Arts Alliance, the Consumer Union, the Teachers Union and National Education Association, and the National Organization for Women's Legal Defense Fund are but a few of those members who contribute to the Alliance for Justice.

In preparing for this particular hearing, I asked the staff to prepare a series of questions for the Alliance. Where do they receive their money? Do they receive an indirect subsidy from members who receive Federal grants? The Alliance responded only in part to those questions and said they did not receive any Federal money themselves, but they declined to answer what type of subsidies their members received.

So I asked my staff to illustrate the point to prepare the following chart, which is a blowup of the letterhead of that group that shows that several of their members do indeed receive Federal grant moneys totaling over $7 million.

Now, the purpose for this blowup was to demonstrate how this money laundering scheme operates in this particular group. As we engaged in the hearing, we asked the chart to be available in the hearing room, and the committee staff also prepared a smaller 8-by-11 version of this chart to make available to the press and to the public who may not be able to see it.

The plan was that we would demonstrate the poster and then place the flier in the committee room so that anybody who was interested could have a copy.

Unfortunately, what happened was the fliers ended up out on the press

table in advance of the poster. This created some confusion because it was claimed by Ms. Aron and members of her group that it looked like it was their letterhead that was being used to make this point, because now that it was an 8-by-11 piece of paper, it looked like it was a Xerox of their letterhead. I think most people who will look at this document will know that this is not any type of alleged forgery but is in fact a demonstration of how this money laundering scheme works.

Now, my staff ended up answering questions about who prepared the document. We immediately told people when asked at the subcommittee hearing, this is a document that we have prepared, based on research in our subcommittee on how the taxpayer dollars are used. And I apologized later that night to Ms. Aron for any confusion with the use of their letterhead. But nonetheless, the attacks continue because they do not want the American taxpayer to see how their money is being used.

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.]

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

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

THE BUDGET

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 have to say I was amazed to hear the gentleman from Michigan who previously spoke to actually admit that the Republican leadership is using the debt ceiling as leverage in a political way. The effect on the economy, as was mentioned previously by the gentlewoman from Connecticut, is incredible. To think that the Government might go into default in order to achieve a political purpose on the part of the Republican leadership is incredible to me.

I do not think that the voters last November, when they went to the polls, thought that they were voting to put the Federal Government in debt, into default. I was just reading from American history, remember when I was in grade school, how proud we are that over the history of the American Republic we have never defaulted on our debts and how important it was to just get our financial act together from the beginning of the United States to make sure that we would not default on our debts. Here is a Member of this body saying that the debt ceiling is being used as leverage in order to accomplish a political purpose. To me it is shocking. I cannot believe that he actually admitted that that is the case.

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

Mr. PALLONE. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, is the stated goal of the gentleman from Michigan [Mr. SMITH] to bring about a balanced budget or to bring about political gain with the President of the United States? It is, in my judgment, to bring about a balanced budget. Nothing else has worked.

Mr. PALLONE. Mr. Speaker, reclaiming my time, the point of the matter is that the gentleman from Michigan admitted that he was using the debt ceiling and the possibility of default for political purposes. Even if that political purpose is that somehow he sees in the long run that he is going to balance the budget, the effect of the Government possibly going into default and what that would mean for the economy, what it would mean for the millions of people who would see their interest rates rise and their mortgages have to go up, to me it is just totally irresponsible.

I think that he points out the truth. That is exactly what the Speaker is threatening to do, to let the Government default in order to bully the President into signing his budget bill. I think it is totally uncalled for. At least the gentleman from Michigan was willing to admit it, but it is shocking to me that that is in fact the case.

I wanted to speak, if I could, about the budget bill. As a member of the conference, the bottom line is the House and the Senate, of course, passed different budget bills and now have to get together, and there is a conference for that purpose to try to get the two versions together.

□ 1915

One of the things that I wanted to mention as a conferee, as a person who is going to be part of that conference, is that if is very possible and, I think to some extent, the Senate is already recognizing it is very possible, to essentially take this budget and minimize the tax cuts for the wealthy and the tax increases on the low- and middle-income working families in order to restore Medicare and Medicaid to programs that continue to provide quality health care. The problem I have right now is that this Republican budget bill essentially is destroying Medicare and Medicaid health care programs for the elderly and also for poor people in this country in order to pay for a tax cut for the wealthy. Medicare is cut $270 billion; Medicare, $270 billion. Medicaid, about $180 billion, and yet we have a tax cut that primarily goes to wealthy Americans that is $245 billion.

So, if in conference or if at some time later, after the President vetoes the bill, we actually were to decrease that tax cut and take back the tax cut from many of the wealthy Americans, we can put more money into Medicare and into Medicaid so that they are continually viable programs, and that is what needs to be done, that is what hopefully this conference will manage to do or ultimately will be accomplished when the President vetoes the bill and it comes back.

I wanted to mention two points, if I could, as part of this Medicare and Medicaid debate. There has already been an effort on the part of the Senate, and if you look at the Senate bill versus the House bill in two areas that I think are very beneficial if we can get these changes, one is that the Senate-passed provisions continue to apply Federal nursing home standards unlike the House bill, and secondly, the Senate-passed provisions require continued Medicaid coverage for low-income pregnant women and children and for disable persons.

One of the worst aspects of this House bill is that in fact what it does is to take away standards for nursing homes. Essentially what it means is that the nursing homes are up to the will of the State if the State, of New Jersey for example, decides that it does not want to have any kind of standards for nursing home care.

So I am hopeful that, when we get to conference, we can at least address those issues, trying to bring back the nursing home standards and trying to provide some guaranteed coverage for the disabled, for pregnant women, and also for children.

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

[Mr. DURBIN addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

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

[Mr. SHADEGG addressed the House. His remarks will appear hereafter in the Extension of Remarks.]

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

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

QUESTIONS FOR COLIN POWELL

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

Mr. DORNAN. Mr. Speaker, I say to my colleague, ''LINCOLN DIAZ-BALART,

my colleague from Florida, what a week; huh? What a day.''

Mr. Speaker, I only have 5 minutes tonight. I could have spoken about one of the greatest pro-life victories in the last 20 years, at least since I was sworn in on January 4, 1977. I could speak about this excellent victory, the very last vote tonight where we have locked in permanently a ban on any redefining of the American family. I could talk about some battles I have been having with the liberal press of late trying to distort my flying record in the Air Force. I wish I had flown helicopters, but Newsweek is wrong. I flew jet fighters, and I wish I had done both, but I did not, and I did not crash one airplane, let alone four, and we are working out some sort of an apology or retraction with Newsweek as we speak. The Hill, one of our little local papers here, accused me of an ethnic slur that is really disgusting. If it were not at the end of the year with every precious minute for legislative time on the House floor, I would take an hour. You freshmen should know this, Robert of Maryland. One-hour point of personal privilege, not if they attack you on radio or television; it is an old law, two centuries old If you are attacked in writing and it slurs your character, you can stand up at any point in the day and say, ''Mr. Speaker, I have a point of personal privilege.'' Everything comes to a screeching halt and you get 1 hour to defend your honor, and in an age devoid of heroes, when honor does not seem to count for much in many pursuits of life, honor is everything we have in public life.

But I am not going to talk about any of that. I want to talk about what Haley Barbour, chairman of the Republican Party, did. He sent me a free copy of U.S. News & World Report on top of the one the U.S. News puts in our office anyways. Thank you, Mort Zuckerman, and it says on the cover: Republican National Committee, Haley Barbour, chairman. Every time you start to worry about how we are doing, the Republicans, I want you to remember how they are doing.

So, I lifted up this little Haley card, and it says the Democrats, is the party over? They know they are in trouble, and it is even worse than they think. And here is a little donkey sitting on a gravestone. I remember when they did this to the Republican Party after Goldwater brought us down to 143 only on our side, the lowest since the Depression, and then Nixon, Lord rest his flawed career and wonderful soul, he brought us down to 143 the year I came, in 1977. We were 143, 144 2 years before that, and they wrote the Republican Party off.

So, is the party of Jefferson, the great American patriot who said, ''The least government is the best government,'' over? Is the party of Andy Jackson, who redefined the Presidency and is one of the most ignored great Presidents of our time, is his party over? I do not think so. Maybe the part of Franklin Delano Roosevelt and flirtation with socialism is over, but before we write off the Democrats, I have a way to save the Democratic Party and to save the two-party system, and here it is:

Mr. Speaker, did you read George Will's column in Sunday's paper, 22 questions for Colin Powell? Well, I have 22 more questions that I am going to submit for the RECORD tonight for Colin Powell because guess what? My pal, Colin, No I recommended him to George Bush in 1988 in writing—thank you, right in the nick of time—in writing that I want George Bush to pick Colin Powell. I did not know if Dan Quayle was on a short or a long list, but I wanted him to pick Colin Powell, and that was 7 years ago. And Colin knows I think well of him, but I found out from his strange answers to a lot of questions and volunteering that he is a Rockefeller Republican, he is a Democrat, and he would make a superb Democrat of character and integrity. If Colin Powell would declare as a Democrat against Bill Clinton In New Hampshire, he would whip him good. He would save the party of Jefferson and Jackson. The American people would have one wonderful choice 1 year from this week on the 5th of November in 1996, and the two-party system would be saved. But by Colin Powell, a moderate Democrat of great character, coming into the Republican process, mucking it up, he emboldens Pat Buchanan, he unleashes all these other multimillionaires, the billionaire Ross Perot gets energized and goes like a bull in the China closet destroying the whole process, and look what this very same article says:

Writing off the Democrats; is the party over? Powell counts the days and strokes the Democrats. He has already said he could be either one. It says that Richard Armitage, my pal and Colin Powell's close friend, called the Democratic Leadership Council, what is left of their moderate wing, to congratulate them on their approach to affirmative action.

What is going on here? Colin, if you are listening, and I understand you are watching some of the Presidential debates, I hope you are taking notes. Here are 22 questions for you, Colin. I will see how many I can get through before the hammer gets down.

The list of 22 questions for Colin Powell in its entirety is as follows:

TWENTY-TWO QUESTIONS FOR COLIN POWELL

1. General, do you oppose the use of U.S. ground troops in Bosnia?

2. Should the debt ceiling be raised without a specific plan to balance the federal budget?

3. Should the $500 child-tax credit be a part of this year's budgetary plans to help ease the financial pressures on the American family?

4. Should the Consumer Price Index be lowered in order to reduce payments to federal beneficiaries?

5. Should agricultural policy be fundamentally changed in order to adhere more to free market principles?

6. Should capital gains tax cuts be made?

7. Should U.S. troops ever be placed under foreign/U.N. command officers and NCOs and if yes, should Congress place strict limits on such command and control arrangements?

8. Should women be allowed into combat? Can they opt out on eve of deployment where raping and torture of POWs is common practice?

9. Why didn't you resign as Chairman of the JCS in protest over President Clinton's policy of lifting the ban against homosexuals in the military or the equally offensive cancellation of the regularly scheduled pay raise for active duty soldiers?

10. After supporting the Bush Base Force Plan, why did you then support the Clinton Botton-Up Review defense plan which, by some accounts, is under funded by as much as $150 billion?

11. What would you do with regards to the growing threat of ballistic missiles including specific programs such as Navy upper-tier and the 24 year old ABM Treaty with the melted down Evil Empire?

12. Should foreign aid to the former Soviet Union (including our DoD funding) be conditioned to ensure Russia actually dismantles offensive nuclear, biological, and chemical weapons programs?

13. Should dual-purpose technology be transferred to communist China while China proceeds with a dramatic military buildup?

14. Should human rights and democratic principles be heavily considered in granting Most-Favored-Nation trading status to totalitarian nations like China or Vietnam? Should we keep sanctions against Fidel Castro's oppressive regime in Cuba.

15. Should the United States have diplomatically recognized Vietnam while questions remain unanswered by the communists in Vietnam about what they know concerning Americans still listed as POW/MIA, such as extensive Politburo and Central Committee records?

16. Should Clinton have been allowed to financially bail-out Mexico without congressional approval or oversight?

17. Should the nations of Poland, Hungary, the Czech and Slovak Republics be allowed into NATO? If so, when? Why not Poland in 1996?

18. Should Chile be allowed to join as a member of NAFTA?

19. Should partial-birth abortions be outlawed? And except for life-of-the mother, what about banning all abortions in military facilities?

20. Should groups that receive federal money be allowed to lobby Congress for further funding, i.e. the AARP?

21. How should the U.S. better protect its sovereign borders to illegal immigration and enforce U.S. laws?

22. Should Hillary Clinton be subpoenaed to testify in regard to her phone conversations with Maggie Williams and Susan Thomases the morning of July 22, 1993 the day that Bernard Nussbaum blocked investigators from properly searching Vince Foster's office?

P.S. Can you tap your friends in the National Security Community for believable cost figures on Haiti and Bosnia through September 30, 1995?

Mr. Speaker, the others I submit for the RECORD, and I will take an hour special order tomorrow. Read all of George Will's 22, my 22, and hope that Colin Powell will give us some answers before the debate in Florida on the 18th where I hope the gentleman from Florida [Mr. DIAZ-BALART], will introduce me.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

[Mrs. SCHROEDER addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

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

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

[Mrs. COLLINS of Illinois addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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.]

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

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

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

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

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

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

INNOCENT MISTAKE TRANSFORMED INTO AN ETHICS COMPLAINT

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

Mr. EHRLICH. Mr. Speaker, I yield to the gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. EHRLICH, I wanted to conclude my remarks from earlier and just to say that, regardless of these types of attacks on our subcommittee and the process there, we do not feel that that should be the type of debate we have in this Congress. What we are going to do is continue on the merits of our bill that will protect the taxpayer and end the taxpayer subsidy for lobbyists here in Washington, and I look forward to working with my colleague from Maryland in doing that.

Mr. EHRLICH. If the gentleman will stay right there, I hope the American people are watching this tonight, Mr. Speaker, and I would like the gentleman in very concise terms to go before me in 2 minutes the facts of what was set out earlier.

From my understanding, you have a hearing, you were the subcommittee chair, a mistake was made, a prop was made, a mistake was made by a staffer; correct?

Mr. MCINTOSH. We should have used the prop first and then distributed the smaller version.

Mr. EHRLICH. It was distributed prior to the time it should have been distributed; is that correct?

Mr. MCINTOSH. That is correct.

Mr. EHRLICH. When you found out about this mistake performed by the staffer, what did you do?

Mr. MCINTOSH. At the hearing I told people this is our document. We intended to make the point this way, and that evening I sent a letter of apology to Miss Erin saying, if there was any umbrage taken, it certainly was not our intent.

Mr. EHRLICH. And to my colleague how long was the offending piece of paper on the desk for public consumption? Do you know?

Mr. MCINTOSH. I am not sure exactly how long it was there. It did not take long before we were asked about it, and the staff withdrew the document and have since then reissued it with a disclaimer that this information about the grants comes from the subcommittee.

Mr. EHRLICH. The irrefutable facts, however, are once I found out the staffer had made a mistake, you ordered it off the table, you offered an immediate apology, at least you recognized a mistake had been made publicly; correct? And that evening you wrote a formal letter of apology; is that correct?

Mr. MCINTOSH. That is correct.

Mr. EHRLICH. Now, Mr. Speaker, a political culture that encourages this scenario to be transformed into an ethics complaint against my colleague from Indiana is not what the American people have a right to expect. A political culture that seeks to personalize innocent, innocuous mistakes and attacks a Member of this body personally not on the issues, not on political philosophy, not on political orientation, that is all fair, I would submit, to the general public and the Members of this body, but a political culture that requires even a personal attack against my colleague from Indiana on these facts is broken, and I thank my colleague from Indiana for his indulgence.

Mr. Speaker, the bottom line to this entire situation, as the chairman of the full committee stated, as the chairman of the subcommittee stated tonight, we were sent to Washington to change this culture, and if there is one thing I hope we can claim success on come November 1996, and I will direct this comment to my colleague from Indiana, it is that we change the culture that seeks to personalize innocent mistakes. Where I came from, in a State legislature, this is a nonevent.

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Here, it is an ethics complaint. I submit to the people of this country, this is not what they voted for November 8, 1994. I am making it my business, and I want the Members to know, and I want every Member of this body to know that this has to stop. I thank my colleague for his indulgence.

Mr. MCINTOSH. Mr. Speaker, if the gentleman will yield, let me say that I wholeheartedly agree, that we need to get to debating the facts. In this particular case, I think what is feared more than anything by these groups is that we will succeed in telling the American people about how their tax dollars are being used. In this case it was $7 million that indirectly went to benefit this lobbying group through a laundering scheme. Interestingly enough, when I asked Ms. Aron at the committee hearing to help us bring out those facts and to tell us if she did not agree with these dollar amounts, how much Federal subsidy there was, this was her response.

Mr. EHRLICH. Let me understand this now. This quote that you have produced was her response, and that is the reason the entire document was generated in the first place?

Mr. MCINTOSH. She said, ''We are not going to tell you, Members of Congress, how much taxpayer dollars go to our membership, how and whether that taxpayer dollar is being used to subsidize our lobbying effort.'' In a typical kind of arrogance that has grown up in this city of people who have gotten used to living off of the taxpayer dollars, she said, ''I will not. I will not go into the amounts of Federal monies that my members receive.'' To me, we owe it to the taxpayer to tell them that information.

