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House of Representatives

The House met at 11 a.m.

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

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.

With these stirring words of Isaac Watts we recall Your providence, O God, to us and to all people. Your abiding word has led us in days of old to acknowledge Your acts of creation and Your blessings to us as a nation. And as we anticipate the days ahead, Your gifts of justice and mercy give us hope and give us encouragement. For these and all Your gifts, O God, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

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

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

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

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

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

Mr. CHABOT. 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. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. WELDON] come forward and lead the House in the Pledge of Allegiance.

Mr. WELDON of Florida 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.

APPOINTMENT AS MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP FOR 2D SESSION OF 104TH CONGRESS

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276h, the Chair appoints the following Members of the House to the Mexico-United States interparliamentary group for the 2d session of the 104th Congress: Mr. KOLBE, Arizona, Chairman; Mr. BALLENGER, North Carolina, Vice Chairman; Mr. GILMAN, New York; Mr. DREIER, California; Mr. GALLEGLY, California; Mr. MANZULLO, Illinois; Mr. BILBRAY, California; Mr. DE LA GARZA, Texas; Mr. RANGEL, New York; Mr. MILLER, California; Mr. GEJDENSON, Connecticut; and Mr. FILNER, California.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

WHATEVER HAPPENED TO THAT TAX CUT FOR AMERICAN FAMILIES?

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

Mr. CHABOT. Mr. Speaker, when I go back to Cincinnati every weekend, I get a chance to talk to a lot of working folks. It's amazing how many of them ask me this question: ''Whatever happened to that middle-class tax cut my family was supposed to get this year? Didn't President Clinton promise us some relief?''

In fact, during his campaign, Mr. Clinton did indeed promise tax relief. Let me quote from his book, ''Putting People First'': ''Middle-class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate.''

So, whatever happened to that middle-class tax break? Well, somehow, our President forgot all about it, and instead, gave the American people something else; the largest tax increase in peacetime history including a hike in gasoline taxes. The only choice we got was between higher gas prices and not driving at all. Then, when the new Republican Congress did enact a $500 per child tax credit for working families, President Clinton killed it with his veto pen, calling it a tax cut for the rich. Mr. President, let's work together to give the American people tax relief.

TIME FOR A RAISE

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute.)

Ms. ROYBAL-ALLARD. Mr. Speaker, America's workers need a raise.

It has been almost 7 years since Congress raised the minimum wage.

Nearly all the benefits of that bipartisan effort have been eroded by inflation, reducing the value of the minimum wage to its lowest level since the early 60's.

Those who will benefit from a minimum wage increase are the 7 million working adults earning less than the President's proposed wage increase of $5.15 an hour, and the 40 percent of minimum wage workers who are the sole breadwinners of their family.

The additional $1,800 a year these workers will earn can pay for several

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months of groceries, health care services, household utilities, or go toward their children's education at a local community college.

Now is the time not for promises but for action.

If this Congress wants to encourage work we must reward working families by increasing the minimum wage and giving them hope for a better future.

It is time to give America's workers a raise.

SUPPORT THE INTERNATIONAL SPACE STATION

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

Mr. WELDON of Florida. Mr. Speaker, the House will be considering the authorization bill for NASA next week, which includes funding for the international space station.

You will hear arguments from opponents of the space station. If their rhetoric sounds familiar, it should. They are the same arguments used last year, and the year before that, and the year before that. In fact, they are the same arguments used by opponents of any visionary project throughout history.

Space station opponents are trying to sink our country's investment in the future.

Opponents do not want you to hear that the space station is on schedule and on budget, or that nearly 90,000 pounds of hardware have been built by the United States and our international partners.

Opponents of the space station want you to cut it because they claim we cannot afford it.

I tell you now that we can't afford not to build the space station. We cannot turn our backs now on the men and women who have worked to make the space station and its promising future a reality.

I urge everyone to support the international space station—a vote for the space station is a vote for our children's future.

WHAT GOP REALLY STANDS FOR

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

Mr. GUTIERREZ. Mr. Speaker, I drove by the gas station today. Premium was up. Unleaded was up. But the minimum wage—the salary earned by a lot of people who buy the gas and pump the gas—was stuck right where it had been.

Gas prices might be at their highest point in years, but the buying power of the minimum wage is soon to be at its lowest point in 40 years. Our lowest paid employees are getting gouged everywhere—at the gas station, at the grocery store. But, instead of giving minimum wage employees a break, the Republicans tell them to wait.

Yes, two bucks a gallon is a lot to pay—especially when you are only making four and a quarter an hour.

But, of course, the Republicans are careful not to cut into the profit margin of the oil companies. After all—that is the Republicans' profit margin, too. In the past few years, oil and gas companies have pumped millions of dollars into Republican campaign coffers. Now I finally realize what GOP stands for—gas, oil, and petroleum.

America's gas tanks are running on empty, but the Republican Party is out of gas.

REPEAL THE GAS TAX

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

Mr. KINGSTON. Mr. Speaker, that last 1-minute was almost ridiculous. Why is your gas going up? Well, yes, it has to do with market, and perhaps there is a little too much coziness between the big oil companies, who have always been putting generous donations into Democratic campaign coffers. But one thing we must never forget is that gas, every single gallon, is 4.3 cents higher because Bill Clinton resides in the White House, and under a Democrat majority Congress they increased your gas prices 4.3 cents per gallon and Americans have been paying that for 2½ years.

I ask my Democrat colleagues who are so concerned about America's working class to join me in asking the President to repeal his excessive 4.3-cents-per-gallon gas tax and let us give Americans a little help this summer.

LET THE CHIPS FALL

(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, the Department of Agriculture spends $200 million a year on the Environmental Quality Incentives Program known as EQUIP. Now the focus of the purpose of EQUIP is manure. That is right, manure. And after years of studies and reports and after hundreds and hundreds of millions of dollars, the Department of Agriculture has come to several conclusions.

No. 1, big farm animals produce more manure than small farm animals. And, No. 2, manure stinks. Beam me up. Mr. Speaker—$200 million to determine that manure stinks.

I think these environmentalists over at the Department of Agriculture have been smelling too many methane fumes. Why not just let the chips fall where they may, stockpile a little of it, and tell these monarchs and dictators overseas if they keep jacking around with oil prices, we are going to turn Elsie loose.

I yield back the balance of this methane.

WELFARE INVITES COMPARISONS TO SLAVERY

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

Mr. FRANKS of Connecticut. Mr. Speaker, in slavery people worked but were not paid. In our current welfare system people do not work but they are paid. Neither system can be condoned. It took a Republican President, Abraham Lincoln, to end slavery and it appears as though it will take a Republican President to end welfare as we know it.

When President Clinton had a Democrat-controlled Congress, there was no welfare bill to vote on. Now that the Republicans control Congress, President Clinton has repeatedly vetoed welfare reform.

But unlike then-Governor Clinton's 12-year failure to do what 48 other States did easily, pass a State civil rights bill, we should not wait on welfare reform. We should not continue to have a system that has been like a 20th century version of slavery. Welfare and slavery have both provided the basic necessities while leaving their victims filled with despair.

CALL FOR IMPOSITION OF WINDFALL PROFITS

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

Mr. MARKEY. Mr. Speaker, the Republicans want to repeal the 4.3-cent gasoline tax. Let us debate that. But there is no guarantee that the oil companies are going to lower prices by 4.3 cents, so the consumer would just ride over to the gasoline station, pay the extra 4.3 cents that the oil companies had in lower prices and they wind up with no extra money in their pocket. The only way in which we can be sure that the consumer gets a break is if we impose a windfall profits tax on oil companies.

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In that way, the consumer, as taxpayer, will get that 4 cents back into their pocket.

In addition, down in Texas, Koch and Citgo and Coastal have closed down 300,000 barrels of oil refinery gasoline per day as of last Friday. Up in New Jersey, there is another 190,000 barrels that Tosco is not producing.

We need the President to move in, to use his Executive power, to jawbone these energy executives, so that the 500,000 barrels of idle gasoline refining capacity is put back on line by this weekend, so that we flood the marketplace with gasoline. That drops the price of oil in the global and American marketplace.

TAX INCREASES NOT A SOLUTION

(Mr. HAYWORTH asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Well, Mr. Speaker, there they go again.

Mr. Speaker, it is indeed a tragedy when our liberal friends on the other side again, despite an excess of rhetoric, use as their main bone of contention that the way to solve problems is to impose a new tax. And you heard my good friend from Massachusetts, even as he called, properly I believe, for the expansion of the use of our fossil fuels, although certain friends over there will try to have it both ways, in the heat now of seeing a problem, the key to what he talked about was a tax increase.

Mr. Speaker, the way we solve these problems should be based on this acknowledgment: The American people work hard for the money they earn, and all Americans should hang onto more of that hard-earned money and send less of it to Washington.

So no to all tax increases, roll back the Clinton gas tax, and let that be not an end to itself, but the start of the rollback of the assault of Washington on the pocketbooks of Mr. and Mrs. America.

THE DRAMATIC PRICE INCREASE IN GAS PRICES

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

Mr. SCHUMER. Mr. Speaker, there is one big question in relation to the gas tax, and that is if we are going to repeal the 4.3 cent gasoline tax, how much of the reduction, if any, will the consumer see?

If the market is not working, then consumers will not see much of it at all, and there are indications that the free market in the area of big oil is not working.

Today I will be sending a letter to the Justice Department seeking answers to three questions: First, why did the prices spike so quickly, when we all knew there was cold winter months ago and when this idea that Iraq would dump oil has been known for several months as well? That does not explain a 1-week dramatic rise.

Second, if there is a true free market, why did not a couple of the companies, at least one of the big ones, decide to keep the price low and compete on price and increase their market share? That is what Adam Smith would tell us they would do.

Third, most vexing of all, when the price of crude goes up, the price of gasoline goes up immediately. But when the price of crude on the wholesale market goes down, the price of gasoline hardly goes down at all, and if it does, it is slow and grudging.

Until we answer these questions, Mr. Speaker, we are not going to know if the consumers would benefit. And if we can answer these questions, drivers will save hundreds of dollars at the pump, not just the 4.3 cents of the gas tax.

REPEAL GAS TAX OF 1993

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

Mr. KIM. Mr. Speaker, here we go again, attacking the free market. I guess we need a bigger government to control more and more.

Mr. Speaker, I represent a portion of southern California where people are paying almost $2 a gallon for gasoline. That is right, $2. That is ridiculous.

The people are angry. The people are even angrier when they find out that Congress slapped a tax on gasoline to pay for numerous social programs. That is right, Congress increased the gasoline tax in 1993 to pay for numerous additional social programs.

In the past, the gas tax worked fine because all of the moneys went to fixing highways and potholes. What happens today? Only a fraction of the gas tax money is spent on highways and bridges. That is the problem.

My position is simple. If we are not going to fix the highways, then we should not collect this gas tax money.

Let me tell you how we are going to lower the cost of gasoline. It is simple. Let us repeal the Clinton gas tax increase of 1993.

CONGRESS SHOULD BRING MINIMUM WAGE INCREASE TO A VOTE

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

Mr. ENGEL. Mr. Speaker, the 104th Congress has been on now for a little over a year and let us look at the extreme Republican agenda.

They have spent the whole year trying to cut Medicare and Medicaid, to pay for a tax break for the rich. The Democrats and the President has stopped it. They want to give us the largest education cuts in the history of the United States. Can you imagine that? And they want to gut the environment and make air dirtier and water dirtier.

Now they lecture us about family values, but they do not want to increase the the minimum wage. We cannot even get a vote on the floor of this House to say whether or not we want to increase the minimum wage by a lousy 90 cents an hour, up or down. Give us a vote. The American people want an increase in the minimum wage. Do not tell us you are for family values, Republicans. You do not give a darn about the American family. You will not even allow us to have a vote to raise the minimum wage 90 cents. When 84 percent of all Americans, 84 percent, say they want an increase in the minimum wage, including 71 percent of Republicans, the House leadership here will not even give us a vote.

The minimum wage ought to be raised 90 cents; 90 cents is all we are asking. Give us a vote.

AMERICAN PEOPLE WILL SEE THROUGH DISINFORMATION CAMPAIGN

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

Mr. HOKE. Mr. Speaker, once again we hear what is the pithy disinformation campaign that is the basis of the Democrats' political hope in the future. What they are betting is they are betting that the American people will not see through this disinformation campaign and they are betting that in fact they will be confused and deceived and disinformed by it.

I and those who believe in the future of America are convinced that in fact the American people will see through it, and I am betting the American people will know what the truth is.

Just to be specific, a $700 billion increase in Medicare can hardly be called a cut. A 50-percent increase in student loan funding can hardly be called a cut.

Mr. Speaker, I want to bring to your attention something in the Washington Times this morning in an editorial that I thought was very interesting. It had to do with a poll conducted regarding the AFL–CIO's decision to spend $35 million in dues supporting Democratic candidates to defeat Republicans. We find out that 62 percent of the union members oppose the political use of their dues in that way. I thought that should be brought to your attention.

PERFECTING THE CASH-AND-CARRY GOVERNMENT

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute.)

Ms. MCKINNEY. Mr. Speaker, last week, the Senate voted unanimously in favor of a health care reform bill that did not include costly medical savings accounts. In fact, the other body voted explicitly on April 18 to keep medical savings accounts out of the bill.

Now the presumptive Republican nominee for President wants to appoint to the conference committee Senators whose sole purpose will be to force MSA's into the bill when no one is looking. You can tell a lot about a man the way they act when they think no one is watching.

I guess we're supposed to ignore the fact that the Golden Rule Insurance Co. has given $1.4 million in campaign contributions to Republicans. And that Golden Rule also happens to be the premier company peddling MSA's. Regardless of how the Senate voted, Golden Rule will get its way through the back door.

Mr. Speaker, this buyout is just one more fine example of how the GOP has perfected the art of cash-and-carry Government.

ALLOWING CHOICE IN HEALTH CARE

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

Mr. EWING. Mr. Speaker, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, as we take a look at what has been said in the preceding speech, I think it is the proper question to ask, or the proper contention to make, are——

PARLIAMENTARY INQUIRY

Mr. GENE GREEN of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GENE GREEN of Texas. Mr. Speaker, is it permissible to yield in 1-minutes?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Illinois [Mr. EWING] controls the time. The Chair is informed by the Parliamentarian he may yield to the gentleman from Arizona [Mr. HAYWORTH] while remaining on his feet.

Mr. GENE GREEN of Texas. Just so we all understand the rules.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I would simply make this point: The American people are watching, not for partisan squabbling, but asking this question: What works? And the notion that medical savings accounts, where people control their own destiny, where people are able to visit the doctors they want to see and seek the treatment they feel is best, is at the very heart of our American system. And to suggest that it is some sort of cheap political ploy is once again to at least ignore the facts or to engage in deliberate disinformation and distortion to cloud the picture and to again try to confuse the American public, instead of allowing the American public what they deserve, and that is choice health care.

PARLIAMENTARY INQUIRY

Ms. MCKINNEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. MCKINNEY. Mr. Speaker, is it not correct that $1.4 million was given to the Republican candidates by the Golden Rule Insurance Co. and now the Republicans are trying to put——

Mr. HAYWORTH. Mr. Speaker, objection. That is not a parliamentary inquiry. She is making a political speech.

The SPEAKER pro tempore. The Chair would inform the gentlewoman that that is not a parliamentary inquiry.

WELFARE PAYING MORE THAN MINIMUM WAGE

(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, last week the Houston Chronicle ran a story about how welfare pays more than the minimum wage. We hear a lot of rhetoric about moving people off welfare and into work, but the Republican leadership refuses a simple up or down vote on providing a liberal wage.

Using the current minimum wage, workers putting in their 40 hours a week for 52 weeks would earn just over $8,800. A working family supported by a minimum wage earner is below the national poverty level and is eligible to collect welfare benefits.

A minimum wage increase will give my constituents and other working Americans the ability to move off the welfare rolls, but Republicans continue to oppose a minimum wage increase. Instead of bringing this issue to a vote, they have proposed yet another Government subsidy for businesses. This measure is nothing more than a huge entitlement and more public assistance, more welfare, when what we need is a job that pays enough to put food on the table.

The Washington Post said today that the Senate majority leader wants to cut the gas tax and raise the minimum wage. Let us do it. I think that is a good bill.

Let us do it, Mr. Speaker. Democrats want working families to work their way off welfare. It is time for the Republicans to do the same. Support a minimum wage increase.

REPEAL 1993 GAS TAX

(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, we keep hearing all this handwringing from the other side about gas prices. But what you won't hear from the liberal Democrats on the other side is how they raised the gas tax in 1993.

Not one single Republican in this body supported that Democrat-sponsored tax increase. Thanks to President Clinton and his liberal allies, the American people now pay $4.8 billion a year more for gas. That's on top of the ever-increasing prices that they pay today.

If Democrats are really concerned about the plight of the average motorist, then they should support the repeal of their 1993 increase on the gas tax. That may not cure everything, but it's a very good start.

Earlier this year, Bill Clinton and the Democrats had the opportunity to cut taxes for the Americans. But they were committed to protecting Washington spending.

I believe they should be given another opportunity to reduce the tax burden on the American people. Let's repeal the 1993 Clinton gas tax.

DROP IDEA OF MEDICAL SAVINGS ACCOUNTS

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

Mrs. CLAYTON. Mr. Speaker, our colleagues on the right continue to press for inclusion of the medical savings account proposal in the health insurance bill currently pending in Congress.

Once again, they want to burden average, working Americans to benefit the wealthy and influential.

According to the Urban Institute, if the medical savings account proposal is a part of the health insurance bill, premiums for a standard policy could skyrocket by as much as 60 percent.

If the Republicans have their way, employers win big and employees lose; high income individuals win big and those earning less than $30,000 a year lose; influential insurance companies win big and average citizens lose.

In addition, according to the Urban Institute, workers may be forced into a single insurance, losing their right to choose.

Mr. Speaker, we have shaped a bipartisan health insurance plan where no citizen loses and all citizens win.

I urge my colleagues on the right to drop this idea of MSA's—an idea which cases many to lose, and support the proposal where all Americans win.

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RISING OIL PRICES AND OIL EXPORTS

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

Mr. METCALF. Mr. Speaker, the President of the United States yesterday released oil from the Strategic Petroleum Reserve in an effort to counter inflating gas prices. But last Friday President Clinton lifted the ban on exporting oil from Alaska. At a time when gas prices are soaring, he chose to sell United States gasoline to Asian nations instead of to American citizens.

The ban on exporting oil from Alaska was part of an agreement that allowed the building of the pipeline that supplies the United States. As we face soaring oil prices at home, we are preparing to reduce domestic supplies of oil by shipping it overseas.

Mr. Speaker, the President's decisions contradict each other. He is opening the Strategic Petroleum Reserves to lower the price of oil at the same time he prepares to expand shipments of American oil to foreign consumers. He is making the problem worse than it needs to be. The American public is paying the bill.

Mr. Speaker, I would say to the President, ''Mr. President, will you please try to be consistent?''

PUT FAMILIES FIRST RATHER THAN SPECIAL INTERESTS

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

Ms. DELAURO Mr. Speaker, House Republicans continue to work overtime on behalf of the special interests rather than the hard-working families who need our help.

Look at health care reform. House Republicans are insisting on a bad idea rejected by the Senate: Tax shelters to help the rich pay their medical bills. Giving tax breaks to the healthy and the wealthy could doom the type of health reform that working families need.

These health care tax breaks hurt working families. They will expose millions of families to increased health care costs. Estimates say that health care premiums will rise as much as 60 percent.

Once again, I urge the House Republican leadership to reject these tax breaks for the wealthy. Simply adopt the Senate bill which President Clinton has said he will sign and which puts families first, rather than special interests. That is what we need, health care relief for working families in this Nation.

MEDICAL SAVINGS ACCOUNTS A GOOD IDEA

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

Mr. MCCOLLUM. Mr. Speaker, I must respond to the gentlewoman's comments about the medical savings accounts. I happen to think they are a terrific idea for families in America. They are the one way in the future, with all of the costs we have associated with health care, that a moderate income family in the United States can save money. If we adopt it, they will be able to still choose their own doctor and not be forced into an HMO or another organized plan.

I have very, very strong convictions about that. I think this is the most innovative and creative thing to help health care in the United States that is under consideration today at all. I really feel that that is a very important thing.

I want to consider one other point during this 1-minute, though. When we are talking about these gas prices going up right now, I am told by those involved that one of the primary reasons that the gas prices in this country are going up is because there is uncertainty about whether the U.N. sanctions against Iraq will be lifted or not. We should be opposed to that.

This administration, the Clinton administration, should make it unequivocally clear that we will veto in the United Nations any effort to lift the oil embargo and allow people to purchase Iraqi oil. I think once that is done, stability will return to the oil prices in the world market and we will see the gas prices go back to their normal way again.

This President needs to make that statement now. He has not made it.

IMPROPER USE OF COMMITTEE STAFF

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

Mr. WARD. Mr. Speaker, today I want to alert the House to a call I have made, along with eight of my fellow freshmen Democrats this morning, to ask the Speaker, we have asked Speaker GINGRICH to rescind and repudiate a request that was made in the name of the office of the House majority leader to all the subcommittees in this House. That request was a partisan effort to use House staff improperly.

The request, very simply, was sent to all House committee staffs asking them to look for specific material that could be used to attack organized labor or the Clinton administration. In an unprecedented institutionalized effort to use House staff to do the bidding of the leader's office, the Republican leadership has shown again that they are not about putting the House in order, they are not about using the House for what it is intended, the furtherance of the people's business. It was, in fact, waste, fraud, and abuse on the highest level.

RAISING MINIMUM WAGE WILL DESTROY SMALL BUSINESS

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

Mr. WALKER. Mr. Speaker, I have been very interested over the last several days to listen to Members of the Democratic Party telling us how committed they are to raising the minimum wage, and it is very interesting because one would wonder why, when the President of the United States himself has said this is a bad idea, and when Members of his administration have said this is a terrible way to treat poor people, why the Democrats in the House of Representatives are so insistent upon it.

Now we find out why. It is because they are doing the bidding of the union bosses who are making absolutely certain that they get this kind of debate going, because the union bosses have contract negotiations coming up this fall, and they would like to see the Federal Government raise wages by 20 percent so that they can use that as the base of what they do in their negotiations.

And guess what? Every American will suffer as a result of that because that will set off an inflationary spiral that will be a tax on every American family, but particularly low income families. If my colleagues think that kind of callous disregard of the American family is a good idea, then listen intently to the Democrats, who claim they want to raise the minimum wage.

The fact is in raising the minimum wage what they are doing is undermining small business in the country, and they are undermining the basic income of the American family. It is a shame and they should be called for what they are doing.

MINIMUM WAGE INCREASE MORE IMPORTANT THAN REPEALING GAS TAX OF 1993

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

Mr. VOLKMER. Mr. Speaker, I stand here today requesting the Republican leadership, NEWT GINGRICH, to schedule the minimum wage bill for the House to vote on. I am not here on behalf of any union, I am here on behalf of a lot of people in my district and all over this Nation that work every day at $4.25 an hour. What do I ask for them? I ask we raise that minimum wage in a 2-year cycle for 90 cents. That means $1,800 a year more for those people.

Now, their answer, the Republicans' answer, is no, we are going to cut the gas tax 4.5 cents. We will repeal the part of the gas tax that was in the 1993 deficit reduction package. Well, how much will that give to my people? To most of my people that is $45 year. They want to give $45 a year to help my people get through the hard times, buy a pair of shoes for the kids.

I say let us give them the minimum wage. Let us give them really something that will benefit them. $1,800 a year is a lot better than $45 a year.

ASSAULT ON WORKING FAMILIES AND GAS TAX CUT ARE SEPARATE ISSUES

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

Mr. HILLIARD. Mr. Speaker, every American has the right to a livable wage. The Republicans have offered what they say is an alternative to increasing the minimum wage. They want to talk about cutting the gas tax and they claim that this will benefit the working poor.

This is a sham. The 4-cent gas tax is not designated to help working folks; it is calculated to bail out the oil and gas industry. The industry increased gas prices. If the prices are too high, the industry should reduce them.

Rising prices at the gas pump should not be offset with a tax cut that will cost the U.S. Treasury more than $4 billion this year. Republicans claim that they want to balance the budget, but then they go out and cut programs that the working poor depend on. The

Republicans' assault on the working families should not be confused with a gas tax cut. They are separate issues.

We should keep the minimum wage debate clean and we should vote to increase the minimum wage. If a tax cut is necessary, then we should do that also, but they are separate issues.

AMERICANS DESERVE AN INCREASE IN MINIMUM WAGE

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

Mr. MILLER of California. Mr. Speaker, hard working Americans deserve a raise. They deserve an increase in the minimum wage. Many of our colleagues on the Republican side of the aisle do not want to provide that increase in the minimum wage because they say that, in fact, people who earn the minimum wage earn much more than that because they get food stamps, they get AFDC payments, they get medical benefits.

The question I have to ask is, Why should the taxpayers have to subsidize these people's jobs? Why should the marketplace not provide a livable wage so that these people can support their families, can support their children without the taxpayers subsidizing this through the welfare system?

When we increase the minimum wage we save a substantial amount of money for those individuals because we no longer have to subsidize their jobs as much as we did before we increased the minimum wage. We ought to make sure that, in fact, we are not asking the taxpayers to subsidize jobs where employers simply choose not to pay the minimum wage.

It is not that they cannot afford to, they just know that they do not have to pay it because the welfare system will subsidize that job. That ought not to be allowed. That ought not to be done anymore. We ought to in fact require those people to pay people for the hard work that they engage in.

RAISING MINIMUM WAGE WILL COST JOBS

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

Mr. HUTCHINSON. Mr. Speaker, let me just say in response to the gentleman who just spoke, Republicans are in favor of helping the working poor, but we are in favor of doing it in a way that will truly lift their take-home pay, to lift their wages. Raising the minimum wage will not have that effect.

The fact is economists, 90 percent of them, agree that raising the minimum wage will, in fact, cost jobs; it will cost the jobs of those that we most want to help, the low-skilled worker. The last time we raised the minimum wage, in 1991, only 17 percent of the new benefits went to people living under the poverty level. That is not the effective way of helping those who are the working poor.

Raising the minimum wage will not only cost jobs, it will be inflationary, costing those whom we want to help more in their goods and services that they need to purchase. It is the wrong way to help those who are the working poor. There is a better way of doing it. We can do it.

I suspect the gentleman who just spoke supported the increased funding for EITC 2 years ago, and there is a better way of doing it, as we take that proposal that has had the support of Republicans and Democrats and focusing it upon those who are truly in need, the working poor, the families with children. We want to help them, but we want to help them in a way that will not hurt the economy and take jobs away from the most needy.

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

Mr. HAYWORTH. 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: The Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on House Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

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

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

There was no objection.

THE JOURNAL

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 5, rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceeding.

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

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

Mr. HAYWORTH. 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 358, nays 51, answered ''present'' 1, not voting 23, as follows:

[Roll No. 139]

YEAS—358

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson

Riggs	Sisisky	Thurman
Roberts	Skaggs	Tiahrt
Roemer	Skeen	Torres
Rogers	Skelton	Torricelli
Rohrabacher	Slaughter	Towns
Ros-Lehtinen	Smith (MI)	Traficant
Rose	Smith (TX)	Upton
Roth	Smith (WA)	Vucanovich
Roukema	Solomon	Walker
Roybal-Allard	Souder	Wamp
Royce	Spence	Ward
Salmon	Spratt	Waters
Sanford	Stearns	Watt (NC)
Sawyer	Stenholm	Watts (OK)
Saxton	Stokes	Waxman
Scarborough	Studds	Weldon (FL)
Schaefer	Stump	Weldon (PA)
Schiff	Stupak	White
Schumer	Tanner	Whitfield
Scott	Tate	Wicker
Seastrand	Tauzin	Williams
Sensenbrenner	Taylor (NC)	Woolsey
Serrano	Tejeda	Wynn
Shadegg	Thomas	Yates
Shaw	Thompson	Young (AK)
Shays	Thornberry	Young (FL)
Shuster	Thornton	Zeliff

NAYS—51

Abercrombie	Hefley	Pickett
Borski	Heineman	Pombo
Brown (CA)	Hilleary	Rush
Brown (FL)	Hilliard	Sabo
Chenoweth	Jacobs	Schroeder
Collins (IL)	LaFalce	Smith (NJ)
DeFazio	Latham	Stark
Durbin	Levin	Stockman
Engel	Lewis (GA)	Talent
Ensign	Longley	Taylor (MS)
Everett	Martini	Torkildsen
Filner	McDermott	Velazquez
Flanagan	Meek	Vento
Funderburk	Menendez	Visclosky
Gephardt	Miller (CA)	Volkmer
Gillmor	Oberstar	Weller
Gutierrez	Pallone	Zimmer

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—23

Beilenson	Frost	Pastor
Berman	Gibbons	Rivers
Bevill	Hayes	Sanders
Bryant (TX)	Johnson (SD)	Walsh
Chapman	Kaptur	Wilson
Clay	Livingston	Wise
de la Garza	Moakley	Wolf
Fields (TX)	Molinari	

□ 1201

So the Journal was approved.

The result of the vote was announced as above recorded.

U.S. MARSHALS SERVICE IMPROVEMENT ACT OF 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 418

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into Committee of the Whole House on the state of the Union of consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service. 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 for amendment under the five-minute rule, It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. 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 to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2641, it shall be in order to take from the Speaker's table the bill S. 1338 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2641 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1338 and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution, and that I may be permitted to insert extraneous materials into the RECORD following debate on the rule.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Mr. Speaker, House Resolution 418 provides for the consideration of H.R. 2641, the U.S. Marshals Service Improvement Act of 1996, under a completely open rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment, and provides that each section will be considered as read.

The Chairman of the Committee of the Whole may give priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and such amendments will also be considered as read. As is customary, the rule provides for one motion to recommit, with or without instructions.

Finally, after House passage of the bill, the rule provides for the necessary steps to consider the Senate bill, S. 1338, to insert the House-passed provisions, and to request a conference with the Senate.

Mr. Speaker, let me emphasize that this is a wide open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. Although there is no preprinting requirement contained in this rule, preprinting of amendments in the RECORD is an option that is encouraged, and I hope more Members will consider that option in the future. We on the Rules committee continue to believe that making amendments available for our colleagues to read in advance of floor action serves a very useful purpose and contributes to improving the overall quality of debate.

Mr. Speaker, H.R. 2641, which this open rule makes in order, is a simple, straightforward bill that seeks to take the politics out of appointments to the U.S. Marshals Service by changing the selection of marshals from that of appointment by the President, with the advice and consent of the Senate, to selection by the Attorney General based on relevant criteria such as an individual's law enforcement and administrative expertise.

As a former judge and prosecutor, I worked very closely for many years with highly qualified and well-trained law enforcement officials, at the local, State, and Federal levels. Naturally, I was very surprised to learn that under current law, there is no criteria for the selection of U.S. marshals.

As was noted in the Judiciary Committee report on H.R. 2461, in some instances, appointed marshals lack the law enforcement experience and qualifications necessary to carry out the often multifaceted law enforcement missions currently performed by the U.S. Marshal Service. Today, those missions involve such demanding and sensitive tasks and fugitive apprehension, prisoner transportation, witness protection, the disposal of seized assets, and providing judicial security.

To address these concerns, H.R. 2641 provides that after the year 2000, new marshals will be selected on a competitive basis among career managers within the Marshals Service, rather than simply being nominated by a home State Senator.

In the meantime, marshals selected between the date of enactment of this bill and the year 2000 would continue to be appointed by the President with the advice and consent of the Senate, but would only be permitted to serve 4-year terms.

As one of my Rules Committee colleagues said yesterday, this legislation

would take an important step toward professionalizing the overall Marshals Service by ensuring that only knowledgeable, qualified, career managers who have risen through the ranks of the Service will be considered for the important position of U.S. marshal. The quality of justice is based, in part, on the public's perception of fundamental fairness throughout the judicial system, and the changes advocated in this legislation will help restore fairness to the Marshals Service by taking political cronyism out of the appointments process.

For many in the Nation's law enforcement community, these are trying times, and there seems to be an ever-increasing burden placed on the entire judicial system—not just on the courts or on the local police department, but across the vast spectrum of law enforcement.

As a result, the need for capable, professional law enforcement personnel who have demonstrated outstanding expertise in their fields is very great.

Mr. Speaker, the public at large expects law enforcement positions to be filled by qualified professionals, and not by individuals with convenient political contacts. I believe this legislation makes important and necessary changes to the process by which U.S. marshals are appointed, and hopefully its enactment will serve to improve and enhance public confidence in the ability of Federal law enforcement agencies to effectively protect and defend its citizens.

H.R. 2641 was favorably reported out of the Judiciary Committee by voice vote, as was the rule by the Rules Committee yesterday. I urge my colleagues to support this wide open rule, and continue the spirit of openness and deliberation that we have attempted to restore to this body.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

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

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume and I thank my colleague from Ohio, Ms. PRYCE, for yielding me the time.

House Resolution 418 is an open rule which will allow full and fair debate on H.R. 2641, a bill to change the way U.S. marshals are appointed.

As my colleague from Ohio described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Under this rule amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments.

The U.S. Marshals Service is the Nation's oldest Federal law enforcement agency, dating back to 1789. The Service has critical responsibilities, including providing protection for the Federal courts and responding to emergencies.

I am particularly proud of the U.S. marshals who are based in the Dayton, OH, Federal building, where I maintain my district office.

This bill will require the U.S. marshals be appointed on a merit-based, competitive process, instead of the current political appointment process. This will improve the professional status of this extremely important Federal agency. It is a long-overdue improvement.

Mr. Speaker, while I do not oppose the rule, I urge a ''no'' vote on the previous question. If the previous question is defeated, I shall offer an amendment to the rule which would make in order a new section in the rule. This provision would direct the Committee on Rules to report a resolution immediately that would provide for consideration of a bill to incrementally increase the minimum wage from its current $4.25 an hour to $5.15 an hour beginning on July 4, 1997.

This provides for a separate vote on the minimum wage. Let me make it clear to my colleagues, both Democrats and Republicans, defeating the previous question will allow the House to vote on the minimum wage increase. That is what 80 percent of Americans want us to do. That is the right thing to do. So let's do it.

□ 1215

Mr. Speaker, I urge Members to vote ''no'' on the previous question, and I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Ms. PRYCE. Mr. Speaker, under House Rule XIV, which requires that a Member must confine himself to the question under debate, is it relevant to the debate on either this rule or the debate it makes in order to engage in a discussion of the merits of the minimum wage?

This is in the nature of a parliamentary inquiry, Mr. Speaker,

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentlewoman from Ohio [Ms. PRYCE] has made a parliamentary inquiry. The Chair would advise the body that clause 1 of rule XIV requires Members to confine themselves to the question under debate in the House.

As explained on page 529 of the manual, debate on a special order providing for consideration of a bill may range to the merits of the bill to be made in order, but should not range to the merits of a measure not to be considered under that special order.

Mr. HALL of Ohio. Mr. Speaker, I yield myself 1 minute.

I would like to address also what my friend, the gentlewoman from Ohio, has suggested under her parliamentary inquiry.

This rule on this issue has been talked about a number of times in recent years, and probably the clearest guidelines that we have had came during a speech during consideration of a rule under the Speaker's ruling of September 27, 1990.

I am quoting here by saying that ''the Chair has ruled that it is certainly within the debate rules of this House to debate whether or not this rule ought to be adopted or another procedure ought to be adopted by the House. But when debate ranges onto the merits of the relative bills not yet before the House, the Chair would admonish the Members that that goes beyond the resolution.''

So, Mr. Speaker, it is within the guidelines and many rulings that we have had in the past to bring the issue up to debate the procedure within the rule relative to having a vote on minimum wage. I have tried to confine my remarks thus far to the merits of the rule itself in voting, if, in fact, the previous question would be defeated, bringing up the minimum wage. I offer that to the House.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], our leader.

Mr. BONIOR. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I am hopeful that Members will vote against the previous question, which will then open up the opportunity for us to offer a rule that will make in order an increase in the minimum wage for literally 12 million people across this country. These are people who clean the toilets, who clean the offices, who work hard for a living; who chose work over welfare, and who are living in this country at a wage that is less than the poverty level in this country; $8,500 a year, if you make the minimum wage. You cannot raise a family on that.

What do many of these people do? They end up, Mr. Speaker, working overtime. They work second jobs and third jobs. As a result of that, they are not there at home when their kid comes home from school. They are not there for bedtime stories, they are not there to teach them right from wrong. The father is not there for Little League. He is not there for other issues.

POINT OR ORDER

Ms. PRYCE. Regular order. Mr. Speaker, I ask the House for regular order.

The SPEAKER pro tempore. For what purpose does the gentlewoman rise?

Ms. PRYCE. To ask the House for regular order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentlewoman make a point or order?

Ms. PRYCE. Pursuant to the House's rulings, I call for regular order: that the gentleman confine his remarks to the resolution at hand.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I would like to be heard on the point or order.

Mr. Speaker, we find ourselves this morning in exactly the same procedural setting and procedural context as when this House considered the omnibus appropriations bill when we met last week. At that time, recognizing that the majority leader, the gentleman from Texas [Mr. ARMEY], had said that he would oppose a minimum wage with every fiber in his body, and that the Speaker of the House had made clear that the American people would have no opportunity to be considered for a raise on this floor by bringing any bill our of committee, we had a procedural context in which the omnibus appropriations bill was before the House, and many Members of this body, indeed, a majority of the Members of this body, having already publicly expressed their support for a minimum wage increase, and so the majority party, the Democrats, on a previous question, decided to raise this issue.

We devoted most of our limited half hour, and unfortunately, we only had a half hours, and we should have been able to devote, indeed, a full day to debating the merits of the need for the American people for a raise. But in exactly the same situation that we find ourselves this morning, we considered the plight of minimum wage families, discussed fully that issue, and today we have the same situation.

Unless the standard has changed, Mr. Speaker, or unless the Republicans are simply fearful that the 10 of their Member who voted against the minimum wage last week, after having had a press conference saying they were in favor of the minimum wage, might this way not have their arms twisted enough, then we ought to be able to have a full and fair debate of this minimum wage issue today in exactly the same situation we were in last week.

The SPEAKER pro tempore. Does the gentleman from California [Mr. MILLER] wish to give advice to the chair on the point of order.

Mr. MILLER of California. Mr. Speaker, on the point or order, I would hopefully advise the Chair against the point of order. The purpose of calling for a vote on the previous question is to open up the rule so that alternatives may be provided. Once that rule is opened up, it is obviously within the authors of that rule to connect unrelated matters, because you can create a rule that is self-enacting, waiving points of order against germaneness or what have you, as does the Committee on Rules.

So for the purpose of us raising for the Members of the House the alternatives which might present themselves also with respect to the minimum wage, it is necessary to do so now as we discuss the rule and discuss the vote on the previous question, because if is this exact opportunity that gives the minority, which does not control the Committee on Rules, which cannot bring these matters to the floor except under extraordinary procedures, and this being one of them, a vote against the previous question, we are at liberty to explain to the House under the Rules of the House why we need to have this extraordinary procedure to present to the country an up-or-down vote on the minimum wage.

The gentleman from Michigan in the well has made the point that one of the results of that vote is in fact to try and raise the minimum wage of 12 million people who go to work every day, go to work year round, and end up at the end of the year below the poverty line. The vote on the previous question is the opportunity that allows this.

So when the gentlewoman suggest that somehow the debate around whether or not to vote for the rule and to vote for the previous question is limited to the matter at hand, in terms of the subject matter of the bill that would then be considered after the rule is adopted, that is to limit the debate and to stifle the minority, and prevent the minority from having an opportunity to voice its concerns and to voice legislative alternatives; in this case, the minimum wage.

Why does it have to be done at this point? The reason we have to ask for a vote against the previous question and why the point of order should not be sustained is because that point of order then enforces what we have been told by the Republican majority leader, and that is that he will not allow this vote to come to the floor, that he will fight it with every fiber in his body. That precludes the minority from offering that alternative.

So when the Chair considers the point of order raised by the gentlewoman from Ohio——

Ms. PRYCE. Mr. Speaker, there is no point of order made.

Mr. WALKER. Mr. Speaker, there is a point of regular order before the House.

Ms. PRYCE. Mr. Speaker, I did not ask for a point of order, I had asked for regular order.

The SPEAKER pro tempore. The Chair asked the gentlewoman from Ohio if she was making a point of order, and it was not clear.

Ms. PRYCE. There is no point of order. I was trying to enforce regular order, that we would conform to the rules of this debate as previously announced by the Chair.

The SPEAKER pro tempore. The Chair must treat this as a point of order.

Ms. PRYCE. Mr. Speaker, if that is the case, I withdraw my point of order.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] withdraws her point of order.

The gentleman from Michigan [Mr. BONIOR] is recognized for 3 more minutes.

Mr. BONIOR. Mr. Speaker, I thank my friends, the gentleman from California [Mr. MILLER] and the gentleman from Texas [Mr. DOGGETT], for making it clear to those who are listening to us this afternoon how important this issue is with respect to not only the rights of the minority to put forward a question of great importance to the people of this country, but also for the substantive value of the issue itself, which will affect the lives directly of 12 million people, and, indeed, perhaps many, many more.

When we raise the minimum wage, when we raise the minimum wage, it will not only affect people who make $4.25 to $5.15 an hour, about 12 million people, it is going to affect people who make above that, people who make $5.50, $6, $6.50, $7 an hour, because in fact they will probably be in for a raise as well.

In addition to that, this money will get circulated throughout the economy of the local area, the hardware store, the grocery store, at the gas station. This is one way, one small way, but one way in which we could have what we call the bubble-up effect in the economy, instead of the old trickle-down theory that my colleagues on this side of the aisle have adhered to now for the past 15 or 20 years; which is a theory, by the way, which has not yielded rewards for those at the lower end of the economic strata in our society today.

My colleague, the gentleman from California [Mr. MILLER], was absolutely right. The gentleman from Texas [Mr. ARMEY], the distinguished majority leader, has said that he will fight having a vote on the minimum wage with every fiber of his being. The distinguished majority whip, the gentleman from Texas [Mr. DELAY], is reported to have said that working families trying to exist on $4.25 an hour do not really exist. They do exist. They are out there. We have heard from them. We have talked to them. The gentleman from Ohio [Mr. BOEHNER], who chairs their conference, said ''I will commit suicide before I vote on a clean minimum wage bill.''

Mr. Speaker, this is an important issue for the country and for people who are struggling to make work pay. There are a number of States, 10 of them, that have increased the minimum wage above $4.25 an hour, and there has been no retraction in employment. Oregon has done it, Washington has done it, the District of Columbia has done it, New Jersey has done it.

In fact, there was a recent study done in New Jersey in the restaurant industry by two gentlemen from Princeton, Mr. Card and Mr. Kruger, and their findings were basically when the minimum wage was raised in the State of New Jersey, in the restaurant industry, employment actually increased.

We need to do this. These people work too hard, they give too much of their lives for their families, and it is incumbent upon us to make sure that they get a fair, decent, livable wage.

As I said earlier, Mr. Speaker, when they do not make this wage, when this $4 or $5 an hour, they are working two

or three jobs, and that has a detrimental impact on their ability to be there for their kids when they get home.

Mr. Speaker, I would urge my colleagues, and I want to first of all congratulate the 13 Members of the other side of the aisle who stood with us on this issue the last time we had it up on the floor. We invite more of you to come over. This is an issue that will not go away. We will bring it up until we get a clean vote, because we understand and I think you understand a clean vote is going to pass this body. It will pass the Senate. The President will indeed sign it.

I encourage my colleagues, vote ''no'' on the previous question so we have an opportunity to offer a clean vote on raising the minimum wage for literally millions of workers in this country.

□ 1230

Ms. PRYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, let us talk first about the proposition that the minority party has before the House, and that is that somehow what they will do is defeat the previous question so that they can amend the rule to make in order another piece of language about the rule which is entirely out of order because it is nongermane to the rule before us.

Then what they would intend to do, I assume, is appeal the ruling of the Chair, which would have ruled in an entirely predictable and an entirely legitimate way that what they are attempting to do is totally nongermane. They would then attempt to overrule the ruling of the Chair, which was in fact a proper ruling.

All of this is done in the name of raising the minimum wage. That is an interesting ploy, and I know it comes out of the frustration of the fact that they no longer control the Rules Committee where they used to send down all kinds of outrageous rules for this House to consider, but now finding themselves in the minority, are willing to put aside virtually anything that borders upon a proper decorum in the House in order to do the things that they want to get done. It is really interesting.

Then they go out and parade this as a vote on the issue of minimum wage. There is no vote on the issue of minimum wage here. Virtually everything they are trying to do is out of order, nongermane and completely ludicrous. So the fact is that this is an exercise designed to play games in the House of Representatives.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. WALKER. No, I am going to finish my statement first. I have listened to all of you.

The fact is that they are attempting to tell the American people that they are so interested in this subject that they will go to any lengths, break the rules if necessary, in order to make their case.

Let us understand what the case is they are trying to make. What they want to do is, they want to raise taxes, because the Democrats always want to raise taxes. They love taxes. They love big government.

And the minimum wage is in fact a tax. It is a tax that is particularly cruel to working middle-class families because what it is is a huge inflationary tax within the economy.

This means that you will pay up to 20 percent more for every meal you buy at a restaurant. You will pay up to 20 percent more for that which you buy as food on your table at home. You will pay up to 20 percent more for that which you buy in a store, because what they are doing is imposing an unfunded mandate which is in fact a tax. In fact, it is a big enough tax that the bulk of the minimum wage increase that they are talking about, the minimum wage tax, goes to State and local government: a billion dollars.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would prefer to finish my statement if I could. The fact is, I am obviously getting to you. This is obviously of concern to you, to have the truth told.

The fact is that minimum wages imposed upon the States will cost this country an extra billion dollars in State and local taxes. That is a huge tax increase upon the American people, and in my view the fact is that the Democrats know exactly what they are doing.