Mr. EHRLICH. Mr. Speaker, if only our opponents would debate the issue on the merits.

THE VA-HUD-INDEPENDENT AGENCIES CONFERENCE REPORT

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

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

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

REGARDING ATTACKS ON MEMBERS AND THEIR REPRESENTATIVE DUTIES

Mr. DORNAN. Mr. Speaker, I want to say to my distinguished colleague, the gentleman from Pennsylvania, that I just went up and checked our own

House manual book, our rules manual. It is in every office. On page 360, you will read that an attack upon a Member about his representative duties is a bona fide point of personal privilege. I would recommend that you do what I said I would not do myself to correct some attacks on my honor. I will not waste the committee's time, because they were more personal. But that is an attack on the whole freshman class, on me, on all of us, on what we are trying to do. I would recommend you do it in the middle of the day tomorrow, or as soon as you can next week, check it with the Speaker, but not——

Mr. GEKAS. And not tonight.

Mr. DORNAN. And not tonight.

Mr. GEKAS. Thank you for yielding back my time.

Mr. Speaker, I am engaged in a small war of ''Dear Colleagues.'' My office sent out a ''Dear Colleague'' letter on the impending conference report and the vote we are going to take on the VA-HUD-Independent Agencies appropriations. That ''Dear Colleague'' was answered by another one, and now we have submitted a surrebuttal ''Dear Colleague.''

I would like to explain this to the House, because this information flowing back and forth is going to be very important in the decision that each Member of the House has to make on the appropriations for EPA under the Independent Agencies portion of the VA-HUD conference report that we are going to be debating.

First of all, Mr. Speaker, let us start from the beginning. This is important. When we passed the Clean Air Act, and all of us want clean air, for gosh sakes. Who can accuse anybody in the Congress or outside the Congress of not wanting to have clean air? Well, anyway, because of the language in the Clean Air Act and the authorization granted in there, the EPA had certain powers. One of them was to set auto emission standards for the 50 States.

What has happened is that the mandates issued out of the EPA for centralized emissions mechanisms in the various States were so draconian and so devoid of proper standards for clean air, and really devoid of the necessary information upon which proper testing could be accomplished, that 16 States had to throw up their hands and determine that it was impossible for them to comply with that kind of centralized emission mechanism called for by the EPA.

So what has happened is that, with a lot of intermediate history which I will not reiterate here, we came to the point where a rider, one of the 16 or 17 riders, is being inserted into these Independent Agency appropriations for the EPA which would say, very innocuously and reasonably, that we would like to see the EPA conduct a 2-year study of air sampling, shall we say, to determine what is an alternative to the centralized mechanism that they are mandating, because we do not think that 16 States, and perhaps others, will be able to safely and cost-effectively comply. That is all we wanted to do with this rider that is 1 of the 16 or 17 riders.

Now, when I sent out my letter, my ''Dear Colleague'' letter, I alerted everyone that we ought to vote no on the Stokes-Boehlert motion to instruct conferees, because we could be cutting out highway funds unless we supported this rider. If we supported Stokes-Boehlert, we could be cutting out highway funds for the 16 States. That is the essence of my ''Dear Colleague.''

What that was followed by was a ''Dear Colleague'' by the gentleman from New York, SHERWOOD BOEHLERT, and I guess the former chairman, the gentleman from Ohio, Mr. STOKES, that that was not true, that no State would be facing losing highway funds if they got rid of this rider and let the EPA do what it wanted to do.

So what did I do? I researched as fast as I could, and my staff did an excellent job to try to bring this into focus. We have learned that indeed the EPA sends out letter after letter to California, to Pennsylvania, to Virginia, threatening the loss of highway project funds and highway funds unless those States and others comply with this centralized version.

Then they say, ''We do not mandate centralized monitoring of auto emissions,'' but then if you do not, then if you implement something else, you could lose 50 percent of the credits that in themselves wind up costing highway funds to the States.

Mr. Speaker, I am trying to straighten this out. Let me repeat, the rider which is in the bill now, which I want to protect, is one that would put the EPA on hold on these mandates for this centralized system, put them on hold until we can test the air, get some samples, determine the best way to determine this auto emissions program, not to force this down our throats in an ineffective, cost-ineffective manner.

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

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

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

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

DEMANDING INFORMATION ON THE WELFARE, WELL-BEING, AND WHEREABOUTS OF JOURNALIST DAVID ROHDE

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

Mr. LONGLEY. Mr. Speaker, I rise tonight to express my serious concern over the welfare of an American journalist who has just been reported missing in Bosnia. I received a phone call from the father of David Rohde this morning indicating that—he was aged 28 and currently serving in the Balkans as a reporter, Eastern European correspondent for the Christian Science Monitor—I am advised that he has been reported missing as of last Saturday.

American embassies in Belgrade, Zagreb, and Sarajevo are all assisting in attempts to locate Mr. Rohde, along with the United Nations. It is believed that David is being held at Pale, and the Christian Science Monitor quoted a U.S. State Department spokesman as saying that ''All indications are that Mr. Rhode was traveling in an area under the control of the Bosnian Serbs, and we hold them responsible for his safety.''

I have to confess, Mr. Speaker, that I have a personal interest in this. Not only is Mr. Rohde's father a constituent, but barely 4 years ago I served in uniform as a member of the U.S. Marine Corps. My responsibility in the early days of the American incursion into northern Iraq was to work with the international press corps who are in that part of the world, in that godforsaken part of the world, attempting to cover the story.

I have nothing but profound admiration and respect for the courage and the integrity of the international press corps, particularly many of the brave American journalists who risk their lives on a daily basis to bring back to the American public information on critical crises around the world. Mr. Rohde is no exception to my observations.

I might also note for the record that on the issues of Bosnia and the difficult conflict in the Balkans, I have tried to be scrupulously neutral. At no time have I favored any one side over the other. I feel, and have felt for a long time, that our interest in the Balkans is to ensure that all three warring countries resolve their differences and they they live together in peace. But there is a certain irony that on the very day that the peace process is beginning, in Dayton, OH, and that the Presidents of Bosnia, Croatia, and Serbia have arrived in our country, it is ironic that Mr. Rohde has been reported missing in one of those areas, possibly in the Bosnian-Serb area.

I would say to the Presidents of those three countries and to the people of those three countries that your credibility is on the line. Whoever took David captive owes it to report immediately on his welfare and his well-being. We want an accounting of Mr. Rohde. We want his whereabouts disclosed, and we will hold you, whoever took this individual captive or is holding him against his will, we will hold you responsible for his safety.

Again, if peace means anything to the people of the Balkans or to the countries that are represented in Dayton, OH, this evening, and for the foreseeable future during this peace process, we want an immediate accounting of David Rohde. We want to know that he is in good condition, and that his safety and health are being respected. We want him released at the earliest possible moment.

KID-GLOVE TREATMENT OF FIDEL CASTRO; AND SHOCKING STATISTICS ON OUR NATION'S INCIDENCE OF KIDNAPINGS

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

Mr. DIAZ-BALART. Mr. Speaker, I want to briefly touch upon two subjects this evening.

One, there was a visit to the United States last week by the Cuban dictator, Castro. Unfortunately, he was received by many in New York as though he were something else than what he is. He was, unfortunately, received by some as though he were a democratically elected leader, or someone who was not a horrendous violator of human rights. That is more than unfortunate, because it is really degrading to those who receive someone like that, someone who is a murderer, someone who is responsible for the killing of tens of thousands of human beings, and for maintaining an oppressive system, denying all human rights and democratic possibilities for an entire Nation.

He was received, for example, by Dan Rather at CBS News, given a gift by Dan Rather. Mr. Bernard Shaw of the CNN network interviewed him in an hour, and asked absolutely no followup questions. When Castro was asked by Mr. Shaw, for example, why he did not permit political parties, and Castro said they were divisive, there was no followup question. When he was asked by Mr. Shaw with regard to why Castro's daughter calls the tyrant a murderer and a drug trafficker, the Cuban dictator simply says, ''That is personal,'' and there was no followup question.

I would assume that an appropriate follow-up question would be, ''I'm not asking you a personal question, I'm not asking you if you are a good father, I am asking you to react to the fact that your daughter says you are a drug trafficker and a murderer.'' Of course, there was no follow-up question. I was really sad to see a journalist of that reputation engage in an interview like that.

I guess the key is that there are names, there are hundreds and really thousands of names that we could list, I have no time to list them, but I simply want to name a few, because they are right now in dungeons in Cuba because of the Cuban tyrant, and they were in those dungeons last week while some of our colleagues in this House were receiving the Cuban tyrant, and some of them giving him gifts: Francis Chaviano. Omar del Pozo, a former colonel in Castro's own security force, is receiving electroshocks in a mental institution for demonstrating for democracy. Enrique Labrada. There is a 30-year old young woman, Carmen Arias, in a dungeon right now because she wrote a letter supporting democracy. Jose Miranda, a political prisoner with 72 days on a hunger strike, and for more than 6 months has been refused visits by his family.

That is at this very moment that is going on, and it was going on last week when Castro was being received in New York.

Orson Vila, a Baptist preacher, is in a dungeon now for preaching the word of Christ in Cuba. These are things I wanted to mention. I will continue mentioning them in the following weeks, Mr. Speaker.

I wanted to, very briefly, comment also on another subject, but very important as well, and commend my dear friend, the gentleman from Florida, PETER DEUTSCH, who in a few weeks will be holding a special order on the issue of kidnappings, and the fact that so many children in our country are abducted each year, and specifically remembering a constituent of his and child from our community who we do not forget, young Jimmy Ryce, who was kidnapped on September 11 of this year.

He remembers, and we remember others in our community who were also kidnapped, like Shannon Melendi, a college student at Emory, who we will not forget. We will continue not only to recall, but ask for all, all due efforts to be engaged in by the authorities.

I just want to bring out the fact, I have the figures from 1988, the last year I have: 3,200 to 4,600 children were abducted in our country, ages 4 through 11, and most of these attempts involved a car. What is happening in our society, Mr. Speaker? There can be no crime, obviously, that is more inhumane and simply unjustifiable than kidnapping children.

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I commend the gentleman from Florida [Mr. DIAZ-BALART] for bringing this subject out. We will continue talking about it. There can be no more important subject.

THREE GOALS OF THIS REPUBLICAN CONGRESS

The SPEAKER pro tempore (Mr. ALLARD). Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. DORNAN. Mr. Speaker, would the gentleman from Connecticut [Mr. SHAYS] yield for 10 seconds?

Mr. SHAYS. Mr. Speaker, I will yield very briefly.

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

Mr. Speaker, I wanted to add, at the end of the remarks of the gentleman from Florida [Mr. DIAZ-BALART], this column on Fidel Castro from this week's Time magazine. The party at Mort Zuckerman's house with Mike Wallace, Dianne Sawyer, Peter Jennings, Barbara Walters, all sorts of other millionaires, and the guest in uncharacteristic civilian clothes is Fidel Castro. Unbelievable.

Mr. Speaker, I thank the gentleman for yielding.

Mr. SHAYS. Mr. Speaker, I want to thank the gentleman from Florida [Mr. DIAZ-BALART] for the work he has done in trying to awaken us to the need to be very aggressive as we deal with Mr. Castro.

Mr. Speaker, I wanted to address the House for the 4 minutes I have remaining to respond very strongly to the fact that we have three basic goals in this Republican majority. One, we want to get our financial house in order and balance our budget. The second issue is that we want to save our trust funds, particularly Medicare, and in the process preserve and strengthen it. Also, just as importantly, we want to change this social and corporate welfare state into an opportunity society.

Now, in the process of doing this, I have heard tremendous reference to the fact that we are cutting certain programs that we are not cutting. Admittedly, discretionary spending is going down. There are real cuts in discretionary spending. Foreign aid is being cut. Defense is a hard freeze, but we are oversubscribed in defense programs, so there will be cuts in defense.

But when we come to the earned income tax credit, it is going up, it is not going down. It is going from $19.8 billion this year to $27.4 billion in 7 years. Only in this city, and where the virus has spread, when you go from $19.8 billion to $27.4 billion do people call it a cut.

The School Lunch Program, calling it a cut when it goes in 5 years from $6.3 billion to $7.8 billion. How can that be a cut? It is an increase any way you look at it.

Student loans, over a 5-year program it is going to go from $24 to $33 billion. I say again, only in this city when you go from $24 to $33 billion in student loans is it a cut. Now, what we are doing is saying students are going to pay the interest rate from the moment they graduate until that grace period ends. That will accrue to them. It will cost them, over the life of the program, $9 more a month if they borrowed $17,000.

Then, Medicaid. Medicaid is not being cut, it is going up. It is going up from $89 to $124 billion. We are going to spend over $329 billion more on Medicaid than we did in the last 7 years, we are going to spend in the next 7. That is a 73-percent increase.

Medicare is going to go from $178 to $278 billion, $178 to $278 billion over 7 years. That is a 54-percent increase. Or, in terms of what we spent in the last

7 years, we spent $926 billion, it is going to go up to $1.6 trillion.

That is a difference of $674 billion of new money, 73 percent more than we are going to put in Medicare in the next 7 years than we did in the last 7. Then if you want to know what it is on a per-beneficiary, it is going to go up 40 percent. Only in this city, when you spend more money like we are spending, do people call it a cut.

Now, why are we doing this? We are doing this because our national debt has gone up and up and up. It was about $375 billion around 1975. Democrats and Republicans can share the blame in why these deficits go up. A White House that was Republican, a Congress that was Democrat. That is the past and both fingers were on it. But we have an opportunity now to get our financial house in order and stop increasing our national debt.

I just want to say that I am absolutely determined that there is not a chance that I will vote to increase the national debt until this President agrees to a 7-year budget. I want to say, contrary to what my colleague from Connecticut said, we are not saying it has to be our budget, we are just simply saying it has to be a 7-year budget. We will work out our difference, some of what the President wants, some of what we want. The bottom line, we have to get our financial house in order in 7 years. That is the outer edge. It would be better if we did it in 4 or 5 years.

ACCOMPLISHMENTS OF THE 104TH CONGRESS

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

TRIBUTE TO WALT CHACKER

Mr. FOX of Pennsylvania. Mr. Speaker, I am joined with my colleagues tonight to speak about many issues facing the Congress and America. Before I do, I wanted to spend at least a few moments regarding a very special person from my district recently who passed away, Walt Chacker. He was someone very special, recognized by the President of the United States as a Point of Light for his work in establishing the Zipper Club, which was a support group for those who have had open heart surgery or heart transplants.

He lived for a number of years after his surgery, and he was an inspiration to many other individuals who underwent the surgery and this kind of operation. He was a great support for many people in Pennsylvania and throughout the country, for that matter, and I hope that the great works that he has accomplished in his lifetime will be carried on by many others in States all across this country to help people live longer and better after their surgery and their heart ailment.

Mr. Speaker, at this time I would like to enter into a colloquy with my colleagues, the gentleman from Minnesota [Mr. GUTKNECHT], the gentleman from Iowa [Mr. LATHAM], the gentleman from Georgia [Mr. NORWOOD], and the gentleman from Georgia [Mr. CHAMBLISS], discussing, as we should, basically an assessment of where we are on the Contract With America, what we have already accomplished with the balanced budget amendment and the billion dollar budget for the first time since 1969, and as well about Medicare reform, and basically that has been happening in Congress in a positive way under the Republican leadership.

I would call on Congressman GUTKNECHT to really start our dialog tonight on an assessment of what accomplishments have been made and where you see us going from here. Congressman GUTKNECHT.

Mr. GUTKNECHT. Well, I do want to talk a little bit about our accomplishments and what has been accomplished. I am happy all of us are freshmen. We come to this debate with clean hands. We did not help create the problem. We were not here when the previous Congresses ran up 4.9 trillion dollars' worth of debt.

I have to tell you I am a little upset tonight, and I think the American people should be upset. Frankly, perhaps we have been too nice and too gentlemanly in this debate about the budget and what is happening, and what is happening especially from the administration relative to our efforts to balance this Federal budget.

As I said, we did not help create the problem, but we are trying to clean it up and we are trying to solve it. But I, for one, am really frustrated with the half truths, the distortions, and the bald-faced lies which are coming out and have been coming out and are seemingly getting worse.

I think it is time that we spend a little bit of time tonight clarifying the record and talking about the facts because, as the gentleman from Connecticut just mentioned a few minutes ago, we keep hearing this wornout expression that we are cutting Medicare, we are ending student loans, we have cut school lunch programs, and we are cutting other needed programs so that we can give our rich friends a tax cut.

Frankly, I think it is time we spend a little bit of time tonight piercing through that very thin bubble and exposing the bare truth about what we are really doing with this budget and who the real benefactors will be. It is not the rich. It is working people who get up every day, work hard. They are the glue that holds this society together, and I, for one, happen to believe that they are smart enough to understand exactly what is happening in Washington and what has been going on for too long.

What has been going on for too long is Congress would pass all of the appropriation bills and they would say, oh, gee whiz, once again we spent $250 billion more than we have taken in, and they would say, let us pass the bill on to our grandchildren. So at the last minute they would raise the debt ceiling. So the toughest vote any Congress had to take was to raise the debt ceiling. It is still a tough vote.