They detest the idea that we have been trimming back government. They hated the idea that the other day we passed a bill on the floor that cut $23 billion out of the spending of government, because the fact is they want more government and they want to raise taxes.

This is a tax increase. What the Democrats are proposing, every time they stand up and talk about minimum wage increases, is a tax increase on the American people. They want to impose more and more and more taxes so that they get more and more and more spending. That is what they are talking about here. They would bend the rules of the House, they would make illegitimate appeals of the rulings of the Chair, they will do everything possible to try to bring this minimum wage tax increase before the American people.

Middle-class families ought to look at this and be appalled. This is the way they ran the House when they were in the majority. They cared little about the rights of anyone. They simply did what it is they wanted to do at any given time. The fact is Government spending rose for a period of 25 straight years. We had bigger and bigger Government, we had bigger and bigger taxes. They in fact undermined and destroyed the economy during the period of time that they were in charge, and now they want to get back to it. They want more inflation, they want to reinflate the economy, they want to increase taxes and do the kinds of things that Democrats are always good at doing.

Do not let this happen. Do not allow them, through some ploy here of the rules, to try to undermine the entire rules process of the House. The rules are here to protect the rights of both majority and minority. The attempt by the minority to overthrow the rules so they can make a clever political point on the House floor I think is totally appalling.

But middle-class America should be particularly concerned about this, because what middle-class America is going to get out of this is a massive tax increase which is going to go to the bottom of their pocketbooks. So I would suggest that anytime we hear the Democrats come to the floor seeking to overthrow the rules of the House so that they can bring forth the minimum wage tax, then it is a real definition of who they are. This is their attempt to make certain that the taxes of the American people go up, not down.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I join my colleague from Ohio and friend in also urging all my colleagues to oppose the previous question.

It was interesting to hear the gentleman from Pennsylvania, his creative thinking, talking about an increase in the minimum wage is an increase in taxes. I guess he had to get that. A lot of us Democrats last week voted for that same budget that he was bragging about.

But let me talk about what we need to do today, and the rules of the House permit this. If the previous question is defeated, my colleague from Ohio will have an amendment that will be offered to increase the minimum wage. This amendment would direct the Committee on Rules to immediately consider that, to provide for a minimum wage increase.

We hear a lot of rhetoric about moving people off welfare but the Republican leadership and I guess my colleague from Pennsylvania is scared of an up-or-down vote on a livable wage because this will move people off welfare. We hear about working families do not really exist on $4.25 an hour, but they do. We in the Democratic Party hope that we will see that increase in the purchasing power.

Last week we talked about this, and I had the opportunity to quote a late and great U.S. Senator from Texas, Ralph Yarborough. All this amendment would require is just to put the jam on the lower shelf for the little people. We are talking about $4.25 an hour for people that are working hard to support their families, yet they cannot reach up to that top of the shelf to get those tax cuts that the Republican want to give to them.

All we want is to increase their minimum wage a buck an hour, 90 cents an

hour. In fact I am a cosponsor of a Republican's bill to increase it by a buck an hour. I am glad they have taken the leadership to do that. This is a bipartisan effort. Last week we saw, as my colleague from Pennsylvania said, 13 members on the Republican side support it. I know there are more than that as cosponsors of my colleague from New York's bill that I am a cosponsor of.

All we are asking for is a fair, clean vote on a minimum wage increase. Even today in the Washington Post the majority leader in the Senate talked about let us eliminate this gas tax increase from 1993 that goes for budget reduction and deficit reduction, and at the same time increase the minimum wage. Let us do it, Mr. Speaker. I think that is a great idea. That way the little people can reach it not only in their taxes they save on their gas tax, but they get a pay raise at the same time.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I urge my colleagues to vote ''no'' on the previous question so the rule will allow us, then, to have an amendment that would offer the opportunity to talk and discuss the minimum wage.

I would say further that on the other side as we talk about the Republicans not wanting us to do this, Republicans have voted for a minimum wage. I would remind Members the last time, 1989, 135 Republicans voted in this House for the minimum wage increase, including our now Speaker GINGRICH. Thirty-six Republicans voted for it on the Senate side, including the now majority leader, Mr. DOLE, the Presidential nominee for the Republicans. This has been a bipartisan action.

Why can we not have this amendment that will allow us to discuss it? Since that increase in 1989, we all know the price of living has increased and has increased by some 13 percent. Yet we have not done anything about raising the wages of those who are least among us. We need a bipartisan action. Just as we did in 1989, we need it at this time.

I urge a vote against the previous question so we can be allowed an opportunity to discuss what we should discuss for all Americans, a livable minimum wage.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the Republican men and women in this Chamber who are opposed to an increase in the minimum wage earn more salary from the taxpayer every 15 days than people on the minimum wage earn all year long. Yet they still do not want to provide an additional 25 cents to those workers. We are in charge of that here. People who earn more in 15 days will not give another 25 cents to the working poor in this country.

What President Clinton's proposal would do is buy 6 months of groceries for a family on a minimum wage. No wonder the American people overwhelmingly support this increase in the minimum wage and reject the stinginess of our colleagues on the Republican side.

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

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank very much the Rules Committee member Mr. HALL for his leadership and I rise to ask that we defeat the previous question. I am sorry that my good friend did not yield to me, the gentleman from Pennsylvania, because I wanted to remind him of our American history.

I am proud to stand in the well of the House with a desperate act of seeking to defeat the previous question. Americans applaud when we desperately try to help other people. It was the American Founding Fathers who dumped their tea in the Boston Harbor, a desperate economic act to be able to say, ''No more; no more.'' And so I am proud to ask to defeat the previous question so that we can do something about raising the minimum wage.

Again, I am sorry the gentleman from Pennsylvania has left the floor because let me tell Members, when New Jersey raised the minimum wage in 1992, it increased the jobs in New Jersey and there was no job loss. There is nothing to say that increasing the minimum wage to $5.15 per hour, simply 90 cents, will do anything to the American economy but help those who are in need.

Will it help those who are in fact at the bottom rung? Yes, it will. Will it help those who are in fact middle class? Yes, it will.

Let me share with Members, if you have ever worked an 8-hour shift as a dishwasher, or fry cook or if you have never walked miles in 1 day picking peas, beans, lettuce or corn and if you have never cared for the elderly or sick and you have never experienced not affording health care for yourself, then you may not understand the need to raise the minimum wage. At the same time if you are part of a family with four children who work every day, you may understand the need for the increase in the minimum wage because it impacts your wage: increases and how you ultimately will be able to provide for paying for your bills.

This is a time to listen to 80 percent of the American public. This is a time to do a desperate act. We are procedurally correct because what we are asking to do is to defeat the previous question so that we can bring to the House floor a clean bill to raise the minimum wage 90 cents.

I am for the repeal of the Btu tax, and what I would like to see is that the money goes directly back to the consumer. Let us help the consumer today, take the gas tax off, give it back to the consumer and likewise let us raise the minimum wage for the American people, those who do the work that is part of this American economy. This will promote growth. We need to raise the minimum wage. A clean bill to raise the minimum wage 90 cents is what we need now.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I do not have a little standard here but it is interesting to hear the other side rant and rail and rave about the minimum wage.

This sort of says it all, Bill Clinton, our President, in Time Magazine, February 6, 1995, that was last year, I believe, said, ''Raising the minimum wage is the wrong way to raise the income of low-wage earners.''

□ 1245

This is just one quote. There are other quotes with the President saying the same thing.

Now, I have only been here 3 years, Mr. Speaker. The first 2 years, the other side of the aisle controlled, as I recall, the House, the other body, the U.S. Senate, and the White House. They controlled it in very large numbers. They could have brought this issue up at any time.

Instead, as I recall, and I was here for that time, what they did was they passed the largest tax increase in history, and they said it would not have any effect on folks. But if you have not been to the gas station lately, I advise these people that are earning $4.25 an hour, low-income people, to look at their gasoline prices. They raised those gasoline taxes that they are paying, and it hurts the poorest of the poor.

They there is another report, I submit to my colleagues, out today by the Heritage Commission. Look at that report. That report says that people have less money in their pockets, and that is the result of these policies that they did their first 2 years.

This is what the President said. That is what they did. And today they are out here saying that we are not giving this issue a good opportunity to be heard. It will be heard, and we will have a solution. But this is what they said, and that is what they did.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, America needs a raise. The minimum wage, its purchasing power, is approaching a 40-year low, almost as old as I am, since the minimum wage has had purchasing power with as little capability as it does at present.

The gentleman from Pennsylvania says that it is not germane to this debate to talk about the minimum wage, the need for the American people to

have a raise. Well, let me tell you, it is mighty germane to the working people of this country that they get a raise. It may not be germane to the elitist, but it is germane to the people that are out there scrubbing the floors, tending to the nursing homes, picking the peas, as my colleague from Texas said, serving the meals at the fast food restaurants. It is very germane to them. For many it is a question of whether or not they can get out of poverty by having the means to do that.

All that stands between us today and getting a raise for the American people are 10 Members of the Republican side coming over and joining a few of their colleagues from last week and so many Democrats, because it was a mere 10 Republican votes that defeated the raise for America when we considered this issue last week.

If they will simply have the courage to vote the same way they spoke at the press conference when they were facing the TV cameras and said they wanted to give even more than a 90-cent raise, if they will simply vote with us today, those 10 Members who defected, with all the arm twisting that occurred from the Republican leadership last week, then America will get a raise.

Of course, I realize not every Republican Member is going to do that. In fact, the one thing that has changed since last week is that Mr. BOEHNER, the chair of the Republican Conference, has said, ''I will commit suicide before I vote on a clean minimum wage bill.''

Can you imagine that, hari-kari right here on the floor of the House, falling on their sword? True, the Republicans have been falling on their political swords for the last 16 months, but we finally have a chance for them today to see the light, to join us in doing something to give the people of America a raise that they very much deserve.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from the great Commonwealth of Pennsylvania [Mr. GEKAS].

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

Mr. GEKAS. Mr. Speaker, the gentleman from Texas, who just addressed the House most eloquently, showed his powerful advocacy for a minimum wage. This gentleman, I am sure if I search the CONGRESSIONAL RECORD, when he was in the majority just 2 years ago, along with the President of the United States, did not make such an eloquent speech.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield to a freshman Member who was not here 2 years ago and this is my first opportunity to raise the minimum wage?

Mr. GEKAS. Mr. Speaker, I said I was going to search the RECORD to determine if any similar speeches were made by his colleagues on his side. Do you understand? To see whether or not eloquent speeches of that type were made in favor of a minimum wage. But they could not, because the President of the United States was against the minimum wage, the Secretary of Labor was against the minimum wage elevation, and so were other functionaries of the Democrat Party.

Now, seeing that the Republicans have taken over in 1994, all of a sudden they see it as a grand scheme, do the Democrats, to embarrass the Republicans about a minimum wage controversy, which is not that great a controversy, yet it sounds good and makes people feel good to know that the Democrats, 2 years after they were in the majority, are in favor of a minimum wage.

What has happened to change the President's mind and all of a sudden he is an advocate of the elevation of the minimum wage, to the Secretary of Labor and to those on that side of the aisle who all of a sudden are minimum wage advocates?

Meanwhile, we have a bill on the floor, the one this rule governs, about trying to bring better government into the selection of U.S. marshals. That is what we ought to be debating ultimately, and to see whether or not we are strong enough to withstand the temptation to go into ultra-virus issues like the minimum wage and concentrating on bringing about better government in the election of U.S. marshals, part of our law enforcement, who do a wonderful job not in just helping the courts, but in helping the community.

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

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

Mr. Speaker, I was very interested to hear people talk about how this was going to be a tax increase. We are some of the few people who actually paid by taxes from the American people, and if we raise the minimum wage to $5.15, the minimum wage people working 40 hours a week would still make less than Members of this House make in 1 month. It is a shame, it is an outrage, that we are not able to get a vote on the minimum wage. That is why I am asking for a vote against the previous question.

I should point out that in Oregon, our legislature raised the minimum wage to $4.75, and, since 1992, since Bill Clinton has been in office, our unemployment rate has been halved in Oregon. We are doing very well in Oregon. We presently have an initiative from the people of Oregon to raise the minimum wage in Oregon to $6.50. Yet these people here on this side of the aisle are saying no, we cannot even talk about raising the minimum wage.

Seventy-five percent of people living on minimum wage, and let me tell you if you work 40 hours a week, if you lived on minimum wage today, you would make $8,840 a year, 75 percent of those people are women; 75 percent are women.

This is anti-women to not allow this vote to be brought to the House floor. How can we stand here, paid as we are by the American taxpayer, and not have the opportunity to raise the minimum wage for the women of this country who are living on less than $9,000 a year? A family of two is under the poverty level if they make $10,260, so somebody making $8,000 is way below the poverty level.

I urge my colleagues to vote ''no'' on the previous question. Let us give the American people a raise. They deserve it.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, this is silly season already. Usually it does not come until August. If this were really an important issue for people earning $9,000 a year or less, why did not the Democrats, who owned the House, the Senate, and the White House, mention it 2 years ago? Do you know how many times the President talked about the minimum wage in his first 2 years in office? Zero. Not one time.

He has talked about it over 50 times this year, because it is a political issue, and it is a crass and mean political issue, using as pawns in this political battle the very people they are pretending to help.

Raising the minimum wage is income redistribution among the poor. For every four people you purport to give a $1 increase to, you take one person off the payroll.

That is not compassion. It is the striking difference between the two parties, that one party thinks government should set wages, and the other party believes the economy sets wages.

This argument should be over. There should be zero minimum wage. That is what the New York Times editorial said, a zero minimum wage. Let people who want to start on the first rung of the income ladder earn what they are worth.

Ninety percent of people on minimum wage are not there after 1 year. Many people on the minimum wage earn also tips that are not reported. This is a phony argument for phony political reasons, and, if it was serious, it would have been done 2 years ago.

In addition to that, the minimum wage is simply not germane to this bill and would not be added even if the previous question were defeated, because it is not germane to this bill. It is simply an effort to take up your time and America's time to make political points that they refused to deal with when they were in power.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I really differ strongly with the previous speaker on this issue. First of all, I would say that I do not believe the minimum wage is a partisan issue. There are a lot of Republicans who support an increase in the minimum wage. The problem here is the Republican leadership,

Speaker GINGRICH and the others, who do not want to bring this to the floor, because they know that if it comes to the floor, the majority of Democrats and enough Republicans will vote for it that it will actually pass this House, the Senate, and be signed by the President.

Let us bring it up. What do I care what President Clinton said or what whoever said in the previous Congress? The fact of the matter is now we know that this minimum wage is not keeping up with inflation, and with the people's ability or need and the purchasing power. So it should be passed now.

The reason the Democrats are doing this as often as we are on the previous question or on the rule or whatever, is because we are in the minority and we have no other way to bring it up. We have to keep raising it, so eventually this Republican leadership will wake up and recognize that even its own Members, even a lot of the Republicans, are willing and want this passed and want it brought to the floor.

The time has come. In my home State of New Jersey, we have raised the minimum wage, and it has been a success and it has not affected unemployment.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to address the issue that has been raised by several of my colleagues that this bill is about the U.S. Marshals Service. The reason there is no debate about the bill itself is that it is an absolutely noncontroversial bill, and is brought to this floor for debate simply so my Republican colleagues can say, ''We brought an open rule to the floor, and you can amend it in any way you want.''

Well, we want to amend this bill. We want to amend it by attaching a minimum wage provision that will raise the wages of the American people.

So what is their response? The first time we say, ''Hey, we have an amendment,'' they say, ''Oh, no, this is not an open rule. You can't amend this bill that way. It is not even germane to talk about it on the floor.''

They do not want to talk about it. You just heard the reason they do not want to talk about it, because you have got a bunch of extreme people, some of whom believe there ought not even be a minimum wage in this country, that people ought to be allowed to work for 5 cents an hour if the market dictates that. They do not care about what kind of conditions people are living in, in this country. All they care about is supporting their corporate, rich constituencies.

They talk about supporting a minimum wage, as long as they are on the television. They talk about supporting a gas tax cut, as long as they are on the television. What they will not admit is if we defeat the previous question on this rule, we can talk about both of those things in the context of this bill.

Democracy is about debate. Bring it off the television and onto the floor of Congress and let us debate it. Let us defeat the previous question on this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

□ 1300

Mr. KLINK. Mr. Speaker, I have heard time and time again that this is a phony argument. There were some of us 2 years ago on the Committee on Education and Labor who talked about the need then, 2 years ago in the previous Congress when our party was leading, that the minimum wage had to be raised. I would point out that now that the Republicans are in charge, there is no longer any committee in Congress with the name labor in its name, which shows, I think, the utmost contempt that that party has for working men and women.

I have heard my colleagues from the other side of the aisle come down and talk repeatedly about the fact we do not need a minimum wage. Well, I come from an area in southwestern Pennsylvania where we have coal fields and steel mills. And when we did not have workers' protection, when we did not have minimum wage, we saw people working for next to nothing. We saw them going into the coal mines. Children were forced to work. They would go in before the sun came up each morning, go into the mines, and come out at night when the sun was down, never seeing daylight. There were no worker protections for them. They had to shop at the company store, take whatever money they would get, and usually they ended up owing the company more at the store than they had made. So they were constantly working themselves into debt.

There is a reason that we have a minimum wage in this country. There is a reason that those on the lowest end need to make a livable wage, need to be able to buy food, need to be able to take care of their families. I will paraphrase a former Republican President, Teddy Roosevelt, who said that for a man or woman to be able to participate in this great country's democracy, they have to be able to afford the absolute minimum, and they have to be able to work and make the money to pay for the absolute minimum and still have time to dedicate to their family and dedicate time to their community.

We have seen this Republican Congress attempt to eliminate the minimum corporate income tax, attempt to cut way back on capital gains for the large corporations, but when it comes to giving a livable wage, lifting from beneath the poverty rate the lowest workers in this country, they constantly try to stifle us. Somewhere between Abraham Lincoln and NEWT GINGRICH, this party has reversed its position on slavery.

Ms. PRYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, there are a large number of Republicans who believe that the minimum wage is destructive and that an increase would be harmful to our country. There are a number of Republicans who take a different view. My purpose for standing there today is to encourage my colleagues to vote to pass the motion for the previous question, but to say that time is running out.

I understand my colleagues on the other side have been forcing this issue each and every week. It does force others to deal with it more quickly than we may have wanted to. But our leadership on this side of the aisle needs the opportunity to see if there is a way to come forward with a package that meets the concerns of us to support a minimum wage and also meets the legitimate concerns of some of my colleagues.

I would like to tell my colleagues why I support an increase in the minimum wage, why I agree with my colleague. It is at a 40-year low. If we do not increase the minimum wage, it will be at a 40-year low. The minimum wage in 1968 was at the high point in terms of its purchasing power. If we had indexed for inflation from 1968, that minimum wage would be $7.08 today, not $4.25.

I believe the modest increase that we voted on in 1989 was fair and right. I do not believe it caused unemployment, I do not believe it created higher prices. I believe it lifted up the bottom level. I make the argument with people on my side of the aisle, and anyone else who will listen, that I really believe that if we are looking to get people off of welfare and on to work, we need to lift the minimum wage. But these are all issues that will be debated and have to be debated, and I believe they will be debated, quite frankly.

The issue is, should it happen today? And I would encourage all my Republican colleagues to give our leadership the time to deal with this issue, to give them time to come and present to us their proposal and then we can decide if it meets the test. For me, it has to be passage of minimum wage.

I believe minimum wage will pass, I believe it should pass, and I look forward to voting for it. But on this procedural question on a bill that, quite frankly, is not a substantive bill, I would encourage my colleagues to not be enticed to vote for the minimum wage at this time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time to say I do hope that we defeat the previous question. I will ask for a vote on it.

I look at raising the minimum wage very simply. I have just met a lot of

people around the country, at different food banks and soup kitchens, and they are not making it. A lot of them are working poor, and sometime during the month they run out of money after they pay for their rent and pay for their food and they pay for other things. Two or three days every month, they run out of money.

In my own district I have 66 food banks, and many of these working poor have to go to these food banks and soup kitchens, most of which are women and children.

For that reason and other reasons, I would hope that we could get a chance to vote on the minimum wage. That is why I offered the chance to vote no on the previous question so we can make that an issue relative to offering an amendment on the floor on the minimum wage.

Mr. Speaker, I include for the RECORD the following:

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; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	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; PQ2	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; PQ.	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.
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; PQ.	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; PQ.	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; PQ.	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; PQ.	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; PQ.	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); PQ.	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. 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; PQ.	N/A.
H.R. 1944	Recissions 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; PQ.	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; PQ.	N/A.
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; PQ.	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; PQ.	N/A.
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; PQ.	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; PQ.	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 Of 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; PQ. *RULE AMENDED*.	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. 2127	Labor/HHS Appropriations Act	H. Res. 208	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; PQ.	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; PQ.	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.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
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); PQ.	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); PQ.	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

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.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
		PROCEDURE IN THE 104TH CONGRESS 2D SESSION		
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	ID
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get 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. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up	N/A
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Oberstar en bloc amendment..	N/A

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 90% restrictive; 10% open. **** All legislation 104th Congress, 61% restrictive; 39% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* 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 103d Congress. N/A means not available.

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

Ms. PRYCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me stress that this is more than an open rule, it is, in fact, a wide open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. By ordering the previous question and adopting this fair resolution, the House will have an opportunity for a full and open debate on important legislation designed to improve the overall quality and level of professionalism in the U.S. Marshals Service.

I just want to remind everybody what we are talking about here. We are talking about the U.S. Marshals Service.

Mr. Speaker, let me point out that we have been through this same chicanery before, just last week. We checked with the appropriate nonpartisan parliamentary experts in this House and, to a person, they confirmed that the amendment that the Democrats want to make in order under this rule is completely nongermane to the rule and to the bill. So do not be fooled. The previous question vote is not a vote on the minimum wage, it is a vote on whether to close the debate and to vote for this rule.

Mr. Speaker, House rules and precedents make it very clear that it is not in order to amend a rule like this to make in order a nongermane amendment to the bill in question. In other words, even if the minority defeated the previous question and offered their amendment, this would be ruled out of order for violating the rules of this House.

At this point, Mr. Speaker, I insert for the RECORD the following material:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII (''Previous Question'') provides in part that: There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

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

[As of April 30, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	64	60
Modified Closed [3]	49	47	26	24
Closed [4]	9	9	17	16
Total	104	100	107	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 April 30, 1996]

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).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of April 30, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
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	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	

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. CONYERS. Mr. Speaker, I rise to oppose the previous question so that we can finally get a vote on the minimum wage—an issue on which Speaker GINGRICH will not let the House speak its will. This despite repeated promises that the new GOP would let the House work the will of the people, and not bottle up legislation simply because they didn't like it.

All we are asking for is a vote on the minimum wage.

The facts are staggering when we look closely at the true value of our $4.25 per hour minimum wage: the current minimum wage is at its lowest value in 40 years and is 30 percent below its average level of the 1970's. Twelve million Americans earn less than $5.15 per hour, and 73 percent of minimum wage earners are adults and most are women. And it is estimated that one in five minimum wage earners live below the poverty line. It is clear that our minimum wage is too much minimum and not enough wage.

The last time the minimum wage was increased was 1991—and its value has eroded 50 cents since then. That is why the President has proposed, and I support, a 90 cent increase over 2 years, bringing the wage to $5.15 per hour.

During the two Government shutdowns, Members of Congress earned more than a minimum wage earner will make in an entire year. This Congress has spent the vast majority of its time trying to take away Medicare and other benefits from working Americans, while trying to find more tax breaks for the rich. Now we can't even have a vote on this most fundamental matter of basic decency and equity.

This is an outrage to all Americans, and most importantly the 12 million Americans who live on subminimum wages now.

I urge Members to defeat the previous question so that we can finally get a vote this issue which has been muzzled. And don't mistake it—your vote to defeat the previous question will be viewed as your vote on the minimum wage issue. Americans who work full time should be able to earn a livable wage. A full-time worker should not be forced to live in poverty. Americans who work hard and play by the rules deserve the opportunity to create

a better future for their children, and an increase to the minimum wage will do just that. I urge all of my colleagues to vote ''aye'' on the previous question so that we can finally give 12 million workers a raise this year.

Ms. PRYCE. 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 (Mr. GUTKNECHT). The question is on ordering the previous question.

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

Mr. HALL. 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 203, not voting 11, as follows:

[Roll No. 140]

YEAS—219

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
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
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—203

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Berman
Bryant (TX)
Clay
Flanagan
Goss
Hayes
Kaptur
Lewis (GA)
Matsui
Molinari
Myers

☐ 1327

The Clerk announced the following pair:

On this vote:

Mr. Goss for, with Ms. Kaptur against.

Mr. ORTON changed his vote from ''yea'' to ''nay.''

☐ 1330

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 418 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. 2641.

☐ 1330

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. 2641) to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service, with Mr. WICKER 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 Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] each will be recognized for 30 minutes.

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

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

I want to thank all of my colleagues for allowing this discussion today. This is a very important piece of legislation, and I do not believe very controversial, but very important.

Mr. Chairman, H.R. 2641, the United States Marshals Service Improvements Act of 1995, changes the selection process of the Nation's 94 U.S. Marshals from that of appointment by the President with the advice and consent of the Senate, to appointment by the Attorney General. U.S. Marshals would be selected on a competitive basis, among career managers within the Marshals Service, rather than being nominated by the administration and approved or rejected by the Senate.

Incumbent U.S. marshals selected before enactment of this bill would perform the duties of their office until their terms expire and successors are appointed. Marshals selected between enactment of the bill and the year 2000 would be appointed by the President, with the advice and consent of the Senate, and serve for 4 years. H.R. 2641 was reported favorably out of the Judiciary

Committee by voice vote, without amendment.

I might add that the bill does not change the provisions with respect to the Presidential appointment of the director of the U.S. Marshals Service who will continue just as the law presently reads.

I introduced this bill on behalf of the Federal Law Enforcement Officers Association which strongly desires to enhance the professionalism of the U.S. Marshals Service. The responsibilities of a U.S. marshal are varied and severely challenging. These duties range from maintaining the security of the Federal courts to tracking down fugitives from justice. Moreover, as complex criminal prosecutions continue to increase, the need to move essential witnesses around the country grows with it. This is also a duty of the Marshals Service. However, the current selection process does not take these responsibilities into consideration.

The current selection of U.S. marshals is as varied as the Senators who nominate them. Currently, there is no criteria for selection of a U.S. marshal. There is no age, physical fitness, educational, managerial, or law enforcement requirement or experience needed to become a U.S. marshal. In the past, U.S. marshal positions have been filled by undertakers, coroners, pig farmers, and even a host of a childrens' daytime television program, just to name a few. The only training a newly appointed marshal receives from the Marshals Service is a 40-hour orientation session. Unlike all other Marshals Service employees, the presidentially appointed marshal is not subject to disciplinary actions, cannot be reassigned, and can only be removed by the President or upon the appointment of a successor. This lack of accountability has resulted in a number of problems, including budgetary irresponsibility among individual marshals, and has created a double standard that has a negative impact on morale.

It is important to note that the current appointment process for U.S. marshals is unique among Federal law enforcement agencies. Both the FBI and the DEA select heads of their field offices based upon merit. Special agents in charge are not politically appointed. Instead, they are the best agents who have worked their way to the top. The Marshals Service should have nothing less.

It is my view that H.R. 2641 would be a commonsense approach to professionalizing the U.S. Marshals Service. The Justice Department supports this legislation, and it is similar to a recommendation of Vice President GORE's National Performance Review. This bill is a small but important step in this Congress' ongoing effort to improve the administration of Federal law enforcement, and I certainly urge my colleagues to support it.

And I might add that nothing of the criticism I have given today with respect to the problems that the U.S. Marshals Service has had from time to time should reflect adversely on the many U.S. marshals who perform their duties admirably and are doing so today, although the qualifications that they have been appointed under are not as strict as the qualifications, in the judgment of the committee, should be. And I believe that today's legislation will provide those kinds of opportunities for the Attorney General to set, by her regulation, standards for the appointment of U.S. marshals and make sure that professional law enforcement officers head our field offices in the future rather than having the opportunity for politics to be played with these very important law enforcement officers.

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

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is a bill that is not opposed in the House, but this is a bill that is opposed in the Senate. Oh yes, there is another body that has to say something about how a bill becomes law, and in the Senate this is not unanimously agreed to. Sorry to announce that, my colleagues. That just happens to be the case.

Mr. BISHOP. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Georgia.

Mr. BISHOP. Mr. Chairman, I just want to point out to the gentleman that it is not unanimous in this body either.

Mr. CONYERS. Mr. Chairman, this is the first I heard of that, because everybody told me this was a done deal. It was so put together that we did not even need to close the rule up in the Committee on Rules. They gave us an open rule, as many amendments as we want on something that is going through unanimously, I guess. But, no, I understand that that may not be the case, and so I just want to remind everybody that this generous Committee on Rules that allowed us an open rule, as many amendments as we want, is the same Committee on Rules in the 104th Congress that on about 45 other occasions, when we begged them for an open rule on things that were slightly more important than this, there was no way we could get it because the Democrats on the committee were outvoted every single time. But now on this, how many amendments do we have? Not a single one. But it is an open rule, showing, I guess, that the chairman and the Republican dominated Committee on Rules is doing us a real big favor on May 1, 1996.

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

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS] for purposes of a colloquy.

Mr. COLLINS of Georgia. Mr. Chairman, I thank the gentleman for yielding this time to me, and my purpose for the colloquy is to be assured that there is nothing in this legislation that would prohibit any law enforcement officer who resides in the jurisdiction of the Marshals Service where the appointment will be made from not being considered for the employment. What I understand we are doing here is we are changing the appointment process from that of a nomination by Senator and a confirmation by the Senator as recommendations of the President.

Mr. Chairman, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, that is correct, I say to the gentleman. While it would be my opinion that the results of this law and the regulations the Attorney General promulgates, who will now have the power of the appointment instead of the President, will be that many of the marshals will be career service promotions. There is nothing that we are doing to put into the law now anything that will keep the Attorney General from being able to appoint a sheriff or another local law enforcement person if she or he wanted to do that, and there is no change in the underlying law either. The same basic law is true for the DEA or the FBI today.

Mr. COLLINS of Georgia. Mr. Chairman, I further inquire, too, about the qualifications for the person being considered for the nomination. Does the gentleman have any idea or suggestion or comments on the age or any type of retirement age or entry level age?

Mr. MCCOLLUM. The bill is silent as to age, and the law that exists today is silent as to age or other qualifications. What I would assume is that the Attorney General will promulgate some guidelines with respect to the qualifications under her regulatory power which the gentleman and I would have a chance to comment on. But I do not see anything in the law that would present any impediment to the qualification of anyone based on the law.

It is just that I am expecting, with the Attorney General having this power instead of the President and having to go through the Senate where they play a lot of politics, that we will certainly have law enforcement people, professional law enforcement people, running these offices in the future. But with respect to any other qualifications, I do not have any preconceived notions.

Mr. COLLINS of Georgia. That also would include any formal law enforcement official.

Mr. MCCOLLUM. That is correct. That is correct. That would be my assumption. But again it will be up to the Attorney General's discretion to the extent that the normal rules apply, the promulgation of regulations for qualifications.

Mr. COLLINS of Georgia. I know the intent of the gentleman from Florida is to take politics out of the appointment as much as possible, but I am concerned, too, that we may form some internal politics within the agency itself

if we are not careful. That is where I want to make sure that no one is culled out from being considered as a nominee or as an appointee for the particular office, services, U.S. marshal.

We have in the central district of Georgia in the past, we have actually had a deputy marshal appointed as U.S. marshal. I know and I understand what the gentleman is trying to do. But any good law enforcement officer should be considered for this appointment, and I want to assure that that will be still available.

Mr. MCCOLLUM. Mr. Chairman, in general I concur with the gentleman's perspective, but the law is silent in this regard. And given the qualifications and the decisions or the discretion is going to rest with the Attorney General, as it does with all other Federal law enforcement local field office appointments, which is what this will become.

□ 1345

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

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

Mr. Chairman, this is a very important bill. It is a big deal. We are going to strip the President of the ability to appoint U.S. marshals. What are we going to do with it? We are going to give it to the Attorney General who is appointed, I think, by the President of the United States. So this is very heavy, Mr. Chairman. We ought to think carefully about this. The Attorney General is better positioned to know who should be a U.S. marshal than the President of the United States, for whom he or she works. Very heavy. Follow carefully. This is not a light matter. Do not throw this one away. U.S. marshals must be appointed by the Attorney General, not the President.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], ranking member of the Subcommittee on Crime of the Committee on the Judiciary.

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

Mr. Chairman, I rise in support of the bill. I also want Members to know why this simple bill is on the floor today and what it says about the failure of the leadership on the other side. I am referring, of course, not to the ranking member of the Subcommittee on Crime, or the Judiciary, or the Committee on the Judiciary, but by others who have constantly messed into the anticrime agenda.

Mr. Chairman, let there be no misunderstanding; in my view, this is a good bill and it should be enacted into law. It went through subcommittee and full committee without opposition. It has the support of all the major law enforcement organizations. It has the support of the Justice Department. In fact, Mr. Chairman, this bill is a perfect example of a bill that should have been brought to the floor on the Suspension Calendar and disposed of in 5 minutes.

So why is this bill on the floor today under an open rule? Why is the Republican leadership pretending that there is really something of substance for us to debate here? The answer, Mr. Chairman, is simple: The bill is on the floor today simply because the other side has nothing else to bring before the House, and it wants to boost its batting average for open rules.

The bill is here today because the other side's anticrime agenda is basically shipwrecked. America is crying out for help in its fight against the proliferation of drugs and gangs and guns in the hands of children. Yet, this bill is the best thing that Speaker GINGRICH can come up with for the House to do today.

Just look at a few of the real problems, either ignored or actually made worse during this Congress: Every day, hundreds of children are being dragged into the spider's web of drug abuse. What has the Republican leadership done about that problem? It has gutted and defunded the juvenile prevention programs we passed in the last Congress and erected nothing, nothing in their place.

Every day scores of Americans are killed or injured by gun violence. What has the leadership done about that problem? It has tried to repeal the assault weapons ban we passed in the last Congress, a ban that more than two-thirds of the American people support.

Every day hundreds of thousands of law enforcement officers put their lives on the line in the fight against drugs and guns and gangs and terrorists. Just last week, the ATF uncovered a militia plot in the Speaker's own district, yet these law enforcement officers have been vilified by radical forces of the extreme right.

And what has the Republican leadership done about that problem? Instead of focusing its attention on the radical forces of hatred and extremism, it has encouraged those forces by engaging in a concerted program to bash law enforcement: to wit, 10 long days of hearings to pick through the ashes of Waco, and come up with not a single substantial new finding. By contrast, we only held 1 short day of hearings on the right-wing militias.

The Republican leadership bowed to its right wing and included in the terrorism bill an NRA-inspired commission, the whole purpose of which was to criticize law enforcement. The Republican leadership has blocked every attempt to amend the armor-piercing bullet laws so we can protect every cop in America from cop-killer bullets. We have to ask the same question thousands of cops throughout America are asking: Whose side are those guys on?

Mr. Chairman, I support this bill and I urge my colleagues to vote for it, but it is a sad day in America, Mr. Chairman, because while the American people call out for real help in fighting crime, both punishment and prevention, the Republican leadership plays legislative games with blue smoke and mirrors.

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

Mr. Chairman, I must say that I am disappointed in my colleagues on the other side. While they are supporting this legislation, they are mocking it and then using it for political speeches about what is and is not a Republican-Democrat position on the crime issue.

I, first of all, think this bill merits being out here solely today as it is, because it is a very significant change in law. It is not just that we are moving the appointment powers from the President to the Attorney General. It is a little more complicated than that. The appointment powers of the President require confirmation by the Senate, and as a matter of course when the Senators have that, just as with Federal judges, the appointments truly are the choices of the Senators, as much or more than they are of the President. They are never, or rarely at least, career professionals.

What we are doing today by giving the Attorney General the same power over the U.S. marshals appointments as she has today over the FBI and DEA field office heads and other law enforcement agency heads is making the U.S Marshals Service truly professional and taking a lot, if not all, of the politics out of it, the only exception being the director of the U.S. Marshals Service, which, like the director of the FBI, will remain a presidential appointment.

Mr. Chairman, this bill is not a minor bill. It is a very significant change in law. It should have been done a long time ago. If we want to play partisan politics, which was not my intent, I do not know why the Democratic majority for 40 years before this party took over this past January a year ago did not do this. It should have been done a long time ago.

Mr. Chairman, I would also respond to my colleagues about the work of this side of the aisle in the crime area. It seems to me that it would be obvious to any member of the Subcommittee on Crime, certainly the Committee on the Judiciary and this full body, that we have had 6 or 7 major crime bills that have become enacted into law and signed by the President in the past few weeks.

Granted, they were part of the terrorism bill and part of the appropriation bill, but six or seven of the Contract With America crime bills are now law. Some of them many of us have been fighting to get accomplished for years, the most significant of which, and which I will grant some of my colleagues over there do not agree with, but the most significant one is the reform of the so-called habeas corpus laws, which have allowed death row inmates to delay the carrying out of their sentences for years by procedural devices. They are not going to be able

to do that anymore; a very significant provision that President Clinton, thank goodness, signed into law, that Democrat Congresses have refused to pass over the years and send to a Republican President to sign.

In addition to that, Mr. Chairman, we have prison litigation reforms that have eliminated the caps that have been strangling State prison wardens from being able to keep prisoners who should be in prison there. We have had Federal judges saying things are overcrowded that would not be overcrowded in Federal prison. Now we have removed those caps and we have set up procedures that means that we are not going to be able to strangle the wardens and we are going to keep a lot of these prisoners behind bars.

In addition to that, we have a provision that has gone into law that will change the litigation requirements for prisoner litigation. We are not going to see a lot of litigation over peanut butter sandwiches like we have seen before, and other frivolous matters.

We have also enacted into law the Republican provisions on truth-in-sentencing to make it really meaningful, as opposed to what the last Congress did, in encouraging the States to actually incarcerate violent repeat felons for at least 85 percent of their sentences. We are going to give them additional moneys to build the prison business with which to do that.

Last but not least, my friend complained about the drug program. Somehow we cut out some prevention programs. All we did, and I think this is very significant, Mr. Chairman, is that we enacted what we fought for for several years and could not get, and that is a block grant program with all that prevention money, for about $500 million for this year alone, that will now be a question of the local communities deciding how best to spend that, whether it is fighting drugs or fighting crime in any other way. If there is a high crime area, the cities and the county governments are going to get this money to spend as they see fit, because what is good for Spokane, WA, in my judgment, is not necessarily good for Charleston, SC; and Lord knows, Congress and Washington certainly do not know best when it comes to crime prevention programs and fighting crime.

Mr. Chairman, not only that, but next week on the floor we are going to have a bill out here on crimes against children and the elderly, mandatory notification of communities regarding sex offenders, an antistalking bill, a bill regarding retaliation against witnesses, and the list goes on.

This subcommittee has already, the Subcommittee on Crime and this Congress, produced more legislation and brought it to the floor, and will have, by the end of this month coming up, certainly than any other subcommittee of this Congress. I am proud of what we are doing. There is even more to come.

Mr. Chairman, I am sorry we got off into a partisan discussion but, quite frankly, my judgment is the President is a little bit late on a lot of this stuff, like with his drug program down here. I think what he announced earlier this week sounds terrific. It sounds just like Ronald Reagan and George Bush with a new drug policy. It sounds great, but where was President Clinton for the last 3½ years? Where was he when he was cutting back on the drug czar's office in order to satisfy his commitment to reduce White House personnel, when he cut them by 60 percent or 80 percent earlier in his administration? For 3½ years we languished without a good drug policy. We saw the rate of usage of marijuana and cocaine among high school students double.

I am glad he is coming around to some of this now and maybe signing things into law. Again, I did not think this bill should be the forum for this kind of political discussion, but my colleague saw fit to raise it as a political issue about the general subject of crime, and I certainly am not going to sit back and not comment on it.

The bill itself, though, Mr. Chairman needs to be passed. It is an important bill. It does take the U.S. Marshals Service out of politics.

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

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

Mr. Chairman, we are here today because this is an important bill. This bill is important because it takes politics out of U.S. marshals appointments. It takes politics out of the appointments by giving the appointments from the President to the Attorney General, so there are no more politics in the U.S. Marshals Service.

That is why a number of Members of both sides of the aisle in the other body are not very enthusiastic about this measure. It may not be going anywhere, as logical, inevitable, as perfect, as improving as this will be to the Department of Justice. Mr. Chairman, I do not know, if I had my druthers, I like Presidents to make appointments.

Mr. Chairman, by the way, why do we not have the Attorney General appoint the U.S. district attorneys, while we are at it, or whomever the Attorney General might be? I do not hear anybody talking about that. Would that not take the politics out of DOJ? Yes, no, maybe? Well, probably not, and probably not in this bill, either. Mr. Chairman, I do not see anything to crow about in this bill.

The one thing I do agree with my friend, the gentleman from Florida [Mr. MCCOLLUM], about is that his subcommittee has taken out the ability of prisoners to write and complain about peanut butter sandwiches. The way he did that is have the judges dismiss those as frivolous suits, which they have been doing long before he became the chairman of the Subcommittee on Crime.

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

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. MCINNIS].

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

Mr. MCINNIS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I was over in my office watching this debate. Let me, first of all, address the issue of the rules. I saw the gentleman from New York, who still sits on the floor, and I am amazed.

The gentleman from New York complains when the Committee on Rules issues a closed rule. I understand his complaints. The gentleman from New York complains when the Committee on Rules issues a rule based on a modified closed rule. I understand, somewhat, the legitimacy of that type of complaint.

But now the only thing remaining, an open rule, and I am sitting in my office and the gentleman from New York is objecting to a rule that is an open rule. Mr. Chairman, I want to talk about that for a minute, from the gentleman from New York. What is going to make him happy? Complain, complain, complain. We issue an open rule.

Mr. Chairman, for those who do not clearly understand what an open rule means, it means we have completely opened debate. How can Members complain against that? The Committee on Rules, I think, acting in absolute good faith, has put this bill on the floor with an open rule so we can have the type of debate we are having today.

Mr. Chairman, let me move from the rule to the other issue at hand. Now let us talk about the bill.

□ 1400

Mr. Chairman, I used to be a cop. I know something about a good cop and a bad cop, and I can tell you the U.S. Marshals Service needs to be professionalized.

I am not embarrassed to stand up here in front of you and tell you that the Marshals Service worked a disgrace upon this country at Ruby Ridge. They were censured by the U.S. Senate. I have got the documentation right here. I am going to put it into the RECORD. They gave a black eye to all of us ex-cops and to all current cops.

That is not professionally run over there. Not only did they goof up and cost some people some lives at Ruby Ridge, then the director of the U.S. Marshals Service went out and gave the highest award possible under the U.S. Marshals Service to the agents involved at Ruby Ridge.

Should we crow about that? Absolutely not. Should we be embarrassed by it? Absolutely yes. Should we do something to reform the U.S. Marshals Service? The answer is clearly yes.

I am proud to say that BILL MCCOLLUM from the State of Florida has taken it upon himself to clean this agency up. This is a good bill. Why are we even debating? Why are you fighting this bill? This is a good bill. It does

clean up the U.S. Marshals Service, and it cleans it up under an open rule.

I would urge all Members to support this bill, I would urge all Members to take a very critical eye and to look very carefully at what the U.S. Marshals Service has done and how we can professionalize it, because if we professionalize that agency, it is a plus for all of us.

Mr. Chairman, I include the following for the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 1996.

EDUARDO GONZALEZ,
Director, U.S. Marshals, Arlington, VA.

DIRECTOR: The granting of the U.S. Marshal's ''Service Award for Valor'' to the Marshals involved in the Ruby Ridge incident is wrong and you know its wrong.

It is clear from the trial, Senate hearings, and testimony from those involved that standards of ''good judgment'', ''unusual courage'' and ''competence in hostile circumstances'' were not met, even at a minimal level. It is also interesting that the Marshals ''Information Sheet Randall Weaver Incident'' conveniently excludes key facts surrounding the incident such as the censure of your agents' conduct.

Granting this prestigious award to the Marshals and calling them heroes, greatly discounts the history of the award and for that reason alone, I regret your decision and poor judgment.

Sincerely,

SCOTT MCINNIS,
Member of Congress.

THEY CALL THIS VALOR

(By James Bovard)

On March 1, the U.S. Marshals Service gave its highest award for valor to five U.S. marshals involved in the 1992 Ruby Ridge, Idaho, shoot-out, including the marshal who fatally shot a 14-year-old boy in the back and another marshal who provoked a firefight by killing the boy's dog. The award announcement sent shock waves across Capitol Hill.

The marshals received the award, according to U.S. Marshals Service Director Eduardo Gonzalez, for ''their exceptional courage, their sound judgment in the face of attack, and their high degree of professional competence during the incident.'' Mr. Gonzalez labeled the men ''heroes.'' This makes a mockery of the many brave marshals who serve their fellow citizens.

Randy Weaver, a white separatist who had attended a few Aryan Nation meetings, was charged in 1991 with selling illegal sawed-off shotguns to a federal informant. (A jury later concluded that Mr. Weaver had been entrapped.) The U.S. Marshals Service was assigned the job of bringing Mr. Weaver in. The marshals spent the next year and a half spying on Mr. Weaver, sneaking around his land dozens of times and erecting spy cameras to record all of his family's movements.

The marshals greatly exaggerated the threat from Mr. Weaver due in part to false information they had received from ATF agent Herb Byerly, who according to one U.S, marshal, told them that ''Weaver is a suspect in several eastern Washington and western Montana bank robberies. An alleged accomplice in the robberies was arrested somewhere in Iowa and implicated a person believed to be Weaver during a confession. The accomplice has since escaped from custody with the assumption that he could be on the Weaver property.' Agent Byerly told a Senate subcommittee that the incorrect information was due to a ''typographical error.''