But frankly, I think if we continue down that path and just allow us to every year raise the debt ceiling, and the President says he does not like our budget, but the truth of the matter is he has not offered one that really balances the budget, not within 10 years. As a matter of fact, the original plan wouldn't balance the budget in 10 years. We had $200 billion deficits for as far as the eye could see.

He may not like the plan that we have put together, although frankly I think it is very defensible, but let us see his plan. I mean where is a real workable plan from the other side, and the truth of the matter is, there is none.

Earlier we heard one of the speakers from the other side of the aisle say this is the Gingrich budget and the blackmail attempt may force this country into default. But we had a meeting with some of the big bond houses, people who represent the bond houses earlier today, and I came away with a very clear conclusion. It is not whether we are going to default, it is when are we going to default, unless we really change course, are willing to meet the deficit head-on, and deal with it this year and begin down the path toward a balanced budget.

So, I am glad I had an opportunity to get some of this off my chest, but I really have become increasingly frustrated with the lies, the distortions, the half truths that are being foisted upon the American public, and I think it is up to us to help clear the record.

Mr. LATHAM. Mr. Speaker, if the gentleman would yield, I would just like to ask the gentleman from Minnesota [Mr. GUTKNECHT], is this not the same President that is worried about upheaval in the bond market and instability of the dollar? Is this not the same President that gave Mexico $20 billion to shore up the peso out of a fund that was meant to stabilize the American dollar and the American economy?

Mr. GUTKNECHT. Mr. Speaker, I think that is absolutely correct.

Mr. LATHAM. Mr. Speaker, if the gentleman would yield further, I think it is unbelievable that they would accuse us of somehow being irresponsible when that type of activity has taken place.

If I may continue, I would like to focus on a couple of things just in the whole reconciliation, and what this really means all together.

This reconciliation bill is huge, and it is going to affect everyone in the country. There are four basic things that we will accomplish when we get through reconciliation.

Number one, we will get to a balanced budget, and the way we do that

is not by taxing more, not by taking more money away from the American families themselves, but by actually cutting wasteful spending here in Washington and downsizing and streamlining this town and the bureaucracy.

We are saving Medicare, not only for now, for the people who are currently in the system, but we are saving it for the next generation until the year at least 2011, which is 6 years farther than the other plans that are here that basically will cost the same, but we are also giving seniors options and choice and better benefits.

We are finally, after spending over $5 trillion, and I always think it is ironic that we have spent over $5 trillion on the welfare system in this country, we are finally going to replace that, but is it not ironic that that is the same amount that we are asked now to raise the debt ceiling, over $5 trillion, and what we have done is destroyed the American family, opportunities for kids who are in poverty. We have more poverty today than since we started this great war on poverty.

The last thing that we will accomplish in reconciliation is that we will again let families keep their own money, that they do not have to send it to Washington and have people here try to decide what is the best way to have their money be spent.

One thing, too, we have talked about the big picture, but there are some smaller things in reconciliation that I think are important for the public to be aware of.

We have heard a lot in the past few years about pensions for Members of Congress, that somehow there is a real great deal that we get all of this additional money. Well, a lot of that was changed back in, I think it was 1987. But in this reconciliation we put Members of Congress, their staff, on the same basis that all Federal employees are as far as the pension programs.

That is something we have not talked about very much, But this Congress has been so dedicated to reforming the way this place does business, to making sure that we are responsible, we are subject to the same laws as everyone else, that we have actually cut down the size and scope of Congress itself, in reducing the number of committees and committee staff, cutting down the term limit on chairmen of subcommittees and committees.

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And actually, even the Speaker himself now is limited to 8 years. Tremendous reforms that we have done in this Congress, but I think a lot of people are not aware in this reconciliation we do away with any disparity as far as our pensions.

Mr. FOX of Pennsylvania. If the gentleman would yield, I think it is a case of this 104th Congress in a bipartisan fashion, even though it is a Republican leadership, it is a case of promises made, promises kept.

We said we that we would pass the line-item veto; we did. We said we would have reform of regulations in this country, and we did. We said that we would pass an accountability law for Congress, and we did. We said we would pass term limits, and we almost did, but we did not reach the constitutional limit.

We said we would pass a stronger crime bill, and we did. We said we would pass unfunded mandates legislation, and we did. And we said that we would actually balance the budget this year.

I would like to ask the gentleman from Georgia [Mr. NORWOOD] just what a balanced budget will mean to his constituents. After that, I will ask the other gentleman from Georgia [Mr. CHAMBLISS] what this means to the residents of Georgia and how important it is for the first time since 1969 that we are going to balance the budget, like the other governments do and families and small communities do all across the country.

Mr. NORWOOD. Mr. Speaker, I appreciate the gentleman yielding, and let us first say that I am delighted to join the freshman class Republican Party truth squad that has come to the floor tonight. If my colleagues want me to be perfectly honest, I have a markup tomorrow on Superfund and I need to be back in my office reading it, but I am here instead because we have an obligation to come in behind those that would tell half-truths, mistruths, and not tell the American people the facts, so that we can correct that.

We have to do this every night; come tell the truth. It must be very confusing for people back home to hear one thing from one side and another thing from another side. Who do they believe?

Earlier tonight, not 45 minutes ago, we had a Member here who stood up and said that the mean old Republicans wanted to have a tax cut for the wealthy. Well, I have tried to ask the question, I tried to interrupt. I am ready for somebody in this body to define for me what is wealthy? Who is rich?

Mr. Speaker, what I think we are doing is exactly what the people in the 10th District of Georgia said do. They said in 1993, when this very Democratic Congress and President Clinton decided to have the largest tax increase in history, and a retroactive tax, they said, ''We really do not like that. We do not like this government taking another $260 billion out of our pockets.''

What I am trying to do is what they asked me to do: Return it to them. Some people call it a tax cut. I call it a tax return. We are giving them their money back. They said go up there and balance that budget. Go up there and stop borrowing money. Go up there and have a business plan to pay off that $5 trillion worth of debt, but do it by cutting spending.

So, what are we doing? We are sending back $245 billion over the next 7 years to working people.

Now, I want to make it very clear that I do not consider everybody who has a job in this country wealthy. I know the President thinks in those terms and, certainly, this Democratic Congress thinks in those terms. But 90 percent of the tax credits that we are going send back to families at home go to families with income levels below $75,000 a year. That is families with mom and pop both working with two children. I do not believe they will come up here and tell us that they are wealthy.

Mr. Speaker, 75 percent of the capital gains tax that we are going to send back to people at home goes to people with incomes less than $50,000 a year. Tell me if my colleagues think that is wealthy; if they think that is rich.

We are returning their $245 billion tax increase that the Democrats put on us in 1993. Now we are going to balance this budget. We are going to balance it over a 7-year period and we are going to do it by reducing spending. I do not even think we are cutting spending. We are capping our expenses at the 1995 level and allowing that to grow by 3 percent. That is going to fuel the economy at home. It is going to do great things, in my personal view. The 21st century looks bright to me for the first time in a long, long time.

Mr. FOX of Pennsylvania. If the gentleman would yield, I wanted to say that the tax reform we are talking about is going to create jobs, it is going to increase savings, and it is going to allow people to have the position to start new businesses and really make a difference in their own lives.

The fact is it is not going to be anything but help for the working families, help for senior citizens, and help for families with children. It is going to cut across the board in helping everyone.

I first wanted to call on the gentleman from Georgia [Mr. CHAMBLISS] to give us his impressions of what these reforms mean to his district, and in a greater sense what he thinks it is going to do for the country, the pro-reform measures, the anti-tax measures, and the pro-job measures that the Republican Congress has been moving forward.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman and I appreciate the gentleman putting this group together.

Mr. Speaker, as I look around here, the gentleman from Arizona [Mr. SHADEGG] has joined us to add a little western flavor, but the six of us here tonight come from different parts of the country. The gentleman from Georgia [Mr. NORWOOD] and I are pretty close, but we are at opposite ends of the State. We come from varied backgrounds. We come from probably different socioeconomic backgrounds. Certainly the gentleman from Iowa [Mr. LATHAM] comes from a much higher background than the rest of us.

But if those watching tonight would look at us, we mirror the freshman

class. One thing that we have in common is that is we were all sent here with a message that came forth on November 8, 1994, and that is to make changes, to change the way Washington does business.

Mr. Speaker, I think it is interesting when we look back at the presidential campaign of 1992, there was another guy that campaigned on change and making reforms, and that person was Bill Clinton. He campaigned on making a tax cut for the middle-class and campaigned on downsizing the Federal Government.

The classic difference and the major difference between Bill Clinton's campaign in 1992 and our campaign in 1994 is that we have produced. He did not produce. He could not provide the leadership, even with a totally Democratic House, or a majority Democratic House, and a majority Democratic Senate. He could not produce.

Well, we have come here and in 10 months now, it is hard to believe that we have been here 10 months now, but we have done exactly what we told the American people we were going to do.

Mr. Speaker, balancing the budget of this country was a cornerstone of my campaign and I dare say that the five of my colleagues here built their campaigns around that also, because it is just so crucial that we do that. I am sure that they all would agree with me that they thought this country was in terrible financial shape while they were campaigning, but when they got to Washington and became Members of this body, they found out it is much, much worse than what they ever imagined it to be, and it truly is.

Mr. Speaker, last Thursday was a very historic night. I sat on the floor with the gentleman from Georgia [Mr. NORWOOD] on January 26, on the night we passed the amendment to the Constitution requiring a balanced budget, and CHARLIE and I saw grown men stand up and cheer and holler and clap, because everybody came forth and worked together to pass that balanced budget amendment, which was certainly a key.

However, last Thursday night was a much more important night even than that night. Last Thursday we delivered on that promise to balance the budget of this country.

It has not been easy. It has been very, very difficult. The gentleman from Minnesota [Mr. GUTKNECHT] and the gentleman from Iowa [Mr. LATHAM] and I had some independent concerns that required us to do some soul searching and trying to figure out ways that things could be adjusted so that we could support the balanced budget amendment and the reconciliation package, and I am sure the gentleman from Pennsylvania [Mr. FOX] and the gentleman from Arizona [Mr. SHADEGG] may have had that concern also; that they had to answer some questions there.

Mr. Speaker, we all came together. We worked hard and were able to come up with a reconciliation package that, gee whiz, it has welfare reform in it, totally overhauling the welfare system in this country, and overhauling the Medicare system. It makes it stronger and preserves it not only for the seniors in this country that are now the beneficiaries of Medicare, but for those baby boomers, those of us who are going to be eligible for Medicare one of these days. We now know it is going to be there when those folks get there.

We have got tax reform in there. We have reform of agricultural programs. This is a huge, huge reform package that we have undertaken and put together over the last 10 months. It is something that our friends and colleagues on the Democratic side of the aisle simply would not do, or could not do, over the last 25 years. That is what is so really truly amazing about it.

Mr. Speaker, I can tell what it means to the folks in my district. We had a little Medicare special order, Mr. NORWOOD and myself, a couple of weeks ago, and it was a very exciting night to me. An hour before I came to the floor, I found out that I am going to be having my first grandchild. I said that night when that grandchild is born next spring, he or she is going to owe $187,000 in interest as his or her part of the interest on the national debt.

Well, by what we did last Thursday night, we are going to cut that back by $12,000 over the next 7 years. That is a start to moving us in the right direction of cutting back that huge interest payment that all of us are going to leave for our children and our grandchildren.

Mr. FOX of Pennsylvania. If the gentleman would yield, I would ask that the gentleman from Arizona [Mr. SHADEGG] who joined us, he is obviously one of the gentlemen at the forefront of the freshman class in trying to make sure that the public gets its money's worth and to make sure that the costs that we have in government programs go to the benefits, not to more paperwork and not to more bureaucracy and not to more waste.

Mr. Speaker, I would ask the gentleman from Arizona if he could tell us a little bit about what he thinks the effect of trying to balance this budget means to homeowners as far as lower housing costs and lower car expenses and lower college costs and lower taxes, and what it means to his district.

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and would say that I am thrilled to be here with my colleagues tonight and to bring a western perspective. It is fun to come and bring that perspective. In the West, we are intense on these issues.

Mr. FOX asked the question: What does it mean if we can balance the budget? I harken back, looking at the gentleman from Connecticut [Mr. SHAYS] who serves on the Committee on the Budget, to the day when the gentleman and I sat on committee and Alan Greenspan came forward.

The gentleman from Ohio [Mr. KASICH] asked that question: What would it mean if we actually balanced the budget? Mr. Greenspan began answering that it would do this and this and this, and it causes long-term interest rates to do this, and short-term interest rates to do this. Mr. KASICH stopped him and said, ''Wait a minute. I want you to tell me what it would mean to real Americans, the average husband and wife at home raising their kids.''

Mr. Greenspan sat back and, and CHRIS, I am sure you remember this, and he said, ''It would mean that once again they could look forward to their children doing better than they do.'' That is, what he said was, if you gentlemen can balance the budget, you will restore for America the American dream. The dream that we all have for our children that they could do better.

I heard the gentleman from Georgia make a reference to last Thursday's vote and the passage of the reconciliation. To me, that was a thrilling night; the most thrilling night since we have been here. If you put aside the bunk and garbage that we hear about, ''We are cutting Medicare,'' which is just flat a lie, it ''ain't'' true. You don't raise spending from $4,800 per individual to $6,700 per individual and define that as a cut anywhere but inside the beltway that surrounds this city.

Mr. NORWOOD. If the gentleman would yield, go ahead and use the word. It is a lie. We are increasing Medicare by 54 percent over the next 7 years.

Mr. SHADEGG. Mr. Speaker, I want to talk about one of the phenomenons that characterizes this city and getting inside the Beltway, and I want to do it in the context of the tax cuts. The truth is that we have all heard this claim that we should not be cutting taxes and the garbage on the other side that we are making tax cuts for the rich. Well, it ''ain't'' so.

Mr. Speaker, I had this theory. The theory was that what we are hearing, and what maybe they are hearing, the people who show up at our town halls and the people who show up at Rotary Clubs and Kiwanis Clubs, and have the time to make it and have the time to go to those events, are the kinds of citizens that are concerned about the direction of the Nation. They say, I guess I can pay my taxes, but I am worried about the deficit. They are worried about their kids.

I had this theory that Mr. and Mrs. America, the people at home just barely struggling to pay their bills and get the kids dressed, and feed them a bowl full of Cheerios and get them off to school and then back home, for those people the tax bite is too much, and we are not hearing from them.

So, I went home a week ago Monday. I had my scheduler set aside 2 hours and I stood in front of a drug store. I had a staffer stand in front of a grocery store across the street. We were on the east side of my district. It is kind of the upper echelon of my district. Those

people are middle-class to upper middle-class families.

Mr. Speaker, I engaged people there on the street and I told them there was a debate going on on the floor of this House; a debate whether we needed tax cuts or whether we ought to be doing the conscientious thing and reducing the deficit. They said, on balance, ''Well, we are concerned about the deficit, but boy, we could use a tax cut because we are just barely getting by.''

On the east side of my district, we had about a 60/40 split; 60 percent said, ''We need deficit reduction, but we also need our taxes cut.'' About 40 percent said, ''You ought to be doing deficit reduction.''

Then, Mr. Speaker, we stopped and drove to the other side of my district, and we drove over to the working-class neighborhood where people are doing what I said. People that cannot afford to be a Kiwanis Club member and who do not have the time to come to JOHN SHADEGG's town hall meetings. Mr. Speaker, we talked to them.

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And we stood, I stood in front of Osco drug store, and I had a staffer stand in front of a Megafoods store. We each asked them. Do you know what it was? It was a blowout. The numbers were clear.

They said, you are killing us with your taxes. Sure we want to take care of the deficit, but you Republicans have been saying to us for 40 years that government does not need all this much money, that it spends too much, that it taxes too much and that it regulates too much. And if all you do now is take care of the deficit, if you ignore tax cuts, if you suddenly say, wait a minute, we got elected claiming that people are taxed too much but now that we are there all we are going to deal with is the deficit, why should we buy you, why should be believe you?

In a ratio of 11 to 1, they said to me in front of that drug store, I need a tax cut. Taxes in this country are killing me.

These were not greedy people. They were not selfish people. In front of the Megafoods across the street, which is a discount grocery store, they told my staffer in a ratio of 17 to 2 that they needed a tax cut.

Why did they need a tax cut? I will tell you why. Because taxes in this country have become oppressive and burdensome, and we are now going to do something about it. How burdensome? Let me tell you how burdensome.

In 1950, the year after I was born, when I was in a bassinet in my parents' bedroom on floors, in those days, that were concrete, we did not have wall to wall carpeting in 1950. The average American family with children paid $1 out of every 50 to the Federal Government in taxes, 1 out of 50. Earn a hundred dollar bill, send in $2. In 1993, that is the latest year for which we have figures, it is now 1 out of 5, it is not 2 out of every hundred dollar bill, it is $1 to the Federal Government in taxes for every $4 you earn. You do not earn a 5 dollar bill, you earn $4, send one to the Federal Government in taxes.

It is not to the government in taxes, it is 1 out of 4 to the Federal Government in taxes. How long is it going to be before we are taxing people at the rate of 50 percent? We are taking half of everything that they earn. That is an increase of 1200 percent.

And the people in my district, I asked them, when I tell them that statistic, are you getting 1200 percent more out of the Federal Government today than you were in 1950? You talk to them about the burden. A child born in America today will, in his or her lifetime, pay an average of $187,150 in taxes just to pay the interest on the national debt. Why? Because before last Thursday night we did not have the moral courage to stand on this floor and quit spending our children's and our grandchildren's and our great-grandchildren's money to satisfy our needs, our wants, to buy ourselves back onto the floor of this Congress. That is dead wrong, and last Thursday night we stopped it.

I will tell you, the American people want tax cuts. They want us to balance the budget. They want less government regulation. They want us to look at serious problems like a Medicare System that is going broke and to say to one side of the aisle that says, do not worry, you have got 7 years, no big deal, that that is stupid. A system that services the entire population and for whom it is vital that we preserve that, to say we can wait 7 years is no big deal. Let us solve it in the 6th or 7th year.

We are going to solve it and the plan we passed in that reconciliation bill solves it in a responsible way, a way that although the scare mongers say and they have my senior citizens worried that they are going to take away my Medicare. I heard you mention that these four experts from Wall Street came here yesterday or this morning. They all four said an important message. They all four said, if it comes down to defaulting on your debt or balancing the Federal budget, we do not like defaulting on your debt. But guess what? The market has already calculated for it and you better balance the budget, because that is what the Nation needs.

The last point I want to make is that one of them told a fascinating story, which is why we are on the floor here tonight. It is a story about disinformation.

This is a guy who is the major investor for a Wall Street investment firm. He controls a portfolio worth billions of dollars. He said, do you know what, in my office there are a whole lot of employees, top-level-paid executives, who came to me a few weeks ago. We had a quick little discussion. They said, this is a real serious problem because we are deeply worried about how America is going to survive if these Republicans dramatically cut Medicare the way they are proposing.

This guy listened to this discussion and everybody threw numbers around. This is awful. This Medicare is a vitally important system for America. How can the Republicans talk about dramatically cutting Medicare?

This guy listens to all of this. He finally turns to me and says, how much are they cutting it? Various number were thrown out. And he said, do you know what, you guys are wrong. They are not cutting it one dime. As a matter of fact, they are increasing spending on Medicare. This is inside an investment banking firm on Wall Street. And they did not know the facts. They did not know until he recited to them that spending on Medicare per beneficiary—a man that called my office last week and said I am worried about you taking away my Medicare benefits, did not understand because of the disinformation that we are going to give him not $4,800 to spend, as we do this year, but $6,700 for his medical care and $6,700 for his wife's. And this misinformation, the attempts to distort what we are doing are about what we have got to try to fight.

Mr. NORWOOD. Mr. Speaker, the gentleman has to slow down just a little bit. We have a lot of my folks from Georgia watching. We tend to talk a little slower.

Mr. FOX of Pennsylvania. I think the points the gentleman made are well taken. That is one of the reasons why as Congressman NORWOOD said about the truth squad is that we have to be out here tonight to explain what is really happening and hopefully that we will do it in such a manner that people will understand the facts as they really are.

The budget discussion, you talked about tax reform and how it is going to help all Americans, I yield to the Congressmen who is an honorary freshman, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I just want to thank the gentleman for yielding to me and say that I went to one of my colleagues and I asked, how long have you been here? And the good gentleman from Georgia reminded me, he, too, is a freshman. You all have had such an impact that it seems like we have known each other for years and years and years. You brought us over the top, not just in terms of being in the majority but in terms of getting our financial house in order and balancing our budget.

Mr. SHADEGG was mentioning Mr. Greenspan coming to one of our budget hearings. One of the other things that Mr. Greenspan said, our colleagues on the other side of the aisle were saying, are you not afraid that we will cut too much and that we will slow down the economy? And Mr. Greenspan responded, he said, Congressman, I do not go to sleep at night fearful that I will wake up the next morning and that Congress will have cut too much.

And we have to be very careful because we can give the impression that we are making these dramatic changes and some of them are, but we are still allowing our budget to grow. We have spending increases, and we have to be up front on that. It will grow significantly each year.

Some things we are cutting. Discretionary spending, there are not just real cuts but absolute cuts. Foreign aid, there are absolute reductions. Defense is going to stay basically the same. It is a freeze, but we are oversubscribed in programs. So we are going to see real cuts in defense programs. But when it comes to the entitlements, which are half of our budget, they are continuing to grow significantly and will continue to grow in the outer years.

And I think about it and then the tie-in somehow that some of our colleagues want to make with Medicare and the tax cut. We paid for our tax cut long ago in cuts in discretionary spending and in the increased benefit to or country by balancing our budget. That is called the fiscal dividend. I was not an advocate of the tax cuts. I would say that if we could balance the budget in 4 years, I would not be advocating any tax cut. But if it is going to take us 7 years to get our financial house in order, I am very enthusiastic on tax cuts.

The gentleman mentioned he was born in 1952. I was born in 1945. My parents, in the 1940's and 1950's raised four boys. I was the youngest of four. In today's dollars, they could take an equivalent of $8,200 per child off the bottom line of their income. They would have been able to take basically $32,800 off. So if they made $50,000, they would only be paying taxes on a small part of it.

A family today, if they could take that same benefit my parents did, my parents could take the equivalent in today of $8,200. We only allow families to take $2,500. That is why I am particularly enthusiastic for the $500 tax credit.

Mr. SHADEGG. I would like to ask the gentleman, one thing we keep hearing over and over again is how these tax cuts are for the rich. I had the impression in American that both wealthy and middle-income and poor have children.

Mr. SHAYS. And the way that someone who is listening tonight could decide if they fit the category of our colleagues, the other side of the aisle that say we are giving only to the wealthy, two-thirds of our tax cuts go for the $500 tax credit. So all you have to do is ask yourself, if you have two kids and you get $1,000 back next April, are you wealthy? Seventy-five percent of all families make less than $75,000. So I would just like to, if I could, just make this last point on Medicare and then, because there are so many of us here, I helped head the task force on the Committee on the Budget on health care, Medicare and Medicaid. And so I really got into this issue of Medicare.

I am so excited about our Medicare Program. I would debate anyone anywhere this issue. Bottomline to it is, it is going to go from $178 billion to $273 billion in the 7th year, as was alluded to, a 54-percent increase. We are going to spend $674 billion more in the next 7 years than we did in the last 7 years. We are going to spend 40 percent more per beneficiary. We are going to allow everyone to stay in their fee-for-service program or if they want they can get off and get private care. They do not have to leave.

If they leave, and they do not like it, they have 2 years every month to come back. In other words, during a 2-year window they can come back in. I know that there are so many of us that would like to contribute to this conversation, but I would just say, just knowing what I know about Medicare, we are going to spend so much more, and only in this city when you spend so much more do they call it a cut.

There is nothing courageous about voting for Medicare, what we have done, because we made it a better program. I cannot wait for our senior citizens to realize and finally have the opportunity—I will close this way, all my constituents have said, Congressman, you get Federal health care, I want the same choices you get. That is what we have done. We have given them the same choices we have. I pay 28 percent of my health care cost, and the Government pays 72 percent. We are allowing beneficiaries to now choose among a whole host of different health care plans. I just want to thank you for allowing me to join this.

Mr. SHADEGG. Let me just compliment the gentleman for his work on Medicare. I serve on the Committee on the Budget with you. I want to tell you, we went home and did a town hall on the Medicare System, which this Congress has created beginning with the work of your task force on the Committee on the Budget. And it was a fascinating process. And I do not think if we could go through this process for every American, that we would have anywhere near the concern in America that we have. Here is what we did, kind of an interesting idea because of the word ''choice,'' because we are giving senior citizens so many choices and the kind of choices that they had when they were in their productive years, we wanted to illustrate it for them.

So what we did is, as they walked in the door, we took one page of white paper and we summarized the current Medicare System for them, the benefits they get and the premiums they pay. We gave that to them as they came through the door. Then we got to the point in our program where we were describing what the Republican Medicare plan was going to be. We said, now we would like you to pull out the papers, and we gave them lots of papers, that we have given you when you came in the door and pull out this particular one. And we said to them, that is traditional fee-for-service Medicare. You have that now and we gave it to you as you came in the door because you have that now. And it has got all those benefits. When you leave here today, leave this town hall, you will have that white piece of paper with all that traditional benefit on it, exactly, unaltered.

But then we had people go up and down the rows and we passed out four additional pieces of paper, one pink, one green, one yellow, one blue. On each of those separate pieces of paper we outlined for them one of the four other alternatives they are going to have. So we asked them to pull out the green sheet and we said take a look at this green sheet. This is, and I do not remember which one it was, but let us say it was the Medisave plan. Then we went to patient-physician networks and we walked through each of the alternatives and explained it to them and said, you are now going to get, when our bill becomes law, the opportunity to choose one of those five programs.

Mr. SHAYS. Within those five programs, each of those programs can offer a whole wide range of different eyeglasses, dental care, rebates to your co-payment offer deduction.

Mr. NORWOOD. Mr. Speaker, I know we are coming to the end of our time. Do we have time for each of us to wrap up a minute?

Mr. FOX of Pennsylvania. Certainly, we have a little more time than that. As someone who has been in the medical field, I think that your impact on this discussion would be very fruitful.

Mr. NORWOOD. I was particularly pleased to hear Mr. SHAYS say how excited he is about the Medicare plan because I am, too. I have been involved in providing health care for 25 years. I think that if we can ever get past the distortions and the half-truths that we have to put up with here, the American public and the senior citizens are going to be absolutely delighted with that plan.

I will just conclude, if I could, by saying that it is a real pleasure for me to join with the truth squad.

□ 2030

I think you know we are here every night trying to offset the misinformation, and I still cannot get over the speaker earlier tonight who keeps talking about that the money that we want to return to the American people in the form of what they call a tax cut; I say we are giving folks back their money. It is for the wealthy, and I would just like to make a couple of points. I want to talk about one constituent at home.

Mr. SHAYS. You do not mean the Speaker; you mean a speaker?

Mr. NORWOOD. That is right.

As my colleagues know, a family of four that is making $25,000 a year, a couple of children at home, $25,000 a year, they are going to have their tax liability reduced to zero.

Now who is rich and who is wealthy in that group? A family of four that is

making $30,000 a year is going to have their tax liability cut in half. Are we helping the rich? Are we helping the wealthy.

I think perhaps that has been misrepresented.

I have a constituent at home, a single parent with two children, and this lady makes $17,500 a year, and under our present system she gets returned to her $939 under our current tax rate, and that includes the earned income tax credit. Under our plan for next year, the Republican House plan, she is going to get back $2,214. That is $1,275 more for a low-income working person.

Is that a tax cut for the rich? I think not. Even Mr. Clinton's plan would only return to this young lady who is struggling, for pity's sake, $763. So I think maybe the mean old Republicans really are not trying to have a tax cut for the wealthy. I think we are trying to return to the hard-working American people some of their money, particularly some of that $260 billion that was passed in this Democratic Congress, in the 103d Congress, and then, SAXBY, we are going to stay here until we make sure your unborn grandchild and my 2-year-old grandson no longer owe that 187——

Mr. FOX of Pennsylvania. Mr. Speaker, I would ask the gentleman from Minnesota [Mr. GUTKNECHT] if he can speak about the Medicare situation and the fact that we are really going to do something positive, as the gentleman from Georgia [Mr. NORWOOD] just said, in the sense that we are going to increase, as the gentleman from Connecticut [Mr. SHAYS] said, $4,800 per year to $6,700 a year which also the gentleman from Arizona [Mr. SHADEGG] allued to, on how this is really going to be an increase, but also some of the parts of the bill I think that you are advocating working for are vary important to the discussion dealing with the Medicare savings lockbox and also going after the $30 billion a year in fraud, abuse, and waste. Would that not be a savings into the program itself, Congressman?

Mr. GUTKNECHT. Absolutely, and the system we have right now is in fact in sort of a system of perverse incentives which invites more waste, fraud, and abuse, and the system we are going to try and create, and I think we will create, and I agree with the gentleman from Georgia [Mr. NORWOOD], I think once seniors begin to understand exactly what we are talking about under our plan and the options that they will have, they are going to like it.

First of all, let me just debunk this myth that somehow we are going to use the savings from Medicare to give this tax cut. That is absolutely not true, and everyone who has said that on the House floor knows that it is not true because we put into the bill itself a lockbox so that any savings that we get from these new competitive models, this new market we are going to create for Medicare, all of those savings have to go back in the Medicare trust fund. They cannot be used for the tax cut, and they know that is true, and it is in the law, and they know that. So, when they come to the House floor and say we are going to use these Medicare cuts to give tax cuts, it just is not true.

As a matter of fact, with the rescission bill that we passed earlier this year and with the cuts, the targeted cuts that the gentleman from Connecticut [Mr. SHAYS] talked about, we will have cut almost $44 billion this year in spending. The tax cuts are about $35 billion. The tax cuts that we are talking about this year that will mostly benefit the middle class have been paid for out of other spending cuts, so the idea that we are using Medicare to do that is a bald-faced lie, and the people who say it know that it is a lie.

But let us talk a little about some of the other provisions we were able to get. One of the things we talked about was fraud, waste, and abuse. In fact, every one of us had town meetings, and I would suspect, and I dare say, that every one of us at every one of our town meetings had some senior who stood up, raised their hand, talked about some of the things that have happened in their own lives. I had one sweet person in one of my town meetings stand up and say that she had been billed $235 for a toothbrush. Well, what we are proposing in this is a very aggressive method to attack some of that waste, fraud, and abuse.

You used the term $30 billion a year. Some have said it is as much as $44 billion a year. Whatever the number is, we know it is out there, and it is partly because of the way the funding system works. But we are going to allow those senior citizens; in fact, we are going to encourage them; to study their own bills, and if there is a thousand dollars' worth of savings, they are going to get to keep some of those savings that they find in their bills.

So the program that we are offering I think aggressively attacks waste, fraud, and abuse. Will any of the savings we get from the changes we are making be used to keep the fund solvent? Finally, I want to make one other point on behalf of some of us who come from low-cost areas, rural areas of the country. We were able to get the formula changed in the last few days in the discussion so that the floor has said, no matter where you live, your area is going to get at least $3,600 if they set up a service network or a managed-care network in that particular area. That will encourage more competition for those Medicare dollars, and the most important word is fairness.

We are going to have a much more fair system. We are going to reverse some of those perverse incentives that are in the system today, we are going to aggressively attack waste, fraud, and abuse, and I think it is going to be a much better system for the seniors in this country, and we are not going to use the savings for a tax cut. The tax cuts are paid for out of other spending cuts that we made this year.

Mr. FOX of Pennsylvania. I think it is also important that we realize that this Republican-led Congress is very pro-seniors, not only with the Medicare form that you have outlined and others, but also we are the ones who had legislation that actually passed which raised the income eligibility from $11,028 to $30,000 a year over the next 5 years without a deduction in Social Security, and also the rollback of the very unfair 1993 increase of Social Security.

So I would like to ask the gentleman from Iowa [Mr. LATHAM] to join us now with some of his thoughts on this topic.

Mr. LATHAM. I thank the gentleman for yielding, and I think the American public should be aware of the fact that what we are letting American families, senior citizens, small business people to keep is about 40 percent of the tax increases that they have had since 1990, since the Bush tax increase and now the Clinton tax increase in 1993, the largest in history. Actually we are letting people keep 40 percent of the taxes that have been raised for them.

Mr. SHADEGG. If the gentleman would yield, do you mean to tell me that this outrageous tax cut that we are enacting only gives them back 40 percent of what we took from them in the last——

Mr. LATHAM. Five years.

Mr. GUTKNECHT. What previous Congresses took——

Mr. LATHAM. We are it, so——

Mr. GUTKNECHT. Come at this with clean hands——

Mr. SHADEGG. So we are cutting taxes in a draconian way that the Nation cannot survive by letting them have back just a small portion, less than half, of what we increased their taxes just in the last 5 years.

Mr. LATHAM. That is exactly right.

Mr. SHADEGG. I hope Mr. and Mrs. America and our colleagues think through that fact.

Mr. GUTKNECHT. Absolutely.

Mr. LATHAM. And there is a lot of disinformation in talking about capital gains tax reduction. I am just amazed when people believe that this goes to only rich people. I will tell you as a person from Iowa from a very rural district, the No. 1 reason that the average age of a farmer today in Iowa is 57 years old is the fact that he cannot afford to sell his equipment or his farm to the next generation and that farmer has not been rich 1 year in his life, but the 1 year when he tries to sell the investment that he has had, the hard work that he has had over a lifetime, to the next generation, he gets absolutely creamed by the capital gains tax, and those are dollars that he has already paid taxes on all his life. But this is a person who is medium- to low-income his entire life, is by some people's definition on the other side of the aisle rich for 1 year in their life, the

year that they try to carry on to the next generation, and it is no different with a farmer than it is with a small businessman on Main Street who has invested a lifetime of work.

That is who we are talking about, people who have worked all their lives, have paid their taxes, been responsible in this society, and we have a punitive tax system today to punish them for saving and working hard all their lives, and to me it is simply outrageous.