On Aug. 21, 1992, six U.S. marshals scurried onto the Weaver property, outfitted in full ninja-type camouflage and ski masks and carrying submachine guns and other high-powered weapons. The marshals had no visible badges or insignia identifying them as federal agents. After agents threw rocks near the Weaver cabin, Mr. Weaver's 14-year-old son, Sammy, and Kevin Harris, a 25-year-old friend living in the cabin, ran to see what the Weavers' dogs were barking at.

The marshals took off running through the woods, followed by one dog. The marshals later told the FBI that they had been ambushed. But according to a Justice Department confidential report, the marshals chose to stop running and take a stand behind stumps and trees. The marshals had the advantage of surprise, camouflage and vastly more firepower than the boy and Kevin Harris possessed.

The firefight began when Marshal Arthur Roderick shot and killed the family dog, as a Senate subcommittee investigation concluded last December. Marshals Roderick and Cooper claimed that the first shot of the encounter had been fired by Kevin Harris and had killed Marshal Bill Degan. But Capt. Dave Neal of the Idaho State Police team that rescued the marshals 12 hours later stated that Marshal Roderick indicated that he had fired the first shot to kill the dog.

After his dog had been killed, Sammy fired his gun in the direction the shots had come from. Sammy was running back to the cabin when according to the government's ballistics expert at Mr. Weaver's 1993 trial, a shot from Marshal Larry Cooper hit him in the back and killed him. Kevin Harris stated that he responded to Sammy's shooting by firing one shot into the woods to try to protect Sammy and defend himself. Mr. Harris's shot apparently killed Marshal Degan, an Idaho jury found that Mr. Harris acted in self-defense. Though Marshals Cooper and Roderick testified that Marshal Degan was killed by the first shot, evidence later proved that he had fired seven shots.

Marshals Roderick and Cooper stayed huddled alongside Marshals Degan's body for the next 12 hours, afraid that they might be shot if they tried to carry him off the mountain—even though the Weavers had long since retrieved their son's corpse and gone back to the ramshackle cabin. Other marshals panicked and wrongfully indicated that the Weavers had U.S. marshals ''pinned down'' for hours under heavy gunfire. A subsequent FBI on-site investigation found evidence that the marshals fired far more shots at Sammy Weaver and Mr. Harris than Sammy and Mr. Harris fired at them.

FBI Hostage Rescue Team snipers were called in. The subcommittee report noted, ''FBI agents who were briefed in Washington and in Idaho during the early stages of the crisis at Rudy Ridge received a great deal of inaccurate or exaggerated information concerning . . . the firefight.'' The marshals' gross mischaracterization helped pave the way to the FBI killing of Vicki Weaver, Sammy's mother.

Marshals Roderick and Cooper testified last Sept. 15 before Senate Judiciary subcommittee hearings chaired by Sen. Arlen Specter (R., Pa.) on the Ruby Ridge case. They stunned the committee by announcing that Randy Weaver had shot his own son. Though Sammy was shot as he was running in the direction of his father, and though Mr. Weaver was far away from the scene of his son's death, and was in front of him and at a higher elevation, and though his son was shot in the back by a bullet with an upward trajectory, Marshal Cooper insisted the father still somehow shot the son.

That could have happened only if Randy Weaver had been using ''Roger Rabbit'' cartoon bullets—bullets that could twist around tress, take U-turns, and defy all laws of physics. The jury foreman at the federal trial in 1993 characterized the new Cooper-Roderick theory with an expletive and told the Washington Post last September that ''the government's story has changed every time you turn around.''

The Senate subcommittee report concluded, ''The Subcommittee . . . has seen no evidence which would support the Marshals' claim . . . ''Sen. Specter said last week that he was ''surprised to see a commendation for U.S. marshals whose conduct was under censure from the Judiciary subcommittee.''

The marshals' dubious conduct is further indicated by the Marshals Service's refusal to undertake routine internal investigations after the fatal shootings. The Senate subcommittee noted, ''We were disappointed to learn that, based on his desire to avoid creating discoverable documents that might be used by the defense in the Weaver/Harris trial . . . former Director Henry Hudson decided to conduct no formal internal review of USMS activities connected with the Weaver case and the Rudy Ridge incident.''

Can anyone imagine Wyatt Earp, when he served as a U.S. marshal in the 1880s, receiving a valor award for shooting a 14-year old boy in the back? Does the Marshals Service believe that Americans are obliged to give the benefit of the doubt to people in ninja outfits who jump out of the woods and begin firing submachine guns at them? Federal law enforcement agencies have yet to learn that they cannot brazenly shoot innocent Americans and then pretend that the agents involved should be treated like national heroes.

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

Mr. Chairman, I do not intend to take much time. The bill's debate is essentially completed. But I do want to point out again to my colleagues that there are a lot of things that have been going on that have been legislation dealing with crime, that have come out here this year, and none of those have been frivolous but one of them has concerned, as the gentleman from Michigan well knows, frivolous lawsuits by prisoners.

While he may ridicule the idea that we are prohibiting suits about peanut butter sandwiches or that judges can throw out frivolous lawsuits today, the fact is the underlying principle of that bill has to do with exhausting administrative remedies, and is going to make it very much more difficult for prisoners to bring up frivolous lawsuits in the first place and make it a lot easier for judges to throw them out, not just for peanut butter sandwiches but for lots of other things.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I appreciate the gentleman for his courtesy. I just want to reiterate that for him and the chairman I have utmost respect. I think they have been trying to move a crime agenda along. I am only asking the gentleman to yield because we have yielded back our time.

The arguments of the gentleman from Colorado were the most sophistic

I have ever seen about the open rule. We have a minor, narrowly drawn bill where no one wants to amend it, and the gentleman from Colorado has a big brass band with flags saying, ''See, we're doing an open rule.''

If the gentleman had listened to my point, it was not objecting to an open rule on this legislation but it was objecting to the fact that on far more weighty pieces of legislation, there is no open rule at all. When this majority was in the minority before the gentleman from Colorado got here, they complained royally at the fact that there were closed rules or modified closed rules, and yet when they got into power, this minority, now majority, has far more restricted the rules process than the majority ever did.

So the point is not that this is an open rule. I agree with the bill. I think it deserves about 5 minutes of debate. What I disagree with is the inability to debate crime issues, weighty issues, many of which I agree with the gentleman from Florida on, many of which I disagree. But we have had no opportunity to debate it because every major bill where we have debated crime has been under a closed rule where lots of amendments were not allowed or would not be allowed on this bill.

I thank the gentleman for yielding.

Mr. MCCOLLUM. Reclaiming my time from the gentleman, I would point out to him that next week, I believe, there will be a couple more crime bills out here under open rules. I would like to see more of them all year long. Certainly we believe in that.

Mr. Chairman, I yield to the gentleman from Colorado [Mr. MCINNIS], a member of the Committee on Rules, for a response to that.

Mr. MCINNIS. Mr. Chairman, I, of course, find the comments amusing. All the gentleman from New York has done from what I have seen, and I saw him just a minute ago from my office, is complain, complain and complain. There is nothing we are going to do as long as we are Republicans, especially in an election year, that is going to make him happy. I can understand that, but I did not really come over to debate him. I came over to explain to my colleagues, this is an open rule.

Sure, there are some Members of this House who will complain about everything we do, but the fact is there is no justification for complaint either on the open rule and there is certainly no justification, in my opinion, to oppose this bill. This is a good bill. It cleans up the U.S. Marshals Service, it puts in some very basic reforms, and once again I commend the gentleman from Florida who I think, by the way, has really taken the lead of the pack on putting some important crime legislation into this country and into law in this country.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield very briefly to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I will give an example, one, to the gentleman from Colorado, a member of the Rules Committee. The vast majority of people in this body, the vast majority of law enforcement people would like a bill to ban cop killer bullets. We were prohibited by the Rules Committee on three different occasions in legislation from allowing that to be admitted. I could name many, many, many amendments that the gentleman would disagree with me or agree with me, that we are not allowed to debate. Let us be honest about it.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, I will respond, and I am not going to yield more on this subject.

I want to say to my good friend from New York, he and I will debate some of the gun issues for a long time to come in the future. Cop killer bullets, as I know them defined today, are already banned by law.

Obviously, there is a great dispute over somebody wanting to set some standard that nobody knows yet is going to be a bad bullet that is going to actually pierce any of the kind of things that the cops wear to protect themselves. If he can show me that, I have always been willing to ban such a billet.

The problem is, this is an example of how we can get off track and get our political rhetoric going today, when we really ought to be together on fighting crime and this bill ought to be celebrated today.

This, as the gentleman from Colorado [Mr. MCINNIS] said, is an extraordinarily important bill. Maybe it does not deserve, in and of itself, a lot of debate time, but it deserves the attention that this debate should draw on it because it is a constructive important step to finally end the politics in the appointment of U.S. marshals and make them conform, the service comform to the same kind of professionalism that the FBI, the DEA, and other Federal law enforcement bodies have.

There is no reason not to do this. The U.S. attorneys office, which was brought up by my colleague from Michigan, is an entirely different animal. Maybe we ought to take some of the politics out of them, but that is not a Federal law enforcement agency. The U.S. Marshals Service is, and it is the only one today that does not have the kind of removal from politics that this bill would give it. I therefore am very proud of the bill and urge the adoption of this bill.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered as having been read.

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 he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Marshals Service Improvement Act of 1996''.

The CHAIRMAN. Are there amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. APPOINTMENTS OF MARSHALS.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking ''The President shall appoint, by and with the advice and consent of the Senate,'' and inserting ''The Attorney General shall appoint''; and

(B) by inserting ''United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates.'' after the first sentence;

(2) by striking subsection (d) of section 561;

(3) by redesignating subsections (e), (f), (g), (h), and (i) section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—the table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

The CHAIRMAN. Are there amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 1999, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed until a successor is appointed.

The CHAIRMAN. Are there amendments to section 3? If not, the question is on the committee amendment in the nature of a substitute.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DICKEY) having assumed the chair, Mr.

WICKER, 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. 2641), to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Director of the U.S. Marshals Service, pursuant to House Resolution 418, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the committee amendment in the nature of a substitute.

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

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

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

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

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

Mr. BISHOP. 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 351, nays 72, not voting 10, as follows:

[Roll No. 141]

YEAS—351

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—72

Barrett (WI)
Bishop
Bonior
Brown (FL)
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
DeFazio
Dellums
Dingell
Duncan
Engel
Eshoo
Fattah
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Gejdenson
Gephardt
Gibbons
Green (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kildee
Klink
Lewis (GA)
McDermott
McKinney
McNulty
Meek
Mollohan
Murtha
Neal
Obey
Olver
Owens
Payne (NJ)
Peterson (FL)
Poshard
Rahall
Rangel
Roemer
Rush
Sanders
Sawyer
Stark
Stokes
Thompson
Towns
Visclosky
Waters
Williams
Wynn

NOT VOTING—10

Berman
Bryant (TX)
Clay
Goss
Kaptur
Kleczka
Molinari
Myers
Walker
White

☐ 1429

Mr. HOYER and Mr. TORRES changed their vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.''

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2641, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2149, OCEAN SHIPPING REFORM ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 419

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. 2149) 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. 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 Transportation and Infrastructure. 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 to consider the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, 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 in the House or in the Committee of the Whole. Points of order against that amendment for

failure to comply with clause 7 of rule XVI are waived. 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 by title rather than by section. The first section and each title shall be considered as read. During further 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. The amendment printed in part 2 of the report of the Committee on Rules shall be considered as read, may amend portions of the bill not yet read for amendment, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], 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.

AMENDMENT OFFERED BY MR. QULLLEN

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that the pending resolution be amended in the form of the amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. QUILLEN: Page 3, line 12, strike ''an amendment'' and insert in lieu thereof ''amendment (except pro forma amendments)''.

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

Mr. MOAKLEY. Mr. Speaker, reserving the right to object, and I will not object, I want to inform my dear friend from Tennessee that this side has read the amendment and we perfectly concur with it and we have no objection to the unanimous-consent request.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from Massachusetts.

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

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

There was no objection.

The SPEAKER pro tempore. The amendment is agreed to.

Mr. QUILLEN. Mr. Speaker, House Resolution 419 is an open rule, providing 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation.

The rule provides for the consideration of a manager's amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution.

The amendment may amend portions of the bill not yet read for amendment and is debatable for 10 minutes equally divided between the proponent and an opponent. It shall not be subject to amendment or to a demand for division of the question. If adopted, the amendment is considered as part of the base text for further amendment purposes.

Additionally, the germaneness rule is waived against the manager's amendment printed in part 1 of the report.

The rule provides that the bill, as amended, shall be considered by title rather than by section, and that the first section and each title shall be considered as read.

Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments.

The rule further provides that the amendment printed in part 2 of the report may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I have always believed that the merchant marine was vital to national security and very necessary for the economic well being of this country. They have played a vital role in every major conflict this country has been in. I am a strong champion for any bill that aids our ocean shippers. That is why I am a strong supporter of H.R. 2149, the Ocean Shipping Reform Act.

H.R. 2149 is a bipartisan plan to deregulate the last area of regulated transportation and the bill would permit carriers and shippers to develop transportation arrangements to meet their specific needs.

Mr. Speaker, as strongly as I support the Ocean Shipping Reform Act, I oppose the Oberstar amendment and urge its defeat.

Mr. Speaker, this is an open rule for a good bill. I urge all Members to support the rule and the bill.

Mr. Speaker, I include the following material for the RECORD.

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

[As of May 1, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	64	60
Modified Closed [3]	49	47	26	24
Closed [4]	9	9	17	16
Total	104	100	107	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 May 1, 1996]

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).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 1, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
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	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	

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

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Tennessee, Mr. QUILLEN, for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, I am pleased that this bill is being considered under an open rule, but I am sorry to hear that it was not the subject of a single congressional hearing in the House.

Mr. Speaker, this rule provides for the consideration of a bill that's in serious need of an amendment.

Lucky for thousands of American workers, it's an open rule and we have a good chance of making the necessary improvements.

Because unless we fix this bill, it will lead to increased prices for consumers by eliminating the public disclosure of shipping rates. It will prevent small shippers from competing with the largest, most powerful shippers and remove the enforcement of contracts with workers.

Mr. Speaker, a lot of people depend on these jobs including longshoremen, warehousing workers, trucking employees, and rail employees in addition to the thousands of people who work in and around port communities. If this bill is not fixed, their wages could go down, or they could lose their jobs.

Like the bill, Mr. OBERSTAR's amendment will lighten some of the regulatory burden and eliminate the Federal Maritime Commission. However, the Oberstar amendment will also ensure a level playing field for all shippers; continue worker protections, and keep costs down for consumers.

I have always supported the Federal Maritime Commission. I believe they have done excellent work, and served the country well. I am pleased that although the time may have come to transfer their responsibilities elsewhere the good work they started on behalf of American workers and American consumers can continue.

Mr. Speaker, I urge my colleagues to support this rule and to vote to improve this bill with the Oberstar amendment.

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

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. COBLE].

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

Mr. Speaker, I have no problem coming to this floor to engage in open debate. This is, after all, our reason for being, to debate issues openly and notoriously in the hope of improving it. I do, however, Mr. Speaker, have problems when Members assure me that they are with me, then, as a result of what I call political intimidation, conclude that they are not only not with me but against me.

Oh, I am not angry. I am not that thin-skinned. I am disappointed, because we changed our position in reliance upon their assurances that they were supportive of this good legislation only to learn at the last minute that their support had vanished like the morning dew.

This bill, I say to my colleagues, promotes a sound fiscal approach by dismantling the Federal Maritime Commission and saving taxpayers approximately $20 million per year. The Federal Maritime Commission, my friends, is a vestige of the Federal bureaucracy whose usefulness, if any, has been served.

Just yesterday, at the House Committee on Rules meeting, the gentleman from Massachusetts [Mr. MOAKLEY] asked the gentleman from Minnesota [Mr. OBERSTAR] why he was going about his dismantling FMC, and here I am paraphrasing, and the gentleman from Minnesota replied to the gentleman from Massachusetts, its time has come.

And, folks, the time has come. It is time for us to move along and this is an excellent way to dismantle big Government.

This bill, secondly, promotes and encourages competition. It has the support, and, Mr. Speaker, I hope the Members are listening to this, it has the support of these groups: The American Farm Bureau. And I would say to the gentleman from Tennessee that I am told that they represent 4.5 million farm families.

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The National Retail Federation, the American Forest and Paper Association, the American Automobile Association, Sea-Land Service, American President Lines, the two largest carriers in this country, the National Broiler Council, the National Turkey Federation, and I could to on and on.

But as evidenced by the aforementioned support, Mr. Speaker, this bill affects America. The title, Ocean Shipping Reform Act, might imply to the uninformed that this affects only ports and only coastal communities. This bill, Mr. Speaker and my friends, affects people, individuals and corporations across this land who produce goods and/or services, Americans who live in New England, who live in Dixie, who live on the Great Plains, the Pacific Northwest, the scenic Southwest. Americans all will benefit, directly or indirectly, with the passage of this bill without any amendments.

This bill could be labeled, Mr. Speaker, America's bill. It is a good bill. I urge passage of this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], for yielding me the time.

Mr. Speaker, I do support this rule. I appreciate very much your comments about the amendment that I will offer in accordance with the rule. It is an open rule. It does provide us with 1 hour of general debate, makes in order my amendment. That is fair.

The rule inadvertently made a mistake on debate on my amendment. That has been corrected, and I appreciate that gesture on the part of the floor manager for the Republican side.

I have come to this floor many times in support of deregulation of aviation, of trucking, of bus, of railroad industries, and I stand here in support of deregulation of ocean shipping with some adjustments.

The goals in most of the provisions of H.R. 2149, the bill we will be considering this afternoon, are basically good goals and good provisions. They eliminate the Federal Maritime Commission, prohibit ocean carrier conferences from restricting the rights of individual carriers to make contracts with shippers, eliminate the requirement that tariffs have to be filed with a government agency. But it does not go far enough, or perhaps it goes too far.

My first concern is that the bill allows carriers and conferences, 85 percent of whom fly a foreign flag, to enter into secret contracts with shippers. Under existing law, the essential terms of those contracts must be disclosed. That is what we do in the airline industry today. Nothing wrong with that.

Allowing secret contracts would lead to contracts that would discriminate against small shippers and disadvantage smaller carriers and smaller ports. They have raised concerns about this legislation. That is why I have an amendment to require these be open contracts, as current law requires.

Secret agreements would also permit foreign carriers to set the market price for U.S. exports, while U.S. carriers would have no ability to learn the essential terms of the secret contracts and offer competitive rates.

My other concern focuses on the agency that will take over the residual functions of the Federal Maritime Commission. The bill would vest that authority to the Secretary of Transportation.

Well, I may trust this Secretary. I do not necessarily want to have confidence in every Secretary. I do not believe that major authority should be placed in a department that is subject to the ever-changing political winds or whims of any particular Secretary. My amendment would address those concerns by requiring public disclosure of the essential terms of carrier conference contracts.

Second, it will vest the remaining enforcement responsibilities of the Federal Maritime Commission in the Surface Transportation Board, an independent transportation agency that already oversees water carriers transporting goods to certain destinations.

My amendment leaves in place the objectives, major objectives of this legislation. The Federal Maritime Commission is eliminated. Restrictions on the contents of contracts between shippers and carriers would be eliminated. Laws related to unfair trade practices of foreign carriers and foreign governments would be strengthened.

But I must say, my colleagues, and I am sorry that I do not see the gentleman on the floor right now, the chairman of the subcommittee, who said certain people were subjected to political intimidation. I am sure that those words were directed to our side of the aisle and possibly to this Member, and I just wanted to ask the gentleman, since when do citizens of this country not have the right, provided in our Constitution, to petition their government for redress of grievances? Since when do we say to people who will be adversely affected by legislation, you have no voice, you have no

way to express yourself, you have no opportunity to come before the body of this country that makes policy and express your dismay and ask for redress of grievances?

That is not political intimidation. That is the right of every citizen of this country to walk into our offices and to say, ''I do not like the way things are happening, I do not like this law, I do not like this bill. Please correct it for me.'' We do that time and again, and that is right and that is fair, and my amendment is not being subjected to any kind of secret process. It is being debated right here openly on that floor, and I resent that kind of language. It is inappropriate.

We did have hearings on the concept of deregulation. There was a bill drafted by the committee at the conclusion, and a markup was held. There were no hearings on that bill, and I am not faulting that process. I am just saying that people have come since then and said 8 months later, after this bill was considered in committee, ''We find fault with the bill. We do not think that it is appropriate to proceed in this manner. We want redress of our grievances.'' Small ports, small shippers, maritime labor, who have concerns.

Those concerns are going to be addressed in my amendment in an open, fair debate, no political intimidation. That is sheer nonsense and inappropriate and I resent it.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the Committee on Transportation.

Mr. SHUSTER. Mr. Speaker, I did not realize we would be debating the substance of this bill in the rule, but since my good friend from Minnesota is, then I think that I need to respond.

I cannot tell you how deeply disappointed I am that I believed we had a deal. We had a very delicate compromise in which everybody gave up something: the shippers, the carriers, all interested parties.

In fact, while the shippers were very much opposed to retaining antitrust immunity, this is in the bill. They swallowed hard. On the other hand, in exchange for their swallowing hard, private contracts were permitted, private contracts which are at the heart of the Staggers Act, in the railroad industry, are permitted with rail; private contracts between shippers and carriers which are permitted in the trucking industry.

Indeed, one of the essential parts of deregulation is to permit private contracts between shippers and carriers, and indeed, that was part of the deal. In fact I must particularly remind my good friend from Minnesota, who indeed is a good friend, in fact I am reminded of something that somebody told me earlier today about a chaplain saying the prayer in the Louisiana State legislature when he prayed, ''O Lord, help us make our words sweet today because we might have to eat them tomorrow.''

Well, I must remind my good friend from Minnesota that this legislation was passed overwhelmingly by voice vote out of our committee; that my good friend from Minnesota said and I quote him:

> I am a strong supporter of the legislation that we consider today, as are my fellow committee Democrats. The basis for this legislation has been the strong bipartisan, cooperative manner in which the bill has been developed.

Then he went on to say:

> The bill accomplishes preservation of the committee carrier system, which is important to the carriers, but it also injects a very healthy and significant dose of flexibility and competitive opportunity.

And then he said:

> Most importantly, Mr. Chairman, prior to the bipartisanship that we developed on the committee on this bill, it enjoys the support of carriers, of labor, and of the shipping community, without which we could not move the legislation. We'd have a room full of people buzzing around and all sorts of conflicts. But because we've come to this—as we are fond of saying in this committee over and over again—a delicate balance, we've got a good compromise of different interests.

Indeed, just less than a month ago my dear friend from Minnesota, in a speech, also said:

> Our committee has reported the Ocean Shipping Reform Act of 1995 to the House and proposed that we deregulate the ocean transportation industry in ways that are similar to what we have already done in the trucking, rail, and airline industries. We would eliminate tariff filings and allow for confidential service contracts.

Let me repeat that: ''We would eliminate tariff filings and allow for confidential service contracts.'' That was part of the deal. That was the compromise. Now to be told a few days ago that, ''Well, we really did not mean it when we make a deal, we do not stick to the deal, but at the last minute we try to change the deal,'' I find that extremely disappointing.

My good friend went on to say:

> As we deregulate transportation industries carefully over the years, each time the result has been lower rates and greater cargo and passengers movement.
>
> So if we decrease the cost of international shipping through deregulation of the ocean transportation system, and at the same time expand our port access infrastructure, everyone can and will win.

So I cannot tell you how deeply disappointed I am that after we crafted a very, very delicate compromise, after management, labor, carriers, shippers, all came to the table, all gave up something and we passed this out by voice vote, with nary a ''nay'' expressed, with, as my good friend from Minnesota says, strong bipartisan support from the Democrats and the Republicans, now at the last minute to be told that ''Well, the deal really was not a deal, now we want changes.''

So I am very disappointed by this, and if the gentleman has time on his own time, I would be happy to address him. My time has expired, I understand.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

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

Mr. TRAFICANT. Mr. Speaker, I want to start out by commending the gentleman from Pennsylvania, Chairman SHUSTER, and the ranking member, the gentleman from Minnesota, Mr. OBERSTAR, and the gentleman from North Carolina, Mr. COBLE, the subcommittee chairman, who worked hard. He is a friend of mine.

I was the ranking member at the time this bill was approved, and I remember much the things now being rehashed except to say that there was always one little asterisk in this whole process, and that was labor's concern over the secret opportunities of these contracts and certain antitrust considerations right from the beginning.

☐ 1500

We went along, and there was supposedly a mild-mannered agreement, gentleman's agreement, but there was never total confirmation of support from those people who were concerned.

I will yield to the gentleman when I conclude this because I would like to make this statement:

The Oberstar amendment and the original bill are not far apart. The Federal Maritime Commission has done a great job; it will be eliminated, as will all of the other salient points that are brought up in the legislation before us. Where the bill currently stands and the Oberstar amendment currently fits deals with the issue of repealing the requirement that the essential terms of contracts between ocean carriers and shippers be disclosed to the public. They would not be allowed to be disclosed to the public, and on the surface it does not seem to be a problem. That is the way it was some time ago, especially when we look at the way rail and highway shipping industries operate. But unlike rail and highway industries, in ocean shipping most of the carriers are a part of conferences that are immune from U.S. antitrust laws.

This combination, I say to my colleagues, of antitrust immunity and secret contracts, in our opinion, and in the opinion of many in the industry now, would greatly compromise the competitive balance between ocean carriers and shippers.

I am of the conclusion, as is the gentleman from Minnesota [Mr. OBERSTAR] and many others in labor, that the only way to fully protect small carriers and shippers as well as small- to mid-sized ports is to preserve the requirements in existing law for disclosure of the essential terms of ocean shipping contracts. With that, that is the issue that separates us.

But I started out, I said I wanted to compliment the gentleman from Pennsylvania [Mr. SHUSTER]. Three of my amendments are included in this bill and are included in the Oberstar substitute as well which would broaden the authority of the Secretary of Transportation to take action against

foreign governments and entities that take actions that are unfair, predatory, or anticompetitive, and disadvantageous to all carriers. The original Tranficant language in the bill was criticized because it focused solely on the impact on U.S. carriers. It has been broadened, and it affects both domestic and foreign carriers.

The second amendment clarifies the manner in which regulations shall be issued by the Secretary on making determinations that prices charged by carriers are unfair, predatory, and anticompetitive. It ensures that, if a carrier is investigated by the Secretary and found not to have violated the law, the information will not be made public. Congress would have access to the information.

Finally, it would require the Secretary of Transportation to report to the Congress annually on any action taken to enforce U.S. laws prohibiting unfair, predatory, and anticompetitive foreign trade practices and the effect of U.S. maritime labor on the actions of foreign governments and carriers.

I do not know about all the small detail between the two heavyweights on our committee, but we have been truly a bipartisan committee from the day that I have first been elected and served on this committee. I do not know of any two finer Members that serve. But I do know this as the ranking member at the time, not knowing the words that were repeated by the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], but there was always that element of doubt and concern from labor over that issue of disclosure/nondisclosure. With that, I would urge all to support the Oberstar amendment.

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

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. My good friend said in the committee, and I am quoting him now: Mr. Chairman, I am in strong support of this legislation. The bill was developed in a bipartisan manner, et cetera.

Mr. Speaker, I would further say I am sure my good friend would not want to mislead the body and certainly would not do that on purpose. I am sure the gentleman would not intentionally mislead the body.

Talk about antitrust immunity here in ocean shipping, well antitrust immunity continues to exist in rail and trucking as well, and in fact in rail and in trucking the right to enter into these private contracts exists.

So the Staggers Act, which has been extraordinarily successful in revitalizing the rail industry, has the very provision in it that we have in this bill and which was supported not only in the committee by the gentleman and the Democratic side, but in a speech less than a month ago by my good friend from Minnesota.

So I find it extraordinary that we have this disagreement.

Mr. TRAFICANT. Reclaiming my time, if we went back into the archives and looked at all the memorializations of any speeches made by every Member, I am sure we would find some unusual trespasses.

Let me say this before I would yield. There is one thing that I do recall, and there was one great concern over this bill. That is the issue that was brought forth in the Oberstar language. I think it is at the right place where the deliberative body here shall make that decision, in the Congress here, the whole House, and I support the Oberstar language. I think it clarifies it, it stabilizes it, and in fact solidifies what we do here today for small ports, small business and for labor.

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

Mr. TRAFICANT. I yield to the distinguished gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I am sure the chairman would not want to mislead people either into thinking that labor was at the table, as he said, because in the list of witnesses on the one hearing we had, there was no representation from labor. There was no testimony from labor. So they were not part of the deal. Those maritime interests that are concerned about this issue were not part of any deal.

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

Mr. TRAFICANT. Reclaiming my time, Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania.

Mr. SHUSTER. I would say to my friend I was quoting my friend from Minnesota who said, and I quote, on this bill it enjoys the support of carriers, of labor, of labor, and of the shipping community. I was quoting my good friend from Minnesota.

Mr. QUILLEN. Mr. Speaker, I advise the gentleman from Massachusetts [Mr. MOAKLEY] that I have no further requests for time at this time.

Mr. MOAKLEY. I would like to inform the gentleman from Tennessee that I do not have any requests for time either, and I yield back the balance of my time.

Mr. QUILLEN. 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. SHUSTER. 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 422, nays 0, not voting 11, as follows:

[Roll No. 142]

YEAS—422

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
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
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle

Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Berman
Bryant (TX)
Clay
Danner
Ewing
Goss
Kaptur
McCarthy
McNulty
Molinari
Myers

☐ 1526

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. McCARTHY. Mr. Speaker, during rollcall vote No. 142 on House Resolution 419 I was unavoidably detained. Had I been present, I would have voted "yes".

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, on Tuesday, April 30, I was unavoidably detained and missed rollcall vote No. 138. Had I been present, I would have voted ''yes'' on rollcall vote No. 138.

☐ 1530

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2796

Mr. GORDON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2796.

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

There was no objection.

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENTS ON H.R. 3230, DEFENSE AUTHORIZATION BILL

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

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet on Thursday, May 9 to hear testimony on Friday, May 10 to grant a rule which may restrict amendments for consideration of H.R. 3230, the fiscal 1997 defense authorization bill.

The important part is, any Member contemplating an amendment to this bill should submit 55 copies of the amendment and a brief explanation to the Rules Committee in room 312 in the Capitol no later than 12 noon on Wednesday, May 8.

OCEAN SHIPPING REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 419 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. 2149.

☐ 1531

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. 2149) 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, with Mr. REGULA 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 Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Chairman, it is not often that we can bring to the floor a piece of legislation that can boost the entire United States economy but this legislation, the Ocean Shipping Reform Act, can do just that.

Mr. Chairman, while it is true that by abolishing the Federal Maritime Commission, which this bill does, we can save about $20 million a year in the Federal expenditures, that really does not tell the story. The real story here is that by abolishing the Federal Maritime Commission, by eliminating the tariff filings, we can stimulate this segment of American transportation to the point that we can save for America close to $2 billion a year in increased productivity through increased competition.

Yes, this abolishes the Federal Maritime Commission. Yes, it eliminates tariff filings, although it requires that such filings be made public. But it also provides for private contracts. This is at the heart of the bill, because if we are going to retain antitrust immunity, which this bill does, and which the shippers were very much opposed to but in the spirit of compromise agreed to, if we are going to retain antitrust immunity, then it is crucial that the carriers and the shippers be able to enter into private contracts.

This is not a new idea. This is an idea which has been proven, and it has been proven through the Staggers Act, which was the Rail Reform Act. The railroads have the ability with their shippers to enter into private contracts, and we all know the great success story of the revitalization of the railroad industry. The trucking industry has the ability to enter into private contracts with shippers and carriers. The aviation industry has the ability to enter into private contracts with shippers and carriers.

Indeed, every mode of transportation in America, freight transportation, has the ability to enter into these private contracts except for ocean carriage, and that is one of the fundamental reforms that we make today. We say that as all the other modes may do, now shippers and the carriers in ocean shipping can also enter into private carriage. It is a critical, fundamental part of the compromise of this legislation.

Beyond that, we are told by the U.S. Department of Agriculture that the shipping cartels fix prices and that is what we have had up to this point in ocean shipping, cartels fixing prices enforced by the Federal Maritime Commission. We are told by the Department of Agriculture that that price-fixing amounted to an 18-percent surcharge on the total ocean transportation cost of agricultural products.

And so indeed by injecting this competition, we are going to be able to make agriculture more productive. Indeed, we are going to be able to make virtually all modes that rely on ocean shipping more productive.

It is important to emphasize, Mr. Chairman, the United States is the only country in the world that maintains an agency to regulate and enforce Government ocean shipping controls. The time has come to eliminate the Federal Maritime Commission.

There are several points that served as a basis for the delicate compromise on this legislation, a compromise which had strong bipartisan support, indeed was passed out of committee by voice vote with nary a negative expression against this legislation. Republicans and Democrats alike cosponsored this legislation and passed it overwhelmingly, if not unanimously, out of the committee by voice vote.

The agreement was very simple. The shippers agreed that the ocean carriers

and the ports would retain their antitrust immunity. That is what the carriers and the ports got in this compromise, including the authority to set their prices with antitrust immunity and publish those prices.

In exchange for this fundamental concession by the shippers, the carriers agreed to accept reforms to instill greater competition among the carriers. These reforms are the elimination of tariff and contract filings and enforcement, and the authority for shippers and carriers to enter into the private contractual arrangements which every other mode of transportation has. Let me emphasize, seagoing labor, the Seafarers, the part of organized labor most directly affected by this legislation, agreed to this compromise. Indeed, we bring this balance to the floor today.

Let me also emphasize, Mr. Speaker, that originally the bureaucratic ocean and shipping regime, including tariff filings and compulsory publication of contract terms, originally was designed to protect American businesses. But today, however, the ocean transportation system works against U.S. exporters and importers, and it benefits those very foreign competitors of U.S. business and foreign flag owners who dominate the price-fixing cartels. Indeed, these foreign vessel owners control nearly 85 percent of the regulated ocean shipping.

So we bring to the floor today legislation which is good for America, legislation which had the strong, strong support, bipartisan support of virtually every member on the committee. I would urge my colleagues to support this legislation, this compromise, without amendment, because if we undo the compromise, then we undo the reforms and the benefits which are so crucial and critical to the future of American productivity.

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

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

Mr. Chairman, many writers and historians have described the United States as an ''Island Nation''. The oceans that have protected us from foreign invasion are also the highways over which most of this country's imports and exports must travel to market.

While most people recognize that the coastal cities in our country grew up around ports, today, every congressional district in the United States is touched by this linkage to the world market—whether it be iron ranges in my district, or wheat fields in Kansas. That's why we must all be concerned about how international shipping is regulated.

The bill now before us would take major steps in shifting the regulation of international shipping from the Government to the marketplace. In general, I support this approach. The market can do a much better job than the Government in promoting efficiencies and low prices for consumers. That was proved with the successful deregulation of the domestic airlines, trucking, bus, and railroad industries.

I also support most of the provisions of H.R. 2149, including the provisions which eliminate the Federal Maritime Commission; prohibit ocean carrier conferences from restricting the rights of individual carriers to make contracts with shippers; and eliminate the requirement that tariffs must be filed with a governmental agency.

However, I believe that the bill goes too far in one important respect. By combining continued antitrust immunity for conferences of carriers with a right of these carriers to make secret agreements with individual shippers, the bill is likely to lead to less competition and higher rates. Later, I plan to offer an amendment to prevent these unfortunate consequences by banning secret agreements.

In evaluating the problems with secret agreements, we must be aware of some basic economic facts about ocean shipping today.

At the end of World War II, the United States had the greatest commercial fleet in the world to carry this commerce. Today, less than 4 percent of our commerce is transported on U.S.-flag vessels. More than ever before, we are dependent on foreign vessels owned by foreign citizens to transport the lifeblood of our Nation. Foreign carriers do not necessarily have the best interest of United States' citizens at heart. Foreign carriers can be motivated by their own nationalism, their business interests, or the interests of their government. Foreign carriers can operate as an instrument of their country's corporate or governmental policy. To further these policies, foreign carriers can set rates which increase the costs of our exporters and lower the shipping costs of their country's corporations which export to the United States. Thereby, foreign carriers can place U.S. manufacturers, even those only serving domestic markets, at a disadvantage in competing against foreign manufactured goods.

The ability of foreign carriers to create unfair advantages for their country's exporters will be greatly enhanced if the foreign carriers are allowed to enter secret agreements with these exporters, with discriminatory terms. Our shippers will be unaware of these agreements and have less leverage to obtain comparable agreements.

Secret agreements will also accelerate current trends toward industry concentration. In this regard, I would like to take a moment to read to you the views of one of the biggest supporters of H.R. 2140, John Clancy, the president and CEO of Sea-Land Services, Inc. According to an interview he granted with World Wide Shipping in September, Mr. Clancy believe that:

> A few giant shipping consortia with global reach and the freedom to function like contract carriers will dominate the world's sea-lanes before the end of the century. He painted a picture of a maritime environment where a few super-consortia will control 85–90% of the world's containerships. The by-product, he says, is the demise of the niche carrier, the feeder line and the north-south lines with no other links in the shipping chain.

The controlling factor in this, according to Mr. Clancy, is the pending legislation to deregulate the U.S. shipping industry.

I thought the purpose of deregulation legislation was to increase competition, not to eliminate it. That's the fundamental flaw in H.R. 2149. It lacks balance. Everyone is looking at the quick, short-term impact—everyone; that is, except Mr. Clancy. He has his eye on the ball—a short-term cut in rates resulting from secret contracts under deregulation will drive his competitors into bankruptcy and he and the other super consortia members will have the market to themselves, with unlimited ability to control the price of international shipping—whether it be household goods, food and grain, raw materials, automobile parts, or clothing.

Secret agreements will be a major weapon enabling Mr. Clancy to achieve his goals. It will permit large companies to offer lower rates to larger shippers. If smaller shippers and carriers are unaware of these deals they will find it difficult to compete. The end result is likely to be exactly what Mr. Clancy predicts. The demise of the niche carrier, the feeder line and the north-south lines.

I served on the House Committee on Merchant Marine and Fisheries when the Shipping Act of 1984 was written. One of the fundamental purposes of the 1984 act was to counterbalance the legalization of international cartels that have anti-trust immunity by requiring public disclosure of the agreements between the carriers in the cartel, and the essential terms of the contracts between the carriers and the shippers. This way the Government and public will know that ports and manufacturers in the United States are not being discriminated against. By allowing secret contracts, this bill eliminates this balance and undermines the concept of common carriage.

I reiterate that there are good provisions in the Ocean Shipping Reform Act. There should be less governmental interference in the marketplace. The Federal Maritime Commission should be eliminated. The marketplace is a better regulator than the Government. But for the market to work, there must be daylight in the market. Carriers, conferences, consortia, and shippers shouldn't be allowed to enter into secret deals that can harm our ports, manufacturers, and consumers. It's one thing to allow for confidential contracting in our domestic commerce where the Department of Justice or the investigating agency can easily obtain evidence by subpoena. But this isn't the domestic commerce. These contracts are being made and executed in

cities around the globe—Hong Kong, Singapore, Tokyo, London, Rio de Janiero, and Rotterdam. Many foreign governments have blocking statutes to prevent discovery of evidence by U.S. investigators. It will be virtually impossible to obtain information about the content of these secret deals before the harm is done to U.S. ports, manufacturers, and consumers. Was it good for the U.S. consumer and manufacturers when OPEC got together to control the world price of oil?

At the appropriate time I will offer an amendment to require that essential terms of these confidential contracts be made publicly available and to transfer the residual functions of the FMC to the Surface Transportation Board that currently regulates ocean shipping between the continental United States and Hawaii, Puerto Rico, Alaska, and Guam. I believe that my amendment will not gut or kill this bill but will restore the proper balance to this legislation and allow market forces to regulate this industry instead of the Federal Government.

Now you have already heard from the other side that this amendment will gut the bill. There's nothing further from the truth. The fact is my amendment would still allow for private contracts between shippers and carriers. My amendment would not disturb the important provision in the bill that conferences may not prevent individual carriers from making separate contracts. All my amendment would do is require that certain essential terms of these contracts be made public so that there would be an equal playing field in terms of competition. In addition, my amendment would also allow for the transfer of FMC's remaining functions to the Secretary of Transportation with the minor modification that the Secretary then delegate those responsibilities to the Surface Transportation Board.

Hardly ''killer'' changes, I submit.

Lastly, you have also heard that this bill received bipartisan support in the committee and that even though no hearings were held on it there was opportunity for comment and reaction.

That's true. But unfortunately as is often the case, when a bill lays around for 8 months after markup as this bill did, new issues and new interested parties emerge.

While some may charge that particular groups came late in the game, the real issue is not ''when'' but ''what.'' In this case, the issues that have been raised are legitimate public policy issues which must be addressed. My amendment addresses these issues, while at the same time preserving the basic structure of deregulation established by the bill.

If my amendment is adopted, I will support final passage of the bill. Without the amendment, I believe that the bill is highly anticompetitive and I will urge a ''no'' vote on final passage.

□ 1545

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

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 7 minutes to the gentleman from North Carolina [Mr. COBLE], the distinguished chairman of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Pennsylvania, the chairman of the full committee, for yielding me time.

Mr. Chairman, at the outset I want to comment to the gentleman from Minnesota, I think he took umbrage with my earlier statement when I used the words ''political intimidation.'' Well, I use those words again, but I certainly meant nothing personal about that, I will say to the gentleman from Minnesota.

Folks, is there anybody in this great hall who would dare think that political intimidation is not an ingredient that we see every day up here? All of us, nobody is immune to it. Sure, political intimidation is kicked around. I did not mean anything personally by that at all. But I do stand by my choice of words. I do think political intimidation is involved here.

I have heard it said, Mr. Chairman, that oftentimes the lyrics of music sometimes can bring things together. So I heard a song not long ago, and I am going to try to connect it, Mr. Chairman, to what we are about today.

The song was written by Tom T. Hall, the country balladeer, country story teller, who was reared I think in Congressman ROGERS' district in Kentucky, and it is entitled ''The Ballad of $40''. The lyrics depict a fellow who died and he was indebted to a friend in the amount of forty bucks.

The creditor friend goes to the funeral, and the lyrics depict him standing alongside the church there viewing the activity. And as he sees the survivors of the deceased, his debtor, walk by, he says, ''That must be the widow in the car, and would you take a look at that; My, what a pretty dress, you know some women do look good in black. He ain't even in the ground, they tell me that his truck is up for sale. They say she took it pretty hard, but you can't tell too much behind a veil.''

Well, many people up here obviously have been wearing veils. Veils conceal the eyes, and observers therefore are unable to determine the sincerity of the voices behind the veils, because the veils conceal eyes and faces. The observer is, therefore, at a disadvantage.

We were assured by our Democrat friends that they were supportive of this legislation. And as the gentleman from Pennsylvania, Chairman SHUSTER, said earlier, we worked hard, Democrats and Republicans alike, to strike a delicate, yet well-oiled balance.

Strategy sessions were conducted and staffers attended these sessions representing Democrats and Republicans alike. A man said to me yesterday who represents one of the groups supportive of this bill in its present form, he said, ''I feel violated. I went to those strategy sessions and shared information that was very personal to my group, thinking people there were supportive of this legislation. Now I find out they were spying.'' Those were his words, not mine. He felt violated, he said.

All was well, Mr.. Chairman, until the Transportation Trades Department of the AFL-CIO weighed in and told many of my friends on the other side it was time for them to withdraw their support, withdraw their support, despite past assurances that they were in fact supportive.

Have we come to the point in this body where one's word, one's promise, has no significance, has no meaning?

Permit me, Mr. Chairman, to elaborate about the 11th hour involvement of the labor unions. Now, I am not being critical of rank and file, card-carrying union members. My complaint is with union bosses. Union members are rather flexible politically. They vote Republican, Democrat, Liberal, Conservative. Union bosses, on the other hand, with rare exceptions, vote straight Democrat, because I assume big government, sometimes intrusive government, has appeal to these people. Well, these bosses yell ''jump'', and many respond ''how high must I jump?''

Recently some of my colleagues charged that the NRA had too much clout with this Congress. Well, I wonder if these same people believe the AFL–CIO has too much clout? Oh, I guess it is perfectly permissible for the AFL–CIO to dictate the course of legislation, but highly improper for the NRA and other groups to do likewise. The imposition of a double standard, I ask, Mr. Chairman? Perhaps. Perhaps indeed.

A sea change has occurred on this bill. As recently as last week, I say to my friend from Pennsylvania, I say to my friend from Minnesota, the bill was on its way to inevitable passage because of bipartisan support. Then came the AFL–CIO with their marching orders. Now those who previously supported the bill have jumped ship.

A man's word was at one time his bond, but obviously not this day. Too many people, Mr. Chairman, are wearing veils, enabling them to say one thing and do another, and yet often times get away untouched, unpunished, with this elusive approach.

This is a good piece of legislation in its present form, and America, as I said in my remarks during the debate on the rule, will benefit. The gentleman from Pennsylvania, Chairman SHUSTER, just mentioned how much money will be realized by Americans if this bill is enacted. I urge my friends to support it.

Mr. OBERSTAR. Mr. Chairman, I yield 5½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I rise in strong opposition to this legislation. Last August, I raised questions about the wisdom of this piece of legislation. Here is why I am concerned about this bill: $571 billion of economic activity move through our Nation's ports; 15 million jobs are generated in those ports. That is one in every seven jobs in the country. Oceangoing vessels move over 95 percent of the U.S. overseas trade by weight and 75 percent by value. This generates an estimated $15 billion in U.S. customs duty revenue. These are truly staggering numbers and the bill today jeopardizes all of them. Listen my colleagues, if you have a small or medium sized port and you support H.R. 2149, you can kiss your port goodbye.

I want to cite a September 1995 article in World Wide Shipping which discusses ocean shipping deregulation. It states that a few giant shipping consortia with global reach will dominate the world sealanes before the end of the century, four short years away. One of the prime supporters of today's bill outlined the scenario where maritime container commerce would be 85 to 90 percent controlled by a few conglomerated super-companies and that is the driving factor in today's move to deregulate the U.S. shipping industry and carrier operating alliances. The Republican revolution is putting deregulation into the fast forward mode. At what cost? The byproduct will be the demise of the niche carrier, the feeder lines and the north-south lines with no other links in the shipping chain. One can almost hear the long knives sharpening as these huge combinations prepare to carve up the commerce of the United States.

You will be told that this is the wave of the future. This is the key to international competition. We were told the same things before the current downsizing craze and the merger and acquisition craze of the 1980's. Tell this lame economics to the workers who have been laid off and the port workers who will lose their jobs. See if they believe you.

I want to quote a former Republican colleague of ours from Maryland who has stood foresquare in opposition to this legislation, Helen Bentley, recognized as an expert on maritime commerce. Ms. Bentley is unequivocal: she says that this legislation will result in the reduction of U.S. ports to as few as four. There are now over 100 public ports serving this country. From 100 ports to 4, now that's downsizing any corporate pirate can be proud of.

This bill is simple. Big shippers and big carriers have gotten together and put the screws to the nations' commerce. Ask your local port authority. They oppose this legislation and have been threatened and punished for it. Right now, port-critical language in the Water Resources Development Act is being threatened with reprisal.

There has never been even a single hearing in the House on this bill. One hearing was held last February 1995 on maritime issues. Last week, there was even a hearing on the Federal Maritime Administration authorization but this legislation was not even mentioned. If you read the February 1995 testimony, only one, single witness favored the position taken in this bill. There was strong opposition from every other sector of the maritime community against wholesale deregulation. Then something mysterious happened. Let me now quote page 10 of the committee report:

> It should be noted that during the Spring and Summer of 1995 numerous, in depth meetings and discussions were held under the committee's auspices to forge a bill that could enjoy wide support among all segments of the ocean shipping industry to the greatest extent possible.

I note that the use of the phrase ''forge a bill'' could be construed in the same sense one could forge a check because this bill is drawn on an insufficient basis. A bill was introduced one day before the markup in August, yet it took until November to file the report. There is something very fishy about this bill and it smells of backroom, closed door, special interest at the expense of everyone else. I say let the sunshine in.

If this legislation enjoys widespread support in the ocean shipping community, why are responsible parties expressing concern about this bill being subjected to bullying, threats, and intimidation? Why were all the discussions conducted behind closed doors? I know that responsible parties with legitimate interests like the port authorities and labor have been repeatedly threatened because they have voiced concerns about what this legislation means.

Here are a few of the concerns that have been raised about this bill.

H.R. 2149 would allow large carriers and large shippers to discriminate against ports in favor of super-hub ports without public notice or public recourse.

H.R. 2149 would effectively impose higher rates on small and medium sized shippers to subsidize secret deals made between large carriers and large shippers. Many shippers would simply go out of business.

H.R. 2149 would result in massive job dislocation in port communities. Wages and benefits would be pushed downward as ports compete against ports and exporters compete against exporters.

H.R. 2149 is not deregulation. It is cartelling. H.R. 2149 will not result in an ocean transportation industry governed by market principles or competition. It will result in a system of cartels which will operate with legal impunity. The United States has never before recognized a cartel of this type.

H.R. 2149 threatens billions of dollars in taxpayer investment in public ports and facilities.

I think that these are issues of consequence. I think that a radical change in $571 billion in commerce merits at least a single hearing in an open and free atmosphere.

Here is the bottomline: H.R. 2149 smells of the bad old days of monopoly power. It reeks of secret contracts, immunity from antitrust laws and no Government safeguards to act as a referee. If you like secret deals, monopolies, unemployment, and recession, while billions of dollars get funnelled directly into the pockets of the cartels, then you should vote for H.R. 2149. If you care about the Nation, the economy or government conducted in the sunshine, you will oppose this bill.

□ 1600

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume to emphasize that the private contracts which pejoratively are called secret contracts, these private contracts are not different from the contracts that exist in Staggers, in rail, they are no different from the contracts that exist in trucking, in aviation, and every other mode. So for that reason we should simply bring ocean shipping into what is going to become the twenty-first century.

Mr. Chairman, I yield 5½ minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

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

Mr. HYDE. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I rise in support of H.R. 2149, the Ocean Shipping Reform Act, and in opposition to the Oberstar amendment.

This legislation would make significant reforms in the regulatory regime contained in the Shipping Act of 1984. H.R. 2149 represents the bipartisan compromise that would reform this outdated regime by deregulating ocean shipping, infusing new price competition into the industry, eliminating the need for the Federal Maritime Commission, and maintaining oversight of ocean shipping conferences. As chairman of the Judiciary Committee, I believe that H.R. 2149 moves this important industry towards full market competition and I fully support it.

Under the Shipping Act of 1984, ocean carriers—most of whom are foreign—are allowed to organize themselves into cartels, known as conferences, and collectively fix their prices, set sailing schedules, and make other business arrangements. In fact, the Shipping Act provides an antitrust exemption for international ocean carriers and their conferences, thereby sanctioning price fixing agreements. In contrast, H.R. 2149 would lessen the power of the conferences to fix prices by authorizing private contracts for ocean transportation, as provided in all other areas of transportation.

During the consideration of the Shipping Act in the 98th Congress, the majority of the Republicans on the Judiciary Committee, including me, pushed hard for the concept of independent action. Independent action means that an ocean carrier member of a cartel can act independently of the cartel in setting its prices. We were able to achieve that goal in a limited fashion. However, we did not feel that the 1984 legislation went far enough in ending price fixing.

Fortunately, H.R. 2149 takes another step away from Government-sanctioned price fixing by allowing shippers and carriers to enter into private contracts away from the prying eyes of cartel enforcers. My preference would be to end the antitrust immunity altogether for these cartels. However, I am realistic enough to understand that H.R. 2149 represents a delicate compromise among many competing interests. While it does not go as far as I would like, it is a vast improvement over current law.

Unfortunately, Congressman OBERSTAR's amendment would upset this delicate compromise by requiring prior publication of these private ocean shipping contracts. Without the ability to negotiate reasonable transportation rates in private, U.S. shippers—that is the tens of thousands of American businesses who use the services of carriers—would be at a competitive disadvantage with their foreign competitors who are not compelled to publicize their transportation costs. This amendment would undermine the pro-competitive thrust of H.R. 2149, and I strongly urge you to vote against it.

The biggest beneficiaries of the public contracts that the Oberstar amendment seeks to preserve would be the foreign-dominated shipping cartels who fix prices that they charge American businesses. Over 85 percent of U.S. goods are carried aboard foreign vessels, and this amendment allows foreign ship owners to avoid competition and maintain high profits at the expense of U.S. businesses and consumers.

Further, the Oberstar amendment would not help small shippers as its proponents claim. According to a recent article in the Journal of Commerce, getting the Government out of ocean shipping contracting may allow smaller shippers to get a better bargain than large shippers. Obviously, the thousands of small and medium shippers who support H.R. 2149 agree.

Finally, do not be fooled by the claim that the private nature of these contracts is bad for the shippers. On the contrary, privacy allows competition in rates. Publicizing prices only allows the foreign-dominated cartels to enforce the prices they have fixed. Without this mode of enforcement, competition will ultimately undermine the cartels.

The proponents of the amendment argue that the antitrust immunity provided by the Shipping Act somehow counsels against private contracts. However, the antitrust immunity applies only to agreements among the carriers themselves and with terminal operators. It does not apply to the private contracts between carriers and shippers that the amendment seeks to overturn. Thus, the continuation of antitrust immunity for the cartels is not an argument against private contracts between carriers and shippers.

Cast your vote for the free market, lower prices and actual competition in ocean shipping. Vote for H.R. 2149 and against the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think those listening to the debate are perhaps becoming a bit confused. We have heard from the esteemed chairman of the Committee on the Judiciary how these secret agreements and the antitrust exemptions will lead to a freer market, more competition, benefit all shippers, particularly possibly maybe smaller shippers and others, and those who have been listening to the debate have heard the opposite from this side of the aisle.

I guess that is a good argument to basically withdraw this bill and go back to the committee of jurisdiction on which I sit and hold a hearing. It would be nice to hear from the broad interests that are going to be impacted by this bill in some detail how they believe this will affect American ports, American shippers, American workers, and the American maritime industry, such as it is. But no hearings were held and none will be held before this bill is voted on. That is absurd, for something that has such a tremendous economic impact, or potential impact on this country.

I respectfully disagree with the prior speakers on that side of the aisle. I believe that antitrust immunity linked to secret, nonpublished tariffs and rates will lead to an anticompetitive environment, an environment that is particularly to the disadvantage of small- and medium-sized shippers and the businesses which they serve. I believe that this will also bring about problems for medium-sized and smaller ports in America.

I do not believe a country that concentrates all of its shipping in two or three large ports is a healthy nation, particularly a maritime nation such as the United States of America. So for those Members who represent States which contain medium-sized or smaller-sized ports, if they do not represent a megaport, this bill in all probability will deprive their port, their State, of vital interests and of carriage through those areas. That means job loss, competitive loss, competitive disadvantage for their States.

Beyond that, I disagree also, Mr. Chairman, on the fact that this will somehow disadvantage the foreign cartels; to have antitrust immunity, and secret agreements, and no transparency, and no publication of rates and tariffs is somehow going to disadvantage foreign cartels, who are right now trying to drive American shippers out of business and trying to channel business through a few select ports. No, I do not believe this bill is going to help that situation. In fact, I believe it is going to make it worse.

There is only one remedy. We can get the savings proposed here by eliminating the Maritime Commission. We can get the savings and the efficiency that underlie other parts of this bill, and we can maintain competition, maintain a viable environment for small shippers, medium shippers, small ports, medium ports if the bill is amended with the Oberstar amendment, which the chairman of the full committee objects to vehemently.

Again, perhaps we could sort those differences out if we went back and held a hearing. But absent a hearing, I think we should act in a way that is prudent to protect America's interests and the diversity of interests in this country by adopting the Oberstar amendment. And absent the Oberstar amendment, I and many others will not support this legislation.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume to respond to my good friend from Oregon that, first, hearings were held on February 2 on ocean shipping deregulation. Second, in the last Congress there were at least three different major bills on which precisely the procedure which was followed in the last Congress was followed in this Congress, and that is hearings on airline improvements, hearings on trucking deregulation, and hearings on amending the FAA, all of which, under the control of our Democratic friends, hearings were held on the issue but no hearings were held on the actual text of the legislation. So we are simply following the same procedure that our Democratic friends followed in the last Congress.

And, finally, I would also say that my good friend, the gentleman from Minnesota, Mr. OBERSTAR, in his statement on August 1 in the committee, said that, and I quote him directly, the basis of this legislation is bipartisan; a cooperative manner in which the bill was developed, and the willingness of Chairman COBLE to let the bill hang out there for a time and let people digest it, and comment on it, and be comfortable with it and with changes that need to be made.

Mr. Chairman, I yield 6 minutes to my good friend, the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, I got into this process early serving on the subcommittee, and at the point we entered the debate there was a mechanism where we fixed prices and the cartels and other parts of the world fixed prices. How can we, if we want to increase our exports, use shipping when the prices are fixed artificially high?

How do we expect to change our balance of payments if we are going to allow the shipping to be artificially high?

□ 1615

So the gentleman from North Carolina, Chairman COBLE, and I and other members of the committee said the end of the Maritime Commission, the end of price fixing, we are going to join the late 1800's and we are going to have competition.

No one thought we would do it. The gentleman from North Carolina [Mr. COBLE] assured them, the chairman of the committee, that we were crazy enough to eliminate them, just as has been suggested by Democratic Congresses before that. This mechanism was old. Seven years ago we asked that they study this mechanism, and this Congress demanded that they study this mechanism. And because the carriers had a lock grip on the Maritime Commission, they came back with no recommendation, surprise, surprise.

Another 4 years went on after that and nothing happened. But then we got a new Congress and we began addressing problems. We said the old days are over, this mechanism is going. They are going under the Department of Transportation and this industry is going to be deregulated, just as rail and trucking was before it.

The rail units have, quote, secret contracts. Is it not funny when we have a business agreement with somebody and we do not post it on the wall, it becomes evil at the last moment? These are now secret contracts. The shipping people and the rail industry have secret contracts. Truckers have secret contractors. And while we post the airline rates for you and me, we know what we pay when we walk in, the airlines are free to go to a corporation and say, ''Use us a bunch of times and we will give you a discount.'' Those are secret contracts.

So now we are being besieged to, well, just take that out, do not allow competition, post the rates which then become the rates. Everybody will have the same rate once again, back to the old rule. So what happened? We allowed shippers and carriers, those who have ships, those who make the product, whether they be small manufacturers or farmers, large goods, small goods, they got into a room and they decided they could work it out by themselves, once they realized we were crazy enough to get rid of their cartel mechanism, and they worked it out.

They came out and just showed what their final product was and everybody signed off on it, until the unions decided this was 1996 and they wanted to play politics. They wanted to muscle around on the floor of the legislative body and they said, ''Oh, we no longer think this is a good deal.'' We cannot lose American jobs in shipping because most of the people in shipping, whether they are American flags or foreign flags, are foreigners.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BAKER of California. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I would like to alert our Members to this bill that we will be voting on here this afternoon, and I would like to pay a very high compliment to the gentleman from North Carolina, Mr. COBLE, the chairman of the subcommittee, and obviously the gentleman from Pennsylvania, Chairman SHUSTER. It is great to stand up here and be with Chairman SHUSTER, not only because we won the last time but, second, he generally wins, so it is good to be working with him this time.

But I want to say to our Members that this is another outstanding effort by this Congress to try to move things literally with an aim toward the 21st century. Now, I think we have got to give Jimmy Carter a little bit of credit, President Carter a little bit of credit for deregulating a number of industries: the trucking industry, the bus industry. We are trying to do some deregulation of railroads and of airlines, as you know.

All we are trying to do here is to say that the time has come in America where we ought to deregulate some of the activity involved in shipping. And at the same time, very similar to what we did in the Interstate Commerce Commission, we are saying we do not need this old bureaucracy anymore.

This bill will call for the dismantling of the Federal Maritime Commission. This is a fantastic vote for this Congress so we will be able to achieve several things: One is, we will deregulate because we believe that regulations cost money and strangle business. Second, we will have a lowering of prices. It will be pro-consumer. Third, it is pro-taxpayer because we are again trying to pull another one of these tired old dinosaur-like bureaucracies out by the roots and to suggest that we move into the 21st century.

So the members of our party in particular should be very enthusiastic to vote for less government, less regulation, and giving the taxpayers a break on some of the money that they are sending up here to keep piling up World War II bureaucracy. We are going to cut through that.

To my Democratic friends who are market-oriented, this makes all the sense in the world. If you believe in deregulating trucking, if you believe that people have been served well in this country, consumers, by a better product with more competition, you need to vote for this bill. If you want to get rid of some of the World War II relics, you have got to come to the floor and vote for this bill.

I one more time want to compliment Chairman SHUSTER and Chairman COBLE for their outstanding work, and would ask for very strong support of this legislation.

Mr. BAKER of California. Mr. Chairman, reclaiming my time, I think the gentleman in the budget area said $17 million savings on the commission, lower rates to consumers and a better trade balance. I ask for an ''aye'' vote, and a ''no'' vote on the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I am sorry my good friend, the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, left the floor so precipitously. All he said, we are in agreement with. There is nothing that my amendment does that will affect in any way anything that he said. We are all in agreement about this deregulation, about all the good things he talked about. We just want to correct one defective aspect of this legislation.

Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Minnesota for yielding me the time, and I want to say that I feel I am compelled to speak on this particular bill because I had the fortune of being the last chairman of the late, great Merchant Marine subcommittee.

H.R. 2149, the Ocean Shipping Reform Act, provides badly needed reform to the ocean shipping industry. The ocean shipping industry is one of the only transportation industries still heavily regulated by the U.S. Federal Government. By substantially deregulating the ocean shipping industry, this bill has the potential to restore the competitiveness of the American shipper.

The United States is the only country in the world that maintains a Government agency to regulate ocean shipping. For this reason, the Ocean Shipping Reform Act sunsets the Federal Maritime Commission—a Federal agency which has clearly outlived its usefulness.

The Ocean Shipping Reform Act also eliminates the detrimental tariff-filing and enforcement requirements. It preserves common carriage for all sizes of U.S. shippers who choose that method of ocean transportation. Most importantly, the bill also strengthens the laws that prohibit unfair trade practices on behalf of foreign carriers. Under the bill, the United States will retain the authority to police foreign carriers and governments who set anticompetitively low rates and other foreign activities detrimental to U.S. carriers.

Despite these much needed reforms, I will not be able to vote for H.R. 2149 without an amendment. The Ocean Shipping Reform Act allows conferences of carriers to enter into secret contracts and still enjoy full immunity from U.S. antitrust laws. These secret contracts will only accelerate the trend in the maritime industry toward consolidation. With carriers operating free from antitrust laws, there would be no safeguards to prevent predatory activity. Small consumers, manufacturers, and ports will have no recourse

from secret deals that discriminate against them.

Allowing secret, discriminatory contracts is a fundamental flaw of H.R. 2149, the Ocean Shipping Reform Act. I urge my colleagues to adopt the amendment which would preserve the requirement that carriers file their rates. Only with the amendment will the Ocean Shipping Reform Act produce a stronger maritime industry capable of meeting the Nation's future ocean transportation needs.

I urge my colleagues to vote for the Ocean Shipping Reform Act only and only if the Oberstar amendment passes this afternoon.

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

Mr. Chairman, perhaps my good friend from Illinois misspoke, because when he said that the so-called secret contracts will have antitrust immunity, that simply is not the case. The antitrust immunity applies only to the published rates.

The antitrust immunity does not apply to the private contracts, the so-called secret contracts which the gentleman refers to. I wish to emphasize that very, very clearly. The antitrust immunity does not apply to the private contracts entered into, the same private contracts that already exist for every other mode of transportationin America.

Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

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

Mr. BORSKI. Mr. Chairman, I want to thank the distinguished gentleman for yielding me the time.

Mr. Chairman, I wish to express my opposition to H.R. 2149 and my strong support for the Oberstar amendment.

H.R. 2149, as it now stands, would benefit a small group of large shippers and a handful of the largest ports at the expense of everyone else. The committee bill would be a serious threat for consumers, for small shippers, and for all but the largest ports.

In Philadelphia, a minimum of 11,000 people owe their jobs to port activity. H.R. 2149 could put those 11,000 jobs at serious risk because shipping activity could be funneled through a few large ports.

Just a few years ago, we saw the power of the ocean carrier cartels when the Northern Europe-United States Conference dropped its designation of Philadelphia as a port of call. Since then, the carrier conferences have become larger and even more powerful.

H.R. 2149 would provide a powerful new launching pad for concentration of the carrier industry, of the shipping industry, and of the ports of this Nation. One of the major backers of this bill has said that the 100 public ports that exist today in this country will be reduced to four. That concentration will come at the cost of tens of thousands of jobs in every part of this country.

It is the threat of the industry and port concentration that would be promoted by this bill that has prompted the strong opposition that has surfaced during the past 8 months.

We have heard from the ports, from labor, and from small shippers about the damage this bill could cause.

To make this bill acceptable, we must eliminate the cloak of secrecy that H.R. 2149 would cast over freight carrier contracts. The Oberstar amendment would lift that veil of secrecy to protect consumers, small shippers, and smaller ports from potentially serious damage that could take place if the confidentiailiy provision is allowed to stand.

If the Oberstar amendment is not adopted, the end result of this bill will be fewer shippers, fewer carriers, and fewer ports. This Congress should not be creating a special veil of secrecy for ocean shipping that will put thousands of people out of work.

This bill is a step backward from the open and public disclosure of contract terms that has existed since the Ocean Shipping Act of 1984. H.R. 2149 continues the special antitrust exemption for ocean carrier conferences but it also allows the deals made by these conferences to be secret.

The new secrecy authority will make these conferences into cartels that will become more and more powerful. Eventually, there will be no competition. That means fewer jobs.

It is also crucial that an independent regulatory board, such as the Surface Transportation Board in the Department of Transportation, take over the remaining oversight functions of the Federal Maritime Commission. The Oberstar amendment would eliminate the FMC and transfer its functions to the Surface Transportation Board.

Without the Oberstar amendment, H.R. 2149 is anticonsumer, antiworker, and will benefit only a handful of major ports. Without the Oberstar amendment, H.R. 2149 is a job killer that should not be approved.

I am also concerned about other issues that have been raised by the American Association of Port Authorities, another group which opposes the bill. AAPA has objected to the provisions on tariff filing and on steamship alliances. I hope those issues can be resolved so the ports can support the bill.

Mr. Chairman, I urge support of the Oberstar amendment and defeat of the bill unless the Oberstar amendment is adopted.

The CHAIRMAN. The Chair advises that the gentleman from Pennsylvania [Mr. SHUSTER] has 4½ minutes remaining and the right to close, and the gentleman from Minnesota [Mr. OBERSTAR] has 4 minutes remaining.

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

Mr. Chairman, in the course of this debate, much has been made of who said what and when. At the very outset of this whole process, I made it very clear to my good friend, the chairman of our committee, that as we moved the bill through subcommittee and full committee, I supported the bill.

I felt, however, there should have been hearings on the introduced bill before we went to markup, but there was a willingness to work together to try to work out differences to come to an agreement. When we came to markup, I said very clearly, ''I support the legislation being considered, as do my fellow Democrats on the committee.'' I thought that we had gone through a process whereby all considerations had been given an opportunity to be brought to bear on the legislation.

□ 1630

The bill that the committee was about to consider was very similar, I said, to legislation I introduced earlier in the year, but that bill that I introduced following the concept hearings the committee held never allowed for secret contracts. That was not something, it was not a provision, that I supported. We had come to an agreement, however, that I thought was about as far as we could go at that point.

Mr. Chairman, time passed 8 months went on, and agreements should never stand in the way of good public policy. If people have objection to legislation, people feel their interests are being hurt, if ports feel that they are going to be disadvantaged, if labor feels it is going to be disadvantaged, we have a right to hear their concerns, and we have a responsibility to react to those concerns. That is what I am doing in proposing my amendment.

This is not some act of disloyalty, as it seems to be portrayed in the course of this general debate. This is, however, a high act of public responsibility and public policy. Openly discussed, I did not conceal from my friends on the Republican side that there were concerns raised by valid interests that need to be heard. I was very open about it, told my colleagues directly what needed to be done and gave them an opportunity to look at this legislation, at this amendment, rise objections if they have them. We understood that they could not probably come to an agreement on it and that this is the place to take that language to the floor and have a vote on it, and we will have a vote.

Mr. Chairman, but it is done in the full spirit of openness and of respecting interests that people have and concerns in this open public policy process. There is no hidden agenda on my part or on the part of any of us on this side. We have differences; let us have them out. But let us not make them personal. I never have and I do not like that way of proceeding. We have differences on public policy issues; let us debate them out on their merits, and that is what we are going to do in a few minutes.

With that, Mr. Chairman, I yield back the balance of our time.

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

Mr. Chairman, I wish to strongly concur with the last statement my good friend made because, the minute he realized that there was going to be an effort on the part of labor to try to change this legislation, in the spirit of openness and fairness he came to me immediately, and he told me that there was this problem developing. So I salute him, and I concur with what he said in the spirit of openness with which we have always worked.

I would like to review the facts, however, as how this has developed and the whole question of this last-minute abrogation, I must call it, of an agreement from my perspective. Last June 28 we put out a bipartisan press release, both sides of the aisle, in our committee, and we listed the seven key elements of the compromise and the private contracts. The confidential contracts were one of the seven elements.

Mr. Chairman, from June 28 to August 1 and 2, the markups, we heard nothing about opposition. On August 1 and 2 we marked up the bill; we heard no opposition to this issue. On April 2, this year, less than a month ago, my good friend, the ranking member of the committee, was still supporting the private contracts in speeches to the ports.

Indeed, and I again emphasize what my good friend said because I think it is so relevant, he said our committee has reported the Ocean Shipping Act to the House and proposed that we deregulate the ocean transportation industry in ways that are similar to what we have already done in trucking and rail and airline industries. We would eliminate tariff filings and allow for confidential service contracts. My good friend went on to say, ''I know that some ports may have concerns about the possible impact of this bill, but I would hope that you would look at this as an opportunity to increase your business and not as a threat to your existence.'' Then he further went on to say, ''Shippers and consumers will pay less for their products, the ports will be handling more cargoes, and the ocean carriers will have a more competitive operating environment.''.

So after all these months, 10 months after we had a compromise, a bipartisan agreement, no problem. Finally, a few days ago something changed, and I understand that, and we all know what changed, and I respect that. But really those are the facts.

Mr. Chairman, it should be emphasized once again that the compromise that was agreed to was that the carriers would swallow hard and accept private contracts for the shippers. The shippers would swallow hard and accept keeping antitrust immunity which the carriers wanted, and indeed I emphasize again, lest there be no misunderstanding. With regard to the private contracts the antitrust immunity does not apply. The antitrust immunity applies only to the published tariff rates.

Further, I would ask rhetorically to my good friends on the other side of the aisle, do they want to eliminate the private contracts that we gave to rail in the Staggers act? I have heard nobody proposing to do that. Do they want to eliminate the private contracts which exist in the trucking industry? I have heard nobody propose that. Do they want to eliminate the private contracts that exist in the aviation industry? I have heard nobody propose that.

Yes, every other mode of transportation in America has the ability to enter into private contracts between the shipper and the carrier, and we are simply doing here today what every other mode of transportation already has in America.

Now my friends can try to characterize it as secret agreements. These are private agreements which every other mode has, and for that reason I think that we should treat the ocean carriers in exactly the same way. Indeed, let us not destroy this compromise, let us not gut this bill. Let us pass the bill as it was overwhelmingly passed on a bipartisan basis out of our committee and, until last Thursday evening, had the strong bipartisan support of virtually every member of the committee on both sides of the aisle.

For all those reasons I would urge my colleagues to reject the Oberstar amendment when it comes and to support the bill so we can get on with real regulatory reform in the transportation industry.

Mr. TRAFICANT. Mr. Chairman, first of all I want to applaud the chairman of the Coast Guard and Maritime Transportation Subcommittee, HOWARD COBLE, for all the hard work he and his staff did on this bill.

I was the ranking member of the subcommittee when the bill was approved. We worked very closely with shippers, carriers, and maritime labor. The bill approved by the committee last August had the strong support of ocean shippers and carriers. At the time, maritime labor indicated that they were not opposed to the bill, although they did not expressly support it.

It has been 9 months since the bill was approved by the committee. Members of Congress and our friends in maritime labor have had time to digest the bill and fully understand every section. After this normal process of reflection, one legitimate concern has arisen over the issue of secret contracts.

H.R. 2149 amends existing law by repealing the requirement that the essential terms of contracts between ocean carriers and shippers be disclosed to the public. On the surface, this seems to make common sense—especially when one looks at the manner in which the rail and highway shipping industries operate. But unlike the rail and highway industries, in ocean shipping, most of the carriers are part of conferences that are immune from U.S. antitrust laws.

The combination of antitrust immunity and secret contracts will greatly compromise the delicate competitive balance between ocean carriers and shippers. The only way to fully protect small carriers and shippers, as well as small- to mid-size ports, is to preserve the requirements in existing law for disclosure of the essential terms of ocean shipping contracts.

All the Oberstar amendment does is retain the disclosure requirement. I support the Oberstar amendment. Far from gutting the bill, the Oberstar amendment retains all of the key provisions in H.R. 2149. These include:

Elimination of the Federal Maritime Commission; elimination of tariff filing; elimination of restrictions on the contents of contracts between shippers and carriers; repeal of current provision of law that allowed carrier conferences to bar their members from making individual, lower cost, ocean transportation contracts with shippers; reduction of the amount of notice a carrier must give a conference before it offers lower contract rate from 10 days to 3 days.

Most significantly, the Oberstar amendment retains key language I had included in the bill to strengthen the ability of the United States to combat unfair, predatory, and anticompetitive trade practices by foreign governments and carriers.

While I support the elimination of the FMC, I want to applaud the FMC for the excellent job it did over the years to protect U.S. ocean shippers and carriers from unfair and illegal foreign trade practices. The FMC rarely took action against a foreign government or a foreign carrier. It didn't have to. Merely the threat of FMC sanctions was enough to keep foreign governments and foreign carriers in line.

The Traficant language included in the bill and the Oberstar amendment will ensure that the United States retains the ability to take decisive action against foreign governments and carriers that engage in unfair trade practices. In fact, the Traficant language actually strengthens the hand of the United States.

The bottom line: The Oberstar amendment will not gut the bill. I urge Members to support the Oberstar amendment, and I applaud the distinguished ranking member, Mr. OBERSTAR, for bringing the amendment forward.

Mr. UNDERWOOD. Mr. Chairman, I rise in opposition to H.R. 2149, the Ocean Shipping Act of 1995, in its present form and in favor of the Oberstar amendment that would remove some of the onerous provisions in this legislation that are harmful to domestic offshore areas such as Guam.

Open and fair competition in the shipping industry is good. But, we do not have open and fair competition in the domestic offshore trades. Instead, because of the Jones Act and cargo preference laws, we have captive markets like Guam that are gouged by carriers with high shipping rates due to lack of competition. Because there is no effective competition in the offshore trades, we need effective regulation, or completely open markets—it seems that we are moving in the direction of having the worst of both worlds. To allow the carriers to have complete freedom to set secret rates without public disclosure would only exacerbate the exploitation of the domestic offshore markets and the raiding of consumers' wallets on Guam. I opposed certain provisions of the ICC Termination Act for this reason.

This same basic infirmity is now being proposed for the foreign commerce of the United

States in H.R. 2149. Most troubling are provisions in H.R. 2149 that would allow conferences to negotiate secret rate deals with shippers. The effect on the shipping industry is potentially devastating. By allowing secret contracts, major shippers and major ports may be able to steer business away from smaller shippers and ports. Any oversight by the Department of Transportation, once the Federal Maritime Commission is eliminated, would be meaningless if critical information about the carriers' trade practices are withheld.

I am concerned about the effect of our maritime policies on captive markets such as Guam and have voiced those concerns during the debate on the ICC Termination Act. I have also urged the Department of Transportation to consider the domestic offshore trades, the impact on individual areas such as Guam, and the potential for abuse of carriers' rate-making authority in exercising its oversight responsibilities. These considerations apply with equal force to the foreign commerce of our Nation.

I urge my colleagues to support the Oberstar amendment to retain some accountability by DOT over the carriers.

Mr. ROBERTS. Mr. Chairman, I rise in support of the bill H.R. 2149, so as to eliminate the regulation by the Federal Maritime Commission [FMC] of manufactured and processed goods including many agricultural food and fiber products.

As I understand it, existing maritime law permits ocean carriers to organize into consortiums, known in the trade as shipping conferences that may collectively fix their rates, set sailing schedules, and make other business arrangements. I am informed that the United States is the only country that maintains a government agency—FMC—to regulate ocean shipping.

The apparent primary purpose of FMC is to collect and enforce thousands of transportation rates and prices—tariffs—and business contracts filed by ocean carriers and make them publicly available.

The Transportation Committee states that a report prepared by the Department of Agriculture in 1993 found that a ''cartel premium'' attributable to conference market power amounts to some 18 percent of the cost of ocean transportation of manufactured or processed agricultural exports.

The Committee on Agriculture for a number of years has enacted legislation urging the Secretary of Agriculture to expand on value-added—high value—processed products so that not only will the United States enhance its dollar value and volume of agricultural exports but also enhance rural development by giving jobs to our domestic work force by processing and adding value to our raw commodities and compete in foreign markets. However, to be competitive we need to diminish or eliminate that 18-percent cost of exporting U.S. value-added products and keep that advantage here in the United States to help our domestic farmers, agricultural industries and laborers.

The following groups, among about 40 or more, that support this bill include American Farm Bureau Federation, American Forest and Paper Association, American Frozen Food Institute, American Meat Institute, Calcat Ltd., Con Agra, Inc., Florida Citrus Packers, National Broiler Council, National Cattlemen's Beef Association, Sun Diamond Growers of California, and Weyerhaeuser Co.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Oberstar amendment to H.R. 2149, the Ocean Shipping Reform Act. This amendment, simply put, requires the public disclosure of the essential terms of contracts that could be secret and/or discriminatory. The authority to make secret contracts is particularly inappropriate when we bear in mind that under H.R. 2149 carriers, consortia of carriers, and their conferences will operate under antitrust immunity.

Mr. Chairman, the combination of antitrust immunity and secret agreements undercuts the Shipping Act of 1984 which achieved a delicate balance between the competing interests of the ocean carrier and the shipper. Under the 1984 act, carriers were allowed to continue having conferences, but the essential terms of the contracts they entered into with shippers had to be publicly disclosed to ensure that they were not discriminating against shippers, ports, manufacturers, and freight forwarders. Without this amendment, Mr. Chairman, this balance will be destroyed. Carriers will be allowed to enter into confidential ocean transportation contracts and no one, not even the Federal Government, will know when these carriers or cartels choose to harm our ports or industries.

Mr. Chairman, with the Oberstar amendment, significant but fair deregulation will still occur. I urge my colleagues to support this amendment that will ensure that true marketplace forces will be able to provide safeguards to protect our consumers, manufacturers, and ports from secret deals that discriminate against them.

I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, last year, I was a Chair of the Budget Committee working group looking at this part of the budget. We recommended the elimination of the Federal Maritime Commission. I'm glad to support this bill to do that today.

The Federal Maritime Commission, established in 1961, is charged with maintaining a cartel formed by the steamship lines to increase ocean transportation rates above market levels. The FMC also enforces an extraordinarily burdensome tariff filing scheme and restricts the negotiation of contracts for the transportation of goods. This burdens out exporters and contributes to our negative balance of trade. Dr. Alan Furgeson an economist under contract with the U.S. Department of Agriculture, calculated that FMC regulations and restrictions increase transportation costs by an average of 18 percent above the market level. He also estimated that U.S. exporters lose hundreds of millions of dollars of sales due to these additional transport costs. The bottom line is that the FMC is costing Americans jobs by rendering U.S. products less cost-competitive. This proposal would deregulate Federal maritime policy, terminate the Commission, and transfer critical functions to the Department of Transportation.

It deserves our support.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired. Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 1 of House Report 104–544, if offered by the gentleman from Pennsylvania [Mr. SHUSTER] 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 an original bill by title, and the first section and each title shall be considered read.

If offered, the amendment printed in part 2 of the report shall be considered read, may amend portions of the bill not yet read for amendment, shall not be subject to amendment, except for pro forma amendments, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHUSTER. Mr. Chairman, I want to be sure I understand that the gentleman from Minnesota will not be limited in time on his amendment, which it is our intent that he not be limited; is that correct?

The CHAIRMAN. In response to the question, the gentleman is correct.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHUSTER: Page 3, line 3, strike ''rates;'' and insert ''rates, charges, classifications, rules, and practices;''.

Page 3, line 19, strike ''or'' and insert ''and''.

Page 10, line 17, strike the closing quotation marks and the final period.

Page 10, after line 17, insert the following:

''(4) The requirements and prohibitions concerning contracting by conferences contained in sections 5(b) (9) and (10) of this Act shall also apply to any agreement among one or more ocean common carriers that is filed under section 5(a) of this Act.''.

Page 10, line 23, strike ''(4)'' and insert ''(5)''.

Page 14, after line 19, insert the following:

(A) by striking subsection (c)(1) and inserting the following:

''(1) boycott, take any concerted action resulting in an unreasonable refusal to deal, or implement a policy or practice that results in an unreasonable refusal to deal;'';

Page 14, line 20, strike ''(A)'' and insert ''(B)''.

Page 14, line 23, strike ''(B)'' and insert ''(C)''.

Page 14, line 25, insert ''and'' at the end.

Page 15, line 3, strike ''; and'' and insert a period.

Page 15, strike lines 4 through 9.

Page 19, strike lines 4 through 25 and insert the following:

(1) by striking subsections (a) and inserting the following:

''(a) LICENSE.—No person in the United States may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that the Commission determines to be qualified by experience and character to render forwarding services.'';

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

(3) by inserting after subsection (a) the following:

''(b) FINANCIAL RESPONSIBILITY.—

''(1) No person may act as an ocean freight forwarder unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

''(2) A bond, insurance, or other surety obtained pursuant to this section shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under this Act or order for reparation issued pursuant to section 11 or 14 of this Act.

''(3) An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.'';

(4) in subsection (c), as redesignated by paragraph (2) of this section, by striking ''a bond in accordance with subsection (a)(2)'' and inserting ''a bond, proof of insurance, or other surety in accordance with subsection (b)(1)''; and

(5) in subsection (e), as redesignated by paragraph (2) of this section—

(A) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(B) by adding at the end the following:

''(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, may—

''(A) deny to any member of the conference or group the right, upon notice of not more than 3 business days, to take independent action on any level of compensation paid to an ocean freight forwarder; or

''(B) agree to limit the payment of compensation to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a common schedule of transportation rates provided under section 8(a) of this Act, and which are assessed against the cargo on which the forwarding services are provided.''.

Page 24, line 15, strike ''United States carriers'' and insert ''one or more ocean common carriers''.

Page 24, strike lines 19 through 24 and insert the following:

''(h)(1) The Secretary shall issue regulations by June 1, 1997, that prescribe procedures and requirements governing the submission of price and other information necessary to enable the Secretary to determine under subsection (g) whether prices charged by carriers are unfair, predatory, or anticompetitive.

''(2)(A) If information provided to the Secretary under this subsection does not result in a finding by the Secretary of a violation of this section or enforcement action by the Secretary, the information may not be made public and shall be exempt from disclosure under section 552 of title 5, United States Code, except for purposes of an administrative or judicial action or proceeding.

''(B) This paragraph does not prohibit disclosure to either House of the Congress or to a duly authorized committee or subcommittee of the Congress.''.

Page 25, after line 10, insert the following:

''SEC. 203. REPORT BY THE SECRETARY.

''The Secretary shall report to the Congress by January 1, 1998, and annually thereafter, on—

''(1) actions taken by the Secretary under the Foreign Shipping Practices Act of 1988 (46 App. U.S.C. 1710a) and section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708); and

''(2) the effect on United States maritime employment of laws, rules, regulations, policies, or practice of foreign governments, and any practices of foreign carriers or other persons providing maritime or maritime-related services in a foreign country, that adversely affect the operations of United States carriers in United States oceanborne trade.''

Page 25, strike line 14 and all that follows through line 4 on page 26 and insert the following:

SEC. 301. AGENCY TERMINATION.

(a) IN GENERAL.—On September 30, 1997, the Federal Maritime Commission shall terminate and all remaining functions, powers, and duties of the Federal Maritime Commission shall be transferred to the Secretary of Transportation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1997.—There is authorized to be appropriated to the Federal Maritime Commission, $19,000,000 for fiscal year 1997.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

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

Mr. Chairman, this is a technical amendment, contains amendments to H.R. 2149 as reported, clarifies the definition of a conference, extends the prohibition against conference interfering with contracting, terminates Federal Maritime Commission at the end of fiscal 1997. I believe this amendment is not controversial, and I would urge its adoption.

Mr. OBERSTAR. Mr. Chairman, we are not opposed to the amendment. Therefore, we claim no time.

Mr. SHUSTER. I thank the gentleman from Minnesota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Ocean Shipping Reform Act of 1995''.

The CHAIRMAN. Are there any amendments to section 1? If not the Clerk will designate title I.

The text of title I is as follows:

TITLE I—OCEAN SHIPPING REFORM

SEC. 101. PURPOSES.

Section 2 of the Shipping Act of 1984 (46 App. U.S.C. 1701) is amended—

(1) by striking ''and'' at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting ''; and''; and

(3) by adding a new paragraph (4) to read as follows:

''(4) to permit carriers and shippers to develop transportation arrangements to meet their specific needs.''.

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702) is amended—

(1) effective on January 1, 1997—

(A) by striking paragraph (9); and

(B) by redesignating the remaining paragraphs accordingly;

(2) effective on June 1, 1997—

(A) by striking paragraph (4);

(B) in paragraph (7), by striking ''a common tariff;'' and inserting ''a common schedule of transportation rates;'';

(C) by striking paragraph (10) (as redesignated by paragraph (1) of this section);

(D) by striking paragraph (13) (as redesignated by paragraph (1) of this section);

(E) by striking paragraph (16) (as redesignated by paragraph (1) of this section);

(F) by amending paragraph (18) (as redesignated by paragraph (1) of this section) to read as follows:

''(18) 'ocean freight forwarder' means a person that—

''(A)(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; or

''(ii) processes the documentation or performs related activities incident to those shipments; or

''(B) acts as a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.'';

(G) by striking paragraph (20) (as redesignated by paragraph (1) of this section);

(H) in paragraph (22) (as redesignated by paragraph (1) of this section)—

(i) by striking ''or'' the second time it appears and inserting a comma; and

(ii) by striking the period and inserting '', a shippers' association, or an ocean freight forwarder that accepts responsibility for payment of the ocean freight.'';

(I) by amending paragraph (23) (as redesignated by paragraph (1) of this section) to read as follows:

''(23) 'shippers' association' means a group of shippers that consolidates or distributes freight, on a nonprofit basis for the members of the group in order to secure carload, truckload, or other volume rates or ocean transportation contracts.''; and

(J) by inserting after paragraph (18) the following new paragraph:

''(19) 'ocean transportation contract' means a contract in writing separate from the bill of lading or receipt between 1 or more common carriers or a conference and 1 or more shippers to provide specified services under specified rates and conditions.''.

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

Section 4(a) of the Shipping Act of 1984 (46 App. U.S.C. 1703(a)) is amended, effective on June 1, 1997—

(1) in paragraph (5), by striking ''non-vessel-operating common carriers'' and inserting ''ocean freight forwarders''; and

(2) by amending paragraph (7) to read as follows:

''(7) discuss any matter related to ocean transportation contracts, and enter ocean transportation contracts and agreements related to those contracts.''.

SEC. 104. AGREEMENTS.

Section 5 of the Shipping Act of 1984 (46 App. U.S.C. 1704) is amended—

(1) effective on January 1, 1997—

(A) in subsection (b)(4), by striking ''at the request of any member, require an independent neutral body to police fully'' and inserting ''state the provisions, if any, for the policing of'';

(B) in subsection (b)(7), by striking ''and'' at the end;

(C) in subsection (b)(8), by striking the period and inserting ''; and''; and

(D) by adding at the end of subsection (b) the following new paragraph:

''(9) provide that a member of the conference may enter individual and independent negotiations and may conclude individual and independent service contracts under section 8 of this Act.'';

(2) effective on June 1, 1997—

(A) by amending subsection (b)(8) to read as follows:

''(8) provide that any member of the conference may take independent action on any rate or service item agreed upon by the conference for transportation provided under section 8(a) of this Act upon not more than 3 business days' notice to the conference, and that the conference will provide the new rate or service item for use by that member, effective no later than 3 business days after receipt of that notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference provision for that rate or service item;''; and

(B) by adding the following new paragraph to read as follows:

''(10) prohibit the conference from—

''(A) prohibiting or restricting the members of the conference from engaging in individual negotiations for ocean transportation contracts under section 8(b) with 1 or more shippers; and

''(B) issuing mandatory rules or requirements affecting ocean transportation contracts that may be entered by 1 or more members of the conference, except that a conference may require that a member of the conference disclose the existence of an existing individual ocean transportation contract or negotiations on an ocean transportation contract, when the conference enters negotiations on an ocean transportation contract with the same shipper.'';

(C) in subsection (e), by striking ''carrier that are required to be set forth in a tariff,'' and inserting ''carrier,''; and

(D) in subsection (b)(9), by striking ''service'' and inserting ''ocean transportation''.

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 App. U.S.C. 1706) is amended—

(1) by amending subsection (a)(6) to read as follows:

''(6) subject to section 20(e)(2) of this Act, any agreement, modification, or cancellation, in effect before the effective date of this Act and any tariff, rate, fare, charge, classification, rule, or regulation explanatory thereof implementing that agreement, modification, or cancellation.''; and

(2) in subsection (c)(1), by striking ''agency'' and inserting ''agency, department,''.

SEC. 106. COMMON AND CONTRACT CARRIAGE.

(a) IN GENERAL.—Effective on June 1, 1997—

(1) section 8a of the Shipping Act of 1984 (46 App. U.S.C. 1707a) is repealed; and

(2) section 8 of the Shipping Act of 1984 (46 App. U.S.C. 1707) is amended to read as follows:

''SEC. 8. COMMON AND CONTRACT CARRIAGE.

''(a) COMMON CARRIAGE.—

''(1) A common carrier and a conference shall make available a schedule of transportation rates which shall include the rates, terms, and conditions for transportation services not governed by an ocean transportation contract, and shall provide the schedule of transportation rates, in writing, upon the request of any person. A common carrier and a conference may assess a reasonable charge for complying with a request for a rate, term, and condition, except that the charge may not exceed the cost of providing the information requested.

''(2) A dispute between a common carrier or conference and a person as to the applicability of the rates, terms, and conditions for ocean transportation services shall be decided in an appropriate State or Federal court of competent jurisdiction, unless the parties otherwise agree.

''(3) A claim concerning a rate for ocean transportation services which involves false billing, false classification, false weighing, false report of weight, or false measurement shall be decided in an appropriate State or Federal court of competent jurisdiction, unless the parties otherwise agree.

''(b) CONTRACT CARRIAGE.—

''(1) 1 or more common carriers or a conference may enter into an ocean transportation contract with 1 or more shippers. A common carrier may enter into ocean transportation contracts without limitations concerning the number of ocean transportation contracts or the amount of cargo or space involved. The status of a common carrier as an ocean common carrier is not affected by the number or terms of ocean transportation contracts entered.

''(2) A party to an ocean transportation contract entered under this section shall have no duty in connection with services provided under the contract other than the duties specified by the terms of the contract.

''(3)(A) An ocean transportation contract or the transportation provided under that contract may not be challenged in any court on the grounds that the contract violates a provision of this Act.