I think it is important too, and the gentleman from Georgia [Mr. CHAMBLISS] had talked earlier about the excitement back in January passing the balanced budget amendment in the House here, and it failed over in the Senate, and I keep going back to the scary thought that, because we do not have a balanced budget amendment to the Constitution in this country, that 2 years down the road, 4 years down the road, that the Republicans will lose one of the Houses up here. What will happen? Everything that we have worked for this year will be down the tubes because we will be back in the status quo——

Mr. FOX of Pennsylvania. If the gentleman will yield, I think there is a lot of hope for America, because frankly I think what the public may not know is that most Members of this House in a bipartisan fashion really joined the Republican lead on balancing the budget, of reducing Government wasteful spending, of the line-item veto, which will eliminate pork-barrel legislation, and also reforming regulations and therefore costing less for individuals and businesses. So I think there is great hope and I think it is a bipartisan effort that we may have led, but it is a bipartisan effort.

One of the items the gentleman from Georgia [Mr. CHAMBLISS] is involved with is the downsizing, privatizing, consolidation of Federal agencies will also reduce the costs, because there has been such a great deal of bureaucracy in Washington, and the gentleman from Georgia [Mr. CHAMBLISS] I know has been fighting for this as a champion to try to make sure we get every dollar worth for our constituents.

Mr. CHAMBLISS. You know again I alluded earlier that we all come from different backgrounds. Another thing that we do have in common though is the fact that all of us came out of small business backgrounds, whether it was farming, or real estate, or dentistry, and I know the gentleman from Arizona was in county government, but we all had to worry about finances, we had to worry about making sure that at the end of the month when we went to the bank we were in the black, and we had to tell that banker why we were not in the black if we were not in the black. And one way that we have gone about approaching the fact of getting the Federal Government's bottom line in the black at the end of our term in Congress is that we have looked at every single way that we can cut expenses, and we talked about cutting out departments, we have talked about the fact that the Federal bureaucracy is bloated, and it truly is. Again it is something you cannot really appreciate until you are here in the position that we are in. But again, President Clinton talked about this during his campaign in 1992, and what did he do about it? Nothing. We talked a lot about downsizing the Federal Government as one of the basic philosophies of the Republican Party. What did we do about it? In our budget reconciliation package we are going to completely cut out the Department of Commerce. We do not need it over there. We are going to cut it out. That is another way we are going to go about downsizing the Federal Government to make sure that at the end of our term in Congress that we are moving toward balancing the budget of this country so that in the year 2002 we will not have to worry about how much money we were spending in Congress, we know that is going to be taken care of because we are going to eliminate it, and it is just simply another way that we are moving toward balancing the budget of this country and being responsible and being reactive to why the people send us up here.

Mr. FOX of Pennsylvania. If the gentleman will yield, I would like to engage, if I could, the gentleman from Florida [Mr. SCARBOROUGH], who has been a deficit hawk and a budget hawk in making sure that his constituents in Florida as well as those who are here across the country, that, you know, we do not have waste here, let us bring some semblance of what the values of America are out there in our neighborhoods, and I would ask the gentleman from Florida [Mr. SCARBOROUGH] to give us his impressions of what he hears in his district.

Mr. SCARBOROUGH. It really started back during the August recess that I really began to get a good feeling of what the constituents in my district felt we needed to do, and the thing I heard time and time again from my constituents, and I held 25 town hall meetings over 30 days in August, despite all the rhetoric that they heard that we were being mean-spirited and going too far, everybody I talked to at those 25 townhall meetings told me the same thing. They said:

> You will not fail if you have the guts to step up to the plate and balance the budget. You will fail if you lack the courage, and if you come up short, and you decide to keep going on with business as usual. You need to stay true to your course. Do not be like everybody else in Washington over the past 40 years. You make sure that Washington lives by the same rules that all Americans have had to live by for the past 200 years where we take in only as much money and spend only as much money as we take in.

□ 2045

It is an absolute necessity. I have to tell you something, I have concerns about this budget. It is not a perfect budget, but let me tell you something, it does something that we have not done in Washington, DC, in a generation. It balances the budget. That is absolutely essential.

For those who think that it goes too far, I have to tell you this. How can we go beyond 7 years? How can we trust Congresses 10 or 20 years down the road to continue to have the guts to do what all Americans know we have to do today? As so many people testified before the Committee on the Budget, from talking to the gentleman from Arizona [Mr. SHADEGG] and others on the Committee on the Budget, and the gentleman from Connecticut [Mr. SHAYS], they have had an avalanche of witnesses who have said even though every American does not focus in on deficit issues, they will understand a few years down the road why this is so important, because if we follow through on the Republican plan to balance the budget in 7 years, Americans will see unprecedented growth, more growth than they have seen economically since World War II, since the ending of World War II.

What does that mean? That means interest rates on your car loan go down, that means interest rates on your house loan go down. It means that middle-class Americans get the break that they deserve, get the break that they have not had for the past 40 years, and we bring sanity back to the process.

Mr. SHADEGG. If the gentleman will continue to yield, Mr. Speaker, I just want to ask you quickly if you happened to hear the four Wall Street economists who came before the policy committee today and who testified that we had already, by what steps we have taken, brought interest rates in America down by 2 percent since we took office in January. They compared that 2 percent reduction in interest rates here in America with other comparable economies, where interest rates have come down 1 percent, and they said, ''The policies you have adopted have already had the effect of reducing the interest rate here in America by 1 extra percentage point below what it had been before you got here.'' That is a real savings in car loans and home mortgage loans across the board.

Now if we go the next step we will see a real dramatic impact, and they predicted 2 more percentage points' drop in the interest rates.

Mr. SCARBOROUGH. Reclaiming my time, it was a very interesting hearing today. I know everybody that was there had to feel good about what they were saying, because we were sending the signal across the world that we were finally going to get America's House in order. Interest rates have dropped. That has meant more money for middle-class Americans all across America.

They said, and this is the final point I will make before yielding back my time, they said, ''The danger lies in us not having the guts to finish what we

start. The danger does not lie in having a showdown with the President, if that is required, and possibly having government shut down for 12 hours or 24 hours.'' They said, ''The real danger in the market lies in us continuing to throw away money like we have thrown away for the past 40 years.''

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SCARBOROUGH. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. I just wanted to make an observation while the distinguished gentleman from New York, BILL PAXON, is in the Chamber, what a great piece of work he helped to form on November 8 of last year, a year ago this coming week.

I know a fully matured lion, like the gentleman from Connecticut [Mr. SHAYS] will not mind an aging lion who came here out of the bicentennial election of 1976, to notice that we have Pennsylvania, we have Arizona, we have Iowa, a very important State, at least until Lincoln's Birthday, February 12, we have Minnesota, we have Georgia, we have the beautiful panhandle of Florida, the most beautiful beaches in America. And I am telling you, if this freshman class had not come along, there were some of us who would have turned in our spurs by now and said that there were other things to do, like enjoy our grandchildren.

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

Mr. FOX of Pennsylvania. I yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I have to say that one of the unsung heroes in this Congress is the gentleman from New York [Mr. PAXON], because he has made all the difference in our having a Republican majority and the opportunity to save this country and to turn it from the direction it has headed. I would applaud, if I was allowed to.

Mr. DORNAN. He has made you a chairman, he has made me a chairman, but here is the point, if I may mention the House of Lords, the other body.

I just did a radio show in San Diego and a questioner of no known ideology said, ''What are you people accomplishing? Suppose you have a great freshman class. So what? It is all dying in the Senate, is it not? You are not going to get anything done.'' I think what we have to keep reminding our worthy colleague, including some old long-in-the-tooth lions over there, is that they enjoyed chairmanships and the chance to creatively write American history for 6 years, thanks to Ronald Reagan and the great election victory in 1980.

But in this Chamber, the people's House, the money House, the appropriations bill House, the first among equals by the writers of our Constitution, the Framers said that we were to be first among equals over the Senate, over the Supreme Court, and over the White House, and we have not had a chairmanship in this place for 40 years in the political desert.

So not only did all of you give me a chance over the last 10 months to sit on a Committee on Armed Services, a subcommittee chairmanship, and one on the Permanent Select on Intelligence, but you gave back to the U.S. Senate all of those chairmanships that they are enjoying, and they had better remember the gift that you have given them for some fulfillment in life, this opportunity to craft American history, and that you are going to keep the promises you made, and it is promises that the whole Republican Party is going to be held accountable for on November 5, in 1 year and 4 days from All Saints Day, today.

Mr. SCARBOROUGH. Mr. Speaker, the gentleman from California [Mr. DORNAN] obviously talked from a Republican standpoint, but what is exciting to me when I go home is that it is not a Republican issue, it is an issue that all Americans have united on, and it is something that I am extremely proud of. I am in a district that is 60 percent Democrat, and they love what we are doing up here.

Mr. FOX of Pennsylvania. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Speaker, the gentleman talked about promises made, promises kept, and a Governor from Minnesota once observed that politics is a promising profession. In the last several years we have heard a lot of campaign promises.

I want to remind the gentleman of some which were made by a gentleman who was elected to the Presidency several years ago. He was elected promising to downsize the Federal Government, to end welfare as we know it, to reform welfare, to save the Medicare system, and to give a tax break to the middle class while balancing the budget within 5 years.

Those are the same kind of promises that we made, and the difference is that we kept our promises; he broke his. What makes me so angry is that now he is trying to keep us from keeping our promises to the American people. We are not going to stand for it, and neither are the American people.

Mr. FOX of Pennsylvania. I thank my colleagues.

JIMMY RYCE AND MISSING CHILDREN IN AMERICA

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

Mr. DEUTSCH. Mr. Speaker, I rise today to share with you, this Congress, and those watching at home, about an endangered innocent, a constituent of mine, Jimmy Ryce. Jimmy is a 10-year-old boy from Miami, FL, who was abducted 51 days ago, on September 11, 1995. He was last seen getting off the school bus less than four blocks from his home in the Redlands, an agricultural, quite spacious community just southwest of Miami.

Jimmy is an A student enrolled in an honors-gifted program at his school. Everyone who knows him is attracted to his goodness, sweetness, and intelligence. He is a very trusting child. Jimmy loves to read. He has a habit of reading a couple of books at the same time, leaving the books scattered throughout the house with bookmarks in each of them.

Jimmy loves baseball and football. Some of the family's happiest memories are going together to Dolphins and Marlins games at Joe Robbie Stadium. If I may ask the cameras to just focus in on Jimmy, and I will talk about the picture in a couple of seconds, but if they can leave the focus on him. Since learning of Jimmy's kidnapping, the reaction in south Florida is one of outrage, anger, and shock. The response from authorities has been swift and professional. The media in south Florida have been exceptional. But where is Jimmy?

The television coverage has been extensive, over and above the magnitude of other such kidnapping incidents. Newsrooms and reporters have taken the Ryce case to heart and have made it their station's commitment to cover the case down to the latest findings. As we all know, when faced with adversity good things do tend to happen. People have volunteered tirelessly their time, services, and assistance, unconditionally. Wal-Mart is displaying Jimmy's posters in their 2,000 stores nationwide, as is Albertson's grocery outlet, and the list is endless.

Most of these efforts were something solicited from volunteers, unbeknownst to the Ryces. Not only have State officials, including Governor Chiles, been involved, but Federal officials, too, including the FBI and Attorney General Janet Reno. What we are hoping is that the more people who see Jimmy's face, the more likely it is someone who has seen him will recognize his face from these posters. This is not a city problem or a State problem, not the abduction of a child in a custodial battle or a runaway, but who, taken from his family by a stranger, is a national problem. As I said, let me ask the camera again to focus on the picture.

What I have learned in the last several weeks with the FBI missing persons, Missing Children Division, is that of the cases that have been solved, they are really solved by people in the community seeing these pictures, seeing the pictures on ''America's Most Wanted,'' seeing the pictures on milk cartons or on postcards.

The case that very recently got national publicity, I just found out today the way it was solved. Two young boys who were kidnapped in Minnesota and found in Louisiana, in New Orleans, it was just a chance sighting by someone in a restaurant, calling the FBI through the 800 number that I will give

in a second, and actually, several times, just a chance sighting.

The woman who saw the young boys was not sure, she thought she saw him, she did not remember where she had seen a picture, she was not sure, and even to this day she is not sure, but the FBI followed up on it and went to the location where the sighting occurred, interviewed the woman, and those two boys are back with their family today.

That clearly is what we are hoping will happen, and will happen very soon. As I said, this is a recent photo of Jimmy Ryce, and for people who are watching, hopefully they are watching, and hopefully, again, someone will have an opportunity to call maybe even this evening with the chance that maybe they have seen him in some location.

It seems so impossible that even with all the communication of media involved that a child could vanish without a trace. As a parent myself, I cannot imagine what kind of fear and pain Don and Claudine Ryce are going through today; in fact, right now. It is a parent's worst nightmare. The Ryces have had their own nightmares. No matter what is taking place, from the moment they finally fall asleep at night until the moment they wake up, the first thought that enters their minds is that their little boy, Jimmy, is not sleeping in his own bed.

Today is a good day for the Ryces. They are feeling optimistic. The Florida Department of Law Enforcement, the FBI, and Metro Dade police met today and released information that a witness has possibly seen Jimmy. If you have any information leading to the disappearance of Jimmy Ryce, please call the number on the poster, 1–800–361–9526.

According to the Department of Justice fact sheet on missing children, every year there are between 1,600 and 2,300 stranger abductions of children under the age of 12 in the United States of America. These children are the endangered innocents. Only 300 of these kidnappings last more than 24 hours, and the FBI has told me that you can extend the radius of the circle where they may be 300 miles from point of abduction for every day they are missing.

These missing children could have been deported or crossed borders, and may not even be in the United States. Jimmy Ryce is an endangered innocent. Typically the only way law enforcement ever finds these children is through information and leads called in by the police. On Monday, October 30, 1995, ADVO distributed over 50 million cards throughout the country with Jimmy's picture on it.

You have probably seen pictures before of missing children in the space contributed by ADVO on the left side front of postcards, which carry on the back advertisements for various services and products. Please look at these cards and etch Jimmy's fact in your memory. Be on the lookout for these warning signs: a new child in your neighborhood, a child acting strangely next door, has a child suddenly been enrolled in a class. As small as the chance is, it may be the only chance Jimmy has of getting home safely.

Jimmy's parents, Don and Claudine Ryce, have reached a celebrity status they never sought. Compassionate people embraced them and let them know that Jimmy is in their prayers. The more people know about Jimmy's disappearance, the better chance the Ryce's have of getting him back. Mr. Speaker, I ask you, the members of Congress, and the American public to give this family a happy ending. Bring Jimmy Ryce home safely to his parents.

A few weeks from now we will celebrate Thanksgiving, a time of love, sharing, and counting one's blessings. I want this Thanksgiving to be the best one the Ryce family has ever had, as the family is all together with Jimmy. I know several of my colleagues have been with me this evening, and I yield to the gentleman from California [Mr. DORNAN.]

□ 2100

Mr. DORNAN. Mr. Speaker, first of all, I would like to thank the gentleman from Florida [Mr. DEUTSCH] for having this very touching special order, and thank him for stopping me in Cloakroom and asking me if I would join you. I have spoken so many times this afternoon, I do not want people to think that I do not have grandchildren at home that I would like to spend some time with, but this is important.

I would just like to give the gentleman a few thoughts from last night which was a very Halloween eve of today, All Saints Day, with children.

We went out last night, after we adjourned, after it was dark for about an hour and half, and I raced to a neighborhood out in Springfield, VA to be with five of our nine grandchildren. The youngest one, Robert K. Dornan, III, was dressed as Pooh, and it made me grit my teeth, he was so cute. Excuse me, it is our newest, Leam Dornan Penn, who was Winnie The Pooh. Last year it was Robert, III, and he was dressed as a phantom with a dark face.

I went around and looked at all of the princesses and all of these little children, and for some reason I thought how carefully the parents were shepherding them and the grandparents, that there was a little extra fear for the last 10 or so Halloweens not be let them get too far out of sight.

I remember I gave T-shirts with my grandchildren's first names on them to one of my daughters, and she said well, Dad, these will make nice pajams. I said no, no, they are T-shirts for outside, and she said, Dad, you do not put a child's name on a T-shirt. If you are in a mall and some evil person comes up and says Kevin, come here, quickly, your mother has just been hit by a car outside, they run following the person instantly.

I never thought that we had to live in fear of any name a child identifying them to make kidnapping that much easier.

What I thought about as the gentleman from Florida [Mr. DEUTSCH] was speaking, is my older son who is in his middle 30's. The other day I got one of these cards in the mail that has missing children's names on them, and I turned it over and I said to my son, this breaks my heart. I do not like to look at these faces, as you have made this large color blowup of this beautiful young boy, Jimmy.

And he said dad, you should not say that. I study these pictures. That is why they are here. That is why they are on milk cartons. You should study them for more than a few seconds, and it may be God's will that you cross the path of one of these children, and something you saw in that photograph earlier in the day will be sparked in your mind.

Well, when you raise a child to give you words of wisdom, albeit the wisdom of being 30-some years old, it makes you proud of your child, and I felt ashamed that I had averted my gaze from a lot of these missing posters because it hurts me so much as a grandparent to see this beautiful face of a child this age or younger, a beautiful little daughter this age or younger or a grandchild, and think of the heart-gripping pain that this brings to parents and grandparents, how they will never, ever be able to enjoy the birthday of that child ever again, a Thanksgiving, a Valentine's Day, a Christmas, an Easter, when they see all of the other children in the neighborhood or have a particularly enjoyable moment with a sibling, an older brother, a younger sister, and the pain that this must bring back.

As I was sitting here I was thinking, what kind of an original idea could I contribute to your special order tonight, and I did think one.