''(B) The exclusive remedy for an alleged breach of an ocean transportation contract is an action in an appropriate State or Federal court of competent jurisdiction, unless the parties otherwise agree.''.

(b) CONFIDENTIALITY OF CONTRACTS.—Effective on January 1, 1998, section 8(b) of the Shipping Act of 1984 (46 App. U.S.C. 1707(b)), as amended by subsection (a) of this section, is amended by adding at the end the following:

''(4) A contract entered under this section may be made on a confidential basis, upon agreement of the parties. An ocean common carrier that is a member of a conference agreement may not be prohibited or restricted from agreeing with 1 or more shippers that the parties to the contract will not disclose the rates, services, terms, or conditions of that contract to any other member of the agreement, to the conference, to any other carrier, shipper, conference, or to any other third party.''.

SEC. 107. PROHIBITED ACTS.

Section 10 of the Shipping Act of 1984 (46 App. U.S.C. 1709) is amended—

(1) effective on January 1, 1997, by amending subsection (b)—

(A) by amending paragraph (1) to read as follows:

''(1) except for service contracts, subject a person, place, port, or shipper to unreasonable discrimination;''; and

(B) by repealing paragraphs (2), (3), (4), and (8);

(2) effective on June 1, 1997, by amending subsection (b) to read as follows:

''(b) COMMON CARRIERS.—No common carrier, either alone or in conjunction with any other person, directly or indirectly, may—

''(1) except for ocean transportation contracts, subject a person, place, port, or shipper to unreasonable discrimination;

''(2) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier or has filed a complaint, or for any other reason;

''(3) employ any fighting ship;

''(4) subject any particular person, locality, class, or type of shipper or description of traffic to an unreasonable refusal to deal;

''(5) refuse to negotiate with a shippers' association;

''(6) knowingly and willfully accept cargo from or transport cargo for the account of an ocean freight forwarder that does not have a bond, insurance, or other surety as required by section 19;

''(7) knowingly and willfully enter into an ocean transportation contract with an ocean freight forwarder or in which an ocean freight forwarder is listed as an affiliate that does not have a bond, insurance, or other surety as required by section 19; or

''(8)(A) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

''(i) may be used to the detriment or prejudice of the shipper or consignee;

''(ii) may improperly disclose its business transaction to a competitor; or

''(iii) may be used to the detriment or prejudice of any common carrier;

except that nothing in paragraph (8) shall be construed to prevent providing the information, in response to legal process, to the United States, or to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this Act, or any receiver, trustee, lessee, agent, or employee of that carrier, or any other person authorized by that carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with a conference or for the purpose of determining whether a member of the conference has breached the conference agreement or for the purpose of compiling statistics of cargo movement, but the use of that information for any other purpose prohibited by this Act or any other Act is prohibited; and

''(B) after December 31, 1997, the rates, services, terms, and conditions of an ocean transportation contract may not be disclosed under this paragraph if the contract has been made on a confidential basis under section 8(b) of this Act.

The exclusive remedy for a disclosure under this paragraph shall be an action for breach of contract as provided in section 8(b)(3) of this Act.'';

(3) effective on June 1, 1997—

(A) in subsection (c)(5), by inserting ''as defined in section 3(14)(A) of this Act'' after ''freight forwarder''; and

(B) in subsection (c)(6), by striking ''a service contract.'' and inserting ''an ocean transportation contract.'';

(4) effective on June 1, 1997, in subsection (d)(3), by striking ''(b) (11), (12), and (16)'' and inserting ''(b) (1), (4), and (8)''; and

(5) effective on June 1, 1997, by adding a new subsection (f) to read as follows:

''(f) CONFERENCE ACTION.—No conference may subject a person, place, port, class or type of shipper, or ocean freight forwarder, to unjust or unreasonable ocean contract provisions.''.

SEC. 108. REPARATIONS.

Effective June 1, 1997, section 11(g) of the Shipping Act of 1984 (46 App. U.S.C. 1710(g)) is amended—

(1) by inserting ''or counter-complainant'' after ''complainant'' the second time it appears;

(2) by striking ''10(b) (5) or (7)'' and inserting ''10(b) (2) or (3)''; and

(3) by striking the last sentence.

SEC. 109. FOREIGN LAWS AND PRACTICES.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 App. U.S.C. 1710a) is amended, effective on June 1, 1997—

(1) in subsection (a)(1)—

(A) by striking ''non-vessel-operating common carrier,''; and

(B) by inserting ''ocean freight forwarder,'' after ''ocean common carrier,'';

(2) in subsection (a)(4), by striking ''non-vessel-operating common carrier operations,'';

(3) in subsection (e)(1), by striking subparagraph (B) and all that follows through subparagraph (D) and inserting the following:

''(B) suspension, in whole or in part, of the right of an ocean common carrier to operate under any agreement filed with the Secretary, including agreements authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargo or revenues with other ocean common carriers; and

''(C) a fee, not to exceed $1,000,000 per voyage.''; and

(4) in subsection (h), by striking ''section 13(b)(5) of the Shipping Act of 1984 (46 App. U.S.C. 1712(b)(5))'' and inserting ''section 13(b)(2) of the Shipping Act of 1984 (46 App. U.S.C. 1712(b)(2))''.

SEC. 110. PENALTIES.

Section 13 of the Shipping Act of 1984 (46 App. U.S.C. 1712) is amended, effective on June 1, 1997—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (3) and redesignating paragraphs (2), (4), (5), and (6) in order as paragraphs (1), (2), (3), and (4);

(B) by striking paragraph (1), as so redesignated, and inserting the following:

''(1) If the Secretary finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 1711 of this Act, the Secretary may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Secretary, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91).''; and

(C) in paragraph (3), as so redesignated, by striking ''finds appropriate,'' and all that follows through the end of the paragraph and inserting ''finds appropriate including the imposition of the penalties authorized under paragraph (2).'';

(2) in subsection (f)(1), by striking ''section 10 (a)(1), (b)(1), or (b)(4)'' and inserting ''section 10(a)(1)''.

SEC. 111. REPORTS.

(a) IN GENERAL.—Section 15 of the Shipping Act of 1984 (46 App. U.S.C. 1714) is amended, effective on January 1, 1997—

(1) in the section heading by striking ''**and certificates**'';

(2) by striking ''(a) REPORTS.—''; and

(3) by striking subsection (b).''.

(b) CLERICAL AMENDMENT.—The Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.) is amended in the first section in the table of contents by amending the item relating to section 15 to read as follows:

''Sec. 15. Reports.''.

SEC. 112. REGULATIONS.

Section 17 of the Shipping Act of 1984 (46 App. U.S.C. 1716) is amended—

(1) by striking ''(a)''; and

(2) by striking subsection (b).''.

SEC. 113. REPEAL.

Section 18 of the Shipping Act of 1984 (46 App. U.S.C. 1717) is repealed.

SEC. 114. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 App. U.S.C. 1718) is amended, effective on June 1, 1997—

(1) in subsection (a), by inserting ''in the United States'' after ''person'' the first time it appears;

(2) in subsection (a)(2), by striking ''a bond'' and inserting ''a bond, proof of insurance, or other surety'';

(3) by adding after subsection (a)(2) the following:

''A bond, insurance, or other surety obtained pursuant to this section shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under this Act or order for reparation issued pursuant to section 11 or 14 of this Act. An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.'';

(4) in subsection (b), by striking ''a bond'' and inserting ''a bond, proof of insurance, or other surety''; and

(5) in subsection (d), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).''.

SEC. 115. EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.

Section 20(e) of the Shipping Act of 1984 (46 App. U.S.C. 1719) is amended to read as follows:

''(e) SAVINGS PROVISIONS.—

''(1) Each service contract entered into by a shipper and an ocean common carrier or conference before the date of the enactment of the Ocean Shipping Reform Act of 1995 may remain in full force and effect according to its terms.

''(2) This Act and the amendments made by this Act shall not affect any suit—

''(A) filed before the date of the enactment of the Ocean Shipping Reform Act of 1995;

''(B) with respect to claims arising out of conduct engaged in before the date of the enactment of the Ocean Shipping Reform Act of 1995, filed within 1 year after the date of the enactment of the Ocean Shipping Reform Act of 1995;

''(C) with respect to claims arising out of conduct engaged in after the date of the enactment of the Ocean Shipping Reform Act of 1995 but before January 1, 1997, pertaining to a violation of section 10(b) (1), (2), (3), (4), or (8), as in effect before January 1, 1997, filed by June 1, 1997;

''(D) with respect to claims pertaining to the failure of a common carrier or conference to file its tariffs or service contracts in accordance with this Act in the period beginning January 1, 1997, and ending June 1, 1997, filed by December 31, 1997; or

''(E) with respect to claims arising out of conduct engaged in on or after the date of the enactment of the Ocean Shipping Reform Act of 1995 but before June 1, 1997, filed by December 31, 1997.''.

SEC. 116. REPEAL.

Section 23 of the Shipping Act of 1984 (46 App. U.S.C. 1721) is repealed, effective on June 1, 1997.

SEC. 117. MARINE TERMINAL OPERATOR SCHEDULES.

(a) IN GENERAL.—The Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.) is amended, effective on June 1, 1997, by adding at the end the following new section:

''SEC. 24. MARINE TERMINAL OPERATOR SCHEDULES.

''A marine terminal operator shall make available to the public a schedule of rates, regulations, and practices, including limitations of liability, pertaining to receiving, delivering, handling, or storing property at its marine terminal. The schedule shall be enforceable as an implied contract, without proof of actual knowledge of its provisions, for any activity by the marine terminal operator that is taken to—

''(1) efficiently transfer property between transportation modes;

''(2) protect property from damage or loss;

''(3) comply with any governmental requirement; or

''(4) store property in excess of the terms of any other contract or agreement, if any, entered into by the marine terminal operator.''.

(b) CLERICAL AMENDMENT.—The Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.) is amended in the first section in the table of contents by adding at the end the following new item:

''Sec. 24. Marine terminal operator schedules.''.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. 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. OBERSTAR: Page 10, line 23, strike ''(5)'' and insert ''(5)(A)''.

Page 11, line 7, strike the closing quotation marks and the final period.

Page 11, after line 7, insert the following:

''(B) Notwithstanding subparagraph (A), the essential terms of a contract entered into under this section shall be made publicly available electronically in a manner prescribed by the Commission. This subparagraph does not apply to service contracts dealing with bulk cargo, forest products, recycled metal scrap, waste paper, or paper waste.

''(C) For purpose of subparagraph (B), the essential terms of a contract shall include—

''(i) the origin and destination port ranges in the case of port-to-port movements, and the original and destination geographic areas in the case of through intermodal movements;

''(ii) the commodity or commodities involved;

''(iii) the minimum volume;

''(iv) the line-haul rate;

''(v) the duration;

''(vi) service commitments; and

''(vii) the liquidated damages for nonperformance, if any.''.

Page 14, line 11, insert ''except as provided by section 8(b)(4)(B),'' after ''(B)''.

At the end of section 301(a) of the bill insert the following:

The Secretary of Transportation shall delegate such functions, powers, and duties to the Surface Transportation Board.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to be able to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. OBERSTAR] is recognized for a total of 10 minutes.

Mr. OBERSTAR. Mr. Chairman, this amendment requires that the essential terms of ocean transportation contracts be disclosed to the public. The amendment transfers, in addition, the remaining functions of the Federal Maritime Commission to the Surface Transportation Board within the Department of Transportation rather than to the secretary to ensure that investigations and decisions about ocean shipping are done in an unbiased and nonpolitical manner. Those are the only changes my amendment makes to the bill.

In evaluating the request of secret contracts, we have to remember that international shipping operates in a very different environment than any other mode in our domestic transportation industry. Over 85 percent of the containerized shipments in and out of our ports go on foreign-flagged ships.

Most of this cargo is transported on ships operated under a conference or a cartel agreement. Many foreign carriers have many agendas. Some are controlled by their governments, some are vertically integrated with manufacturing companies, some are motivated by their brand of nationalism, some will do whatever necessary to drive their competitors out of the marketplace.

Into such a complex system will this bill allow secret contracts. I do not think it is in the interest of our ports, our manufacturers, U.S. consumers, or the Nation to allow secret contracts negotiated behind closed doors to determine the fate of our international trade. There have been no hearings on this legislation in our committee. No testimony was received on the impact of that provision of the bill. Potential opponents were not given an opportunity to voice their concerns about it in open hearings. However, the Senate's hearing on an identical bill raised a number of problems about this particular issue of secret contracts.

Mr. Chairman, the basis of this bill is to promote competition, but it will result in less competition. With secret contracts, rates likely will fall below levels that provide an adequate return on assets or investments. I quoted earlier Mr. Clancy, President and CEO of Sealand Services, one of the world's largest ocean carriers and a major supporter of this bill.

□ 1645

He sees the result of this bill: that in a few years, a few giant super shipping consortia with global reach will control 85 to 90 percent of the world's container ships. There will be one cartel in the Atlantic, one in the Pacific, and one in the Asia-Europe trade. He believes it will be the demise of the niche carrier, of the feeder line, of the North-South shipping lines between North and South America. The types of carriers he believes will disappear are carriers such as Crowley Maritime and Tropical Shipping. Secret agreements will be the major weapon megacarriers are going to use to achieve their goals of consolidating power in the shipping industry.

This provision will allow large companies to offer lower rates to larger shippers, and if smaller shippers and carriers are unaware of the deals, they are going to find it difficult to compete. The end result will be exactly what Mr. Clancy predicts: the demise of niche carriers, feeder lines, and North-South lines.

Let us look at the impact on small- and medium-sized shippers and on manufacturers and retailers. With secret contracts it will be virtually impossible to enforce any of the prohibitions in the bill. For example, under the act, a carrier or a group of carriers may not retaliate against any shipper who has patronized another carrier or filed a complaint. How will anyone be able to tell if there has been retaliation or discrimination if all contracts are going to be kept confidential? With the secret contracts, small- and medium-sized shippers will likely pay more, not less, in the short run and the rates they pay will increase even more in the long run.

Everyone acknowledges that confidential contracts will lower the rates paid by the large shippers, of course. But 70 percent of the carriers' costs are fixed. Who is going to make up the difference when the large shippers get the rate breaks? Obviously, the ones who are going to make up the differences are going to be the small- and medium-sized shippers.

If Mr. Clancy's plans succeed and the cartels controlled 85 to 90 percent of the world's shipping, then we are going to see increased use of secret contracts from large shippers and higher rates for these small- and medium-sized carriers, and they will be driven right out of the marketplace.

What about our ports and our infrastructure? Ports in their communities have invested billions of dollars in developing their port facilities through local taxes and bond issues. But when these consortia enter into secret deals under the protection of antitrust immunity, they are going to drive the small carrier out of business, the very tenants in those ports that pay the rent to pay off the bonds.

When U.S. Lines, for example, went bankrupt, it left the port of New York with a vacant terminal. That terminal has been vacant for 15 years. Who paid for the construction? The port of New York-New Jersey. Who paid for the financing of an empty terminal? The port of New York-New Jersey. Do we want to see that repeated all over the country?

With the demise of small carriers in a regime of secret agreements, surviving large carriers will consolidate their operations at the larger ports. Carriers will stop calling at many of the smaller ports. Jobs, public investment, will be lost.

One of the fundamental purposes of the 1984 act was to reach a balance by legalizing international cartels with antitrust immunity, but requiring public disclosure of the agreements between the carriers in the cartel and the essential terms of the contract between carriers and shippers, so everyone would know that ports, manufacturers, retailers, consumers in the United States are not being discriminated against.

The contracts in this bill will promote survival of cartels and survival of large carriers. There may be a short-term decrease in rates as they use market power to drive small and independent carriers out of business. But when, as the chairman of Sea Land predicts, there are only three cartels left controlling 85 to 90 percent of the world trade, rates are going to go up. They are going to put U.S. exporters out of business or at a disadvantage in the international market. We should not launch that process here with this legislation.

The overriding purpose of shipping laws should be to ensure that the small as well as the large shipper is able to have their goods shipped anywhere in the world at a competitive price.

My other concern is that the bill transfers the remaining functions of the FMC to the Secretary of Transportation instead of an independent regulatory panel. The former FMC responsibilities would not appropriately be exercised by an independent panel. So my amendment would do that. My amendment will do that.

The Republic of China, for example, has restricted the ability of U.S. carriers to operate terminals and freight forwarding operations in China, even though we allow Chinese carriers to conduct these same operations in the United States. The Japanese Government imposes a harbor tax that does not benefit navigation, but only increases the price of United States exports to Japan.

I believe we ought to have an independent body, insulated from pressures by the State Department, to pursue elimination of trade barriers. That is why I propose that we transfer this function to the Surface Transportation Board.

My amendment leaves in place elimination of the Federal Maritime Commission; elimination of tariff filing and regulation by the Government; restrictions on the contents of contracts between shippers and carriers are eliminated; laws related to unfair trade practices of foreign carriers and foreign governments will be strengthened; conferences will not be able to prevent their members from making individual, lower cost ocean transportation contracts with shippers.

We deal with two shortcomings of the legislation. Airlines do not have antitrust immunity for anything domestically. Shipping conferences have antitrust immunity for point-to-point

rates. No other mode of transportation has antitrust immunity for point-to-point rates. We should not allow secret deals to be made under such protection.

My amendment will make this bill acceptable in the other body, acceptable to the administration. It will make it possible for us to enact good deregulation. I urge support for the amendment I have set forth.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to the amendment offered by my good friend, the gentleman from Minnesota.

Mr. Chairman, we already had exhaustive debate on this issue, so I will attempt to be brief. First, though I would like to again correct what perhaps was a misstatement. My good friend, the gentleman from Minnesota, said, ''secret deals under protection of antitrust immunity.'' This legislation does not provide antitrust immunity for private contracts. We have said it several times. I hate to be repetitive. But the antitrust immunity only applies to where the tariffs are set. So again I emphasize that point. As a matter of fact, if anybody doubts it, read the bill.

Second, the ability to negotiate private contracts with carriers was the bottom line in the compromise for all our U.S. shippers.

Third, every other mode of transportation has this ability to negotiate private contracts. The airlines have it, the trucks have it, the rails have it. Every other mode has it except for ocean shipping. That is one of the fundamental reforms here which will create more competition.

Again, while my dear friend stood up now and said how harmful this is going to be, less than a month ago he said, ''Shippers and consumers will pay less for their products. The ports will be handling more cargoes and the ocean carriers will have a more competitive operating environment.''

I recognize, as of last Friday night, things changed. And what changed, of course, was that some of the labor unions decided at the last minute to try to get another bite at the apple to oppose it. But it is important to emphasize that the seafarers, who are most directly affected by this legislation, support the bill as we bring it to the floor.

Mr. Chairman, for all of those reasons, I will not belabor the point. We have debated it.

Mr. CLEMENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Oberstar amendment to the Ocean Shipping Reform Act.

Mr. Chairman, I support the provisions of the Ocean Shipping Reform Act which abolish the Federal Maritime Commission. But I am proud of the work this agency has done to combat unfair foreign shipping practices that injure U.S. carriers and U.S. importers and exporters. Since 1920, we have successfully fought commercial cargo preference programs of foreign governments, restrictions on carrier operations, restrictions on port operations, and foreign taxes designed to limit imports from the United States. The FMC has experienced a remarkable success rate—100 percent. They have never failed to get the foreign government to eliminate their unfair practice—not once.

One of the major reasons for this glaring success is the independent nature of the agency. They are insulated from pressures from the State Department that may have other foreign policy objectives with the country involved. Only the President can overrule a finding by the Commission on an unfair foreign trade practice. No President has ever done this. Last summer when H.R. 2149 was reported out of committee, the Surface Transportation Board did not exist. The Surface Transportation Board, or Surf-Board, was created by the ICC Termination Act to take over the remaining functions of the ICC. It is an independent board within the Department of Transportation, insulated from the politics of the executive branch. The name of the board is deceiving—it does much more than regulate surface transportation.

It currently regulates all of the water carriers transporting goods from the continental United States to Hawaii, Alaska, Puerto Rico, and Guam. These trade routes had been regulated by the FMC. The Surf-Board has the experience and expertise necessary to handle the FMC's regulatory issues.

Even with the reforms in H.R. 2149, the statutes which govern international ocean transportation will require an agency to perform many important oversight functions. Fairness and impartiality require that these functions be performed by an independent agency, not a political department of the Executive Branch.

For example, the agency will need to resolve all allegations by U.S. or foreign shippers or U.S. ports that they have been discriminated against or have been denied service by one or a group of ocean carriers. The agency will also be required to review agreements among ocean carriers to ensure the agreements are not anti-competitive. The funding of collectively bargained fringe benefit obligations must be overseen by the agency. Finally, the agency must administer laws governing unfair trading practices by foreign governments related to the shipping industry. All of these functions demand an independent agency with expertise in maritime issues. They should not be held captive to political winds and special interest favors.

Finally, I support the Oberstar amendment because it would provide for the supervision of all transportation systems under one board—the Surface Transportation Board. In today's environment of intermodalism, this makes sense. The Surf-Board regulates rail roads, motor carriers, and water carriers engaged in our domestic transportation system. Now, with the Oberstar amendment, it can supervise intermodal movements with those carriers in our international trades as well.

I call on my colleagues to support the Oberstar amendment. Surely, the transferal of the FMC's functions to an independent agency with the expertise to govern the shipping trade is something on which we can all agree. America's business and shipping interests are at stake. Support the Oberstar amendment—it protects American business and the consumer. This approach only makes sense.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words and speak in opposition to the amendment.

Mr. Chairman, I thank the chairman of the full committee and the chairman of the subcommittee, the gentleman from North Carolina, for their insight, and indeed the ranking member, the gentleman from Minnesota, for some of his thoughts earlier today on this.

Mr. Chairman, I will confess I am new to this process. I came from the outside world. I am not a career politician. Getting here has been a rather eye-opening experience. I have noted with great interest the disdain that many of my constituents have for what they term ''gridlock'' or almost a playground type of contentious debate that happens here.

While major policy differences should be discussed and indeed debated in this Chamber, and we champion that, and indeed we champion differences in opinion, I cannot help but notice the irony of the situation in which the Committee of the Whole House finds itself today with reference to this piece of legislation.

Again, even taking into account the comments of my good friend, the gentleman from Minnesota [Mr. OBERSTAR], the ranking member, I just note the irony that fairly drips from the comments of August 1, 1995, from my good friend, the gentleman from Minnesota: ''This bill injects a very healthy and significant dose of flexibility of competitive opportunity into the carrier and shipper relationship. That was the aim of my bill. I am pleased to see we are taking that tack in this legislation. It is what will be good for ocean shipping.'' So said my good friend, the gentleman from Minnesota, in August.

Indeed, as I understand, hearing from my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, essentially this point of view prevailed until what legislatively, Mr. Chairman, becomes the very last nanosecond of the 11th hour, when those who sought to find fault with the legislation chose to step in and inject the whole notion of union bossism into this process.

□ 1700

Now, this is a free country and certainly those special interests have a

chance to stand up and say ''no.'' But, Mr. Chairman, what is the prevalent difference?

Now we find, Mr. Chairman, that confidential agreements, a hallmark of doing business in almost every commercial endeavor, are suddenly given the name rhetorically, secret agreements, as if there is something ominous, as if the entire practice of doing business is somehow protected. But then again, what are we to expect of those who constantly propagate a philosophy that would tell us that taxes are really just investments in government growth, and that Washington knows best, and it must always be the constant oversight of some governmental body into every endeavor; only that process, only Washington knows best, only government exercise of oversight can ensure the true and property aims of business.

Mr. Chairman, I assert that if it is good in other areas of transportation deregulation, if confidential agreements and other essential staples of the business process are good in the deregulation that has gone on in other sectors of transportation, why now, at the very last nanosecond of the 11th hour, are there problems? This is a good piece of legislation as it stands. Mr. Chairman, I rise in support of the legislation as presented. I oppose the Oberstar amendment.

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BORSKI. I yield to the gentleman from Minnesota, the distinguished ranking member.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for his courtesies. I am sorry that the gentleman from Arizona exhibited such discourtesy in displaying a quote up there which is incomplete, takes out of context or at least leaves out conveniently something I did say. I am glad he thought it was important to quote what I said. I have quoted myself, and I do not need to be quoted in a poster by the gentleman from Arizona and then have part of it left out.

I supported the legislation as it was pending in committee. I said it accomplishes preservation of the conference carrier system, which is important to carriers, and injects a healthy and significant dose of flexibility. Put the whole thing in context. Do not just quote part of what I said.

I thank the gentleman for yielding.

Mr. BORSKI. Mr. Chairman, I rise to support the Oberstar amendment to protect the small-and medium-sized ports, the small shippers, and the working people of the Nation.

I compliment the gentleman from Minnesota, the ranking member of the Transportation and Infrastructure Committee, for offering this amendment.

It is absolutely vital for the survival of the small- and medium-sized ports in this country that rates between conferences and shippers be open for public scrutiny.

The committee bill allows those rates to be kept secret—a practice that will allow conferences to become cartels that will put everyone in their way out of business.

The secrecy provision will allow big carriers to cut deals with big shippers that get rid of most of the Nation's ports, many small shipping companies and tens of thousands of jobs.

Without the Oberstar amendment, H.R. 2149 is a protection bill for big business and big shippers.

This amendment maintains the public disclosure requirements that were enacted in 1984 and have worked well.

It will provide protection for small and medium-sized ports, for small shippers and for tens of thousands of jobs at the 90 percent of the ports in this country that will be put at risk by this bill.

We can reform the ocean shipping laws without giving our endorsement to cartels and without promoting the elimination of virtually every one of our Nation's ports.

We can reform the ocean shipping laws without jeopardizing tens of thousands of jobs throughout the country.

Mr. Chairman, H.R. 2149 has it backwards. It provides help and protection for the big guys when we should be providing that help for the small shippers and the small- and medium-sized ports.

The Oberstar amendment will correct problems with the bill by maintaining the system that has worked since 1984.

The Oberstar amendment is needed so that the thousands who depend on ports along with the Nation's consumers, are not trampled in this rush to rewrite shipping laws in a way that helps only the big ports, the big carriers and the big shippers.

Without the Oberstar amendment, H.R. 2149 is a job killer and should be defeated.

Mr. Chairman, I urge passage of the Oberstar amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I became quite concerned when my good friend said that only part of his quote was included, so I have the full quote here and I do not believe it changes the thrust of what was said at all. But nevertheless, in order to be totally fair, I want to insert the entire quote into the RECORD, which is the following:

> The bill accomplishes preservation of the committee carrier system, which is important to the carriers, but it also injects a very healthy and significant dose of flexibility, of competitive opportunity into the carrier and shipper relationship. That was the aim of my bill. I am pleased to see we are taking that tack in this legislation. It is what will be good for ocean shipping.

That is the complete quote of my good friend, and I think it is important to put it in the RECORD so the RECORD is clear.

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

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

Mr. OBERSTAR. Mr. Chairman, that is what I attempted to do with the quote of the gentleman from Arizona, or that he attempted to represent as attributed to me. But the point is, what I said there does not bear on the subject of our debate this afternoon.

Mr. LATHAM. Mr. Chairman, I will just make a brief statement here. Coming from northwest Iowa and a very large agricultural district, I am quite concerned about how this amendment would affect agriculture and agricultural exports. A few of the groups that support this legislation and oppose the amendment, the American Farm Bureau, the Blue Diamond Growers, National Broiler Council, National Cattlemen's Beef Association, National Council of Farmer Cooperatives, National Pork Producers Council, National Turkey Federation, United Fresh Fruit and Vegetable Association, oppose the Oberstar amendment and support the legislation as is.

I think it is critical to look as far as how it affects agriculture, the fact that in 1996 we expect to export about 60 billion dollars' worth of products, and 18 percent of the cost of exporting in the transportation sector is due to the fact that we have to disclose at this time what our rates are but our competitors overseas do not have to disclose their rates. In effect, what is happening is that if when we post our rates, our competitors come in and see what it is and just simply undercut us and we lose that business, but we still pay a premium here and it certainly is unfair.

I cannot quite understand why an amendment would be offered, I guess, that would undercut agriculture, the gentleman I know is from Minnesota and has large agricultural exports that would cause such problems for agriculture itself. I just strongly oppose this amendment because of the effect, that one of the bright parts of this legislation is the fact that we will be competitive in the world. As we move forward into the next millennium, it is essential that we are on an equal playing field in agriculture in all of our exports. That is why I strongly oppose this amendment and support the bill as it is.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words in support of the Oberstar amendment.

I want to salute the ranking member [Mr. OBERSTAR] for his creative and market-oriented proposal. This amendment is precisely what should have been done in the committee process, an

open discussion of the meaning and implication of the legislation.

I am no enemy of deregulation, and believe all of us who are supporting Mr. OBERSTAR are of the same view. I personally wrote the New Jersey Telecommunications Act, which substantially deregulated the industry and modernized my State phone system into a national telecommunications leader. I have voted for similar proposals here in the House.

I think there are constructive measures that will improve ocean transportation, but it cannot be a backroom deal. The Oberstar amendment has broken the code. Look at the bill. What does the term ''confidential agreement'' mean? If we are deregulating this industry, why do we have to include authorization for confidential contracts?

The gentleman from Minnesota [Mr. OBERSTAR] has it right. Secret deals. This bill is carteling in its purest form, secret deals, antitrust immunity and no Government oversight. Do we really think the small shipper has any chance in the face of this monopoly power? To the friends of small businesses in this Congress, you have got to think, your transportation price may go down in the short term just long enough to consolidate the vast grants of monopoly power, and then you will pay and you will pay dearly.

Chairman SHUSTER has stated correctly that antitrust immunity covers only the conference rate and not rates negotiated by an individual carrier, but in reality both rates are part of a package. The carriers are allowed to get together under antitrust immunity to set a conference rate. Each carrier is then free to depart from this rate on a selective basis.

To evaluate antitrust immunity we need to know when the conference rate is followed and when it is not. Are special rates being made available only to certain large shippers? Is the conference rate set under antitrust immunity subsidizing discount rates for larger carriers? If individual agreements are secret as they would be under H.R. 2149, we will never know.

Mr. OBERSTAR's amendment says yes to smaller Government, it says yes to less regulation, it says yes to savings in the budget, but it says no to secret deals and cartels. If this legislation is enacted, only the largest shippers will benefit from secretive shipping contracts that discriminate against smaller shippers, and these secret deals will allow Fortune 100 corporations to avoid public disclosure and to use their already potent market powers to exact privileged rates while smaller shippers, businesses and carriers, their employees and ports across the Nation will be left defenseless.

Clearly, the thousands of smaller businesses that rely on the transparency of prices, and the level playing field that provides—we heard a lot about that in the Telecommunications Act that was passed here in the House, that everybody starting on a level playing field, about transparency. That is in fact what we are arguing for here. If not, we will be forced to pay higher rates and thus subsidize the larger more powerful competitors.

For American ports and thousands of longshore, warehousing, trucking, rail, and related industry employees in and around port communities, this unfair pricing and operating environment could lead to severe economic dislocation, declining wages, and job loss, and that is something we cannot afford. That is why the American Association of Port Authorities recently joined transportation labor and many smaller shippers to oppose H.R. 2149 in its present form.

The Oberstar amendment would eliminate a Federal agency, it would allow for sensible ocean shipping reforms, but it would ensure the essential terms of contracts are not kept in secret at the expense of ports, shippers, employees, and other shipping interests. That is why it deserves our unanimous support, and that is why we urge all of our colleagues to be voting for it.

□ 1715

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was back in my office watching this debate, and I thought I was living in the sixties and the seventies. The same arguments that those that support the Oberstar amendment were made time and time again in opposition to the deregulation of trucking, to the deregulation of aviation, to the deregulation of railroads. Small communities will not be served. We have got to have tariffs filed so that everybody can see them. We have got to have the Government involved or small shippers will not be able to find somebody to carry their goods.

How many times have we heard these arguments in trucking, in aviation, in railroads? And you know what? Not one of those arguments came true in those modes of transportation. Not one.

In fact, just the opposite happened, because those of us that oppose the Oberstar amendment believe in the free enterprise system, believe that in competition the quality of service goes up, the number of people that offer themselves for service goes up, and the cost of transportation goes down. It is not artificially held up, because the Government knows best. That is what the Oberstar amendment is attempting to do, to change a very well-crafted compromise in this bill.

I have to tell you if I was writing this bill and I had the votes, it would not be this bill, because in this bill the chairman crafted a bipartisan, at least at the time, a bipartisan compromise to take care of some of the concerns of those that do not believe in the free market system. Unfortunately, for whatever reasons, and it has already been expressed here on the floor, at the last minute, this compromise was rejected.

We ought to be opening up markets. We ought to be allowing shippers and shipping companies and ocean shipping companies to come together and, through the free market system, devise contracts that meet the needs of that market. That is what we are trying to do here.

It worked in trucking. Let me give you an example why I was so supportive of deregulation of trucking. In my part of the country, outside of Houston, TX, we have a lot of small towns and they needed trucking service. But the Government said only one truck line, in a cartel type way, could service my small towns. The argument was, oh, my goodness, if you opened it up, that truck line would not go to Rosenberg, TX, because it is too small a market.

You know what happened in Rosenberg, TX, with the car dealers? They could not get their parts shipped by this one trucking company that had authority to carry goods to Rosenberg, TX. So a Hispanic gentleman who cleaned commodes for one of the car dealers got in a truck and went up and picked up his parts on the other side of Houston and brought them back. He said, ''This is a pretty good deal.'' He started going around to the other car dealers, and they were having the same problem, so he bought himself a van and started himself a little business, provided a service that was not being provided by the Government authority given to one trucking company.

But you know what? They caught him and they said ''You can't do this anymore, because the government says you can't do it.'' He says, ''Why not?'' He says, ''Because you got to have a piece of paper from the government to allow you to go pick up auto parts in Houston and bring them to Rosenberg.'' ''How do I get that piece of paper?'' ''You have to hire a lawyer.'' ''How much does a lawyer cost?'' ''Well, it will cost you at least $25,000, and then you are not guaranteed to get the authority.''

He went back to cleaning commodes in Rosenberg, TX.

Now, they will say probably oh, well, this does not apply, because we are talking about large ships and we are talking about small ports and we are talking about small shippers. The market is the same no matter whether it is ships or trucks or airplanes or railroads. The point here is we are trying to move into the 21st century, and the proponents and the supporters of the Oberstar amendment want to keep us in the 1930's, when regulation of trucking was first passed, in the 1920's, when regulation of railroads was passed.

We are in a world economy and we cannot afford the 1930's type economics.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, we cannot afford to run the U.S. economy based on 1930's economics, and that is what we are trying to do here. We are trying to change it, to bring America into the 21st century. Unfortunately, the gentleman from Minnesota wants to keep us in the 1930's.

I urge you to vote ''no'' on the Oberstar amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. LIPINSKI. Mr. Chairman, I rise today in support of the Oberstar amendment to H.R. 2149, the Ocean Shipping Reform Act of 1995.

The maritime industry is one of the few industries in the United States that enjoys full immunity from our antitrust laws. Carriers are allowed to enter into conferences which are cartels of vessels that collectively set prices and allocate routes and cargo among its members. In the Shipping Act of 1984, Congress granted antitrust immunity of ocean conferences only if the carriers file their rates and contract terms with the Federal Maritime Commission.

The Ocean Shipping Reform Act, however, would eliminate the requirement that ocean carriers disclose the essential terms of their contracts with shippers. Without this disclosure, the large carriers are likely to enter secret agreements giving major shippers low rates which could not be offered if the arrangement had to be disclosed. These secret contracts will create unfair competitive advantages for large shippers and large carriers, and the larger ports they serve. This is a real threat to the economic wellbeing and job security of smaller carriers and the smaller and medium size ports.

H.R. 2149 will not result in an ocean transportation industry governed by market principles, but will result in a system in which carrier cartels will operate with legal impunity and large corporations will be able to secure secret, below cost transportation rates from carriers, with smaller shippers being charged higher and higher rates to make up for these concessions to mega-shippers. In other words, this legislation will simply intensify the alarming trends that already exist in the maritime industry—bigger and fewer ports, fewer and larger carriers, and larger shipping conglomerates.

This is why I support the Oberstar amendment; the amendment would require carriers to file their rates and essential contract terms electronically. It balances carriers' full antitrust immunity with the simple requirement that they make the essential terms of their contracts with shippers public. It ensures that market forces are able to keep the power of industry conglomerates in check, providing safeguards to protect our consumers, manufacturers, and ports from secret deals that discriminate against them.

Like H.R. 2149, the Oberstar amendment sunsets the Federal Maritime Commission. However, the amendment transfers the remaining enforcement responsibilities to the Surface Transportation Board, an independent transportation agency. The Ocean Shipping Reform Act transfers remaining authority to the Department of Transportation, a far more politicized cabinet department of the Federal Government.

The Oberstar amendment aims to correct the two fundamental flaws of the Ocean Shipping Reform Act. The major goal of the Ocean Shipping Reform Act remains intact, which is to increase competition in the ocean shipping industry by substantially deregulating the industry. In fact, it is only with the adoption of this amendment that increased competition will occur in the maritime industry. I urge my colleagues to support the Oberstar amendment and then support the bill.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment offered by the gentleman from Minnesota. The biggest beneficiaries of public ocean transportation contracts are the foreign-dominated ocean shipping cartels. Public contracting as continued under the Oberstar amendment to my way of thinking would simply enhance the ability of these cartels to fix prices for the transportation of goods in the import and export trade.

The data on ocean shipping confirms that over 85 percent of U.S. goods are carried aboard foreign vessels, and this amendment would, in my opinion, simply permit that to continue.

Meanwhile, under the Shuster bill, the committee bill, we would save 18 percent of transportation costs, according to a Department of Agriculture report. I have got the report right here.

Everybody interested in agriculture, everybody interested in rural America, everybody interested in the balance of payments benefits that agriculture provides, everybody who voted for a new change, a market-oriented farm policy, everybody who voted for freedom to farm, regardless of your personal opinion about all of the farm program policies, pay attention.

The Department of Agriculture says:

> A cartel premium attributable to conference market power, the ability to set rates above the competitive level, amounts to some 18 percent of the cost of ocean transportation.

Turn it around. Look at the benefit to our farm exports if we turn it around.

> The annual gain in agriculture revenues from increased exports resulting from lower shipping costs would produce an expected gain of $406 million, 8.1 percent of the total revenues, including more commodities, more markets. It would simply magnify the economic effect.

I am quoting from the Maritime Policy and Agriculture Interests Impacts of the Conference System of the Department of Agriculture.

My experience in the Marine Corps leads me to understand that there are very few merchant ships left that are registered in the United States. Now, think a minute. If you publicize the contracts that primarily benefit our foreign competitors by allowing them to estimate a U.S. exporter's shipping costs, that simply permits the foreign carriers to have a great advantage over our U.S. carriers. It is not only going to hurt them, it is going to hurt all of the exporters, all of the added value product exporters, and all we are trying to do in regard to agriculture today.

I am informed by the distinguished chairman that U.S. shippers, especially the small shippers, support the bill without such an amendment. So I would urge Members, all members of the House Committee on Agriculture, all members of the various task forces on either side of the aisle, to oppose this amendment, and to support not only the U.S. business, but simply U.S. agriculture, who trade overseas. So support the U.S. farmer and the producers who really wish to enhance our agriculture exports. Again, I urge my colleagues to vote against the Oberstar amendment.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Oberstar amendment. I represent the city of San Diego. We are engaged in a major effort with the support of all members of the community to upgrade the Port of San Diego, to transform the economy of San Diego, to provide thousands of jobs in the future.

Mr. Chairman, as currently written, this legislation would hurt smaller-sized ports like the Port of San Diego. By allowing shippers and carriers to enter into secret and confidential shipping agreements, the concept of common carriage will effectively disappear. It has been this concept of the public display of contract terms that has kept ocean transportation available to small- and medium-sized shippers on the same terms and conditions as large shippers.

This public disclosure of contract terms stimulates competition and ensures a level playing field for shippers and ports alike. Keeping contract details secret would put smaller shippers and ports with niche markets at a decided disadvantage and unable to match preferential deals offered by the largest companies and ports.

We should not grant economic advantages to anyone and the Oberstar amendment ensures this by providing fair and equal opportunity for everyone—large and small—in ocean transportation: the ports, the carriers, and the employees of both. The economic well-being of America's ocean transportation depends on this amendment.

Keep ocean shipping fair. Vote ''yes'' on Oberstar.

□ 1730

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take a moment to read a quote from a former colleague of ours in California now: ''For 20 years I have advocated the orderly economic deregulation of American transportation systems. Air and ground transportation deregulation have largely been completed, with consumers and businesses benefiting from less government and more competition. This new proposal extends deregulation to ocean transportation. It is a commonsense, balanced proposal, providing a clear road map and a schedule for ocean freight deregulation.'' Norm Mineta, June 28, 1995.

Something has happened since then. Something has happened in Washington since that statement was uttered. And there is more. And my colleagues will share some of the other statements.

When we look at the partisanship displayed on the floor on this issue, it is no wonder things are not happening here in Washington. I heard the last speaker say we should not grant economic opportunities to select people. Some of us in this Congress feel NAFTA and GATT granted select opportunities to certain individuals.

In Florida, my agricultural industry is under great pressure from NAFTA. Tomatoes are almost being run out of business. Citrus is next. Why do we not pass a bill with bipartisan support on ocean shipping reform, allowing elimination of tariffs and tariff enforcements, giving an opportunity to American vessels, American shippers, to be able to compete in the international marketplace?

NAFTA and GATT were talked about as great incentives for the economic opportunities of all Americans. All Americans are going to benefit from NAFTA and GATT. Well, let us extend that great system we have passed on the floor to ocean shipping. Why leave shippers out of the equation?

But somehow the politics of this House turns on the dime, that thin dime Mr. GORE spoke of when he talked about minimum wage. When we talk about minimum wage, they had on the other side 2 years to do it while they had control. No discussion of minimum wage. Gas tax. All of a sudden, my God, gases are high. Call Janet Reno, have her investigate. Gas companies must be in collusion.

Nobody stands here on the floor and says, by God, I passed a 4.3 cent increase in the gas tax, I wonder if that had something to do with it. Consumers in American need to know that the taxes passed by this Congress and State legislatures throughout the Nation add probably 40, 50 cents per gallon of gasoline.

So when you pull up to the pump, do not immediately shout it must be Exxon's fault. Think of the people in this body that on partisan rhetoric destroy legislation or attempt to destroy legislation that at one time, just a short period ago, was fine with Mr. Mineta, apparently fine with the gentleman from Minnesota [Mr. OBERSTAR] and others.

Clearly, I would say to my colleagues that we have a bill on this floor that reforms a system that desperately needs reforming. We have not had all perfect experiences with deregulation, as people will testify on transportation, like airlines. But I think, by and large, the prices consumers pay today to fly from West Palm Beach, FL to Washington, DC, $137 on a round-trip basis, are largely as a result of deregulation. Lower prices for consumers, benefiting America, benefiting the airliners, benefiting everyone involved in the process.

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

Mr. FOLEY. I am delighted to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I voted for airline deregulation, and trucking and bus deregulation, and rail deregulation. But I wanted to say, since my former colleague is no longer here to explain himself, that quote was taken at a time when we had a concept of a bill and not the specific language of a bill. It is not relevant to the present debate.

Mr. FOLEY. So the gentleman thinks the conversation has changed completely?

Mr. OBEY. I am saying the quote was taken at a time before there was an introduced bill. It is not relevant to the bill at hand.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, very quickly, maybe this is an insight that we are hearing about, that this was a concept. A bill was worked out, supposedly a compromise. I have three letters here, one from the AFL–CIO, one from International Brotherhood of Teamsters, and one from a group called Transportation Trades Department of the AFL–CIO, the American Federation of Labor and Congress of Industrial Organizations, all dated yesterday.

So my point is I know why from the time that this was a concept and this quote was made, through the time that a bipartisan effort was put together, to the time of yesterday, when Mr. Sweeney barked, they jumped. That is what is going on here. When the Sweeneys and the Washington union bosses barked, they jumped and changed and took another tack on this and offered the Oberstar amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I am delighted to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the date of that quote is June 28, 1995. At that time we had issued our release and we spelled out the seven principles of this bill, and nothing has changed up to this day.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, a few weeks ago the House approved the truth in budgeting act. If there is truth in budgeting, surely there must be truth in contracting, and that is what the Oberstar amendment does.

I too support the goals of most of the provisions of H.R. 2149, including the provision which eliminates the Federal Maritime Commission prohibiting ocean carrier conferences from restricting the rights of individual carriers to make contracts with shippers and eliminate the requirement that tariffs must be filed with a Government agency.

However, I do believe that there should be two modifications to the bill to meet the concerns which have been raised by consumers, and that is what the Oberstar amendment does.

The Oberstar amendment is not a killer amendment, it does not gut the bill. With the amendment, the bill will still take the following important actions to deregulate the ocean shipping industry: The Federal Maritime Commission will be eliminated, restrictions on the contents of contracts between shippers and carriers will be eliminated, and laws related to unfair trade practices of foreign carriers and foreign governments will be strengthened.

As I said earlier, a few weeks ago the House approved the truth in budgeting act. If there is truth in budgeting, surely there must be truth in contracting.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentlewoman for yielding.

I just wanted to say that repeatedly my chairman has said that seagoing maritime labor supports this legislation, and I have called to find out just what is their position on this matter, and both the American maritime officers and the seafarers are not in support of the legislation unless it is amended as we have proposed. I just wanted to get the record straight.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in support of the Oberstar amendment to the Ocean Shipping Reform Act of 1995.

The Oberstar amendment continues current law requiring the public disclosure of the terms of ocean and shipping contracts to ensure fair competition. The amendment also preserves the objectives of the bill to ease the regulatory burden by eliminating the Federal Maritime Commission and transferring its authority to the independent Surface Transportation Board.

Mr. Chairman, all things that are done in darkness will inevitably come to light. The bill before us was abruptly reported out of committee without the benefit of public hearings—darkness Mr. Chairman, darkness. Now, there

are some Members of this body who seek to keep the consumers in the dark by prohibiting the public disclosure of the terms of shipping contracts. If we allow them to prohibit the public disclosure of information and allow shippers and carriers to enter into back room deals, we will permit larger shippers and carriers to engage in secret negotiations and enter into secret contracts. Such secret contracts are anticompetitive and may have a negative impact on workers by driving the smaller shipping and carrying companies out of business. This may well also lead to higher prices for the consumer because of a lack of competition.

In 1992, when I began my service in the California State legislature, I did so with a spirit of bipartisanship and cooperation. I bring this same approach to governing with me as I begin my service in this distinguished body. This amendment enjoys bipartisan support—and let me tell you why Mr. Chairman. This issue and this amendment is not about one political party or the other. This issue is about right and wrong. In my district, in southern Los Angeles County, there is a place called Mormon Island. On Mormon Island are docks and berths where warehousemen and longshoremen work hard to earn a living to support their families. Let me tell you what would happen if we allow this bill to pass without the Oberstar amendment; larger shippers and carriers would get together and create deals and agreements without the benefit of public scrutiny. This would allow those larger companies to lock the smaller companies out of the industry and force them out of business. Without the Oberstar amendment, Fortune 100 shipping companies would be able to avoid public disclosure while hurting the smaller shipping companies that rely on the transparency of prices. If those companies are not allowed to compete fairly, on a level playing field, they will not be able to survive. The warehousemen and longshoremen, the working people in my district depend on those small companies for employment and ultimately their livelihoods. In this Congresswoman's opinion, we would serve our constituents best by supporting fair competition and maintaining the current law which prohibits shipping companies from entering into secret contracts.

Mr. Chairman, I urge my colleagues to support the consumer, support fair competition, and support public disclosure by voting ''yes'' on the Oberstar amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 224, not voting 12, as follows:

[Roll No. 143]

AYES—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bilirakis
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Berman
Bonilla
Bryant (TX)
Clay
Goss
Kaptur
Largent
Molinari
Myers
Solomon
Torricelli
Waxman

☐ 1755

Messrs. HOSTETTLER, BACHUS, and STOCKMAN changed their vote from ''aye'' to ''no.''

Mr. SCHIFF and Mr. PAYNE of Virginia changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to title I?

☐ 1800

The CHAIRMAN. If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—CONTROLLED CARRIERS AMENDMENTS

SEC. 201. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 App. U.S.C. 1708) is amended, effective on June 1, 1997—

(1) in subsection (a), by striking ''in its tariffs or service contracts filed with the Commission'' and ''in those tariffs or service contracts'' in the first sentence, and by striking ''filed by a controlled carrier'' in the last sentence;

(2) in subsection (b), by striking ''filed'' and inserting ''published'', in paragraphs (1) and (2);

(3) in subsection (c), by striking the first sentence;

(4) subsection (d) is amended to read as follows:

''(d) Within 120 days of the receipt of information requested by the Secretary under this section, the Secretary shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable. If so, the Secretary shall issue an order to the controlled carrier to show cause why those rates, charges, classifications, rules, or regulations should not be approved. Pending a determination, the Secretary may suspend the

rates, charges, classifications, rules, or regulations at any time. No period of suspension may be greater than 180 days. Whenever the Secretary has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may publish and, after notification to the Secretary, assess new rates, charges, classifications, rules, or regulations—except that the Secretary may reject the new rates, charges, classifications, rules, or regulations if the Secretary determines that they are unreasonable.'';

(5) in subsection (f), by striking ''This'' and inserting ''Subject to subsection (g), this''; and

(6) by adding at the end the following new subsections:

''(g) The rate standards, information submissions, remedies, reviews, and penalties in this section shall also apply to ocean common carriers that are not controlled, but who have been determined by the Secretary to be structurally or financially affiliated with nontransportation entities or organizations (government or private) in such a way as to affect their pricing or marketplace behavior in an unfair, predatory, or anticompetitive way that disadvantages United States carriers. The Secretary may make such determinations upon request of any person or upon the Secretary's own motion, after conducting an investigation and a public hearing.

''(h) The Secretary shall issue regulations by June 1, 1997, that prescribe periodic price and other information to be submitted by controlled carriers and carriers subject to determinations made under subsection (g) that would be needed to determine whether prices charged by these carriers are unfair, predatory, or anticompetitive.''.

SEC. 202. NEGOTIATING STRATEGY TO REDUCE GOVERNMENT OWNERSHIP AND CONTROL OF COMMON CARRIERS.

Not later than January 1, 1997, the Secretary of Transportation shall develop, submit to Congress, and begin implementing a negotiation strategy to persuade foreign governments to divest themselves of ownership and control of ocean common carriers (as that term is defined in section 3(18) of the Shipping Act of 1984 (46 App. U.S.C. 1702).

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—ELIMINATION OF THE FEDERAL MARITIME COMMISSION

SEC. 301. PLAN FOR AGENCY TERMINATION.

(a) No later than 30 days after enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Secretary of Transportation, shall submit to Congress a plan to eliminate the Federal Maritime Commission no later than October 1, 1997. The plan shall include a timetable for the transfer of remaining functions to the Federal Maritime Commission to the Secretary of Transportation, beginning as soon as feasible in fiscal year 1996. The plan shall also address matters related to personnel and other resources necessary for the Secretary of Transportation to perform the remaining functions of the Federal Maritime Commission.

(b) The Director of the Office of Management and Budget shall implement the plan to eliminate the Federal Maritime Commission, beginning as soon as feasible in fiscal year 1996.

The CHAIRMAN. Are there any amendments to title III?

Are there any further amendments to the bill?

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Chairman, I rise to clarify a matter with the distinguished chairman of the Committee on National Security, if he is on the floor. we have, Mr. Chairman, as far as I know we have, the one amendment, and it is not controversial. However, there might be a parliamentary problem with it, and we are attempting right now to clear that matter with the gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security.

Mr. Chairman, I have parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SHUSTER. At what title of the bill are we now in consideration?

The CHAIRMAN. We are at the end of the bill, I would advise the gentleman from Pennsylvania.

Mr. SHUSTER. Is it possible to return to an earlier title of the bill, or is that impossible?

The CHAIRMAN. It can be done by unanimous consent only.

Mr. SHUSTER. I simply am asking a parliamentary inquiry in order to give my friend from Michigan an opportunity to get to the microphone.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK: At the end of the bill, add the following new title:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TRANSFER OF CERTAIN OBSOLETE TUGBOATS OF THE NAVY.

(a) REQUIREMENT TO TRANSFER VESSELS.—The Secretary of the Navy shall transfer the six obsolete tugboats of the Navy specified in subsection (b) to the Northeast Wisconsin Railroad Transportation Commission, an instrumentality of the State of Wisconsin. Such transfers shall be made as expeditiously as practicable upon completion of any necessary environmental compliance agreements.

(b) VESSELS COVERED.—The requirement in subsection (a) applies to the six decommissioned Cherokee class tugboats, listed as of the date of the enactment of this Act as being surplus to the Navy, that are designated as ATF–105, ATF–110, ATF–149, ATF–158, ATF–159, and ATF–160.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfers required by this section as the Secretary considers appropriate.

Mr. STUPAK (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 Michigan?

There was no objection.

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

Mr. STUPAK. Mr. Chairman, the amendment is relevant to the Ocean Shipping Act because it deals with maritime commerce on the Great Lakes and involves foreign commerce with Canada, highly important to my district and to the region. My amendment, the text of my bill, H.R. 2821, simply attempts to save the American taxpayers a considerable cost that the U.S. Navy incurs.

Mr. Chairman, let me explain my amendment. I do believe that this amendment is relevant to the Ocean Shipping Act because it deals with maritime commerce on the Great Lakes and it involves foreign commerce on the Great Lakes and it involves foreign commerce with Canada, highly important to my district and to the region.

My amendment, the text of my bill, H.R. 2821, simply attempts to save the American taxpayers the considerable costs that the U.S. Navy currently incurs with the storage of six *Cherokee*-class tugboats that are destined for transfer to the Northeast Wisconsin Railroad Transportation Commission.

These tugboats are obsolete and left over from recent closures of naval bases and shipyards, including Long Beach in California. They originally were destined to be scrapped if a deadline of December 31 was not met in achieving a compliance agreement between the railroad commission and the U.S. Environmental Protection Agency.

The Chief of Naval Operations, Adm. Jeremy Boorda, personally assured me the Navy would not go ahead with the planned scrapping of these vessels if this agreement could be achieved as soon as possible. I have been informed that the U.S. Navy and Admiral Boorda support my measure to expedite this transfer, as long as the agreement can be achieved. I'm pleased to report that the environmental compliance agreement will be finalized within the next 7 days, according to officials with region 5 of the EPA.

If we cannot enact this transfer within the next few months, than additional costs for taxpayers will be incurred by forcing the Navy to tow these vessels up the coast of California to Suisun Bay for storages. According to the Navy, an additional $25,000 for each tugboat will have to be spent to place these vessels in interim storage, while the Navy currently pays more than $100,000 per year to continue the storage of these six vessels.

The Government shutdowns of last November and December disrupted the process toward achieving an agreement, and the final details have finally been resolved.

Mr. Chairman, my amendment simply attempts to minimize the costs and expenses that have resulted because of Government shutdowns and delays in reaching an agreement. Not only would the American taxpayers save, but the economy of the upper Great Lakes would benefit much sooner if these tugboats could be placed into service as soon as possible. This is truly a win-win situation for everyone, for the Navy, for American taxpayers, and for the economy of the Great Lakes region.

I appreciate the chairman of the committee not objecting, and I want to thank him, as well as JIM OBERSTAR, HOWARD COBLE, and BOB CLEMENT for their assistance. As well, I want to thank the chairman of the National Security Committee, FLOYD SPENCE, and the former chairman, RON DELLUMS.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined the amendment. We

have no problem with it. We support the gentleman's amendment.

Mr. STUPAK. Mr. Chairman, with those comments from the distinguished gentleman, I would like to thank him, the gentleman from South Carolina [Mr. SPENCE], the gentleman from North Carolina [Mr. COBLE], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Minnesota [Mr. OBERSTAR], and others for their help on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. REGULA, 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. 2149) 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, pursuant to House Resolution 419, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendments? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

Mr. OBERSTAR. 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 239, nays 182, not voting 12, as follows:

[Roll No. 144]

YEAS—239

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—182

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Berman
Bonilla
Bryant (TX)
Chenoweth
Clay
Goss
Graham
Kaptur
Molinari
Myers
Rogers
Torricelli

□ 1825

Mr. DICKS 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. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2149 the bill just passed.

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

There was no objection.

CONFERENCE REPORT ON S. 641, RYAN WHITE CARE ACT AMENDMENTS OF 1996

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that it now be in order to proceed immediately to consider the conference report on the Senate bill (S. 641), to reauthorize the Ryan White CARE Act of 1990, and for other purposes, and that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

The Clerk read the title of the Senate bill.

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

Mr. WAXMAN. Reserving the right to object, Mr. Speaker, I want to clarify that this will allow us to move forward on the House floor to consider the Ryan White reauthorization bill, allowing discussion of that legislation and a vote.

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will yield, I would say to the gentleman, yes, by all means.

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

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the unanimous consent agreement, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, April 30, 1996, at page H4287).

The SPEAKER pro tempore. The gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] will each be recognized for 30 minutes.

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

□ 1830

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

(Mr. BILIRAKIS asked and was given permission to include extraneous material.)

Mr. BILIRAKIS. Mr. Speaker, I rise in strong support of the conference agreement on the Ryan White CARE Act Amendments of 1996. This conference report represents a balanced compromise between the House and Senate positions and updates and improves these important programs.

I want to join my colleagues in saying how pleased I am that the conference on the Ryan White program has finally been completed. It has taken much longer than any of us would have liked. We are now at the point where the remainder of the fiscal year 1996 funds are about to be distributed to the States. Without the reauthorization and an adjustment to the formula, approximately 20 States were expected to lose a significant portion of their grants relative to fiscal year 1995. It is our expectation that those remaining funds will be allocated based on the formulas contained in the conference agreement.

I want to briefly summarize some of the key provisions of the conference agreement. The bill charges the criteria by which cities become eligible for title I funds and modifies both the title I and title II formulas. The allocations to cities under title I for emergency relief grants will be based on the estimated number of living cases of AIDS in the area over the most recent 10-year period.

The formula for the title II CARE grants to the States are based on two distribution factors: The State factor and the non-EMA factor. The minimum allotments to States with 90 or more cases is increased from $100,000 to $250,000.

The conference agreement provides criteria for how members of title I planning councils should be selected; these criteria include conflict of interest standards. Additionally, it requires that the composition of the planning council reflect the demographics of the epidemic in the area. The conference agreement requires the Secretary to give priority in awarding supplemental grants to cities that demonstrate a more severe need based on the prevalence of: Sexually transmitted diseases, substance abuse, tuberculosis, mental illness, and homelessness.

The bill also requires cities to allocate a percentage of its funds for providing services to women, infants, and children, including treatment measures to prevent the perinatal transmissions of HIV. It also defines and places limits on administrative costs.

Other provisions of the bill provide that: States must spend a portion of their grants on therapeutics to treat HIV disease including measures for the prevention and treatment of opportunistic infections; all four titles contribute 3 percent to the projects of National Significance; clarification that the intent of title IV is to increase the number of women and children in clinical research projects; transfer of the dental reimbursement program from title 7 of the Public Health Service Act; and reauthorization of all programs at such sums through fiscal year 2000.

This is a conference report which represents compromise and hard work by both the House and Senate. We are proud of our efforts and are hopeful that by passing this conference report today, we can provide much-needed services, education, and treatment to those afflicted with this terrible disease.

I also want to take this opportunity to thank my staff, especially Melody Harned, for their hard work on this legislation as well as Kay Holcombe of the committee's minority staff.

I include a section-by-section summary of the bill in the RECORD at this point.

SUMMARY OF CONFERENCE AGREEMENT ON S. 641, THE RYAN WHITE CARE ACT AMENDMENTS OF 1996

Section 1. Short Title.

Section 2. References.

Section 3. General Amendments.

Part A—Emergency Relief for Areas With Substantial Need for Services (Cities):

1. Eliminates the ability for an area to become eligible based on per capita incidence of 0.0025. Changes the timeframe of the cumulative AIDS case count from total cumulative (from the beginning of the epidemic) to the total for the 5-year period prior to the year for which the grant is being made.

2. Limits eligibility for new grants to cities with populations of 500,000 or more. (All cities currently receiving funds and cities which will receive funds in FY 1996 are grandfathered).

3. Adds to the list of representatives to be included on the planning councils: (a) federally qualified health centers, (b) substance abuse treatment providers, (c) individuals from historically underserved populations, (d) the State Medicaid agency and the State agency administering Title II, and (e) grantees under Part D.

4. Clarifies that in establishing priorities, planning councils are to use the following factors: (a) documented needs of the HIV-infected population, (b) cost and outcome effectiveness data of proposed interventions, (c) priorities of HIV-infected communities for whom services are intended, and (d) availability of other resources.

5. Requires the planning council to participate in the statewide coordinated statement of need.

6. Requires the composition of the planning council to reflect the demographics of the epidemic in the area. Also requires that nominations to the council be conducted through an open process based on publicized criteria which includes a conflict of interest standard. Prohibits the planning council from being chaired solely by an employee of the grantee.

7. Prohibits the planning council from designating or otherwise being directly involved in the selection of specific service providers.

8. Requires planning councils to develop grievance procedures. Requires the Secretary to develop model grievance procedures.

DISTRIBUTION OF GRANTS

1. Formula Grant—Specifies that no city may receive a reduction from the amount received in FY95 greater than 0 percent in FY96, 1 percent in FY97, 2 percent in FY98, 3.5% in FY99 and 5% in FY 2000.

2. Supplemental Grant—Requires cities applications for supplemental grants to demonstrate the inclusiveness of the planning council membership and that proposed services are consistent with local and statewide statements of need, and that funds for the preceding year were spent in accordance with the priorities developed by the planning council.

3. Supplemental Grant—Requires the Secretary to give priority in awarding supplemental grants to cities that demonstrate a more severe need based on the prevalence of: sexually transmitted diseases, substance abuse, tuberculosis, mental illness, and homelessness.

4. Prohibits the Secretary from awarding a grant unless funds for the preceding fiscal year were expended in accordance with the priorities established by the planning council.

USE OF AMOUNTS

1. Clarifies that substance abuse and mental health treatments and prophylactic treatment for opportunistic infections are permissible uses of funds.

2. Clarifies that substance abuse treatment programs and mental health programs are eligible to receive funds from cities to provide services.

3. Requires the city to allocate a percentage of its funds for providing services to women, infants, and children, including treatment measures to prevent the perinatal transmissions of HIV. The minimum for each city will be the percentage of the HIV population constituted by women, infants and children infected with HIV.

4. Specifies that administrative costs of all subgrantees may not exceed an average of 10 percent. Defines administrative activities.

APPLICATION

1. Authorizes the Secretary to phase-in the use of a single application and a single grant for formula grants and supplemental grants.

TECHNICAL ASSISTANCE; PLANNING GRANTS

1. Authorizes the Secretary to make grants of $75,000 to cities who will become eligible for Part A grants (cities) the following fiscal year. The purpose of the grant is to assist the area in preparing for the responsibilities associated with being a Part A grantee.

2. A maximum of 1 percent of Part A funds may be used for planning grants. If a city receives a planning grant, the amount it receives the subsequent fiscal year (under the Part A formula) will be reduced by the amount of the planning grant.

3. Permits current grantees to provide technical assistance to new grantees.

Part B—Care Grant Program (States)

1. Specifies that an authorized use of funds is to provide outpatient and ambulatory health and support services (services authorized under Part A).

2. Amends the 15 percent set-aside for women and children to require states to allocate a percentage of its funds for providing services to women, infants, and children, including treatment measures to prevent the perinatal transmissions of HIV. The minimum for each state will be the percentage of the HIV population constituted by women, infants and children infected with HIV.

HIV CARE CONSORTIA

1. Specifies that private for profit entities are eligible to receive funds to provide services, if they are the only available provider of quality HIV care in the area.

2. Clarifies that substance abuse and mental health treatment and prophylactic treatment for opportunistic infections are permissible uses of funds.

3. Requires the consortium to consult with Part D grantees in establishing a needs assessment.

4. Deletes the requirement that states with 1% or more of the AIDS cases must spend 50% of their grant on consortia.

PROVISIONS OF TREATMENTS

1. Requires States to spend a portion of its grant on therapeutics to treat HIV disease including measures for the prevention and treatment of opportunistic infections.

2. Requires states to document the progress made in making therapeutics available to individuals eligible for assistance.

3. Requires the Secretary to review State drug reimbursement programs and assess barriers to expanded availability.

STATE APPLICATION

1. Requires the State in its application to provide a description of how the allocation of resources is consistent with the Statewide statement of need. Requires the State to periodically convene a meeting of specified individuals to develop the statement of need.

PLANNING, EVALUATION, AND ADMINISTRATION

1. Prohibits States from using more than 10 percent of its grant for planning and evaluation. Prohibits states from using more than 10 percent of its grant for administration. However, the total for planning, evaluation and administration cannot exceed 15 percent. Requires states to ensure that the average of administrative costs of entities that receive funds from the states does not exceed 10 percent. Defines administrative activities.

TECHNICAL ASSISTANCE

1. Clarifies that the technical assistance which the Secretary may provide includes technical assistance in developing and implementing statewide statements of need.

COORDINATION

1. Requires the Secretary to ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate Federal HIV programs. Requires the Secretary to report to Congress by October 1, 1996 on such coordination efforts.

Part C—Early Intervention Services

1. Requires grantees to spend not less than 50 percent of the grant, providing on-site or at sites where other primary care services are rendered, the following four service categories: (a) testing, (b) referrals for health services, (c) clinical and diagnostic services, and (d) provision of therapeutic measures.

2. Specifies that private for profit entities are eligible to receive funds to provide services, if they are the only available provider of quality HIV care in the area.

PLANNING AND DEVELOPMENT GRANTS

1. Authorizes the Secretary to make grants to assist entities in qualifying for a Title III(b) grant. The amount of each grant is not to exceed $50,000. Preference is given to entities that provide HIV primary care services in rural or underserved areas. A maximum of 1 percent of the Title III(b) appropriation is authorized to be used for such grants.

REQUIRED AGREEMENTS

1. Adds planning and evaluation to activities considered administration and increases the permissible percentage from 5% to 7.5%.

2. Requires applicants to submit evidence that the proposed program is consistent with the statewide statement of need.

AUTHORIZATION OF APPROPRIATIONS

1. Reauthorizes the program at such sums as necessary for fiscal years 1996 through 2000.

Part D—Grants for Coordinated Services and Access to Research for Women, Infants, Children, and Youth

1. Clarifies that the purpose of the grants is to (a) provide opportunities for women and children to participate as subjects in clinical research projects and (b) provide health care to women and children on an outpatient basis.

2. Clarifies that the Secretary may not make a grant unless the applicant agrees: (a) to make reasonable efforts to identify women and children who would be appropriate participants in research and offers the opportunity to participate, (b) to use criteria provided by the research project in such identification, (c) to offer other specified services such as referrals for substance abuse and mental health treatment and incidental services such as transportation or child care, (d) to comply with accepted standards of protection for human subjects.

3. In order for a grantee to continue receiving funds (in a third or subsequent year), the Secretary must determine that a significant number of women and children are participating in projects of research. Permits the Secretary to take into account circumstances in which a grantee is temporarily unable to comply with this requirement for reasons beyond its control (i.e., completion of the clinical trial). Authorizes the Secretary to grant waivers of the significant number requirement if the grantee is making reasonable progress toward achieving this goal. This waiver authority expires Oct. 1, 1998.

4. Clarifies that receipt of services is not dependent upon a patient's consent to participate in research.

5. Clarifies that grant funds are not be to used to conduct research, but to provide services which enable women and children to participate in such research.

6. Requires the Secretary to establish a list of research protocols to which the Secretary gives priority regarding the prevention and treatment of HIV disease in women and children.

7. Requires the coordination of the NIH with the activities carried out under this title. Requires the Secretary to develop a list of research protocols which are appropriate for the purposes of this section. Requires the entity actually conducting the research to be appropriately qualified. Specifies that an entity is to be considered qualified if any of its research protocols have been recommended for funding by NIH.

8. Reauthorizes the program at such sums as necessary for fiscal years 1996 through 2000.

EVALUATIONS AND REPORTS

1. Requires the Secretary to conduct an evaluation provided for in current law by October 1, 1996.

SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE

1. Modifies the funding source for SPNS. Current law funds SPNS through a 10 percent tap on Title II. The bill would impose a 3 percent tap on all four titles.

2. Clarifies that special projects should include the development and assessment of innovative service delivery models designed to: address the needs of special populations and ensure the ongoing availability of services for Native Americans.

3. Requires the Secretary to make information concerning successful models available.

TRANSFER OF THE AIDS EDUCATION AND TRAINING CENTERS (AETCS) AND THE DENTAL REIMBURSEMENT PROGRAM

1. Transfers to Title 26 from Title 7 of the Public Health Service Act section 776, the AIDS Education and Training Centers (AETCs) and the Dental Reimbursement Program.

2. Clarifies that training health care personnel in the diagnosis, treatment, and prevention of HIV infection, includes the prevention of perinatal transmission and measures for the prevention and treatment of opportunistic infections.

3. Reauthorizes both programs at such sums as necessary for fiscal years 1996 through 2000.

Sec. 4 Amount of Emergency Relief Grants (Cities)

1. Modifies the Title I formula. Allocations to cities will be based on the estimated number of living cases of AIDS in the area. The number of living cases is determined through a weighted average of cases over the most recent 10 year period.

Sec. 5 Amount of Care Grants

1. Modifies the Title II formula. Distributes Part B funds to states based on a formula that calculates two distribution factors: the state factor, based on weighted AIDS case counts for each state and the non-EMA factor based on weighted AIDS case counts for areas within the state outside of Part A eligible areas. The state factor is given a weight of 80% and the non-EMA factor is given a weight of 20%. This formula results in the transfer of funds among states. As a result funding losses are capped at the following percentages relative to FY95 funding levels: 0% in FY96, 1% in FY97, 2% in FY98, 3.5% in FY99, and 5% in FY2000.

Minimum allotments to states with 90 or more cases is increased from $100,000 to $250,000.

Funds appropriated specifically for the Drug Assistance Program (an eligible use of funds under Part B) shall be allocated based on states entire weighted case counts. ($52 million provided for FY96).

Sec. 6 Consolidation of Authorization of Appropriations

1. Reauthorizes Part A and Part B at such sums as necessary for fiscal years 1996 through 2000.

2. Authorizes the Secretary to develop a methodology for adjusting the amounts allocated to Part A and Part B. Requires the Secretary to report on such methodology by July, 1996.

Sec. 7 Perinatal Transmission of HIV Disease

1. Requires all states to implement the CDC guidelines on voluntary HIV testing and counseling for pregnant women.

2. Authorizes $10 million in grant funds to: (a) make available to pregnant women counseling on HIV disease; (b) make available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care; (c) make available to such women voluntary HIV testing; (d) implement mandatory newborn testing at an earlier date than required. Only states that implement the CDC guidelines are eligible for

these funds. Priority is given to states with high HIV seroprevalence rates among childbearing women.

3. Requires the CDC, with 4 months of enactment, to develop and implement a reporting system for states to use in determining the rate of new AIDS cases resulting from perinatal transmission and the possible causes of transmission.

4. Requires the Secretary to contract with the Institute of Medicine to conduct an evaluation of the extent to which state efforts have been effective in reducing perinatal transmission HIV and an analysis of the existing barriers to further reduction in such transmission.

5. Within two years following the implementation of the CDC reporting system, the Secretary will make a determination whether mandatory HIV testing of all infants in the US whose mothers have not undergone prenatal HIV testing has become a routine practice. This determination will be made in consultation with states and experts. If the Secretary determines that such testing has become routine practice, after an additional 18 months, a state will not receive Part B funding unless it can demonstrate one of the following:

(a) A 50% reduction (or a comparable measure for states with less than 10 cases) in the rate of new AIDS cases resulting from perinatal transmission, comparing the most recent data to 1993 data:

(b) At least 95% of women who have received at least two perinatal visits have been tested for HIV; or

(c) A program for mandatory testing of all newborns whose mothers have not undergone perinatal HIV testing.

6. Requires states which implement mandatory testing of newborn infants to prohibit health insurance companies from discontinuing coverage for a person solely on the basis that the person is infected with HIV or that the individual has been tested for HIV. Prohibition does not apply to persons who knowingly misrepresent their HIV status.

Sec. 8 Spousal Notification

1. Prohibits the Secretary from making a grant to a State unless the state takes such action to require that a good faith effort be made to notify a spouse of a known HIV infected person that such spouse may have been exposed to HIV and should seek testing.

Sec. 9 Optional Participation of Federal Employees in AIDS Training Programs

1. Provides that a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses, except for training necessary to protect the health and safety of the employee (training in universal precautions to prevent transmission of HIV). Provides that an employer may not retaliate in any manner against such employee.

Sec. 10 Prohibition on Promotion of Certain Activities

1. Prohibits funds being used to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual.

Sec. 11 Limitation on Appropriation

1. Provides that the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

Sec. 12 Additional Provisions

1. Adds funeral service practitioners to the definition of emergency response employee.

2. Makes technical and conforming changes.

Sec. 13 Effective Date

1. The effective date is October 1, 1996 except for the following provisions, for which the effective date is the date of enactment: (a) eligibility of new cities under Part A; (b) formula for Part A; (c) formula for Part B; (d) provisions concerning perinatal transmission of HIV; (e) consolidation of authorization for Part A and Part B; and (f) the set-asides for Special Projects of National Significance.

Mr. Speaker, I urge my colleagues to join me in supporting this important conference report.

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

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

Mr. Speaker, I am extremely pleased we have completed our work on the House-Senate conference and we have reached an agreement to allow us to reauthorize the Ryan White Act. This is an important program in dealing with the AIDS epidemic throughout this country.

I think from the very beginning of this reauthorization everyone wanted to continue the program, but we had some issues that we had to resolve. One issue that took some discussion was the question of how to direct our attention to deal with trying to prevent the transmission of AIDS to newborns.

Appropriately, the conference said that we should put an emphasis on encouraging pregnant women to be tested so that if they were HIV positive and undertook therapy, they could in fact stop the transmission of HIV to the newborn. But in the case where there has not been a test with the mother, we wanted to establish a procedure for having newborns tested. I think we came up with a good compromise position that will move things in the right direction and deal constructively with this problem.

The second area that we had to resolve were the funding formulas for distribution of money under this act to cities and to States under title I and title II. It makes sense to continue the two separate authorizations for these two titles. Second, we agreed in changes in the formulas which were designed in light of new information and the changing nature of the AIDS epidemic. We did not want to allow large shifts in funding that cities and States severely affected by the epidemic would face, so we did have tight limits on any losses from these areas.

In addition, we tailored the funding formulas appropriately to take into account the continuing enormous need for funding in States and cities like my own State of California and Los Angeles district, as well as the State and city of New York, States of Florida and Texas, and others where the AIDS epidemic began and where it will always remain a significant problem.

On a personal note, I am pleased that the formulas we adopted do result in significant increases of funds for Los Angeles and for the State of California, where the need for services for people with HIV and AIDS and for access to drug therapies for the very large number of affected people remains to severe problem.

Mr. Speaker, in conclusion, and I am going to make a further statement for the RECORD to reflect the views that I have on this legislation, let me say I am extremely proud to have been the original author of the Ryan White CARE Act and to have been a part of its reauthorization. This is a law that has worked, and it will continue to be an integral and essential part of this country's response to the AIDS epidemic.

I want to express my appreciation to the chairman of the Committee on Commerce, Mr. BLILEY, and the chairman of the Subcommittee on Health and the Environment, Mr. BILIRAKIS, for the cooperative and truly bipartisan way in which this legislation has proceeded. I want to acknowledge the hard work of the GAO staff who helped us with title I and II formula calculations, and I want to thank the committee staff, Melody Harned of the majority and Kay Holcombe of the minority, for their significant contributions to this process.

Mr. Speaker, I am extremely pleased that we have completed our work in the House-Senate conference and have reached agreement about the reauthorization of the Ryan White CARE Act. Programs under this Act provide health care services for people with HIV disease and AIDS throughout this country, through public health departments in cities and states; through community-based organizations; and through a variety of primary care providers and social service organizations dedicated to helping patients and families affected by this devastating disease. One very important Ryan White program focuses on the need for more research on AIDS and HIV disease in woman and children. Another focuses on programs directed toward prevention of HIV infection and AIDS. In total, this legislation represents a successful and very important comprehensive approach to HIV and AIDS, and its reauthorization is surely among the most significant legislative accomplishments of this Congress.

I think from the very beginning of this reauthorization, Members on both sides of the aisle and on both sides of the Capitol have completely agreed on one point: that we should reauthorize these important programs. We did, however, have several areas of difference which needed to be resolved and have been resolved in the conference. One of these related to the matter of HIV testing of women and newborns. This is a difficult and contentious issue, and I am extremely pleased that we were able to reach agreement.

Under this agreement, we have broadened the grant program included in the House bill so that grants can be used to assist States to implement the CDC guidelines relating to counseling and voluntary HIV testing of pregnant women, as well as to determine the HIV status of newborns. I am especially pleased with this change because I think it places emphasis where we can do the most good—preventing the perinatal transmission of HIV infection. The legislation then asks the Secretary to make a determination, in consultation with appropriate medical organizations, about whether it is the standard of practice in medicine to test newborns for HIV. If the Secretary makes this determination, then, in order to continue to receive Title II funding under Ryan White,

States would need to meet one of two performance standards. The State could demonstrate that, through voluntary counseling and testing programs, it is determining the HIV status of 95 percent of women who are in prenatal care. Alternatively, the State can demonstrate that it has reduced pediatric AIDS, contracted through perinatal transmission, by 50 percent, compared to the 1993 level. This date is important in that it reflects the time at which we learned that treatment of HIV-positive pregnant women with AT can prevent perinatal transmission.

Only if States cannot demonstrate the achievement of one of these specified goals would they be required to put in place either legislative or regulatory requirements relating to the mandatory HIV testing of newborns, as a condition of their continuing to receive title II funding under the Ryan White Act.

Further, any State that did choose this route would be required to have in place important protections such as requirements that health insurance could not be denied or canceled, based on the fact that an individual has been tested or is HIV-positive. These provisions are over and above the protections already provided in the Americans with Disabilities Act and under applicable State law.

The ADA requires that all persons with disabilities—including those with HIV or AIDS—be protected from arbitrary insurance discrimination. In other words, under the ADA, an employer or insurance company cannot treat people with HIV or AIDS differently from people with other serious conditions that pose equal financial risk. That is clear.

Many State laws also provide a State remedy already for such discrimination. That is also clear.

The Coburn-Waxman amendment as included in this bill would go further and provide protection to people who have simply undergone testing for HIV, whether or not they are perceived by the insurance company as having HIV. The goal of this amendment is clear. We are all trying to reduce any disincentives for anyone to be tested. The Coburn/Waxman amendment also provides a different enforcement device to assure that such discrimination is prohibited, that is, that States could lose their Ryan White money.

With all three of these protections in place—ADA, State law, and Ryan White, the conferees feel that we will make significant public health strides in getting people who may be afraid of being tested less afraid.

I am pleased with this result, because I think we have placed the emphasis where it should be—not on testing as an end in itself, but on reducing the number of babies born with HIV. Reaching pregnant women, and educating them about the importance, both to them and to their babies, of knowing their HIV status at a time when it will do the most good and actually prevent perinatal HIV transmission, is what we should be doing. After all, our goal here is to stop the transmission of HIV to babies. I think this compromise emphasizes and also helps us achieve that goal.

A second issue that has proven difficult to resolve is how funding under this act is distributed to cities and States. The conference report deals with these issues in three ways. First, the conferees agreed that, particularly in light of the increases in funding for both titles I and II under the fiscal year 1996 appropriations bill, it made sense to continue authorizing two separate appropriations for these two titles. Second, we agreed that although changes in the formulas were designed were needed, in light of new information and the changing nature of the AIDS epidemic, we did not want to allow such large shifts in funding that cities and States severely affected by the epidemic could not absorb them. Thus, while we have agreed to make significant changes in the way funds are allocated to cities and States, we have placed tight limits on losses.

In addition, we have tailored the funding formulas appropriately to take account of the continuing enormous need for funding in States and cities, like my home State of California, and my Los Angeles district, as well as the State and city of New York, and the States of Florida and Texas, and others where the AIDS epidemic began and where it always will remain a significant problem.

On a personal note, I am pleased that the formulas we adopted do result in significant increases of funds for Los Angeles, and for the State of California, where the need for services for people with HIV and AIDS and for access to drug therapies for the very large number of affected people remains a severe problem.

Mr. Speaker, in conclusion let me say that I am extremely proud to have been an original author of the Ryan White CARE Act and to have been a part of its reauthorization. This is a law that has worked and will continue to be an integral and essential part of this country's response to the AIDS epidemic.

And finally, I want to express my appreciation to the chairman of the Commerce Committee, Mr. BLILEY, and the chairman of the Health Subcommittee, Mr. BILIRAKIS, for the cooperative and truly bipartisan way in which this legislation has proceeded. I want to acknowledge the hard work of the GAO staff, who helped us with the title I and II formula calculations. I particularly want to thank the committee staff—Melody Harned of the majority and Kay Holcombe of the minority—for their significant contributions to the process.

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

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the passage of the Ryan White CARE Act, and I congratulate the conferees on their persistence in reaching agreement on several difficult issues. A final agreement on this reauthorization bill has been a long time in coming, and it is critical that we pass this bill today.

The CARE Act provides medical care to more than 350,000 people living with HIV/AIDS. Under the Act, local communities make the decisions as to how funding should be allocated, in a manner consistent with this Congress' efforts to give States and localities greater control.

In regard to the issue of HIV testing for infants and pregnant women, I commend the conferees for choosing to focus on the voluntary testing of pregnant women, instead of the mandatory testing of infants. This approach is supported by the medical and public health community as the most effective way of preventing perinatal transmission of HIV. The final provisions include funding to assist States to implement the CDC guidelines which call for voluntary HIV counseling, testing, and treatment for pregnant women.

Mr. Speaker, every Member here agrees that we must do everything possible to reduce perinatal transmission of HIV. The CDC guidelines will provide access to early interventions that will actually prevent perinatal transmission, and link them to HIV care and services.

Preserving a patient-provider relationship of trust is essential to keeping women in the health care system. Many voluntary counseling and testing programs exist, at Harlem Hospital and others; the physicians who run these programs will tell you that it is because the testing is voluntary that they are successful. In these programs, almost all women, after talking with their provider, will choose testing and the treatment recommended by their provider. We should devote our resources to replicating these models, rather than to efforts that will do nothing to prevent perinatal transmission.

Mr. Speaker, this bill is not perfect, but is the best agreement that could be reached.

Mr. Speaker, I congratulate the chairman of the subcommittee, the full committee, the ranking member of the full committee, the subcommittee, and the conferees. We should all vote for this bill.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS], who played such a very important role in the work on the Ryan White bill and our approach to the full AIDS epidemic.

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

Mr. STUDDS. Mr. Speaker, as an original cosponsor of this legislation, I rise to express my strong support for the conference report. This agreement is a welcome one which was far too long in coming.

Nearly 6 years ago, I joined with colleagues on both sides of the aisle in passing the Ryan White Care Act. Since then, this legislation has been a lifeline for hundreds of thousands of people in States and communities across the land.

We could not know then that AIDS would become the primary killer of American men and women in the prime of their lives. Nearly half a million cases have been reported to the Centers for Disease Control and Prevention, and nearly half that number have died. Included in those sobering statistics are two former Members of this House and many members of our families and our official family.

As the AIDS epidemic has expanded, it has placed an enormous burden on the public health system, including both the communities in which the early cases were concentrated and

those in which significant case loads are a more recent development. The public health burden has also increased with the emergence of promising but costly new drugs for treating the disease. The conference report attempts to reconcile these competing demands in a way that will help ensure continuity of care for every person living with HIV/AIDS.

I would also like to say a word about one provision that has attracted a good deal of attention and concern—the portion of the bill dealing with the HIV testing of newborns. The compromise that has been reached is precisely that—a compromise. On the one hand, it affirms explicitly what I think we are believe: That every pregnant woman should be tested for the AIDS virus, that those who test positive should be offered the best treatments currently available, and that the soundest and surest way of ensuring that both of these things will happen is to provide the woman with counseling and voluntary testing.

On the other hand, a State that fails to meet specified targets through these voluntary measures could conceivably find its title II funding curtailed unless it agrees to institute mandatory testing of newborn infants. While I respect the convictions of those who favor such a result, the simple fact is that mandatory newborn testing cannot prevent HIV transmission from mother to child and is not supported by the responsible medical community.

Under the conference agreement, no State would be required to institute mandatory testing of newborns unless the Secretary finds that the medical community has changed its mind and such testing has become routine practice. In essence, it could not be required unless it is already taking place—a logic which Yogi Berra would surely appreciate. Nevertheless, I think it would have been wiser to give State health authorities the resources they need to implement voluntary testing without holding a gun to their heads and threatening the very funds on which so many vulnerable people depend.

Fortunately, the agreement we have reached virtually assures that no State will ever be put in that position. I believe the provision will allow every State to reduce its rate of perinatal transmission by voluntary means to a level and within a time frame that is both achievable and desirable, in a manner that is respectful of the critical relationship between the woman and her physician.

The effort to reauthorize this legislation has been a long and tortuous process. It has been, from first to last, a bipartisan effort. This is as it should be, for the AIDS virus does not discriminate by race or creed or sexual orientation—or even by party affiliation. This is a crisis that compels us to put aside such differences, and I commend Chairman BILIEY, Mr. BILIRAKIS, Mr. WAXMAN, and our fellow conferees for doing so.

I urge my colleagues to join together in that spirit to pass the conference report without delay.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BILBRAY], a member of the subcommittee.

Mr. BILBRAY. Mr. Speaker, I would like to commend Chairman BILIRAKIS and the ranking member of our Health Subcommittee, Mr. WAXMAN, for the cooperative effort that we see here today. I hate to say it is too bad, that you watch, you will not see this on the front page of the papers or you are not going to see this on national television, the cooperative effort on something that is a major, health issue. I hope we see more of this kind of cooperation and I hope that the American people take notice of this success.

I am pleased to see the conference report, Mr. speaker, that adequately funds the communities that are in desperate need of these funds to be able to address the heavy impacts of AIDS and HIV. I am also very pleased to see that this legislative piece actually directs and corrects some of the mistakes that were made from the past.

Both Republicans and Democrats have worked together at developing a formula that is fair and equitable and truly applies to the need. The old formula actually had misconstrued numbers in it, Mr. Speaker, where there were actually communities getting funds based on numbers of people that had already passed away.

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I do not think anybody meant that to happen. What I am very proud of is this body, bipartisanly, has been able to work together to straighten out the mistakes of the past and make the Ryan White CARE Act not only stronger and better, but also fairer.

I would like to take a moment to address one item, and that is an item brought up, and that is the issue of testing. I have an AIDS Advisory Committee member in my district that consists of health care experts and also advocates in San Diego for the AIDS community. They express major concerns about the mandatory testing component that was originally included. But by trying to work together and find a good compromise, this bill, through the conference process, has been able to work it out and actually present an alternative.

I think the conference report addressed the concerns that allow the time in the States of this Union to be able to work with the Centers for Disease Control and their regulations to make a voluntary system that will work out, to counsel pregnant women, make sure there is the money, up to $10 million, to help not only to test, but also to counsel in the case of high risk women who fall in this category.

With this compromise, we are able to get the job done. We are going to be able to break new ground, enter into new territory, and try to be more proactive in the first truly aggressive prevention strategy. I think that we should be very proud of that, Mr. Chairman.

I understand that my advisory committee looked at this compromise, and though they had major concerns about the original proposal, feel that this is a very sound and humane way to approach this. I think it is one of those issues that will show that we not only can be humane, but we can also be smart and intelligent. With a crisis like the AIDS crisis we are confronted with, this is going to be something we need to do more of.

Again, I thank Chairman BILIRAKIS and also my colleague from California for a job well done, and let us begin with this as an example of what we need to do more of, and not allow it to end here.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. TOWNS], a very important member of the subcommittee who played an active role in the reauthorization of this legislation.

Mr. TOWNS. Mr. Speaker, I am very pleased that we finally have the opportunity to vote on a conference concerning the reauthorization of the Ryan White CARE Act. I want to particularly commend the Chairman of the committee, the gentleman from Florida [Mr. BILIRAKIS], for his tireless efforts to reauthorize this legislation. I want to also thank the ranking minority member, the gentleman from California [Mr. WAXMAN], for his work not only on this bill but also for the tremendous role he has played in the past in working on the Ryan White Act. And, I am certain the majority and minority staff are to be equally commended for their efforts.

There is no more critical issue than funding for health care services to combat the AIDS virus. Those of us from New York State continue to have the unfortunate distinction of the highest number of AIDS and HIV infection cases in the Nation. In fact, the Ft. Greene community in my congressional district, has the highest incidence of new AIDS cases of any area in New York City.

Mr. Speaker, Ryan White programs have been critical to New York's ability to provide a continuum of care which has greatly improved the quality of life for people with AIDS and HIV infection. For example, as a result of Ryan White dollars, the HIV/AIDS dental program was able to provide over $300,000 to Brooklyn Hospital in my district for oral health services to AIDS patients who had little or no dental insurance.

The changing nature of the AIDS epidemic and its impact on minority communities is recognized in this legislation. The average person would assume that the leading cause of death for African-American men is homicide. They would be wrong, however. AIDS now kills more black men than gunshot wounds. Eighty-four percent of the

AIDS cases involving children, age 12 and under, can be found in the Black community. And, AIDS has now become the second leading cause of death for black women. I.V. drug use and T.B. have exacerbated these mortality statistics in minority communities.

It is my hope, Mr. Speaker, that with today's action we can move quickly to provide the funds that our cities and small towns so desperately need to address the AIDS crisis in communities across this Nation. I believe that this reauthorization of the Ryan White CARE Act meets the needs of rural and suburban areas without devastating our metropolitan areas, which still have the burden of treating the largest number of AIDS and HIV infected patients.

This bill has been a long time coming, and I am happy we were able to get through the conference process and where we are today. I would like to encourage my colleagues to vote for the passage of this legislation.

There is a need for this legislation to pass and to pass very quickly. I am not totally pleased with the formula, but I am happy that some sensitivity was shown to those large areas, those metropolitan areas, that have a severe crisis.

So I would like to again salute the leadership on both sides, the minority and the majority, for taking these factors into consideration. It is not perfect and a lot still needs to be done, but I am happy we are moving in the right direction.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG], a member of the subcommittee and full committee.

Mr. KLUG. Mr. Speaker, to my colleagues on the Health Subcommittee on Commerce, this is a nice way to end the day after fairly contentious hearings on trying to figure out a way to reform the Food and Drug Administration, so that we can get pharmaceutical products and medical devices to the market faster, but at the same time not compromising public safety.

This is a fitting end for the day, because we end occasionally, as this subcommittee can, and I hope will more often in the future, in a strong spirit of bipartisan cooperation to move forward a very important piece of legislation.

This is an interesting kind of coming together of the minds, not only from both sides of the aisle, but, frankly, an interesting collaboration from people who represent very different parts of the country.

I represent Madison, WI, which, like most other smaller cities in the United States, also has AIDS problems. But in the past we feel that we have been shortchanged because so many of the resources were plowed into New York and San Francisco, which obviously just based on current numbers had a much more serious problem. But in the future communities like Madison and Milwaukee will be just as dramatically impacted. I am glad to see the gentleman from California [Mr. WAXMAN] and the gentleman from Florida [Mr. BILIRAKIS], as well as the gentleman from Michigan [Mr. DINGELL] and the gentleman from Virginia [Mr. BLILEY], were able to move closer to Senate spending levels, which at the end of the day frankly will take funding in Wisconsin that was just a little bit over $1 million and, with the different kind of grant programs, push it to nearly $2 million.