We see now with murdered children the agony of parents looking at a videotape and they show the videotape on the evening news, and again, your heart breaks for the parent that all they have left are these videotape images of this beautiful child. And then I thought in the case of missing persons and maybe one of your color pictures here, well, the bottom one looks like a portrait, but the one looks like he is in a baseball game, may have than excerpted from a video, a still color photograph worked up from a video.

And I thought every parent who has a small child today should take a videotape, and at some point when they are filming their child or a grandparent their grandchild, they should go in for a close-up and slowly pan around the child from every angle, film this child as an identification video tape and put it on a shelf somewhere. If you are a struggling parent, as I was in my early years, just worrying about grocery money, and you do not have a video camera, borrow one from a parent or grandparent and take a videotape of your child and put it on a closet shelf.

It will have great value years later for showing the child.

I tell parents to do what I never did. Take a videotape of their child on every single birthday with the same videotape and put it way up on a shelf, I learned this from ANDY JACOBS, our colleague from Indiana, and then bring it down and you can run that very same videotape without editing and watch a child quickly grow up in 20 years. It will go by so quickly it will tear your heart out. But I think parents who have a videotape camera should film their child and when that child was missing, particularly when I just listened to carefully about what you said, Peter, about each day, and repeat it, each day the child is missing is another how many miles added to the circle?

Mr. DEUTSCH. Three hundred miles.

Mr. DORNAN. Three hundred miles per day. So if you could get a videotape and give it to the television station instantly, and I am not talking about all of those terrible cases where parents get into custody fights, which mercifully is not a huge number, but the hundreds of gut-wrenching cases of pure kidnapping by evil strangers. Think of how a videotape of a child that is fairly current would assist law enforcement and great shows like John Walsh's show. He is from your State, is he not?

Mr. DEUTSCH. Actually, he is from my own community.

Mr. DORNAN. Every time I see John I shudder that all he had, as gruesome as it sounds, is the child's head, to remember him by. My wife was looking at him just this week and said, is he not a remarkable man? Look at the burden God gave him and now how it has turned out for him.

I said, Sally, he is an absolute hero of our time, that he took the pain of little Adam's disappearance and then murder and has turned it into a crime series of shows where it is not just missing children he helps with. He has broken some cases in this country that have lingered on for two decades, and brought people to justice.

So I really appreciate the gentleman taking this beautiful special order for our missing children in this beautiful country of ours on All Saints Day.

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman from California.

Mr. Speaker, If I could again follow up, because it really was in some ways a good sign today when I spoke with several people from the FBI, from the missing and exploited children's branch, that the case which got a lot of publicity was two young boys, I think a 3-year-old and 11-year-old brother who got kidnapped in Minnesota, a guy in a stolen car. It really was luck, God's providence, whatever, that this woman who did not even remember where she saw their picture, based on the day she saw it, she might have seen it on America's Most Wanted. They specifically said that, because she kind of remembered seeing it on Saturday or Monday or whatever, but it does happen, and he is somewhere, and the question is hopefully someone is seeing him and is going to be able to call that 800 number.

Mr. DORNAN. Just one thought. As television channels expand and we are now going to these 18-inch dishes, as there are more and more and more channels, I think we ought to write Ted Turner and ask him on one of his outlets if he could have a designated point in each day where people as thoughtful as my son, Bob, Jr., who will take the time to study these faces, that they could run the current-most 10 agonizing disappearance cases. And people who are thoughtful will spend a few times to, as my son put it, study, those faces, and where there will be some videotapes you can study it in three dimension around the child and say, all right, I will study that, and we are going to end up with more happy endings and more children saved from a horrible fate.

Mr. DEUTSCH. They really are happy endings. In a little bit I will show the statistics of that. What they really have said to me, I have spent some time trying to understand, unfortunately, this tragedy, the more you learn about it, the more sickening it is, that the more publicity and the more people that know, the better it is.

I am really happy that my colleague from Florida joins us here today. I know it has been a long day for my colleague as well, but Congresswoman THURMAN.

Mrs. THURMAN. I thank the gentleman from Florida [Mr. DEUTSCH].

Mr. Speaker, I just would like to add a little bit about Jimmy Ryce at this point, and as a parent, to tell his parents that I do not think anybody will ever understand what it is like to go through what they must be going through. And for the American public to offer any kind of help is just imperative that we do that for our future and for what is our most and best resource that we have to offer to this country.

Mr. Speaker, I think that it is a good idea, and I agree with Mr. DORNAN and some of the things that he brought up, maybe we should talk about some of the things that we can remind people. You know, it has been a while, I think, that we have been reminded. Sometimes, you know, things get lost and forgotten and we forget that there are things that we can be doing to try to have these kinds of things not happen in our society.

I particularly think that there is another issue that is coming to this country, that I am somewhat very concerned about, in the fact that we now have what we call the information superhighway, a situation that for many, many folks with computers in their homes and information crossing, there are some things that I think parents and children need to understand that they need to be very, very careful with.

It is a new society out there, it is a new world, it is a new technology, and while there are exciting possibilities, and we want our children to be technologically advanced and ready to move into the 21st century. I think we also have to be aware of the access it gives to strangers to our children.

And I think we have to teach our children not to share personal information, like home phone numbers and addresses, with unknown and potentially threatening strangers. They do it all the time without really thinking much about it. I think kids need to be reminded that those computers do provide a lot of information and access from people all across this world that we need to be careful of.

I also would like to reiterate, and I think that the photo that you have up there of Jimmy reminds us all of some of the kinds of things and guidelines that help and assist police in their efforts to locate missing children. The national center actually has advised parents to take color photos. Without that photo there tonight, we might not have a picture that could be displayed, that could be used to go across this country, that is up-to-date picture. I think they recommend that this should be done about every six months to make sure that we have up-to-date.

I think Mr. DORNAN's idea of a video is an excellent idea. It is a quick replay, gives us characteristics that we cannot necessarily capture here in a picture. But if that is not available, at least we do have an opportunity to have an up-to-date photo of the child. They ask for us to keep recent dental records at our fingertips so that we can make sure that we have that available, as well.

There have been some national programs across this country in malls. Law enforcement agencies go into malls all the time, setting up fingerprinting so that we have fingerprints actually at the sheriff's office for identification purposes. These records will provide to police and investigators, will help expedite the process of locating missing children in the future.

I think we must be vigilant in our efforts to locate them, and we have to get involved and stay involved.

I actually have a number here that I would like to give tonight for people who have seen missing children and what they can do, because there is a national hotline. The hotline is for the Center for Missing Children. It is 800–843–5678, and I think that if anybody did not catch that number and calls any one of us, we certainly, or any of your officers, police officers, sheriffs, anybody locally can also provide you with these numbers.

We have to be that voice for missing children. When information is available to the public and the public is alert and concerned, we have a much, much better chance of helping our missing children find their way home.

The national tragedy of children being abducted from homes, schools and playgrounds demands a national

response. We will continue our efforts through the National Center for Missing Children and the FBI to encourage preventive measures, and to demand that all available resources are used to locate and recover missing children.

Mr. DEUTSCH, I do want to say to you tonight, and to all of our colleagues, that while we may not have been touched with it personally in our lives, unfortunately probably every one of us have at some time had a constituent who has had to face this kind of a situation.

□ 2115

I know in my own district, I remember a woman several years ago that had a grandchild that was abducted in Orlando in a parking lot. The child's face was, we actually did it at toll booths in Florida. We were able to do milk cartons and the kinds of things that we have tried to do to get these faces out there. The child has never been returned to my knowledge. It was heartbreaking. I cannot even begin to tell you the pain that she was going through in this.

I think there are some other things that we ought to be conscious of within America. We know the kind of things that are happening with abductions. We need to try to teach people as well, please do not do this to our children. Do not take our natural resource. Just think about all of this as you go through a working day and help any of us in trying to prevent this kind of a happening. I just think it is awful and I would hope that our conscience in America makes us understand how just heart wrenching this is and to the child.

I want Jimmy to know, if he is out there listening to us, we are looking for him, too, and do not give up hope and know that people do care about him and love him and we are going to try to get him back to his parents just as quickly as we can.

So, Mr. DEUTSCH, I really do appreciate what you have done tonight.

Mr. DEUTSCH. I thank you. You actually brought up an unfortunate sort of new avenue. When I spoke with, again, unfortunate people who are in the business of helping to find these children, the FBI officials involved, they actually have cases today of children in a sort of talk site on the Internet, where a child that could be not necessarily 5 but an 8-year-old, a 9-year-old, and a 10-year-old was on a talk site who thinks they are talking to another child somewhere but is talking to a very sick person who is asking them over the Internet about themselves. And they have actually, in saying why do you not meet me somewhere, something like that, there have actually been abductions that have occurred through cyberspace. It is sort of the ultimate sort of strange sickness, the technology being used that way.

One of the things they pointed out, at some point this evening we will go through a list, the list is not long enough, but what they specifically said is parents ought to know what their kids are doing on their computers. It sounds like a crazy request. It is a 1990s request in America, but if your kid is out there on the Internet and talking to people on a site, you better know who they are talking to because it really has happened.

I mean, what kind of mind does that, but unfortunately, there are some minds that do that. I think we need to do everything we can to stop it from happening, but I think that is a really unfortunate new point for parents to be worried about.

Mrs. THURMAN. I would say that we also have to move into that 21st century as parents to understand the new dangers that face our children. I think there were some great programs that started when we first all got involved in these issues and we all remember them. I have taught my children, I mean, how many times did I say to them, do not take candy from a stranger or do not talk to strangers or do not get into cars with strangers or if you are in a mall and somebody says something to you or takes your hand, what do you do. They knew the response to that. They understand that. They do not necessarily see the danger when they do not see somebody standing in front of them, somebody who can, is visual to them, who actually can do harm to them as they are there. But they, all they have to do is say, I go to this elementary school, I have blond hair, blue eyes, and I am going to be wearing such-and-such. I have got a new dress today or I got, whatever, somehow identifying that child and separating them out. They do not understand it because it is not something they can grab onto. It is not something they can really feel.

So I think as parents and as grandparents, as we do move in, we always need to continue to update our own files as to the kinds of things that can happen and be aware of those so that we can teach our children better ways of not getting themselves into these kinds of situations because not all old remedies are going to work for what new dangers are out there for these children.

Mr. DEUTSCH. I used a sort of example of a happy ending for these two boys in Minnesota, but obviously they have arrested the gentleman. Hopefully, I assume he will be convicted, he will spend a long time, the rest of his life in jail. But he told the young boys that he was a policeman. And I guess it is hard to put myself in the mind of a 10-year-old, but it was not unusual to get in a car with a policeman and drive for several days. How does he know what policemen do?

Mrs. THURMAN. And particularly because a child has been taught that that is supposed to be his friend. That is the person that they can go to most often if they are in trouble. But there are some very sick people out there that play on these very kinds of things. we need to be careful. I know the gentleman from Connecticut is here.

Mr. DEUTSCH. Mr. SHAYS wanted to join us.

Mr. SHAYS. I appreciate the gentleman yielding to me.

I was here at another special order, and I knew that you were going to talk about Jimmy Ryce. I think of that precious young man and his precious parents who are wrestling with where he is now. And I just felt inclined, wanted to hear what you had to say and to pay respect for Jimmy Ryce and the thousands of other young children that have been taken away from their parents. And then when I mentioned that to you, you asked me to read a statement from another of your colleagues from Florida, ILEANA ROS-LEHTINEN, who I would like at this time to read her statement. She cannot be here tonight, but I think it is important that her feelings about this case and others like it be put in the RECORD.

So I would just read her statement at this time.

It begins:

Mr. Speaker, one of the silent and most devastating crimes to which some in our society remain oblivious to is the large number of children and young adult persons who are kidnapped and reported as missing within our local communities every year.

Most recently in my local community is the case of ten year old little Jimmy Ryce, who, upon walking from his school bus stop to his home in the Redlands neighborhood of South Florida, was kidnapped and has yet to be found.

Another case which to some may tragically and foolishly believe is yesterday's news, is the case of Shannon Melendi, a young resident of my Congressional district, who while attending Emory University in Atlanta, Georgia, was kidnapped over a year and eight months ago and has yet to be found. All of us want answers to Shannon's mysterious and sad disappearance.

And as all of us in the local South Florida community presently suffer the pain and anguish of little Jimmy Ryce's parents, whose son was kidnapped 51 long days ago, and we join them in their search for Jimmy, I am more sure than ever that someone must be held accountable for the loss and uncertainty that they feel today.

As the extensive manhunt continues within South Florida for Jimmy, I feel that all of us, as parents and as legislators, must become aware of this inhuman and horrible act that today afflicts my local community, but tomorrow, could very well affect yours.

As I stated, another victim of this heinous crime is Miami resident Shannon Melendi, who, in spite of a national manhunt, has yet to have been found, a year and eight months later after she was seen at her place of work, the Softball Club, in Atlanta.

Shannon was not only an outstanding student and a presidential scholarship recipient while attending Miami Southwest High School, my alma mater, but also a dedicated member of her school community, who did her best to represent the junior and senior classes of which she was president.

Even though a suspect is now in prison, he has yet to confess to a crime, and Shannon remains missing.

Her family, from her grandparents to her younger sister, remain distraught and afflicted with a heavy emotional burden as they wait for Shannon to come home to them once again.

Is the FBI doing enough? Is the local police? I strongly believe that more must be done. As the mother of two young girls and a Florida certified teacher, I am very worried about any cases of abducted children.

Worse still is the fact that as the number of kidnappings increase, there are even more missing children who were yesterday's news and who perhaps will never be accounted for.

I ask you, Mr. Speaker, has our society become so evil that our children cannot even venture from their homes in order to attend school, without the fear of being kidnapped?

Have our communities become so unsafe and insecure that parents, such as those of Jimmy Ryce, cannot even allow their children to walk home after school from their bus stop? Have we come to the point when well meaning parents, such as the Melendi's, cannot send their child to a prominent university for fear that their children will be kidnapped?

Are the abductions of little Jimmy Ryce and Shannon Melendi rare occurrences? Or are they some of the ever increasing number of children who are kidnapped throughout the nation.

Something must be done so other children and their families do not suffer in the same manner.

I ask you, Mr. Speaker, what are we as legislators and the representatives of our local communities to do in order to deter this abhorrent crime?

We cannot merely sit back and wait for Jimmy or Shannon, and all other abducted children, to turn up.

We must take action and form a strong stance against this atrocious act so that your children, my children and our children's children, do not suffer the gut wrenching loss and uncertainty that the families of Jimmy Ryce and Shannon Melendi feel, as they search for leads and wait for a precious missing child.

I would just like to thank the gentleman from Florida and to let him know that your purpose, I think, is well-intended and I think serves a tremendous effort in helping Jimmy Ryce and others be found. I want to thank you for your special order and to just let you know that someone from Connecticut has taken a good look at that young man and I just hope there are so many others that we can be alert and make sure that Jimmy Ryce is returned to his parents well and safe and that they can hug him and caress him and just welcome him back into their family. I hope that day comes.

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman. I thank Congresswoman ROS-LEHTINEN for preparing her statement and also I know that Congressman LINCOLN DIAZ-BALART spoke earlier under 5 minutes about Jimmy Ryce and his hope for his safe return to his parents.

I want to shift gears a little bit and just talk about missing children in this country in general. As Jimmy Ryce's abduction has really heightened the community in south Florida, I educated myself a little bit about what I have said just has to be one of the most disturbing statistics in this country, if not the most disturbing statistic in this country.

This chart shows from the National Center for Missing and Exploited Children numbers, numbers that are staggering. Nonfamily abductions, 1,524. And then some very unfortunate sobering statistics, I guess optimistic but sobering as well, of those 385 were located alive and close to 200 were located deceased. So there is reason for hope. But a number that is staggering, 1 would be depressing, but I cannot express in any way what 1,500 families in this country have gone through in this period of time.

The National Center for Missing and Exploited Children at least tries to advise parents and there has been, obviously, a national media campaign about things to do. And there is a national computer network that is linked via computer with 45 States, allowing the instant transmission of images and information on missing children.

There is Project ALERT, America's Law Enforcement Retiree Team uses retired police to provide free on-site assistance to local police in difficult missing or exploited child cases, photos and posters with private sector partners, imaging/identification, case management, leads. The 800 number, which has been mentioned by other Members as well, is 1–800–843–5678. Specifically for Jimmy Ryce, the number is 1–800–362–9526.

Let me also follow up, as several Members have mentioned, sort of what can parents do and some of it unfortunately cannot do enough. Tens of millions of children in America left their buses today after school, tens of millions walked home, maybe a block, maybe several blocks. And I hope all of them made it back home. But unfortunately I know that on occasion some do not, like Jimmy Ryce did not.

□ 2130

So, I do not think it is realistic to hope that every child, or we are at that point in our society, needs to be walked home from the bus station at school, but we can try to do some things, just knowing and just sort of a list of things: knowing where your children are at all times, being familiar with their friends and daily activities, being sensitive to changes in the child's behavior, that you should sit down and talk to your children about what causes changes, be alert to a teenager, be alert to a teenager who is paying an unusual amount of attention to the children or giving them inappropriate or expensive gifts, teach your children to trust their own feelings and assure them they have a right to say no to what they sense in wrong, listen carefully to your children's fears, support them in all your discussions with them, teach your children that no one should approach them or touch them in a way that makes them feel uncomfortable, and if someone does, they should tell the parents immediately, be careful about baby-sitters and other individuals who have custody of your children.