I think we have all learned over the last decades that AIDS affects every part of the country, and, obviously, given the name of the bill itself, affects very different demographic groups, whether it is a young boy who has been victimized by the AIDS virus as a result of being exposed to hemophilia in a blood transfusion, or somebody who contracts AIDS from intravenous drug users, or whatever the case may be. The bottom line is all of those people need compassion and at the end all of those people need money.

Again, I congratulate the gentleman from Florida [Mr. BILIRAKIS] for his leadership, and the gentleman from California [Mr. WAXMAN] for all of his help on this bill as well.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

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

Mr. ACKERMAN. Mr. Speaker, I rise in full support of the conference report and want to take a moment to thank the chairman and the ranking member of the subcommittee and the full committee as well for the hard work and dynamic leadership that they have exhibited in bringing all parties and points of view together in this very, very important legislation.

I want to especially take a moment to acknowledge the hard work and important work that has been done in what has been called the AIDS baby part of this legislation. This is a very, very important and creative first step that we are taking, first emphasizing as strongly as we can the voluntary aspects, to try to get as many pregnant women counseled and tested for the HIV virus and then absent that, or after that, to whatever extent that does or does not work, and we all hope that will be as effective a method as possible, to then take those neonates whose mothers' HIV status is unknown, and to mandatorily test them so as to be able to save additional lives and to put off the onset of so much tragedy and emotion in so many people's lives.

I want to thank the members of the conference committee and urge everybody to support the report.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 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, first I rise in support of the conference report; to the commitment tonight continues. Second, I rise to extend my deep and sincere appreciation to the gentleman from Florida [Mr. BILIRAKIS], the chairman of the subcommittee, to the gentleman from Virginia [Mr. BLILEY], chairman of the full committee, certainly to the gentleman from California [Mr. WAXMAN], to the gentleman from Oklahoma, [Mr. COBURN], and others who have worked so hard to bring this day to its reality.

The fact is that this is a difficult process and there were some issues that were obviously very difficult, the infant testing issue, the formula for title II. But both of those issues have been resolved in, I think, a very positive and constructive way.

I can tell you from a Wisconsin perspective, because we now have some reforms in the title II program, we can look toward an increase in our funding in 1996 over 1995 of from $1 million to $1.5 million. In addition, because we now have a drug assistance program, we can look at the potential because it has been funded under the appropriation process, of literally $254,000 in that regard.

I would hope that we would send a message tonight, a message that has been developed over the last 2 weeks, that shows that this Congress on a bipartisan basis, and, yes, that includes the Republican majority, has sent the word that we understand and we care and we want to help. We did it first and foremost last week when we repealed the DOD–HIV provisions. We did it second last week when we included money for the AIDS drug assistance program, because we recognize that the new protocols are there but the funding is going to be one of the emerging challenges in the next few years to deal with in this area. We did it, third, because we increased the overall funding for Ryan White. Whoever thought under a Republican-controlled Congress that we would stand here tonight and tell you that Ryan White funding is up 17 percent over what it was last year? And now, tonight, we bring you a reauthorization of the Ryan White program.

It has been a good two weeks and it is important. Many of you recall, certainly those of you who attended that hearing that began this reauthorization process a few months ago when Mr. BILIRAKIS gave me the honor of being the lead witness, I brought a former Republican staff member who had retired November a year ago with AIDS with me to that witness table and said ''Hear from one of our own on Capitol Hill who has AIDS.''

Tonight as we pass this reauthorization, some 8 months later, his partner died of AIDS in November, and he lies in Sibley Hospital himself tonight as the ravage of this disease continues. I think it is important as those among the 300,000-plus in this country who have lost their life to AIDS, and the over 1 million who continue to battle the fight continue, that they know as

their battle goes on they do it with the support of the U.S. Congress.

Mr. Speaker, I am happy to speak in favor of the Ryan White CARE Reauthorization Act conference report. To say that this reauthorization has been a long time in coming may be an understatement. Certainly, we all had hoped that this reauthorization could have been completed sooner, but the issues this conference committee grappled with were delicate and complex. Importantly, their deliberations were careful and fair, and I think that their final product is one of which they can be proud and which we should all support. I congratulate the conference committee on their work. I plan to vote in favor of this conference report, in favor of reauthorization, and I urge my colleagues to do the same.

HIV disease, including AIDS, is devastating and has already wreaked a tremendous toll on this country and its citizens. The Centers for Disease Control and Prevention [CDC] reports that over a half million Americans have been diagnosed with AIDS, and that already over 300,000 have died. It is estimated that approximately 650,000 to 1 million more Americans are infected with HIV, and that roughly 40,000 new infections occur in the United States each year. The costs, financially, emotionally, socially, and legally, that HIV has extracted from this country have been great, but what these projections indicate is that they will only increase in the years ahead. The Ryan White CARE Act programs represent the most visible and significant response the Federal Government has made to the HIV epidemic. It has provided services and support for thousands of people affected by this disease, and through this reauthorization, we can insure that such programs will continue to be available for the next 5 years.

I would like to offer a few comments on some of the specific successes that I see in the reauthorization conference report. I view these as successes because workable and bipartisan compromises were reached, compromises that will allow us to move forward in effectively meeting the challenges HIV poses to this country.

First, funds for emergency assistance programs, those programs that serve metropolitan areas hit hardest, and for comprehensive care programs, will be linked and appropriated based on a plan devised by the Health and Human Service Secretary. This linkage will help prevent needless fighting for funds within the AIDS community and between different organizations and advocates that all have the common goal of improving the lives of people affected by HIV. In addition, the big picture of the HIV epidemic will most likely determine the disbursement of funds rather than narrowly circumscribed geographic regions or special interests.

In addition, the formula that was adopted for the distribution of title II, or part B, funds moves toward greater fairness. Previously, all funds were distributed based on all AIDS cases in a State. AIDS cases are not distributed equally across States, however, so there was great disparity in the funding levels for different States. But, the suffering caused by AIDS knows no State boundaries and is not limited to the States with the highest case counts. The new formula recognizes this important fact and disburses funds based on total AIDS case counts in a State as well as AIDS case counts that occur outside of hard-hit metropolitan areas.

My home State of Wisconsin, for example, has reported 3,239 cases for AIDS through March 1996. This total may not sound like much to my colleagues from New York, California, Florida, or Texas. But, the fact remains that for each of these cases, there is an individual whose life has been irrevocably changed, who faces new challenges everyday, and whose family and friends have been affected. Many of us know firsthand the pain of HIV and AIDS, including the pain of losing a loved one too early, and this pain is not diminished simply because we live in a low incidence area or State.

In addition, the CDC recently reported that the rate of proportionate increases in AIDS cases was high in the Midwest, and higher than the rates in the Northeast and West. In fact, during the period between 1993 and October 1995, higher proportions of cases among adolescent and young adults occurred in small metropolitan and rural areas in the Midwest and the South. Total case counts do not reveal the depth of suffering inflicted by AIDS, nor do they reveal where changes in transmission patterns are occurring. The new formulas for distributing funds move us forward in being responsive to these changes and to alleviating the suffering of all Americans affected by HIV.

Also in the name of fairness, this reauthorization stipulates that money to support AIDS drug programs, appropriated at $52 million in fiscal year 1996, will be based on total case counts. The committee has adopted the simple and compelling logic that these drugs and drug programs are intended to benefit anyone and everyone in a State with HIV disease. As long as funds for drugs and treatments remain a separate provision in appropriations, they will continue to be distributed based on the numbers of people who are affected in a State.

Lastly, there is a provision in the reauthorization that insures that cities that receive funds under title I will not lose money. For the first 2 years, these cities are held harmless and the funds that could be lost are capped at 5 percent in fiscal year 2000. Thus, there is relative insulation from dramatic changes in funding levels, even if there are substantial changes in AIDS case counts.

These formulas for distributing funds, complicated as they may be, insure that there are no losers. The States with relatively large case counts are protected from losing money, yet the new formulas benefit States with relatively few cases, too. It is a delicate balance to divide funds to combat a truly national epidemic; this conference report has successfully accomplished this difficult task.

Another issue on which a delicate compromise has been crafted has to do with perinatal testing for HIV. HIV testing, and whether it should be anonymous or confidential, mandatory or voluntary, has long been a controversial topic. I believe that testing today is a critical part of good public health. Recent advances in the treatment of HIV disease have been developed and are becoming increasingly available. To test HIV positive is no longer the death sentence that many perceived it to be previously. For individuals to access these new and effective treatments, however, they must know that they are HIV positive. Testing should be encouraged and should take place in a supportive and sensitive context. With respect to pediatric HIV, scientific research also has indicated that early treatment of a mother can reduce the risks that her baby will be born with HIV.

An important piece of this reauthorization is the way in which perinatal testing has been addressed. Rather than imposing a strict and perhaps impossible testing standard on all States, the reauthorization is flexible in its treatment of different States. In addition, critical goals or guideposts are laid out by which States can gauge their progress toward eliminating needless and tragic infant HIV infection. The conference committee has succeeded in providing carrots and not just sticks for implementing effective HIV testing programs as well as evaluation criteria by which success can be judged.

To conclude, I urge a vote in favor of this conference report. Let all of us demonstrate our compassion, concern, and commitment to fighting the HIV epidemic in this country and to ensuring the high quality of life of Americans affected by HIV disease.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I take a moment of personal privilege to offer my gratitude to the conference committee, to the leadership, the Republican leadership, and chairman and ranking member, and as well to the ranking member and subcommittee chairs that have worked so actively. In particular, let me add my applause and appreciation to the gentleman from California [Mr. WAXMAN] who has visited the 18th Congressional District in Texas and noted in fact that my district has one of the highest rates of HIV cases in this Nation.

So I humbly come to applaud the work, primarily because we should recognize that HIV is not a respecter of sex or race. High numbers of Hispanics and African-Americans in my community are now suffering from HIV.

This effort, the Ryan White CARE Act, also brings groups together, those who are in a different lifestyle, along with other members of the community. It is important to know that this HIV, which results in AIDS, affects people of all ages, genders, races, social and economic status and sexual orientations.

In the years following the disease's discovery, nearly half a million Americans have been diagnosed with AIDS and more than a quarter of a million men and women and children have died of AIDS. In Texas, the cumulative number of reported AIDS cases from the beginning of the epidemic in 1981 through 1994 is 30,712. The cumulative number of reported AIDS deaths for this time period is 18,435.

When I visited the Thomas Street Clinic that works not only with adults between the ages of 25 to 44, but senior citizens and children, I see the grip of AIDS. More importantly, I think it is important that this conference committee has come together to allow for voluntary testing of pregnant women

and as well counseling. That helps the unborn child, the innocent child. That will help as we look toward the total elimination of the HIV virus and its devastation.

Again let me add through the Ryan White program, over 300,000 Americans living with HIV receive community-based care and support that allows them to live in their homes and neighborhoods. I join and hope my colleagues will give this an enormous vote of confidence by voting for the Ryan White CARE Act of 1996.

Mr. Speaker, let me again applaud my colleagues so that we can work together to ensure that people will live and not die from HIV.

Mr. Speaker, I rise today in support of the conference report for the Ryan White CARE Act Amendments of 1996. Next to the Medicaid Program, the Ryan White CARE Act represents the single largest Federal investment in the care and treatment of people living with HIV/AIDS in the United States.

This act authorizes a set of Federal grant programs to provide assistance to localities disproportionately affected by the HIV epidemic. Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with the HIV disease. The CARE Act supports a wide range of community based services, including primary and home health care, case management, substance abuse treatment and mental health services, nutritional and housing services. Through Ryan White programs, over 300,000 Americans living with HIV/AIDS receive community-based care and support that allows them to live in their homes and neighborhoods and avoid costly in-hospital care, care that is currently the most expensive kind of health care in America. Particularly in the urban AIDS epicenters, Ryan White funds form a safety net holding communities that have been devastated by the epidemic together.

The CARE Act promotes cost effective systems of care for people living with HIV/AIDS. The use of case management services and community based alternatives ensures that the federal government is using its resources most effectively. Similarly, antibody testing and early intervention services provided through title III(B) allow individuals to monitor their health status on a regular basis and receive early, preventative care, rather than waiting until an acute episode requires more costly hospitalization.

The CARE Act provides maximum flexibility to cities and States, allowing them to develop local systems of care based on the specific service needs of people living with HIV/AIDS in their area. Title I of the CARE Act requires that each local HIV services planning council—comprised of local public health, community-based service providers and people living with HIV/AIDS assess local needs and make recommendations as to which services are needed. Similarly, through title II, each State is given maximum flexibility to craft a service mix that is responsive to the specific service needs in that State.

One of the most important programs funded by the Care Act in Texas is the AIDS Drug Assistance Program [ADAP]. Texas' ADAP is administered by the HIV/STD Medication Program at the Texas Department of Health and it provides free or low-cost HIV prescription drugs to individuals who would otherwise have no access to basic HIV treatments. The program currently has 4,775 clients enrolled and so far in fiscal year 1996 3,437 have been provided with medications they might not have otherwise received. Approximately 35 to 40 percent of the clients are Medicaid eligible at some time. Funds from the ADAP are only used to pay for drugs the clients cannot receive with Medicaid benefits. All clients have incomes below 200 percent of the poverty line.

Mr. Speaker, the AIDS epidemic is one that cries out for immediate and forceful action. The human immunodeficiency virus [HIV], which causes AIDS, does not discriminate. It affects people of all ages, genders, races, socioeconomic statuses, and sexual orientations. In the years following the disease's discovery, nearly half a million Americans have been diagnosed with AIDS, and more than a quarter of a million men, women, and children have died of AIDS. In Texas, the cumulative number of reported AIDS cases from the beginning of the epidemic in 1981 through 1994 is 30,712. The cumulative number of reported AIDS deaths for this time period is 18,435.

Mr. Speaker, AIDS is the leading killer of Americans between the ages 25 and 44. AIDS is killing the youngest and most vital part of our workforce and our whole Nation suffers as a result. The Centers for Disease Control and Prevention estimated that in 1992 the indirect cost of the AIDS epidemic to the U.S. economy was $23.3 billion, primarily due to wages lost by workers. Clearly, we must invest in HIV prevention, education and treatment. I support the conference report and I urge my colleagues to do so as well.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. FOLEY].

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Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from Texas for her acknowledgment. That was very gracious and very kind, and I hope I hear more of that tonight from the other side because this truly is a bipartisan effort in helping people that have been stricken by a very deadly and tragic disease.

With the passage of the conference report on the Ryan White CARE amendment today we have a valuable opportunity to continue our commitment in the fight against AIDS. This legislation secures vital medical care and treatment for Americans suffering with this tragic disease and gives States more flexibility to provide them with a wider range of support services.

Since 1981, over 250,000 Americans have died from AIDS and more than a million others are expected to be infected. Sadly, the number of women, children, and teenagers infected with HIV continues to grow dramatically.

In my home district in Florida, the city of West Palm Beach has the single second highest rate of HIV infections in females. The legislation recognizes these concerns and sets up special grants to provide health services to women, infants, and children.

As more and more of our Nation's communities are affected by the AIDS epidemic, preserving the partnerships we have developed between the Federal, State and local governments to meet these health care needs is critical.

I want to single out the gentleman from Florida [Mr. BILIRAKIS] for his leadership on this important legislative initiative, but I also want to take a moment to thank some people that are often derided by both the media and the other side of the aisle as the radical extreme of this party. I want to say, thank you, Mr. NEWT GINGRICH. He first brought the Ryan White Act onto this House floor under a suspended calendar to prevent it from being intruded on by harmful amendments.

Let me thank the gentleman from Louisiana, BOB LIVINGSTON, chairman of the Committee on Appropriations, for working so closely with Mr. BILIRAKIS to secure $105 million additional for the funding of the Ryan White Act this year alone.

Let me thank my Republican colleagues for recognizing the severity of AIDS; that it affects Republicans, that it affects Democrats, that it affects Independents, that it affects men, it affects women, it affects blacks, whites, and Hispanics, that it affects heterosexuals as well as homosexuals. It affects America, our families, our children.

This legislation brings us to the point where we are fighting a dreaded disease and we are fighting it in a bipartisan spirit, caring for the soul of the human being rather than their ethnicity, their race, their gender, their preference or their voting status.

I think we embark today on a day of bipartisan spirit, and I hope the media genuinely reflects that it is a Republican majority that brings a bill to this floor to show care and compassion for human beings; it is a Republican majority, in concert with the gentleman from California [Mr. WAXMAN], and the minority who brings a bill together that funds a tragic, tragic thing in American life. It fights AIDS, it fights the battle, and it provides for human suffering when they need help the most.

Again my commendations to the gentleman from Florida [Mr. BILIRAKIS] for his excellent leadership, and I urge the floor to vote solidly for the reenactment of the Ryan White Act.

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

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman from California [Mr. WAXMAN] for yielding the time, and I rise in strong support of the conference report for the Ryan White CARE Reauthorization Act.

My State knows all too well the pain and agony that HIV and AIDS bring. Connecticut has the fifth highest number of AIDS cases per capita in the Nation. In my district, the city of Hartford has been particularly hard hit.

AIDS is clearly a health crisis we must address now.

Last fall, Hartford and two adjoining counties were, for the first time, awarded title I Ryan White funding. This money will enable people living with AIDS to receive services so important to those ill—from housing to child care to respite care.

The formula under this conference report ensures that communities, like Hartford, with growing caseloads get the emergency funds they need to respond to this crisis. More importantly, it ensures the thousands of men, women, and children affected by the disease get the support they need to live their lives with dignity.

I urge a ''yes'' vote on this conference report.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I join others in commending the gentleman from Florida, Chairman BILIRAKIS, for bringing the Ryan White Act to the floor for reauthorization.

Mr. Speaker, I rise today in strong support of S. 641, the Ryan White Comprehensive AIDS Resources Emergency Reauthorization Act of 1995. Thousands of men and women and children with HIV and AIDS depend on the continuation of these vital services and this vital program.

Ryan White services include outpatient health and medical services, pharmaceuticals, funding for the continuation of private health insurance and home care, which is essential. Without such assistance, tens of thousands of people will be adversely affected. Without such assistance increased suffering will ensue.

I have been an early active supporter of the Ryan White program since coming to Congress in 1993, and in the 103d and the 104th Congresses this bipartisan act and appropriate funds and increases have been allocated by the Members with overwhelming majorities. Sufficient funding for AIDS research, care, and prevention must be the consistent goal of all future Congresses until this horror is eradicated from the Earth.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to commend my colleagues for their work in the fight against AIDS in our community. By producing this very important document, we here, in the spirit of bipartisanship, have taken another step to deal with the devastation and the threat that this disease poses to our society.

AIDS is growing fastest among women and children in our society. By early 1993, 253,448 people in the United States had been diagnosed with AIDS.

In my district in Newark, we have one of the highest reported percentages of women with AIDS. In fact, I held the first congressional hearing in my district on the AIDS issue.

Later, we held a hearing on the problem of abandoned infants, where women infected with AIDS testified about the problems they encounter and their personal plight.

As an original cosponsor of the Ryan White bill, I know the real travesty of this disease and we can prevent it. If this document is any indication, I believe there is some hope that we turn this tragedy into a triumph.

I look forward to working very closely with my colleagues to eliminate the threat to our community and our society.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. COBURN] who has added an awful lot of grassroots and personal experience to the subcommittee and to the full committee and, obviously, to this particular piece of legislation, and we are very grateful for his work on Ryan White.

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

Mr. COBURN. Mr. Speaker, I thank the chairman of the committee. We come here tonight happy that we have accomplished some things that are new, some things that are important, but, most of all, to provide support for those that need our support in terms of facing HIV infection.

Some things have been added to this bill, which needed to be added a long time ago, and the first of those is a prohibition on discrimination based on either HIV status or the seeking of an HIV test. It is long overdue and I am glad to see it included.

Spousal notification is something that is needed. It is right. It is proper. It is a part of this bill as well.

And then, finally, putting in perspective where we have seen the best AIDS research come forward; that in terms of treating newborn infants and infants conceived to women who are HIV positive. The science is great, the science is very promising, and, hopefully, this science will lead to further discoveries and further breakthroughs that will treat those that are so ravaged by this disease.

Mr. Speaker, I want to thank the gentleman from California [Mr. WAXMAN] and those of the other side of the aisle who worked to help us forge out a compromise. I believe we have forged out a good one and I am hopeful we can get this money going straight away to help those who need it.

Mr. WAXMAN. Mr. Speaker, I yield myself 2 minutes for the purpose of engaging in a colloquy with the gentleman from Florida.

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

Mr. WAXMAN. Mr. Speaker, this bill provides that funds appropriated solely for the drug assistance program be allocated based on statewide case counts. I ask the gentleman from Florida; is that correct?

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

Mr. WAXMAN. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I would say to the gentleman that that is correct.

Mr. WAXMAN. The bill also specifies that 3 percent of the appropriations for each title of the Ryan White program be set aside for the special projects of national significance; that 1 percent be set aside for technical assistance; and 1 percent for the Public Health Service evaluation funds.

It was my understanding that the $52 million for the drug assistance program would not be subject to these set-asides nor would this sum be included in calculating the set-aside taken from the formula grant. Was that the gentleman's understanding as well?

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will continue to yield, yes, it was my understanding, Mr. WAXMAN, and I hope this colloquy and conversations with the Health Resources and Services Administration will help to clarify this point prior to funds being distributed to States.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for entering into this colloquy so we can clarify this.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I just really want to express my gratitude to the gentleman from Florida [Mr. BILIRAKIS] and the ranking member, the gentleman from California [Mr. WAXMAN], for working so well together, and the full chairman of the committee as well as the gentleman from Oklahoma [Mr. COBURN], in particular, a new member who has helped bring together and help forge some very important elements to this bill.

Mr. Speaker, I am grateful that we are seeing a 17 percent increase in the Ryan White funding over last year. I am particularly grateful that we are seeing for the first time the prohibiting of health insurance discrimination against someone who suspects or in fact is HIV positive.

We have a million people in our country who are HIV positive, we have 300,000 who have died of AIDS. This country needs to come together to heal the wounds and to help them, and I am just extraordinarily grateful for the leaders on both sides of the aisle who have depoliticized this and made a significant step forward in helping the people in our country who need the help the most.

Mr. GILMAN. Mr. Speaker, over 250,000 Americans have died from AIDS, the dreaded equal opportunity killer which first became known to Americans in 1981. It is a health crisis which must be addressed now. This legislation accomplishes many of our most important goals—to modify the eligibility requirements and allocation formulas for grants to State and local governments; to give States increased flexibility to provide a wider range of treatments and support services; to emphasize the provision of services for women, infants, and children by instituting special grant set-

asides; to cap administrative and evaluation expenses for grant programs, and; to require states to implement center for disease control guidelines regarding HIV testing and counseling for pregnant women.

In short, this legislation not only demonstrates bipartisan humanitarian spirit of this Congress, but by working together in areas of mutual concern we can accomplish worthy goals. Accordingly, I am in strong support of the Ryan White CARE Act amendments conference support and urge its immediate passage.

Mr. BLILEY. Mr. Speaker, I am pleased that we are bringing to the floor the reauthorization of the Ryan White CARE Act.

I am particularly pleased that we were able to work on a bipartisan basis to develop this legislation. I believe that we have developed a bill that responds to changes in the HIV and AIDS epidemic, addresses some concerns with the current implementation of the Ryan White program, includes provisions regarding the perinatal transmission of HIV, and attempts to reach a compromise on funding formulas.

As is always the case, the funding formulas proved to be the most difficult issue to resolve. It was further complicated by the fact that States have not adopted the new definition of AIDS in a uniform fashion, which without a reauthorization would have resulted in large shifts of money this year. In addition, there have been some very exciting therapeutic breakthroughs over the past several months. While these breakthroughs represent tremendous hope in the treatment of HIV/AIDS, they result in additional financial strains on States. For these reasons, I believe it was very important, in agreeing on the title II formula, that we kept in mind both the disruptions caused by large shifts in money and the need to provide the non-EMA States with greater funds.

We believe we have achieved a fair compromise between the original House and Senate positions. We significantly increase funding for non-EMA States while limiting the losses to large States with title I cities. The formula we have agreed upon is a modified version of the Senate formula. I do want to point out however, that in the fiscal year 1996 appropriations bill, which just passed, an additional $52 million was provided solely for the drug assistance program. The conference agreement provides that these funds will be allocated based on the statewide case count rather than the Senate formula. I believe this is important because the States provide drugs to all individuals with HIV/AIDS regardless of where they live through the drug assistance program.

The other key issue was that of perinatal transmission of HIV. All the conferees, and I am certain all Members of the House and Senate, share the same goal—reducing the transmission of HIV to infants, and in those cases where transmission is not prevented, identifying and treating those babies as soon as possible. It is our sincere hope that the provisions included in the conference agreement will achieve that goal.

I also want to point out that we have received a letter from CBO stating that the bill does not invoice the Unfunded mandates Reform Act of 1995. And I ask that the letter from CBO follow my statement.

I want to thank all the conferees and their staffs for their perseverance and hard work on this conference agreement. I also want to thank the staff at the General Accounting Office who spent many long hours running iterations of the formulas.

I urge my colleagues to join me in supporting the conference agreement.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1996.

Hon. THOMAS J. BLILEY, Jr.
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has reviewed the conference committee's discussion draft of S. 641, the Ryan White CARE Act Amendments of 1996, for intergovernmental and private sector mandates. The bill contains two intergovernmental mandates and no private sector mandates. The cost of the intergovernmental mandates would not exceed the $50 million threshold established in Public Law 104–4, the Unfunded Mandates Reform Act of 1995.

S. 641 would require states to determine annually the number of AIDS cases reported within their boundaries that result from perinatal transmission. The cost associated with this requirement would be insignificant because most states are already gathering this type of information.

The bill would also require states to adopt the Center for Disease Control's (CDC's) guidelines concerning HIV counseling and voluntary testing for pregnant women. In order to offset the costs associated with adopting these guidelines, the bill would authorize the appropriation of $10 million in each of fiscal years 1996 through 2000. Any state that does not adopt the guidelines would not be eligible for this funding, but the bill does not clearly relieve states of responsibility for adopting the CDC guidelines if they choose not to take any of the grant money. While CBO does not expect the costs of promulgating the CDC guidelines to be significant, public hospitals and clinics could face additional costs in implementing the guidelines. However, many hospitals and clinics are already carrying out these AIDS-related activities on their own or because their states have already adopted the CDC guidelines. In the time available, CBO has not been able to estimate the additional costs with precision, but we believe that the costs to public facilities would be well below the $50 million threshold. Furthermore, the bill authorizes funds that would at least partially offset these costs.

Finally, as a condition of receiving their Ryan White grant money, states may have to require all newborns to be tested for HIV. This requirement would not be a mandate as defined by Public Law 104–4, because it is clearly a condition for receiving federal financial assistance.

If you wish further details on this estimate, we will be pleased to provide them. The analyst for intergovernmental mandates is John Patterson, and the analyst for private sector mandates is Linda Bilheimer.

Sincerely,

JUNE E. O'NEILL, *Director.*

Mr. LAZIO of New York. Mr. Speaker, I rise today to support S. 641, the Ryan White CARE Act amendments conference Report. I am a cosponsor of the House bill. It is long overdue and I am glad that Congress is finally completing its work on this measure.

New York has been hit especially hard by the AIDS epidemic as close to 20 percent of all AIDS cases are in my home State.

Since its enactment, the Ryan White CARE Act has provided a wider range of services for people of all racial, ethnic, and social-economic classes throughout the United States who are struggling with HIV disease. These funds provide a coordinated continuum of care for these individuals. Some of the services supported by the CARE Act include outpatient health and medical serrices, pharmaceuticals, funding for continuation of private health insurance, and some health care.

As a society we have a responsibility to provide for those who are truly needy. Since its original enactment the Ryan White program has helped tens of thousands of AIDS victims in my home State of New York State as well as those throughout the country.

We need to reauthorize the Ryan CARE Act without any further delay and I urge all my colleagues to vote for its passage.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of the conference report on the Ryan White CARE Reauthorization Act of 1995. The importance of this act cannot be overstated; in the 6 years since its enactment, it has been a lifeline of support to hundreds of thousands of AIDS and HIV victims throughout the country.

The challenges of our fight against AIDS are not unfamiliar to us. Since the onset of this epidemic over 15 years ago, we have struggled to contain this virus via surveillance and prevention efforts, as researchers worldwide scrambled for a cure. Meanwhile, numbers of people affected with the AIDS has spiraled upward. According to the Centers for Disease Control, more than 440,000 cases of AIDS have been reported in this country, and over 1 million are HIV-infected. Over 100 Americans die each day from the disease. Health care costs for treating the virus have risen astronomically, taking an unwieldy economical toll on its victims. Discrimination rising out of fear and lack of awareness about the AIDS and HIV has exacerbated the sense of emotional isolation faced by its victims. This is all in addition to the physical agony the disease wreaks on the body.

The scope of this crisis clearly commands the attention and resources of the American people. The Ryan White CARE Act of 1990 made available much needed Federal money to help ease the physical, emotional, and economic toll of the disease on its victims. Our Nation was caught so unprepared for the advent and explosion of AIDS and HIV in the last two decades, that this legislation provided needed relief for our reeling health services delivery system. In the 6 years since the law authorized grants to States and cities for AIDS treatment and support programs as alternatives to inpatient care, much of the burden that urban and rural hospitals face has been alleviated and the quality of life for those suffering with the virus has greatly improved. National AIDS organizations and Federal, State, and local public health officials have testified to the success of the program, while underscoring that the urgency of the AIDS epidemic has not subsided and that there exists a continued need for the CARE Act.

We are entering a new phase in our battle against the virus. A recent article in the New York Times discussed the arrival of a new class of drugs known as protease inhibitors, which, taken in combination with standard older drugs, provide the most potent therapy against HIV to date. These new treatments are unfortunately very expensive. Where Medicare and private insurance defer some of the cost, many patients are depending on the AIDS drug reimbursement program of the CARE Act as a means of easing their suffering. I strongly believe that it is especially critical as we are on the brink of medically treating this disease, that we do not withdraw our funding support.

Fighting against this killer virus is the universal charge of all Americans. AIDS is no longer a disease of a select few, but instead touches the lives of more and more people in our society. The epidemic has spread into suburban and rural areas in every State of this country and entered the ranks of sports heroes and movie stars. AIDS is currently the No. 1 killer of all Americans between the ages of 25 and 44. It does not discriminate between gender or sexual orientation. It cuts across all races and socio-economic classes. As of July 1994, 5,000 children had received an AIDS diagnosis. It is our collective social responsibility to provide for our most vulnerable citizens the best that we can, and I urge my colleagues to support this conference report.

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

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EWING). The question is on the conference report.

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

Mr. GUNDERSON. 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 402, nays 4, not voting 27, as follows:

[Roll No. 145]

YEAS—402

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
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
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Funderburk
Istook
Scarborough
Stump

NOT VOTING—27

Ballenger
Barton
Beilenson
Berman
Bliley
Bonilla
Boucher
Bryant (TX)
Clay
de la Garza
Dicks
Dingell
Engel
Gibbons
Goss
Hayes
Hobson
Houghton
Kaptur
Livingston
McDade
Miller (FL)
Molinari
Shaw
Torricelli
Weldon (FL)
Wilson

□ 1933

Messrs. MARKEY, DIXON, and COBLE changed their votes from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 145, I was inadvertently detained. Had I been present, I would have voted ''yea.''

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous material on the conference report to S. 641.

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

There was no objection.

RYAN WHITE CARE ACT REAUTHORIZATION

(Ms. PELOSI asked and was granted permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise in support of the Ryan White Care Act reauthorization conference report. This legislation is needed to continue the vital services provided under the Ryan White Program. I commend the conferees for their hard work in reaching agreements on many difficult issues.

The final agreement revises formulas for distribution of funds for the emergency assistance program for cities and for the grants to States for AIDS-related health care. The conferees have balanced their approach to maximize fairness to all involved.

With regard to the newborn testing issues, the conferees have endorsed the CDC guidelines which emphasize voluntary testing and provided authorization for an outreach program to encourage voluntary testing of pregnant women. This would allow these women to take advantage of the latest treatments available to prevent the transmission of HIV to their babies. I am pleased that the conferees have managed to avoid approaches which may have driven many pregnant women away from medical care.

This authorization bill also allows for an orderly distribution of funds to States for new drugs recently approved by the FDA to improve longevity and quality of life for people with AIDS. Last week, Congress approved President Clinton's request for an emergency supplemental appropriation of $52 million for this important AIDS Drug Assistance Program [ADAP]. Now these funds can be more fairly distributed to the States.

Again, I commend Chairman BILIRAKIS and Mr. WAXMAN, as well as the other conferees, for their hard work in reaching agreement on these important provisions. The bill—and the 17-percent increase in funding provided in the appropriations bill—bring hope to people with AIDS, their caregivers, and their loved ones.

LEGISLATIVE PROGRAM

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

Mr. BONIOR. Mr. Speaker, I rise for the purposes of engaging the distinguished majority Whip about the schedule for the rest of this week and next week.

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

Mr. BONIOR. I yield to my friend from Texas.

Mr. DELAY. I thank the distinguished minority whip for yielding, and, Mr. Speaker, I am pleased to announce that we have concluded our legislative business for the week.

On Monday, May 6, the House will meet in pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 7, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note we do anticipate votes soon after 2 p.m. on Tuesday.

Mr. Speaker, on Tuesday, May 7, we will consider a number of bills under suspension of the rules. I will not read through the list at this time, but a complete schedule will be distributed to all Members' offices.

After consideration of the suspensions we will take up two crime bills, both of which are subject to rules: H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, and H.R. 3120, a bill regarding witness retaliation, witness tampering and jury tampering.

For Wednesday, May 8 and the balance of the week the House will consider the following bills:

H.R. 3322, a bill to authorize appropriations for fiscal year 1997 for civilian science activities; two resolutions, House Resolution 416 and 417, establishing a select subcommittee to investigate the United States role in Iranian arm transfers to Croatia and Bosnia; H.R. 3286, a bill to help families defray adoption costs and promote the adoption of minority children; and H.R. 2406, the United States Housing Act of 1995.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 2 p.m. on Friday, May 10, and I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his remarks, and I just have two questions for my friend from Texas.

Could the gentleman inform the House when we will consider the budget resolution?

Mr. DELAY. Unfortunately, we were not able to mark up the budget this week. We anticipate marking it up next week and bringing it to the floor the following week.

Mr. BONIOR. And how about the health care bill? When do we expect to go to conference on the health care bill?

Mr. DELAY. Evidently we are working with the other body, and we hope to appoint conferees sometime next week.

Mr. BONIOR. Mr. Speaker, I thank the gentleman, and I wish him well this weekend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me, and I wish everyone a safe weekend.

ADJOURNMENT FROM THURSDAY, MAY 2, 1996 TO MONDAY, MAY 6, 1996

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, May 2, 1996, it adjourn to meet at 2 p.m. on Monday next.

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

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 7, 1996

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 6, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, May 7, 1996, for morning hour debates.

The SPEAKER pro tempore. Is there objections to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation from the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Committee on the Budget.

Sincerely,

HARRY JOHNSTON.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

☐ 1945

SPECIAL ORDERS

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

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

[Mr. MICA 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 Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

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

ICWA SPELLS HEARTBREAK FOR FAMILY IN OKLAHOMA

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

Ms. PRYCE. Mr. Speaker, I rise today to address the Indian Child Welfare Act, to explain that as it stands today, it has struck tragedy in the hearts of countless children, birth parents, and adoptive families throughout this entire country.

The Indian Child Welfare Act, or ICWA as it is called, was intended to stop State court abuse of Native American children in involuntary placements. In its current form, ICWA is a factor in every single adoption in this

country, because it is nearly impossible to determine what child may be part Indian due to some remote part of its heritage.

I have already recounted several tragic incidences due to the misapplication of ICWA on this House floor. Today I want to tell the Members about an especially sad story that took place in Oklahoma. A couple, Rick and Kathy Clarke, who were seeking to adopt, were notified that they had been selected for possible placement and home study by a tribal worker from the birth mother's tribe. The home study was conducted by the manager of the tribe's division of children and family services.

After conducting the home study, the tribal manager told the prospective parents that ICWA could be waived, and that the tribe had only the best interests of the child at heart. He further suggested that the child be enrolled in the tribe and be allowed to explore his or her cultural heritage.

The couple enthusiastically agreed to this suggestion. Rick and Kathy Clarke were with Shonna Bear, the birth mother, when the child was born. It was a joyous and special occasion. Little did they know that because of the misapplication if ICWA, the little boy they already loved so much would be taken from them.

Mr. Speaker, the court ordered Rick and Kathy to turn the child over to the tribe. Tribe officials, using ICWA, succeeded in securing a relinquishment order, even after assuring the Clarkes that they would not. Mr. Speaker, the sad irony is that Shonna Bear wanted her baby to have a loving and stable home with these adoptive parents. She, a loving and courageous birth mother who chose life for her baby instead of abortion, had a right to feel comfortable and confident that she, in her judgment as the birth mother, had made the right decision for her baby. But her decision was overturned. The adoption plan she had so carefully and lovingly made was overturned by the court.

ICWA was never intended to cause such pain and anguish for potential parents, birth parents, and children. Rick Clarke, the adoptive father, did not enter into this adoption carelessly or without the utmost due diligence to the law that applied. He is an Oklahoma judge, very well-versed in the law and its many pitfalls.

Let me quote from the letter that Rick sent to me:

> We had less than an hour and a half to say good-bye to our baby. I will never forget Kathy sitting in Jeffrey's room, holding him and saying, ''We are never going to see him again, are we?'' The pain in Kathy's eyes tortures me even now.

He goes on to say:

> For weeks we were totally depressed. We cried every day. Even with the help of our pastor, we needed the help of other professionals to pull us out of our tailspin. Even now, months later, when we think of him we get so upset. When we think if adopting another child, we get fearful of this type of thing happening again.

Mr. Speaker, that is exactly the point of this legislation. Surely we want to correct our legislative overbreadth so these individual tragedies do not occur again to loving, well-meaning families, but more importantly, we must realize that this correction will be one small step this Congress can take to encourage adoption in our Nation, rather than foster impediments to it.

How many children languish in foster homes and are shuffled about from one setting to the next, year after year after year, because otherwise willing and wanting families are afraid to go through what might end up being a heartbreaking experience? I will tell the Members how many: 500,000 children are awaiting an adoptive home. We have a chance to remove yet another one of the roadblocks to adoption, that fear of being the next front page story.

Let me read one more line of Judge Clarke's letter:

> Because we committed all our resources to this adoption, after having the approval of the tribe, we are effectively prevented from attempting to adopt again.

The minor changes I have offered to the Indian Child Welfare Act go a long way towards avoiding such tragedies, while maintaining the intent of the act. Rick and Kathy will never see the little boy again that they love so much, but we can make that right, Mr. Speaker. Rick Clarke is absolutely right: This fight is for the children. I urge my colleagues to join me by supporting the adoption legislation on the floor next week.

Mr. Speaker, I include for the RECORD the letter from Rick Clarke.

The letter referred to follows:

RICK AND KATHY CLARKE,
Tulsa, OK, April 25, 1996.

Hon. DEBORAH PRYCE,
U.S. Representative,
Columbus, OH.

DEAR CONGRESSWOMAN PRYCE: Enclosed you will find a summary of what my wife and I experienced dealing with one Indian tribe and the Indian Child Welfare Act. Also, I am sending along a copy of the letter the tribal worker sent us when they agreed to waive ICWA and place Jeffrey in our home. I send this information to you at Nichole's request.

Nichole and I talked earlier today about your goals with the present legislation pending before Congress. She was very informative, professional and still compassionate concerning our ordeal. Please thank her again for me.

As you will see from our story, the effect of the ICWA is sometimes devastating to not only potential adoptive parents' lives, but even more so for the children it imprisons. Kathy and I wholeheartedly support your efforts to limit the ICWA's abusive and disastrous results. You are fighting a good fight for the sake of innocent children all over this nation. May God bless you in your battle.

We stand ready to offer any assistance you need in winning this fight. I know our story and pain don't even begin to compare to those of others, but we will do what we can to help. Please let us know how we can assist.

Sincerely,

RICK CLARKE.

EARLY NOVEMBER

John O'Connor called and said that he had someone who wanted to see a biography on us. We revised the one that we have previously given out and sent it to him. We also found out at this time that the baby's father was part Indian. We were not very optimistic because Indian tribes seldom will approve non-Indian homes for placement. However, since we thought they could waive that requirement, we went ahead and tried.

Kathy has said that if we don't have a baby by the end of the year, she wanted to stop looking for a baby and try to get an older child. With this possibility, we both agree to try.

DECEMBER

John called on 12/16/94 and told Rick that the tribal worker had agreed to do a homestudy of us. At that point, we had given up hope because we had not heard anything for a while. We assumed that since we were not Indian, the tribe had declined. However, even knowing we were not Indians, they agreed to see us.

On 12/17/94 Scott Johnson, Manager of the Division of Children & Family Services for the Muscogee (Creek) Nation, came to our home for the purpose of conducting a homestudy. Mr. Johnson spent close to three hours in our home talking to us and asking us questions. He informed us that his goal, and that of the tribe, was to make sure that the child's best interests were served by the adoption.

Mr. Johnson told us that the primary reason for the strict requirements on adoption of Indian children was to make sure that the Indian children became members of the tribe and to avoid the wholesale baby-brokering of Creek children. We made it clear to him that we were concerned about not being Indian and he told us that the preferences in the ICWA could be waived by the tribe when they thought it would be best for the child. He said that most tribal authorities were most concerned about keeping the numbers of enrolled members high—it somehow effected their financial support. The only conditions he asked us to agree to were to enroll the baby with the Creek Nation and to allow the child to freely explore his cultural heritage if he wanted to do so. We joyfully agreed to those conditions as we both thought they would be in a child's best interest.

As we talked with Mr. Johnson, he made it clear to us that he knew the Bear family. He said that the father of this child, Freddie Bear, had several children the tribe knew about that he was not providing for. His general impression of the whole family was not very favorable. He said he was happy that this child would have a chance to be raised in a better environment than would his siblings and relatives.

As Mr. Johnson left our home, he commented that he rarely had been in an adoptive home where there was as much peace and love as he felt in ours. With that, he informed us that he would approve our home as an adoptive placement for this baby and that the tribe would not intervene.

Needless to say, we got very excited. We went out almost immediately and began to buy baby stuff. We still didn't unwrap many of the items because we had such a long road ahead of us.

On 12/21/94, we met with John in his office at 4:30. He said that things were looking very good. He told us at that point we could back out of the process and there would be no legal expense to us since everything up to then was somewhat preliminary to even considering this baby. However, since the tribe was the only party that was previously unknown and they were now with and for us, there appeared to be nothing standing in the

way of a successful adoption. Based on that, we agreed to go full steam ahead and committed to adopting this baby and paying all expenses to accomplish that goal.

We thought that the baby might be born around Christmas due to the mother having some complications. It was not meant to be, however.

JANUARY

Because of a lack of communication and possibly stress on the mother, we though that the adoption may be off in early January. Shonna's father did not think we were paying enough of her bills. We, however, wanted to avoid the appearance of baby-buying. We agreed to meet with the mother on 1/15/95, and were pleasantly surprised. She restated her commitment to having us adopt the baby. She also told us that we were really the only couple she seriously considered. She read several biographies and liked ours the best by far.

On 1/31/95, Shonna went he OU Medical Clinic and is told that the doctor want to induce labor. As soon as we find out, we went to the hospital and talk to her and then wait for the big event. At around midnight, we went home to let the dog out. We were only home for a few minutes when we got the call saying to return to the hospital immediately—the baby was on his way.

As we got off the elevator, we met John O'Connor and he congratulated us on the birth of a son. Jeffrey Adam was born at 12:53 A.M. on 2/1/95 and weighed 7 lbs. 20 ozs. He was 21 inches long. Without a doubt, he was and is a perfect baby.

JANUARY 1, 1995

We stayed with Jeffrey the nursery until around 6:00 A.M. Kathy got a bracelet so we could visit and take him out of the nursery. Rick went to work, but met Kathy and her mom at the hospital at noon. We went in the room with Jeffrey and the mother and had a wonderful visit.

We went back up to the hospital after work that evening. Because there was a problem with the bracelet, we could only take Jeffrey to another room if a nurse went with us. While upsetting, we agreed because we just wanted to spend time with our baby boy.

FEBRUARY 2, 1995

Again, Kathy and Rick met at the hospital at noon to visit Jeff. Rick's court guard and some friends were there also. Jeff was not in the nursery, so we thought something was wrong. He was in Shonna's room with her. She told us that her mother-in-law and other family members were up and wanted to see the baby. We think they had seen him and that was the reason why he was in her room. Kathy and her mom stayed up at the hospital for a long time after Rick went back to work. Then they went shopping to get Jeffrey a ''going home outfit.''

When we went back that evening, everything got much worse. We know she had been moved to a different room and went directly to the new room. When we passed the nurses desk, we saw an Indian woman and several younger Indians asking for someone's room number and being told she (later found out to be Shonna) was not at the hospital. The would-be visitors were not happy.

Shonna told us that the family was looking for her. Because she did not want to see them, she had been listed in the hospital directory as not a resident. Her door was even marked ''No admittance. Check at nurse's desk.'' Jeffrey was in her room at that time. We sat and held him for a short time.

Then, a nurse came in the room and told us ''I have to take the baby to the nursery.'' She would not tell us why so we would not let her take him. She returned a few minutes later and told us she had to sit in the room with us if he could not go to the nursery. We eventually found out that there were three lighthorsemen (Creek Nation tribal police) in the lobby with a tribal court pick-up order for Jeffrey. This order, I understand, requested that the child be placed in the custody of the manager of the Family Services Division of the Creek Nation That person was Scott Johnson, the same person that had previously approved us as adoptive parents for Jeffrey. When I walked through the lobby, I saw three Indian men sitting in the waiting room—one dressed in a uniform with a gun and the other two in plain clothes with guns.