Now some people have also made suggestions and actually the National Center for Missing and Exploited Children talks about things, passwords that parents can use with their kids if someone does say that their parent is sick, or that they are a police officer, that there be a password that the child will know that that person would say. It is one of the techniques that has been suggested or that stop points. When a child is leaving a bus station, at a certain point they should be there by then, and if they are not, then someone needs to know about it, whether it is an older sibling, an older friend, or a trusted neighbor.

Let me talk about some children, and that happened unfortunately on some other children mentioned from Florida that are missing. Obviously I have talked about Jimmy Ryce, but I want to show another, the picture there, but it is just a picture. If the camera could try to focus in on it, I will try to hold it as steady as I can, and, as you can read, the child has a birthmark on his shoulder blade, was last seen wearing a white shirt and blue jean shorts. His nickname is Jimmy. And, as the circumstance, child was last seen getting off his school bus at his bus stop, which is three blocks from his home.

As I mentioned, all these are children from Florida. That was in Homestead, FL, my district. Walter Morales left his home in Miami, FL, with three males on October 27, 1993, and has not been heard from since. Child has a small scar near his right eye. He has two top teeth that are gold. He has a ''W'' on his left shoulder, and again, if the camera can focus in on that?

This is a picture of Andrea Gail Parsons, who was last seen July 11, 1993, in Port Salerno, FL. She was 10 when she disappeared. The child was last seen wearing blue jean shorts, a dark-colored shirt, clear plastic sandals. Child was last seen at 6 p.m. near Commerce and Seward Ave. in Port Salerno, FL.

As has been mentioned, those are cases of abductions, of nonfamily abductions. There are family abductions unfortunately, and I just—again these are in Florida. This is Malik Mike Tourbah, kidnapped by his father in Miami Lakes, FL, on June 22, 1990. Child has a scar on his right eye.

And this is Kaylee Nicole Lopez, kidnapped by her noncustodian grandparents on August 12, 1989, in Miami, and child has a birthmark on the right side of her chest and her upper right thigh. Her eyes are hazel green. Child's photo is shown age-progressed to 8 years.

And Andrea Durham from Fort Walton Beach, FL, she left her family's new home on February 1, 1990, and it is an age-progressed photo, actually to 18 years at this point.

Mr. Speaker, we have discussed something tonight that I wish I did not have to discuss. I think everyone in this country wishes we did not have to discuss this, but it does take place, and as a community of Americans, society, we clearly can do better in this area. We need to be vigilant as individuals, as parents, but as a society as well.

I mean there is no limit to the amount of resources we need to put in

to make sure that this does not happen to one child in this country. And law enforcement has resources, and they are doing everything they can, and are interviewing every person they possibly can, and following up thousands of leads as they come up in this case, and I know I appreciate it, and I know the Ryce family appreciates that as well, and hopefully for those people that are watching, because that is really what this special order is for, as I have learned more about this, the cases that are solved are solved because of people like the people watching an incident, a flash, a child in a restaurant, a face in a car passing, a child anywhere, and there are resources in this country, the 800 numbers we are talking. They follow up, they do follow up. The resources are there. We have put resources into it, and I am asking people, and I am praying and hoping people—I know the Ryce family is watching, too—that we will get a lead and that we will find Jimmy very, very shortly, and he will be with you and with our community again.

Let me just ask one last time if we can just ask the camera to focus in on Jimmy Ryce.

Ms. JACKSON-LEE. Mr. Speaker, I rise tonight to discuss the heartbreaking and devastating issue of missing children. As a mother of two beautiful children, I can think of few things as frightening for a parent than learning that your child is missing. Thus, it saddens me deeply to know that every day in this country parents, and families, are forced to face this fear.

In 1994, more than 800,000 children were reported missing to the police and the FBI's national crime information computer [NCIC]—more than 2,000 children every day. The largest number were runaways; followed by lost children; family abductions; and short-term sexually motivated non-family abductions There are approximately 300 serious child kidnapping cases each year—five or six children each week—cases in which the child is abducted by a stranger and murdered, ransomed, or taken with the intent to be kept.

In 1994, 99 percent of the reported missing children cases were resolved by local and state police. We have made progress since the Missing Children Act was signed into law in 1982. New resources and technology have been crucial in assisting searches and investigations. A national network exists with the National Center for Missing and Exploited Children [NCMEC] at the hub, transmitting images and information instantly around the country. The FBI's new Child Abduction and Serial Killers Unit ensures rapid, priority response in the most serious cases. And in 1994, Congress created the Morgan P. Hardiman Task Force on Missing and Exploited Children, with agents from seven Federal law enforcement agencies, headed by the FBI, working with the NCMEC in difficult cases.

The legacy of America's missing children can be seen in the new laws, heightened public awareness, improved response from law enforcement and unprecedented national attention to prevention and education which exist today. Progress has been made to better protect our Nation's children, but much remains to be done.

Most missing children do return home safely, but this face is of little comfort to the families of those children who are never found or who are found dead. We, in Congress, must work to reduce the numbers of missing, abducted, runaway, and thrown away—children who are thrown out of their homes—children.

There are a number of things which remain to be done to improve outcomes for missing and exploited children. The National Center for Missing and Exploited Children has suggested that:

Uniform reporting procedures should be implemented to improve monitoring of reports of crimes against children.

Each State should create a missing and exploited children clearinghouse.

States would establish policies and procedures to be followed in conducting missing child investigations to address initial response, information gathering, required NCIC and other database entries, interviews with family members, search procedures, supervisory responsibilities, and post-recovery interviews

The States should also establish procedures for law enforcement agencies for taking missing child reports that include immediate acceptance of a missing child report without a waiting period, and the immediate entry of all descriptive information into the NCIC and other relevant databases.

States should require specialized training in missing and exploited child issues as part of their basic law enforcement training programs.

States should establish policies and procedures to ensure the immediate coordination of information exchange on unidentified persons with missing child information on the NCIC.

Each State should mandate that healthcare facilities establish policies and procedures to promote the protection of infants and the reduction of infant abduction.

States should implement records-flagging procedures and require that new-school enrollment records be submitted to the State missing children clearinghouse to determine whether abducted or missing children are enrolled in schools.

States should adopt comprehensive policies and procedures to address family abduction issues including modifying existing criminal custodial interference statutes to make them uniformly state the potential criminal liability of abductors who conceal or remove a child in violation of the custody rights of the other parent.

It is also important that a parent's lack of resources do not hinder the reunification of the parent and the missing child. National, State, and local bar associations should encourage members to take family abduction and disputed custody cases pro bono or on a sliding fee scale.

Policies and laws on family abduction, domestic violence, and child abuse should be coordinated so that the focus is always on the best interest of the child. Similarly, encouraging resolution of custody disputes outside of the adversarial process will reduce the likelihood that abduction will occur.

States should adopt and implement a comprehensive criminal justice system response to the problem of sex offenders.

Every State should make the possession of child pornography a felony criminal offense.

State policies and procedures in dealing with juvenile prostitution should treat the issue as a form of child sexual victimization and focus criminal justice, legal, and social service resources on treating the child victim.

States should enact a child victim's bill of rights to incorporate basic protections into State law.

Each State should provide for, or support, research-based, comprehensive, age-appropriate personal safety curricula in its elementary and secondary schools.

Parents can also help prevent child abduction and exploitation. I urge parents to be sensitive to changes in your children's behavior, be alert to a teenager or adult who is paying an unusual amount of attention to your children or giving them inappropriate or expensive gifts, teach your children to trust their own feelings, and assure them that they have the right to say no to what they sense is wrong and tell your children that no one should approach them or touch them in a way that makes them feel uncomfortable.

The problem of child abduction and exploitation transcends politics, race and socioeconomic status. To Californians, it takes the face of Polly Klaas, in Florida, it is that of Adam Walsh, and in the country's heartland it comes as Jacob Wetterling. In the Northeast, it is seen in the pictures of Sara Anne Wood and Etan Patz. In the South, it is in the photographs of Yusef Bell and the 28 other children from Atlanta who were reported missing and found murdered from 1979 to 1980. To our Nation's seniors, the image of Charles and Anne Lindbergh pleading for their kidnapped baby is forever imprinted in our memories.

We must work together to protect our Nation's children so that they can grow up to become happy, healthy and productive adults. We owe it to the families of missing and exploited children and we owe it to the children of this Nation. Thank you.

FAITH AND POLITICS

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

Mr. POSHARD. Mr. Speaker, I yield to the gentlewoman from Connecticut [Mrs. KENNELLY].

DEBT CEILING

Mrs. KENNELLY. Mr. Speaker, we keep hearing the debt ceiling and the need to extend it to prevent default. We also keep hearing about the need to balance the budget and the need to finish appropriations bills. I think all of this is very confusing to the American people.

Let's be clear. Appropriations, reconciliation and the debt are three separate issues although they are often thrown about together.

Appropriations is about keeping the Government open. The President has signed only 2 of the 13 appropriation bills despite the fact that the fiscal year started October 1. In the absence of 13 full year appropriation bills, we have been operating under a continuing resolution. This is a temporary stopgap measure designed to keep the Government open until we can complete

work on the remaining 11 full year appropriation. The continuing resolution expires on November 13. We must either complete work on the remaining appropriations or pass another continuing resolution by then in order to prevent a government shutdown. A Government shutdown means closing Government offices and national parks.

The reconciliation bill currently includes the majority's plan for balancing the budget and a permanent extension of the debt ceiling. The two are tied by tradition, rather than necessity. Balancing the budget is an important task and one Democrats and Republicans have been debating all year. We should balance budget and this member believes we will when all is said and done and both sides of the aisle sit down and negotiate. The problem is such negotiations take time. And time is something we simply don't have when it comes to the debt ceiling.

The debt ceiling is simply the limit the Treasury may borrow. Treasury Secretary Rubin has said that we are very close to that ceiling today and Treasury would exceed it sometime between November 6 and November 15 without congressional action. While it is clear that the debt ceiling will be raised in the long run, it is not clear that a reconciliation bill can be enacted before we hit the debt ceiling. The President has threatened to veto reconciliation in its current form due to policy concerns over Medicare, Medicaid and spending priorities.

It therefore makes sense for the Congress to pass a temporary debt ceiling as an interim measure to prevent default while a balanced budget agreement can be hammered out. Some have said that such a step isn't necessary because a default wouldn't cause serious problems in the economy. I strongly disagree.

Remember we have never exceeded the debt ceiling so no one really knows what will happen but we do know that exceeding the debt limit means that U.S. debt obligations come due and the United States refuses to pay. Given that U.S. Treasury securities are seen as the soundest investment in the world, this would be a very serious development. Much of the economy is based on confidence. Think about the effect on the stock market, the dollar, the bond market, not to mention the economy be if the United States even for a short time says ''no we can't pay our debt right now''.

At the very least, it would mean that the next time we go to sell bonds U.S. Treasury securities, purchasers are going to demand an interest rate higher than they otherwise would have because of the increased risk. Keep in mind that currently U.S. Treasury debt finances $4.9 trillion in debt. So even a risk premium of ten basis points—one tenth of one percent—will mean $3–$4 billion in added annual interest we must pay on all our debt for the future!

While the debt ceiling and a potential default are esoteric issues to most Americans, they do effect the lives of average families very directly. Fully 31 percent of American households have mutual funds, many of which are invested in Treasury securities or the stock market. Both credit cards and auto loans often are pegged to Treasury interest rates. And fully 9.5 million American families have adjustable rate mortgages, a majority of which are pegged to Treasury interest rates. Therefore, millions of American families would feel a direct impact of a default.

When all is all is said and done, the debt ceiling will be increased. We shouldn't hold the economy or average American families hostage to a partisan debate on a balanced budget. We should enact an extension in the debt ceiling immediately.

□ 2145

Mr. POSHARD. Mr. Speaker, I am very nervous about taking the floor tonight, because I want to talk about two topics which perhaps never should be discussed together. Those topics are faith and politics. I have listened over the past few years to the growing public cynicism of our own people toward our own government. I have listened to them, in one town meeting after another, proclaim their distrust, their lack of confidence in us, their sense that we have somehow abandoned ethical considerations in our deliberations.

Mr. Speaker, I listened very carefully this afternoon to the debate on abortion, and I was so grieved in my conscience about this issue because of the tone it has taken on as a point of division in our country. I always feel troubled in my spirit when I hear the shrill voices rising on this issue, both pro and con. The name of God was invoked today several times in the debate, and it caused me to think again about the role of my faith in the decisions that I have to make in this Congress and in this country. So I want to talk about that.

I ask your forgiveness in advance if I offend anyone here in the manner of my speaking or the words which I speak. I respect any person's faith. I am not taking the floor here to proselytize for my faith. I am not trying to advocate any religion. I have never considered myself to be a particularly religious person. I accepted both my faith and my politics when I was fairly young, I guess as most of us do. I was raised in a small, rural Baptist church. My father and mother were steeped in the beliefs and the traditions of the Democrat Party and the Christian faith. I accepted both along the way, and I have struggled with both my whole life.

It has been especially difficult to integrate the two at times, but let me talk about just a few beliefs or assumptions that I have encountered along the way in the political world that may speak at least in part to the ''why'' of the public distrust, and share with you a response from my own Christian faith that may remind us of a way to restore that confidence.

I know other faiths have similar responses that speak to these beliefs, but I can only speak out of my own faith. I remember when I first went to the Illinois State Senate, one of the leaders of my party, as the leaders of both parties do from time to time, took us in a little room during the orientation period, and I remember the gentleman saying, ''Now, here is the first and foremost thing that you need to remember. The most important thing that you can do here is to stay electable. Whatever you've got to do to remain electable, do it. The most important thing is that you get back here. And so if you have to take the floor and rail against Chicago, and show your downstate constituents that you are protecting their interests against the big, bad city, do it. You won't offend me.''

That troubled me. And sometimes when I go to meetings here, as I did then, the most important thing it seems that is shared is, what is the spin we can put on things to make sure that we stay electable?

I recall in my upbringing a story, a very important story in the scriptures, of the life of Christ. They were headed, he and his disciples, toward the cross. Just a few days before that, they stopped in the home of Mary and Martha and Lazarus. As they were sitting there discussing the events of the day, or perhaps what was to come down the road, all of a sudden there is this little slip of a girl sitting among them. Her name was Mary. And at some point in the discussion Mary took out a bottle of perfume, and the scriptures say it was worth a whole year's wages, very expensive. And she broke that bottle and she lavishly spread it upon Christ, and that evoked certain responses in the room. Judas immediately said, who represents the world in this scenario, ''Stop her. Why do you let her do that? We could have sold that and given it to the poor, and accomplished social objective.'' And the disciples, who represented the church in that scenario, said, the scripture said, ''they rebuked her severely.'' And then Martha, who represented the family there, came into the room and said to Christ, ''Get Mary up. I have lots of work to do in the kitchen. I need help. She should be in there helping me. Get her up.''

And the scripture Christ looked at Martha and said, ''Martha, Martha, you worry over so many things, but only one thing is most important, and Mary knows what this is: Just learning to love, to care about others, and being loved in return, in the way that God loves us, in an unconditional love, that is the important thing, and Mary knows that.''

And so I am reminded by that that the most important thing here is not to say electable, it is not to do whatever is necessary to make sure that we get back here. We all know who serve here what the most important thing of all really is.

I remember having heard several times a second notion peculiar to the political realm, and that notion is that once you get in this business, and once you get on the ladder, that you want to climb to the top. It said that ''everybody wants to be President,'' and so the notion is to climb as far as you can, and not to worry about the cost of that, if you have to climb over the bodies of your friends or whatever, just do it; achieve, get to the uppermost rung.

Again I am reminded of something that came out of my faith that speaks to that notion. Just a few days later Christ and his disciples are in the upper room, having the last supper together that they are going to have on this Earth. A few days before that the mother of James and John, two of the disciples, had come to Christ and said, ''When you come into your kingdom, I want you to seat one of my sons on your right and one of my sons on your left, so that they can share the power with you in this kingdom, this earthly kingdom that you are going to assume.''

The other disciples had gotten word of that, and they were irritated and seething underneath about in competition for power. It said that at this most intimate time of all, after spending 3 years together, when they should have been closer than they had ever been before, it said that they were so angry with each other that they even refused to engage in the Jewish custom of washing their feet before they came into the room. So Christ got up and took a towel and a bowl of water, and he proceeded to go around the room and wash their feet. And in doing that, he said to them, ''Look, don't be this way. If you want to be the greatest in the kingdom, you have to learn to be the least. If you want to be the ruler of all, you have to learn to be the servant of all.'' He said, ''The Pharisees seek the best seats in the synagogue so they can display their faith, and the Gentiles lord it over their people. That is not the way. Don't do that. Don't sit here in envy and pride and jealousy about wanting to be first.''

In the spiritual world, the way up is the way down. Yet, the political world tells us all the things that we have to do to climb the ladder. There is another thing that I have noted along the way in the political world. You hear it all the time. It says, ''In order to survive, you must be willing to compromise.'' We know that democracy depends upon our ability to compromise. No one gets everything they want in a democracy. That is the genius of a democracy. We are all searching for the middle ground between the extremes. That is the only way democracy can move forward. Yet, so much of the time in this business we almost treat compromise and principle as one and the same thing.

There is a wonderful little story in the Book of Kings, in the old scriptures, that reminds us of a response to this issue. The Syrians have a great warrior captain by the name of Naman. He has gone over into Israel and made a raid, and he has brought back some captives. One of those captives is a young Jewish girl that now serves in his household.

Naman is a great military leader, a great leader of his people, but he has one problem. He has leprosy, the most dreaded disease of his time. The little maidservant in his household said one day to Naman's wife, ''You know, if Naman would go over into Israel and meet with the prophet Elijah, he could heal his leprosy.''

□ 2200

The wife tells Naman, Naman tells his king, his king exchanges letters with the king from Israel, arrangements are made for Naman to go see the prohet, Elijah. He goes there and he proceeds to take a long train of wagon loads of gifts with him to give to the prohet who may heal him of this leprosy.

He comes up to Elijah's door, wanting to give him these gifts, and Elijah will not even meet with him. He says, through a messenger, to Naman, ''Naman, go down to the Jordan River and dip yourself 7 times in the river and you will be healed of the leprosy.''

Naman becomes very angry. He says, ''I am not going to humiliate myself by doing that,'' and he turned around and started to go back home, and one of his servants prevailed upon him to indeed go down to the Jordan and dip 7 times. He said, ''What do you have to lose? If he had asked some great thing out of you, would you not have done it?''

So Naman went down to the Jordan, dipped himself 7 times, and was miraculously healed of the leprosy. He comes back to the door of Elijah, and now he wants to give these gifts to Elijah, and Elijah again says, ''I will have none of them.''

So Naman says to Elijah, ''Well, Elijah, if you will not take the gifts, then just do this for me. Let me take two wagon loads of this earth back with me to my home, because I am a man under authority, and when I get back home, I know my king is going to call me to go down to the House of Reman where the false gods of Baal are, and I am going to have to accompany him there. All I want to be able to do is take a handful of dirt with me when I am compelled to go there and spread it before me so I can remember the one true God that healed me.''

Now, Elijah could have said to Naman, ''Naman, don't you dare. You have gone through a miraculous experience here. Don't you dare go back there and worship a false god of Baal.'' But he did not say that. Instead, he said to Naman, ''Naman, take the dirt and go in peace.''

Now, what is important about that to me is simply this: This is the greatest country in the history of the world in my judgment, America. This is the greatest government in the history of the world. And right here in this capital, in this city, is the seat of worldly power. Not just the seat of this Nation's government, but it is the government to which all governments of the world come to pay deference from time to time.

There are many false idols worshiped here. Position, power, wealth, all kinds of things, that it would be very easy for us to look at and feel so empowered with that we would forget who we are and think that we could compromise principle in the process of engaging in these kinds of pursuits. So we must be reminded in this midst of position and power and wealth and authority and all of the other things of who the one true God of the universe really is.

Now, today as I mentioned earlier, I sat and listened to the debate on abortion. Every time I hear that debate come up before this body, I am just torn asunder. I am a pro-life Democrat. It is just what I believe. But I want to talk about this for a moment along another line.

I have a little niece by the name of Rita, and she married a young man named David some years ago, and they are two kids that really loved each other. They were in their early 20's. They cared so much for each other, they wanted to build a life of their own. They got married and they had a child, and that little child, Jonathan, was born with Cystic Fibrosis. The doctor told them that Jonathan may never come home from the hospital. He did, but only a couple of times in the short 7 months that he lived.

The hospital bills were huge. For all the time that Jonathan was in the hospital, my niece and her husband were heartbroken over this experience, they were grieved to know that one of them was a carrier of the Cystic Fibrosis gene. They were warned by the doctors not to try to have another child.

I remember the day that my niece called me and she said, ''Uncle Glenn, the doctor tells us that Jonathan is probably not going to live through the day. Could you come over the hospital and be with us?'' I remember getting in my care and starting the drive some 50 miles away to the hospital where they were and saying to myself as I was driving along, dear God, how could you let this happen? How could you let this child which they so wanted, they so loved, how could you let these two kids who loved each other to much, how could you let this take place? How could this little baby be dying? I was really grieved in my spirit and in my conscience struggling with this.

Not in an audible voice, but in my own spirit it suddenly came to me. This came to me. It was like God saying, but you do not understand. I created Jonathan because I needed him. I am love, unconditional love, all forgiving love, and the nature of unconditional love is that it must have an object upon which to lavish itself. That is the nature of love.

You see, God being unconditional love, needed Jonathan in order that He

may love more, in order that He may love him. Jonathan was created as the object of this great love. Jonathan did not have to deserve God's love. He did not have to be worthy of God's love. He was the beloved, just by virtue of being created by God. The length of his life was utterly unimportant, whether it was 7 weeks or 7 months in the womb or 7 years or 70 years after birth, he was the beloved.

There are so many voices in our world today telling us that in order to be loved, in order to count for something, in order to be worthy, we have to be the right way. We have to make a certain salary or live in a certain community or associate with the right people or drive a certain car, wear certain clothes, attend a certain church. If we will just do all of these things, somehow we will be worthy, we will be deserving of love and appreciation. As Henry Nowan, a Christian writer says, we drown out that voice that calls us the beloved, just because we are created by God as the object of His love.

That is why those of us who are pro-life see this as a matter of principle, not just as an issue that can be compromised. We really do see this issue of abortion as a matter of life and death, as a matter of taking away a life that God has allowed to be created as the object of His love. But if we really believe that, then we must also believe that the lives of those caught up in the terrible circumstances of considering an abortion and all of the trauma that goes along with that, we must also believe that we have no right to further traumatize that person by self-righteous condemnation of their character. Only God must judge. If our faith teaches us anything, it is that we must have compassion and mercy, not judgment.

I do not expect to ever get to a time when I stop struggling with either my faith or my politics. Christ said, as Christians, we are to be in the world, but not of the world. Some days I think that I understand that distinction very clearly and other days, I am not so sure.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BISHOP (at the request of Mr. GEPHARDT) for Monday, October 30, on account of official business in the district.

Ms. HARMAN (at the request of Mr. GEPHARDT) for today after 3 p.m. for the balance of the day, on account of a family obligation.

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. BONIOR, for 5 minutes, today.
Mrs. KENNELLY, for 5 minutes, today.
Ms. DELAURO, for 5 minutes, today.
Mr. GIBBONS, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. DURBIN, for 5 minutes, today.
Mr. MILLER, for 5 minutes, today.
Mrs. SCHROEDER, for 5 minutes, today.
Mrs. COLLINS of Illinois, for 5 minutes, today.
Mr. WISE, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. SCARBOROUGH) to revise and extend their remarks and include extraneous material:)

Mr. LONGLEY, for 5 minutes, on November 2.
Mr. MCINTOSH, for 5 minutes, on November 2.
Mr. SHADEGG, for 5 minutes, today.
Mr. DORNAN, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, today.
Mr. HORN, for 5 minutes, today.
Mr. KIM, for 5 minutes, today.
Mr. EHRLICH, for 5 minutes, today.
Mr. GEKAS, for 5 minutes, today.
Mr. CLINGER, for 5 minutes, today.
Mr. HAYWORTH, for 5 minutes, on November 2.
Mr. SCARBOROUGH, for 5 minutes, today.
Mr. SHAYS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mrs. MALONEY.
Ms. ROYBAL-ALLARD.
Mr. HAMILTON in two instances
Mr. CARDIN.
Mr. LIPINSKI in two instances.
Mr. TORRES.
Mr. TOWNS in five instances.
Mr. COLEMAN.
Mr. LEVIN.

(The following Members (at the request of Mr. SCARBOROUGH) and to include extraneous matter:)

Mr. SOLOMON in two instances.
Ms. MOLINARI in two instances.
Mr. COMBEST.
Mr. FRANKS of New Jersey.
Mr. PACKARD.
Mr. LINDER.
Mr. SMITH of New Jersey.
Mr. COOLEY.
Mr. HANSEN.
Mr. QUINN.
Mr. GILMAN.
Mr. PORTER.
Mr. MARTINI.

(The following Members (at the request of (Mr. POSHARD) and to include extraneous matter:)

Mr. CUNNINGHAM.
Mr. PETERSON of Florida.
Mr. JACOBS.
Mr. GILLMOR in two instances.
Mr. PASTOR in two instances.
Mr. FRANKS of New Jersey.
Mr. RAHALL.
Mr. CLEMENT.
Mr. DICKS.
Mr. LUTHER.
Mr. POMEROY.
Mr. HANSEN.
Mr. GILMAN.
Mr. MARTINI.
Ms. JACKSON-LEE.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 187. An act to provide for the safety of journeymen boxers, and for other purposes; to the Committee on Economic and Educational Opportunities and the Committee on Commerce.

ADJOURNMENT

Mr. POSHARD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, November 2, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1582. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act by the Sacramento District, U.S. Army Corps of Engineers, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1583. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by Public Law 104–37, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–578); to the Committee on Government Reform and Oversight.

1584. A letter from the Director, Office of Management and Budget, transmitting the Director's views regarding the ''Department of Commerce Dismantling Act''; to the Committee on Government Reform and Oversight.

1585. A letter from the Chairman, U.S. International Trade Commission, transmitting a copy of the 83d quarterly report on trade between the United States and China, the successor states to the former Soviet Union and other title IV countries during April-July 1995, pursuant to 19 U.S.C. 2440; to the Committee on Ways and Means.

1586. A letter from the Secretary of Health and Human Services, transmitting the Secretary's views regarding H.R. 4, the ''Personal Responsibility Act''; jointly, to the Committees on Ways and Means, Banking and Financial Services, Economic and Educational Opportunities, the Budget, Rules, Commerce, the Judiciary, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 2149. A bill to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes (Rept. 104–303). Referred to the Committee of the Whole House on the State of the Union.

Ms. PRYCE: Committee on Rules. House Resolution 253. Resolution waiving points of order against the further conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–304). Referred to the House Calendar.

SUBSEQUENT ACTION ON REPORTED BILL SEQUENTIALLY REFERRED

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1816. Referral to the Committee on Commerce extended for a period ending not later than November 2, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONDIT (for himself and Mr. MATSUI):

H.R. 2567. A bill to amend the Federal Water Pollution Control Act relating to standards for constructed water conveyances; to the Committee on Transportation and Infrastructure.

By Mr. COOLEY (for himself, Mrs. CHENOWETH, and Mr. NETHERCUTT):

H.R. 2568. A bill to require adopting of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes; to the Committee on Resources.

By Mr. HASTINGS of Washington:

H.R. 2569. A bill to require the Secretary of Energy to immediately begin returning the Fast Flux Test Facility to operational status, identify which missions will be given the highest priority, and prepare the facility to carry out those missions; to the Committee on Science, and in addition to the Committees on Commerce, and National Security, 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.

By Mr. CUNNINGHAM (for himself, Mr. GOODLING, Mr. GUNDERSON, Mr. CASTLE, Mr. SAM JOHNSON, Mr. GREENWOOD, Mr. RIGGS, Mr. WELDON of Florida, Mr. SOUDER, Mr. MCINTOSH, Mr. BALLENGER, and Mr. GRAHAM):

H.R. 2570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. PETERSON of Florida (for himself, Mrs. MEEK of Florida, Mr. DELLUMS, Mr. JOHNSTON of Florida, and Mr. JEFFERSON):

H.R. 2571. A bill to establish a program to provide Federal payment to States for the operation of programs for long-term care services for needy individuals with disabilities, to amend the Internal Revenue Code of 1986 to revise the tax treatment of expenses for long-term care insurance and services, to reform standards for the long-term care insurance market, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and Economic and Educational Opportunities, 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.

By Mr. RAHALL (for himself, Mr. BOUCHER, Miss COLLINS of Michigan, Mr. EVANS, Mr. FILNER, Mr. KLINK, Ms. LOFGREN, Ms. NORTON, and Mr. STUPAK):

H.R. 2572. A bill to reinstate the emergency unemployment compensation program; to the Committee on Ways and Means, and in addition to the Committees on Transportation and Infrastructure, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions of fall within the jurisdiction of the committee concerned.

By Mr. REGULA:

H.R. 2573. A bill to amend the Federal Election Campaign Act of 1971 to eliminate PAC contributions to individual House of Representatives candidates, to provide a tax credit and tax deduction for contributions to such candidates, to provide for voluntary expenditure limitations in House of Representatives elections, and for other purposes; to the Committee on House Oversight, and in addition to the Committees on Ways and Means, and Commerce, 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.

By Mr. WYNN:

H.R. 2574. A bill to amend the provisions of title 5, United States Code, that provide for a 2-percent reduction in retirement benefits for each year that the employee is under age 55 at the time of retiring; to the Committee on Government Reform and Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 206: Mr. BARCIA of Michigan and Mr. LAUGHLIN.

H.R. 262: Mr. HORN.

H.R. 266: Mr. GENE GREEN of Texas.

H.R. 325: Mr. LOBIONDO.

H.R. 528: Mr. CANADY, Mr. GALLEGLY, Mr. CLYBURN, Mr. EMERSON, and Mr. MINGE.

H.R. 573: Mr. DEFAZIO.

H.R. 822: Mr. BARTON of Texas, Mr. PETE GEREN of Texas, and Mr. HASTERT.

H.R. 852: Mrs. SCHROEDER and Mr. COSTELLO.

H.R. 1024: Mr. FRANKS of New Jersey.

H.R. 1127: Mr. BLUTE and Mrs. LINCOLN.

H.R. 1202: Mr. BALLENGER, Mr. PETRI, Mr. FOGLIETTA, and Mr. CASTLE.

H.R. 1309: Mrs. SMITH of Washington, Mr. PASTOR, Miss COLLINS of Michigan, Ms. PELOSI, and Mr. YATES.

H.R. 1406: Mr. BROWDER and Mr. HOKE.

H.R. 1416: Mr. ABERCROMBIE, Mr. DEFAZIO, Mr. LEWIS of Georgia, and Mr. WYDEN.

H.R. 1484: Mr. DIAZ-BALART and Mr. DURBIN.

H.R. 1488: Mr. HAYWORTH and Mr. CLINGER.

H.R. 1540: Mr. SPENCE and Mr. MINGE.

H.R. 1687: Mr. HALL of Ohio, Mr. UPTON, Mr. MCHALE, Mr. SANFORD, and Mr. CASTLE.

H.R. 1856: Mr. HYDE, Mr. WICKER, Mr. DOOLEY, and Mr. GUNDERSON.

H.R. 1920: Mr. TORKILDSEN and Mr. BISHOP.

H.R. 2029: Mr. SPRATT.

H.R. 2039: Mrs. KENNELLY, Mr. CRAPO, Mr. FOX, Mr. RADANOVICH, Mr. BARTLETT of Maryland, Mrs. CHENOWETH, Ms. DANNER, and Mr. BARRETT of Wisconsin.

H.R. 2098: Mr. BLUTE, Mr. FOX, and Mr. HASTERT.

H.R. 2101: Ms. PELOSI, Mr. BROWN of California, Mr. FARR, Ms. NORTON, Mr. BERMAN, Mr. FOGLIETTA, Mr. WYDEN, Mr. KENNEDY of Massachusetts, Mr. LIPINSKI, Mr. BARRETT of Wisconsin, and Mr. TORRICELLI.

H.R. 2200: Mr. LINDER, Mr. BONO, Mr. QUINN, Mr. THOMAS, Mr. KLUG, Mr. CALLAHAN, Mr. BROWDER, and Mr. FAWELL.

H.R. 2276: Mr. BLUTE.

H.R. 2286: Mrs. SEASTRAND, Mr. COMBEST, Mr. CALVERT, Mr. RIGGS, and Mr. HASTINGS of Washington.

H.R. 2309: Mr. ROHRABACHER and Mr. CALVERT.

H.R. 2422: Mr. JEFFERSON.

H.R. 2434: Miss COLLINS of Michigan, Mr. FIELDS of Texas, Mr. CRAPO, and Mr. PAYNE of Virginia.

H.R. 2507: Mr. BARR and Mr. SOLOMON.

H.R. 2508: Mr. FUNDERBURK, Mr. FRAZER, Mr. HINCHEY, Mr. BARTON of Texas, and Mr. DEUTSCH.

H.R. 2519: Mr. BARTON of Texas, Mr. BENTSEN, and Mr. LEWIS of Georgia.

H.R. 2525: Mr. HUTCHINSON.

H.R. 2529: Mr. TRAFICANT, Mrs. MEEK of Florida, Mr. MCDERMOTT, Mr. FRAZER, Mr. FILNER, and Miss COLLINS of Michigan.

H.R. 2531: Mr. HASTERT.

H.R. 2550: Mr. CANADY, Mr. SKEEN, Mr. SCHAEFER, Mr. MICA, Mr. BARR, and Mr. TRAFICANT.

H. Con. Res. 26: Mr. OBERSTAR, Mr. LEVIN, Mr. GENE GREEN of Texas, Mr. HORN, and Mr. PETE GEREN of Texas.

H. Con. Res. 51: Mr. SOLOMON, Mr. FRANKS of New Jersey, and Mrs. LOWEY.

H. Con. Res. 63: Mr. GILMAN.

H. Con. Res. 73: Mr. FOLEY.