At this point in time, Jeffrey had not been released by his pediatrician to leave the hospital—any removal would have to have been ''Against Medical Advice.'' The hospital staff had called the ''risk management'' department who eventually got their lawyer involved. The hospital lawyer showed up at the hospital late in the evening. He told the lighthosemen that they had no authority to be on the hospital property, threatened them with trespassing and they finally left the hospital with the threat to return with a different order. Also, apparently the date on the order was incorrect.

Needless to say, during this time we were extremely upset. We were calling everybody we knew that might be able to help. This included our attorneys, Shonna's attorney, tribal members involved with children's services, and even tried to get a hold of Scott Johnson. All of our efforts proved futile. Had it not been for the hospital attorney, we would have lost Jeffrey right then.

After they left, we stayed at the hospital until Shonna checked out at around 2:00 A.M. on 2/3/95. Jeffrey was returned to the nursery.

2/3/95

We met Shonna at the hospital around 9:00 A.M. with the intent to take him home with us. Because of the tribe's actions and the cloud of uncertainty it caused, we decided not to file the adoption petition that morning. However, because Shonna and we were still in agreement about us adopting Jeffrey, we decided to take him home with us. The hospital required that Shonna check him out and leave with him. We immediately took physical custody of him after she left the hospital with him. That was one of the happiest moments we have ever experienced.

Within 20–30 minutes after we got home with our new baby, I received a call from people at my work. They told me that Mr. Charles Tripp, Assistant Attorney General with the Creek Nation, was at the Juvenile Bureau asking Judge Crewson to sign a pick-up order for Jeffrey. It is my understanding that the reason for this was because the mother agreed to give her baby up for adoption, she was not a fit mother and the child was at risk because of that.

Our extreme joy was immediately turned into utter terror. Because of our love and concern for Jeffrey, we felt it was in his best interest to return to his mother's physical custody as opposed to the possibility of being placed in a shelter for ''deprived children.'' We know that there was a strong possibility that she would get attached to this lovely baby boy. Also, her two sons had been told all along that the baby would not be coming home with her, but she was having him for someone else. This had to confuse them, too.

We called Shonna and told her that the tribe was still trying to remove him from our care and our fear of Jeff going to a shelter. We all agree that it would be close to impossible for the tribe to remove him from her custody and to meet in order to return Jeffrey to Shonna temporarily.

While Kathy takes Jeffrey to Shonna, Rick is on the phone with Judge Sellers (acting as presiding Judge while Judge Winslow was out of the courthouse.) Mr. Tripp was before Judge Sellers asking him for the pick-up order since Judge Crewson had recused. After Mr. Tripp talked to the tribal judge, there is an agreement to allow Jeffrey to stay in our home, without tribal interference, until a full hearing could be held in front of Judge Winslow. That hearing was to be set on 2/14/95. However, by the time the agreement was made, Kathy had already returned Jeffrey to Shonna.

The rest of that day we spent crying our hearts out. Not only for ourselves, but also for Jeffrey. He had to go back to his mom who could not afford or want to have him. He was the lifetime victim.

2/4/95

Early on Saturday we called Shonna to see if everything was all right. Since she was not prepared to take him home, we were concerned for everybody. She seemed elated and relieved to hear from us. She said she could not handle what was going on and still wanted us to adopt Jeffrey. She even suggested that we go out of state and do the adoption and lie about who the father was and say the child was not Indian. We obviously could not do that, but we told her we could come and get him and keep him until the court date.

Once again, we were overjoyed. Our hope that the Creek Nation would do the right thing for this child took over. We met Shonna and took physical custody of Jeffrey early in the afternoon. Even though we were just ''baby-sitters'' at that point, we felt like a family.

2/4/95 TO 2/11/95

Kathy has taken off work to spend all of her time to be with Jeffrey. We take him to church on Sunday and introduce him as our baby. We take him to friends homes, bring him to my workplace, and everywhere else we go normally. We are a family.

2/11/95

As we were eating breakfast, Shonna called and asked if she could see Jeffrey to say good-bye. Because of all the problems the tribe caused, she did not have a chance to do that. As Rick talked to her, it became obvious that she was probably changing her mind. The time she had to spend with him due to the tribe's interference forced her to bond with him. We do not believe that she did this maliciously or with the intent to just get some bills paid. Of interest, is that even now the father has not seen the baby nor expressed any interest in Jeffrey.

We had less than an hour and half to say good-bye to our baby. I will never forget Kathy sitting in Jeffrey's room, holding him and saying ''We are never going to see him again, are we?'' The pain in her eyes tortures me even now.

I met Shonna for the last time with only Jeffrey—Kathy could not bear having to hand him over to her. We gave her almost all of the clothes and toys we had bought for him. We knew she did not have anything to take care of him. We wanted Jeffrey to be happy and safe and have plenty of things he needed. After I gave Jeffrey to Shonna I drove away with a feeling of total loss. I had never wanted something to happen more nor experienced so much pain when it didn't.

For weeks we both were totally depressed. We cried every day when we thought of Jeffrey. Even with the help of our pastor, we almost needed the help of other professionals to pull out of our tailspin. Gradually, our pain subsided. However, even seven months later, when we think of him we get upset. Also, when we even think about adopting any other child we get fearful of this type of thing happening again. That is in addition to the fact that we have no money to even

begin the adoption process since we spent so much on the failed attempt.

AFTER JEFFREY'S RETURN TO HIS MOTHER

We have been told that after this mess happened, Scott Johnson was called before tribal authorities and told to change his ways concerning his representation of the tribe's position on adoption. This is born out by his behavior. During the time we had Jeffrey in our home, Mr. Johnson called our home and talked to Kathy. He told her we were still the best place for Jeffrey to be and he still would continue to fight for that to happen. He had not, at that time, changed his opinion at all.

After his meeting with tribal authorities, we are told that he now says that he never promised us that the tribe would consider us as an adoptive placement for the child and that the tribe would follow placement guidelines as it always does, without exception. Obviously, his letter is clear on this point.

Both of us, during separate conversations with Mr. Johnson, expressed our concern over him personally and the possible negative impact he may suffer for his bold and appropriate position for the best interests of this child. He apparently has changed his position.

Two days after the article about the failed adoption was in the May 28, 1995 Tulsa World, Shelly S. Crow, Second Chief of the Muscogee (Creek) Nation called Rick at the office and wanted to meet. Within a week after that, Ms. Crow showed up at the courthouse and met with him. She informed Rick that she was very disturbed by the article and wanted to know what she could do to make everything right. She said something like what happened to us should never happen and that the tribe was concerned about Indian children. She also said that sometimes the best thing for Indian children was to be placed outside an Indian family, ''as in your case.''

Ms. Crow informed me that she was contacted by the paternal grandmother and told of the circumstances. She proceeded to write letters to put a stop to the adoption and insisted that the tribe intervene just as it eventually did. I asked her if she was aware that Mr. Johnson had approved our home when she decided to intervene and she said she did not know that nor had she seen the letter. She was also surprised to learn that the paternal grandmother had seven other grandchildren living with her on a permanent basis and that all were being supported by state and tribal assistance in substandard housing. She acted without even considering the best interests of Jeffrey.

Since Ms. Crow felt so guilty about her actions, she was very free with even more information. She went on to tell me that after Mr. Johnson changed his ''official'' position, he got promoted to a better/easier job with an extra $3,000 a year salary increase. She believed that Mr. Johnson had been reprimanded at least four times in recent years by the tribe for various infractions while employed by the tribe.

Her last comment about Mr. Johnson was that his father worked somewhere in the federal government, possibly for the Department of Housing and Urban Development. Because of this, and the fact that if the tribe did anything to Mr. Johnson the federal government may cut funding, Ms. Crow thought the tribe would put up with him no matter what he did wrong.

CONCLUSION

The Creek Nation should not be allowed to ruin so many innocent children by their selfish, destructive conduct. Not only have they shattered our lives, after encouraging us to go forward with this adoption, but they have sentenced Jeffrey to live a life in an environment where he was not wanted and could not be provided for adequately—They have not only destroyed our lives, but, more importantly, Jeffrey's.

In addition, because we committed all of our resources to this adoption, only after getting the approval by the tribe, we were effectively prevented from attempting to adopt again for some time.

The Creek Nation should suffer for the pain they have caused.

MUSCOGEE (CREEK) NATION
Okmulgee, OK, December 29, 1994.

Mr. JOHN O'CONNER,
Newton and O'Conner Law Firm,
Tulsa, OK.

DEAR MR. O'CONNER. A homestudy was conducted on the home of Richard Randal and Kathy Jean Clarke for the purpose of placing the unborn child of Ms. Shanon Boar whose spouse and father of the said child is an enrolled member of the Muscogee (Creek) Nation. The home was found to be of extraordinary quality. Mr. and Mrs. Clarke are people of integrity with high morals and quality values. Seldom have I met a couple with such character and desire to be good parents. Rarely do I have the opportunity to enthusiastically recommend a home for placement without reservation. In this instance however, I am delighted to approve this home for placement.

As a duly appointed Officer of the Court and representative of the Muscogee (Creek) Nation Division of Children and Family Services we accept the home of Mr. and Mrs. Clarke as suitable placement for the unborn child of Ms. Shanon Bear. The Muscogee (Creek) Nation declines to intervene in the adoptive placement of said child to the Clarke family. However, if an alternate placement is made, the Muscogee (Creek) Nation reserves the right to intervene at a later time.

SCOTT A. JOHNSON,
Division Manager.

BONE MARROW TRANSPLANT FOR TOM WELCH

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

Mr. MEEHAN. Mr. Speaker, I have come to the floor this evening to ask for the Nation's help. A long time family friend of mine, Tom Welch, who lives in the town of Chelmsford, MA, is in serious need of a bone marrow transplant. Tom is a community activist, who tirelessly works to help others. He is employed by Hewlett Packard and he also serves as a town selectman—a position to which he was recently elected. He has a wife, Maureen, and two sons—a family to which he is absolutely committed.

Well-read and smart; a lover of jazz music, Tom is—to all who know him—an all around great guy. That is why it is with great sadness that I make this plea tonight.

In January of this year, Tom was diagnosed with Myelodysplastic Disorder, a condition which inhibits reproduction of the body's blood cells and destroys its ability to combat infection. Tom's condition is the result of long-term exposure to several forms of radiation therapy as, over the years, he has battled Hodgekin's Disease, Melanoma, and Basil-Cell Carcinoma. While his cancer is in remission, his life is now threatened by this immuno-deficient condition, and the last hope for a cure is to perform a bone marrow transplant. Such a procedure would replace his damaged bone marrow with another person's, much healthier marrow, restoring his body's blood-cell production and adding years onto his life. Since Tom is in good health, the procedure should be successful; the real obstacle is finding an acceptable donor match.

Each year over 9,000 Americans are diagnosed with Tom's condition. Unfortunately, less than 30 percent of those in need ever receive a bone marrow transplant. Matching potential donors is an extremely difficult process. Currently, two agencies in the United States are coordinating the effort: The American Bone Marrow Donor Registry, and the National Marrow Donor Program. Worldwide, over 3 million potential donors have been cataloged, but the demand for transplants still outnumbers the known supply.

Today, in my district, the friends of Tom Welch are holding a donor drive in an attempt to find a match for Tom, and this where I need America's help. I want to first encourage all Americans to contact their local donor registry to be listed as a potential donor. I also want to urge for help with the tremendous financial burden involved with such a drive. Take Tom's case for example, the cost to catalog each potential donor is approximately $50. One can easily see that such a drive quickly becomes very expensive.

So tonight I am asking, on behalf of Tom Welch and all other patients in need of a bone marrow transplant, for help. Behind me is the address and phone number of the friends of Tom Welch. I urge everyone to call and pledge your support.

In closing, I want Tom and Maureen to know that they are in my prayers and in the prayers of people across the nation. With the help of the entire Nation, donors will be found for Tom and all others in need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would request that Members address the Chair and not the television audience.

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

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

URGING HOUSE REPUBLICAN LEADERSHIP TO DROP CONTROVERSIAL PROVISIONS IN PROPOSED HEALTH INSURANCE REFORM MEASURE

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, as health insurance reform goes to conference between the House and the Senate, I want to stress again tonight in the 5 minutes that I have that the Republican leadership needs to drop controversial provisions that I think are likely to scuttle this very important health insurance reform. Of course, the most important aspect of this, the most controversial provision, the one that I think really needs to be dropped, is what we call medical savings accounts; the tax breaks, if you will, for the wealthy and the healthy.

Mr. Speaker, last week the Senate passed the Kennedy-Kassebaum health insurance reform bill unanimously, 100 to zero. But the Senate bill, unlike the House bill, does not include these divisive provisions that doom the chances of this very important health insurance reform from becoming law.

The so-called medical savings accounts are essentially tax-free savings accounts from which participants could pay for everything but catastrophic health care costs. The problem with these accounts is that they would be a good deal, again, only for the healthiest and wealthiest people in our health care system, those who do not have high health care costs on a regular basis.

But health insurance costs would then increase for the average American, because essentially when we talk about health insurance, it all involves a health insurance risk pool which has all kinds of people in it. If we take out all the healthiest and the wealthiest people, we are essentially leaving in the pool the people that are the highest risk, that need the most attention or health care, so we destroy the whole basis for the health insurance pool and drive up the costs, essentially, for those who are left after those have been taken out of the pool.

Mr. Speaker, some people have asked me, why is this happening? Why is Speaker GINGRICH, why is the Republican Presidential candidate, talking and so insistent about including the medical savings accounts? Basically, it is a financial windfall for the Golden Rule Insurance Co., whose top executive has given Republican political committees over $1 million in contributions in the last 4 years.

What I am saying, Mr. Speaker, is let us forget about the political contributions. Let us forget about Golden Rule Insurance Co. Let us do what is right for the average American.

Mr. Speaker, again, I wanted to point out that medical savings accounts are designed to accompany the purchase of very high-deductible catastrophic insurance policies. They offer a myriad of tax breaks for those who can afford to save up money to pay the vastly increased out-of-pocket costs caused by an out-of-reach deductible.

I think that three questions have to be asked. Every American basically should ask the Republican leadership or every Republican lawmaker three questions with regard to these medical savings accounts: First of all, who wins if they are incorporated in this insurance reform; who loses; and why the Republican leadership insists on continuing to push for the medical savings accounts.

Who wins? The answer is simple. The wealthy win. They are the only ones who can afford to contribute thousands of dollars to a savings account. In fact, less than 1 percent of all people who might use medical savings accounts earn less than $30,000 a year, even though these families account for nearly half of all American taxpayers.

Who loses? Everyone else who relies on standard insurance. In fact, if medical savings accounts are available, some businesses could make it impossible for many families to even afford adequate health insurance.

□ 2000

The cost for premiums of regular health insurance could increase by more than 60 percent. Our goal at all times should be to try to increase the amount of Americans that have health insurance and to try to make health insurance more affordable.

We will do exactly the opposite with these medical savings accounts. We are creating tax breaks for the wealthiest and the healthiest among us and we are making costs less affordable, and we are probably making it so that fewer people in the long run would have health insurance. It makes no sense.

The only thing I can say is that I have to hope that over the next few weeks, it was mentioned earlier this evening by the gentleman from Texas [Mr. DELAY] that we may go to conference on the Kennedy-Kassebaum bill later next week. The conference has been held up essentially because there has been an effort to appoint a lot of conferees on the part of the Republican leadership who would favor these tax breaks for the wealthiest and the healthiest among us.

What I hope is that that position will change over the next week, that we can appoint conferees, and that this conference will quickly accede to the Senate version of the bill which does not include these tax breaks for the wealthiest and healthiest among us. What we need is a clean Kennedy-Kassebaum bill. Why? Because it will provide for portability and it will provide coverage for those with preexisting conditions.

The whole point of this health care reform this year, and it was stated by President Clinton in his State of the Union address, is that we must get to those people who change a job, who lose their insurance because they change jobs or become self-employed, and we must get health insurance for those people who have preexisting medical conditions. Let us deal with those problems now. Let us forget these other controversial provisions.

The SPEAKER pro tempore (Mr. MICA). Under a previous order of the House, the gentleman from Pennsylvania [Mr. ENGLISH] is recognized for 5 minutes.

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

WE NEED TO RAISE THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I have tried to compile the reasons why the Republican majority will not allow us to vote on a minimum wage increase, and the first reason I came up with was, of course, stated by Majority Whip DELAY, who says that minimum wage families do not really exist. He says, ''Emotional appeals about working families trying to get by on $4.25 an hour are hard to resist. Fortunately such families do not really exist.''

An honorary member of the Republican freshman class, Rush Limbaugh, says on the official poverty line, ''14,400 for a family of 4? That's not so bad.''

Now he said that in November 1993.

Earlier he said, ''I know families that make $180,000 a year and they don't consider themselves rich. Why, it costs them $20,000 a year to send their kids to school.''

Unfortunately, the House majority leader, DICK ARMEY, has said that he will resist a minimum wage increase with every fiber in his being. He says that the minimum wage is a very destructive thing.

Limbaugh goes on to say, ''All of these rich guys like the Kennedy family and Perot, pretending to live just like we do and pretending to understand our trials and tribulations and pretending to represent us, and they get away with this.''

Well, in 1993 while Limbaugh was equating himself with the average American family, Limbaugh's 1993 income was estimated to be $15 million. That is from Forbes, April 1994.

One of the freshmen who also does not know about middle-class living, real middle-class living, says, ''300,000 to $750,000 a year, that's middle class.''

I think that is out of touch. And anyone who makes above $750,000 a year, he says, ''that's upper middle class.'' Now, this is a real person who is representing all of the American folks in this Congress.

But what about the people who really are working hard and making minimum wage and need a little bit of representation down here on the floor of

this House? Who is it that our Republican majority is representing, and who is it that people who are fighting for a minimum wage increase are representing?

This is a cartoon from the National Journal. How long does it take to make $8,840? Full-time minimum wage worker, it takes this poor woman one year, because most of them are women. And the average CEO of a large U.S. corporation? Half a day.

So we do need to raise the minimum wage.

Finally, I keep coming back to this poster, because it so accurately describes what is going on in Washington today with this new Republican majority. It says, ''The 104th Congress may be the worst in 50 years.''

And while we cannot get an increase, a vote on increasing the minimum wage, we learned that the GOP has decided that they want their committee Chairs to look into abuses of the Clinton administration and of labor organizations. This very well could go down in history as the worst Congress in 50 years.

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.]

URGING BIPARTISAN SUPPORT FOR MINIMUM WAGE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise again to urge bipartisan support for the minimum wage increase and there is great precedent for such an effort. The last time the minimum wage was raised—in 1989—135 Republicans in the House voted for it, including Mr. GINGRICH, 36 Republicans in the Senate voted for it, including Mr. DOLE, and President Bush signed the bill into law.

Since that increase, according to the Center on Budget Priorities, ''Inflation has eroded nearly all effects of this increase and the annual value of the minimum wage has returned to its 1989 level.''

In other words, if we want our workers to have the same earning power in 1996 that they had in 1989, a modest, two-step increase in the minimum wage is required.

But, the bipartisan spirit from 1989 appears to be missing in 1996, at least among Republican leaders.

One Republican leader wants to abolish the minimum wage, another is quoted as saying that minimum wage families ''do not exist,'' and a third has vowed to ''commit suicide'' before voting for the minimum wage increase.

Mr. Speaker, the American worker has not changed in 7 years—they still need a fair wage.

What has happened to the Republican Party?

Between 1979 and 1992 the number of working poor in America increased by 44 percent.

Again, Mr. Speaker, I would not promote a policy to help the working poor if it was shown that such a policy would substantially hurt small businesses.

According to the best evidence I have seen, a modest increase in the minimum wage will help the working poor, without hurting small businesses.

A recent survey of employment practices in North Carolina after the 1991 minimum wage increase, found that there was no significant drop in employment and no measurable increase in food prices.

The survey also found that workers' wages actually increased by more than the required change.

In another study, the State of New Jersey raised its minimum wage to $5.05 while Pennsylvania kept its minimum wage at $4.25.

The researchers found that the number of low wage workers in New Jersey actually increased with an increase in the wage, while those in Pennsylvania remained the same.

In 1991, the increase enjoyed bipartisan support, with President George Bush signing the bill.

Since 1991, the minimum wage has remained constant, while the cost of living has risen 11 percent.

If the Republican leadership in the House would allow a vote, I believe we would pass the minimum wage increase—with a bipartisan vote.

It is the right thing to do; it is the fair thing to do.

I care about small businesses, and it will not hurt small businesses.

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

[Mr. GUTKNECHT 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 Texas [Mr. BENTSEN] is recognized for 5 minutes.

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

WHAT BUSINESS SAYS ABOUT MINIMUM WAGE INCREASE

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

Mr. DICKEY. Mr. Speaker, I would like to talk in opposition to the minimum wage increase from the standpoint of what business would have to say about this. I do not know if that has been brought into this discussion.

Mr. Speaker, I am an employer, I am a restaurant owner, I own two different restaurants in Pine Bluff, AR, as well as being a politician. This is 100 percent politics that we are talking about here and not any of economy or not any from consideration of the people who are involved.

I first want to say that the people who pay the price of the minimum wage are the consumers. They do it in one of two ways. They either pay a higher price or they pay with less service when they go to purchase things and they go into the marketplace.

What people do not understand and what may need to be clarified in this discussion is what goes into the higher price. If you are in the restaurant business, you think, well, the labor that you have to pay is all that you would experience.

□ 2015

There is the tax, the additional tax, the payroll tax that comes from the additional pay. But there is also another factor, and it kind of compounds, and that is that the lettuce that is bought from the store or brought in is going to be at a higher cost because of the minimum wage. The meat, the condiments, all of the things that go into making the product are going to be higher.

So the restaurant owner or the business owner is sitting, looking, and thinking, what is the consumer able to stand? The first reaction is that we need to cut the number of employees because we have got price as a barrier in so many instances. When that is the case, then they usually cut the most inexperienced employee, leaving the other employees more stressed and less able to handle the press of business.

If that does not work and then you start adding back the employees, then you are faced with facing the consumer with a higher cost of the item. Now, when that happens, the consumer then has to deal with one or both of these issues, higher price or less service, and they then make choices that most of the time will bring about less sales.

When you have less sales and you confirm that in an operation, and you do that on a month-to-month basis, you then start cutting employees because the sales are down. Now, that is what can happen, it probably will happen in this particular case, and it is not necessary.

From the employee's standpoint, there is another viewpoint that needs to be looked at. The employees who are there know that when they come in to work at a minimum wage, that they are coming at a training wage, and that this is something where they probably are more of a liability to a business or an industry than they are an asset at the early stages. So they work up.

When they work up and they try to progress in this area, they have to do it in relationship to other employees. So if you have an employee who is given a raise, that employee is compared to

others and there is kind of a standard that is set. If you have the Government coming in for the sake of politicians and just setting an automatic raise, you sort of disrupt all of that process.

It also gives the employee the idea that this is all I am going to make, so we take away the incentive that they have for improving themselves, which the minimum wage, as it stands right now as a starting wage, as a training wage, is in fact an indicator or a starting place for the employees.

So what I am really saying is no employer really wants his employees to stay on minimum wage. If they stay on minimum wage and they think that is all they are going to get until the politicians come and help them, they will not be committed to productivity, they will not be committed to improvement or achievement, and they will just sit there. When that happens, there is a staleness that takes place, and those employees that want to stay on minimum wage and they figure that is all they are going to do eventually need to be moved off the work force, because they are not responsive to the customer. Again, the customer is the king. He is the boss, and they are the people we are trying to please.

There is also the employee who is remaining when the cutbacks come. They have to work under more stress and confusion, and that hinders and hurts the operations.

Now, if you think through all of that and you assume all of that for the sake of this discussion as being true, coming from someone who is actually in the pits of working with consumers and with employees and trying to deal with all these forces, if those things are true, then what you have is a question of why in the world then do we do it?

I have finally concluded that the liberals, the liberal politicians, are using this as a front, using the emotionalism of this issue as a front to charge more taxes, to take more money away from businesses, and that is wrong also. That has an effect.

So these are the reasons for my being against raising the minimum wage.

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

[Mr. MONTGOMERY 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 Pennsylvania [Mr. WALKER] is recognized for 5 minutes.

[Mr. WALKER 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 Pennsylvania [Mr. FOX] is recognized for 5 minutes.

[Mr. FOX of Pennsylvania 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 Washington [Mr. METCALF] is recognized for 5 minutes.

[Mr. METCALF 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 Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

[Mr. NEUMANN 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 Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

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

THE CIVILITY PLEDGE

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

GENERAL LEAVE

Mr. BLUTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

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

There was no objection.

Mr. BLUTE. Mr. Speaker, we tonight gather for a special order of a different kind, not like many of the ones that deal with substantive issues that we hear every day here in this Chamber of the people's House of Representatives. Tonight we are going to deal with an issue that I think is very important with how we conduct our business here in the House of Representatives, and that is on the civility of the House debate as it has evolved over the course of our history, but also as it has evolved within recent years, which has caused many of us to be very troubled with the nature of the discourse here in the House of Representatives.

We are being joined with Members from both parties, in both the Democratic Party, the Coalition, and also with the Mainstream Alliance of which we are Members on the Republican side, Members who are commonly referred to as Blue Dogs, Blue Dog Democrats and Blue Dog Republicans, joining here together to talk about an issue that we think is very important, that we think the American people should understand why it is so important that we conduct our business here, conduct our debates, in a way that brings credit upon us and upon this institution.

Thomas Jefferson once remarked that it was very material that ordered, decency and regularity be preserved in a dignified public body. Frankly, there have been too many incidents here in our body over the last few years that have brought, I think, discredit on the membership of this body and further eroded the public's confidence in the way we conduct our business.

After all, we pass the laws that the people have to live up to. If they do not respect the institution, then it becomes more difficult for them to respect the laws that we ultimately pass, which they think is very important.

Certainly some of the incivility we have seen in the House of Representatives and in our political cultures relates and emanates from the general society's growing trend toward incivility, toward lack of respect for one another. U.S. News & World Report had a cover story called ''In Your Face, Whatever Happened to Good Manners?''

So we are a reflection of the larger society. We think it is important that we be responsible and address our own problem in this area. We think that by doing this, we can improve this institution's reputation with the American people.

We have authored, the Blue Dogs jointly, Democrats and Republicans, a civility pledge that some of the Members will talk about later, but basically it commits Members of the House of Representatives to treating each other in a respectful manner during our differences of opinion. We believe that one can have tremendous disagreements, that one can have a vigorous debate on the issues that our great country faces, the divisive issues we face, without the type of acrimony and the type of personal invective that we see all too often in this House.

We are making the effort tonight, we have been doing it for a couple of months, we have over 70 cosponsors, but we wanted to have this special order to bring focus to this issue, to try to get more support within the House for this effort, and we think ultimately if we are successful, we are going to return this body to the place where it really should be, the people's House, where we can disagree without being disagreeable.

At this time I would like to yield to someone who is a great leader of this House, he is someone who in his day-to-day conduct represents the kind of civility we are talking about, and that is the chairman of the Subcommittee on Energy and Power of the Committee on Commerce, Congressman DAN SCHAEFER from Colorado.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman very much for giving me this opportunity to speak to this body and to the American people very briefly on exactly what it is we are doing.

Mr. Speaker, a quick survey of congressional history shows that lawmakers often have received low marks for their patience and civility. In past decades, physical violence marred the political landscape, but more recently, in civil language has increasingly come into political debate.

Serious violent episodes took place in the House during the years before the Civil War. In 1832, Representative Sam Houston had to be formally reprimanded for attacking Representative William Stanberry, who in turned tried to shoot at Houston. Six years later, a duel between two freshmen Congressmen ended in the death of one of them.

Then, in the 1850's, a pistol hidden in a House Member's desk accidentally discharged and instantly there were a full thirty or forty guns in the air.

The altercations didn't cease with the end of the Civil War. Resort to fists, pistols, knives and fire tongs, in addition to verbal weapons was reflective of the time. A contested election in 1890 led to three days of tumultuous debate that a reporter said looked more like a riot than a parliamentary body.

I'm glad to say we have moved past using physical violence to settle disputes, but we can improve our current inflammatory rhetoric. Last spring, in an effort to restore civility and respect back to the House of Representatives, I formed the Mainstream Conservation Alliance—known as the Republican Blue Dogs. This group of Republicans, along with the Democrats' Blue Dogs, are working together to reach across the aisle to find bipartisan solutions in the best interest of all Americans.

Given the enormity and the importance of the many difficult issues facing us, dissension is inevitable—but hostility is not. This civility pledge goes a long way in restoring the respect this chamber and all Members of Congress deserve. I encourage all of my colleagues to sign the civility pledge written by my friend, PETER BLUTE.

Mr. BLUTE. Mr. Speaker, at this time I would yield to the distinguished chairman of the Subcommittee on Health and Environment of the Committee on Commerce, who earlier today showed what bipartisanship in forging leadership positions together can mean in the passage of the Ryan White authorization bill, Chairman MICHAEL BILIRAKIS from Florida.

Mr. BILIRAKIS. Mr. Speaker, my compliments and commendation to the gentleman from Massachusetts [Mr. BLUTE] for his great work on this matter. I thank him, of course, for yielding to me.

Mr. Speaker, I am proud to serve as a United States Representative. I consider it an honor and a privilege to represent the residents of the Ninth Congressional District of Florida. I have heard from many of my constituents who believe, rightly so, that the debate in the house has become very partisan and inflammatory.

While we each hold strong beliefs and values, these can be expressed in a constructive manner to facilitate debate, rather than in a manner which relegates debate to caustic, partisan attacks.

As a Member of the mainstream conservative alliance, I gladly signed the civility pledge, and intend to continue to debate the issues before us honestly, fairly and in a constructive manner. As the pledge states, we should ''respect the people who elected us through proper conduct, including honoring and showing consideration to one's colleagues regardless of ideology or personal feeling.''

I believe Members of this Congress all want the same thing. We want to educate our children, take care of our senior citizens, protect our environment and ensure that everyone has the opportunity to succeed in our society. We may differ on the means to achieve these goals, but I believe we all agree on the goals themselves.

I have consistently made it a point, when speaking on the floor of this House, to debate constructively and without resorting to personal attacks. Regardless of ideology or party affiliation, we must all respect each other, this institution and our constituent by promoting civility, comity and adherence to the House rules above party loyalty.

Mr. Speaker, I will continue to accept the trust of my constituents and respect them by honoring this venerable institution. I would urge my colleagues on both sides of the aisle to join me in this pledge.

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Mr. BLUTE. Mr. Speaker, I want to thank the distinguished gentleman from Florida and congratulate him on his great work on the health issue and for passing that important bill today with regard to our fellow citizens who unfortunately have been afflicted with that terrible disease AIDS. The Ryan White Act reauthorization is a very important bill.

At this time I recognize for 5 minutes one of our freshmen leaders here in the 104th Congress, someone from the great State of Tennessee, ZACH WAMP.

Mr. WAMP. Mr. Speaker, I want to thank Mr. BLUTE. One of the greatest honors that has been bestowed on me since I got here was being elected as a freshman as the cochairman of this Blue Dogs group over here on our side of the aisle, a group that does seek bipartisan solutions, willing to work with people on the other side, trying to find the principles and values that we might come together on and leave partisan politics and shallow rhetoric aside so we can try to get together and do the people's business.

Many of us, as myself, are former Democrats who joined the Republican Party. I know for a fact in my life there are many, many good people in both parties across the country. And, in fact, neither party has an exclusive on integrity or ideas.

Right down here on the dais, in this great room in the House of Representatives, are the words ingrained in the wood, ''Peace, liberty, tolerance and justice.'' I think we need to remember peace and tolerance more often as we do our business here in the House of Representatives.

Not a day goes by, Mr. Speaker, that I am still not just fascinated by this opportunity that I have to serve in this incredible Capitol of ours that really has not changed much since Abraham Lincoln was the President of our country. And as I show young people through this place, I am constantly just enthralled at the magnitude of what this opportunity really means.

I think we owe it to our predecessors, we owe it to the American people to put this institution above our own careers, our own ambitions, our party's agendas. Anything that may demean or degrade this institution needs to be set aside.

The fabric of the American quilt is woven with diversity, diversity of religion, color, culture, and ideas. The thing that is different about America is that we in this country can passionately and aggressively argue the issues of the day but remain civil and come back as a Nation, come back as people at the end of the day, having argued passionately, taken sides, we can come back at the end of the day in a civil and respectful manner. And I think that is an important lesson for our children. It is an important lesson for our colleagues. It is an important lesson for the leadership of either party.

Because, frankly, if the leadership of either party thinks they are always right and the other party is always wrong, they are tragically mistaken. And the American people know better. The American people expect us to find ways to work with each other, and I think we need to do this for them.

The shallow and harsh rhetoric that has pervaded this institution in recent months needs to be set aside, from both parties. And now that the emotion of the new Congress, after 40 years of one party rule, is kind of mellowing out, I think some Members of both parties need to cool their jets just a little and get along with each other and remember that while we can disagree, we have to put this institution above the passion of the moment.

I want to close, Mr. Speaker, by talking about a word that I think is the greatest need in our country and in our world today and that word is reconciliation. I think if people, men and women, young and old, all across this country and this world would reconcile with each other, we would be so much better off. That is the No. 1 problem that separates people. It causes anxiety and division.

We are, in fact, Mr. Speaker, all God's people, and I think it is important that we remember as we come together tonight as Democrats and Republicans and talk about this issue of civility, that we remember the two great commandments; put God first and treat everybody else the way we

want to be treated. And if we treat in this body everybody else the way we expect to be treated, the meanness would go away. Kindness would permeate because we would expect to be treated with that same respect and dignity. And we need to do that.

I look forward to the days ahead where we can work with our friends on the other side of the aisle, do the people's business and disagree. By George, I am not going to sacrifice my principles for anything. But if we agree on principle, we need to come together here on the floor of this House.

Mr. BLUTE. Mr. Speaker, I thank the gentleman from Tennessee for his leadership on this issue.

At this time I yield 5 minutes to another leader of the movement for more civility here in the House of Representatives. He is someone who has already shown how to work on both sides of the aisle to forge consensus on issues like telecommunications reform, securities litigation reform, private property rights. Those are very difficult contentious issues, but he has worked very closely with Members of both sides of the aisle in a very constructive way, and that is BILLY TAUZIN from Louisiana.

Mr. TAUZIN. Mr. Speaker, I thank my friend from Massachusetts, and I commend him and all of the Members of the Republican Blue Dog Alliance and the Democratic Blue Dog Coalition for initiating this effort of a civility pledge in this House.

As Mr. BLUTE pointed out, over 70 Members have now signed that pledge. It is a simple pledge. It simply pledges that we agree to respect the people who elected us, through proper conduct, including honoring and showing consideration of one's colleagues, regardless of idealogy or personal feeling.

It says that we pledge to promote civility and comity and adherence to House rules over party loyalty, and to follow these guidelines as the presiding officer in making rulings, and as Members in adhering to those rulings.

Now, we will be urging others Members of this body to sign up. We hope to get the entire membership to sign this pledge and to introduce it formally as a resolution of this House. It is so important that we begin that process here in this House.

Now, Mr. BLUTE referred to the article in U.S. News and World Report in which U.S. News and World Report wrote about the American uncivil wars, ''How crude, rude and obnoxious behavior has replaced good manners and why that hurts our politics and culture.'' In the article, U.S. News reports that a poll that they conducted in February by Bozell Worldwide reveals a vast majority of Americans feel that the country has reached an ill-mannered watershed. Nine out of 10 Americans think that incivility is a serious problem. Nearly half think that it is extremely serious. Seventy-eight percent say the problem has worsened in the past 10 years, and their concern goes beyond annoyance at rudeness.

Respondents see in incivility evidence of a profound social breakdown. More than 90 percent of those polled believe it contributes to an increase in violence in our country; 85 percent believe it divides the national community, and the same number see it eroding healthy values like respect for others.

One of the contributors to the article, a Martin Marty, who is a philosopher of religions, wrote that civility should be the glue holding dialogue together. The alternative to civility is, first, incivility, and we have seen too much of that. And then, he says, the next alternative is war. It is the violence that this Chamber saw before the Civil War and after that Civil War when Members actually assaulted one another. And it is the violence we see on the streets as respect for one another has worsened in our country.

I am ashamed to tell my colleagues that when Americans sized up civility of different groups in our country, politicians came out almost dead last. We came out behind police officers, who 86 percent thought to be civil; athletes, 74 percent thought to be civil; government workers scored a 71 percent civility rating; lawyers got 60; journalists got 56; and politicians received a 55 percent civility rating. Forty percent thought all politicians had reached a low of incivility.

It is time we begin to change that, Mr. Speaker. The civility pledge we have introduced is just the beginning. Recently the CRS, the Congressional Research Service, issued a report for Congress entitled ''Decorum in House Debate.'' It tracked the history of incivility in our Chamber. It told us about the violence that had preceded this Congress and other Congresses. It told us about how speech had worsened from time to time, and how disrespect and nonharmonious relations had contributed to a worsening and a polarization of attitudes in this Chamber and in America.

And then it issued a series of recommendations on how we could begin to change things. It literally listed a series, including the recommendation that the Chair should be more responsible in advising Members about breaches of decorum. The Chair should be a teacher, advising Members in the middle of a debate: You are about to step over the line, calm yourself down; you are about to breach the rules of this House; you are about to insult this institution that you fought so hard to be a Member of; you are about to bring it down in the eyes of the American public and destroy its credibility with our Nation; you are about to treat this institution as some kind of second class organization, when it is bigger than you, more important than you, and you should leave it a better place than you took it. The Chair ought to be more responsible in doing that.

The CRS report says that after the Chair, the Members ought to take more responsibility for one another. We ought to be more calming of one another's tempers and emotions. We should be advising Members when we think they have gone beyond the pale, when they have gotten out of hand.

And then our leadership ought to take a role in that regard. The leadership, for example, should restructure the 1-minutes in the morning, which have become theme-team efforts just to excite and aggravate, to get sound bites for television, rather than a healthy discourse on the issues.

The leadership ought to take responsibility by issuing Dear Colleagues to Members, advising them on what the rules require of all of us to respect this institution and one another.

The Committee on Standards of Official Conduct has established a separate Office of Advice and Education. That office ought to hold briefings for Members on what our rules require, particularly the new Members as they come in and the older Members who constantly violate those rules and have to have their words taken down.

There ought to be joint hearings of the House Committee on Rules and the Committee on Standards of Official Conduct in which we can examine the lack of decorum in our Chamber. The joint leadership could appoint Members from both aisles to informally serve as a task force on decorum to assist in maintaining respect in this Chamber.

The majority leader ought to make sure that he appoints Members to the Chair during House proceedings who really know the rules and will helpfully advise Members when they are about to violate those rules. Perhaps we could have a bipartisan summit, if it gets intolerable during this election season, and maybe we could consider stronger sanctions.

A former Member, Representative Larry Wynn of Kentucky, upon his retirement, wrote: ''The growing rancor between Republicans and Democrats in the House of Representatives is deeply worrisome.'' Many House Members, including me, fear that this may be an ongoing trend rather than a temporary phenomenon.

It is important now for both Republicans and Democrats to recognize that a continuation of this rancor will undercut the legislative process. It is my firm belief that the majority of Members of both sides of the aisle would like to reduce the level of tension and the partisan clashes and get on with the business of this country. It is up to us all to cool off, to sit down, to talk and come up with some suggestions for restoring greater civility, tolerance, and pragmatism in our procedures. If not, not only Members of this House, but the country will suffer.

And so, Mr. Speaker, our little group, the alliance, the Blue Dog Republicans, and the small group on the other side, the Blue Dog Coalition, are nowhere near a majority of this Chamber, but we have begun what we hope is a groundswell. We hope other Members will sign up to our civility pledge. We

hope tonight is just the beginning of this discussion. We hope to have future discussions about civility and incivility in this Chamber.

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We hope as a result of what we begin tonight this House will be a place where people come to honor and respect this institution and the people who sent us up here by being more respectful of one another, by being more tolerant of the different views in this House, and by debating the issues instead of insulting and questioning the motives of one another as we enter serious debate for the sake of our country.

Our two little groups are dedicated to that, to put our party hats aside and to act like Americans in this Chamber, and to act like respectful Americans who came to this Chamber with an incredible amount of honor and respect for the folks who sent us here. If we can behave in that regard after we get here, we will not only honor this institution, we will honor this country and the people who made it so great, and who have made this institution the most and I think the greatest democratic institution in the world. We owe that to the American public and we owe that to this House.

Tonight we begin that process, but we will not stop here. We will rise occasionally when the debate gets too heated and try to calm things down. We will try to get some of these recommendations adopted into our procedures in the House. We will talk to our leadership and see if we cannot get some of these improvements made. Most importantly, we will continue to counsel with one another across this aisle about the importance of being good Members of this House and good Americans when we come here, simply that and nothing more, to honor the folks who sent us here as we honor this institution.

Thank you very much, Mr. BLUTE.

Mr. BLUTE. I thank the gentleman very much.

Mr. Speaker, at this time, I yield 5 minutes to the distinguished gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Thank you, Mr. BLUTE. What I would like to do if we can is hold you three here. I am kind of tagging along. I was here on another matter of businesses, and your discussion is most intriguing and I think constructive. I would like to, if we can, just go through a couple, a few things and ask you all questions specifically, and then you all ask each other questions and let us make some dialog here.

I am sitting here thinking while you all were talking as to why we do what we do, and it appears to me that we somehow may be deceived by thinking that the people who are listening to us want us to be this way. It may be that we are doing that. If that is the case, I think it is misguided because what we are probably trying to do is to show our independence.

Folks think we get up here and deal with each other, and that we say we are going to do one favor for you and one favor for you and so forth, and we would not date say anything bad about each other or disagree because we are up here swapping out and that sort of thing. I think maybe some of us got elected by saying we do not want to be a part of that up there, so we come here and to prove that. We might have in the back of our minds an unconscious goal of trying to offend people and say back home, ''Look, for sure I don't get along with Mr. TAUZIN. I'm not dealing with him because we're arguing, we're fighting.''

But I think what we have got to learn is that we need to learn how to disagree with each other without disliking each other. There are two perspectives.

Then I would like to talk to you all and let you tell me what you all think, since you have been on this thing a little bit more.

There is a little store out from Camden, AR, about 4 miles that is called Harvey's Grocery. I have gone there ever since I have run, and I am close friends with Bobby Hildebrandt, his two sisters and his mom. She just had her 87th birthday. We sat around, and we just sat there with Miss Minnie, and she is that old.

You sit and you say, ''Well, what do you think are we doing up there?'' They are saying, ''Why are you all so childish? Why are you so partisan?'' Folks are offended and put off by our bickering when we might be thinking we are pleasing them. We just may be missing it this way. What they are seeing, they are left out of this deal when we are bickering.

Of course it is adverse to what is said in the Bible, too, ZACH, if we are not able to show love to each other. But we have got to get the balance of being independent, having honest discussion and dialog without tearing each other up.

Mr. WAMP. Will the gentleman yield?

Mr. DICKEY. I certainly will, ZACH.

Mr. WAMP. To me, the greatest tragedy of all, Congressman DICKEY, our young people in this country are watching what we are doing. I know, as the gentleman from Louisiana said, when the parties come down on the 1 minutes in the morning, sometimes the 1 minutes from the people on my side of the aisle, they are doing it, I am going, ''Oh, why does he have to do that? Why does she have to do that?''

The people back home know better. They have designed these games to trash the other party and to play the blame game, and the American people are tired of the blame game. They want solutions. They sent us all up here to work together on some solutions, and the greatest tragedy is our young poeple are looking at it and saying, ''Well, I know one thing, I don't want to go into that business. I would rather play basketball for a living or go make some money and be a professional.''

All those are good aspirations, but I yearn for the day when there is a young man or woman in this country who wants to be Thomas Jefferson, who wants to be a leader, who wants to go and help other people and to run this country and to say, ''I am so proud to be American, and I am so proud of my people in Congress and what they are doing and how well they regard each other, and is not it interesting how they disagree on the issues but they come back and respect each other. They do not trash each other.''

We owe it to our kids. Our kids do not want to be involved in politics. It is a mean, dirty business and it should not be. We are disconnecting them from their own future, JAY. That is the greatest tragedy of all.

Mr. BLUTE. If the gentleman would yield on that point, I think he says it very well. The issues is that none of us here thinks that we should have less debate—this should be made very clear—that we should have less debate, that we should examine these very difficult, divisive issues that we have to deal with on a day-to-day basis any less.

I think most of the people supporting this, certainly Mr. TAUZIN, are some of the finest, toughest debaters. They bring information to the table and boy, the clash of ideas is very important, we all believe that. But when you move beyond that clash of ideas and I think show a lack of respect or mutual admiration really of your colleagues, regardless if they are the most liberal or conservative views that are totally opposite of yours, if you get down below that level, I think that is when what happens, what you are saying. The people watch it, they tune out, they turn off.

But a great high-level debate which has the clash of ideas is something that we need. Our system was made to be adversarial, there is no doubt about that. In the Federalist Papers Hamilton wrote that ambition should be made to counteract ambition. So the ambition of one ideology or one idea would be counteracted by another ideology or another idea, and that would be the way that we would have checks and balances, keep an eye on each other.

So this is an adversarial system, just as our justice system is adversarial. You are a distinguished attorney. When you go into court, it is an adversarial system. It is tough. It is information, it is defining an issue and then exploiting perhaps weaknesses in the argument of the other side. But it is not meant to disparage, bring down, ridicule the other person. I think if we get into that, that is when the young people say, ''Boy, I don't want to be in a profession that engages in that type of activity.''

Mr. TAUZIN. Mr. Speaker, Will the gentleman yield?

Mr. BLUTE. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. TAUZIN. I think part of the problem, too, is that we fail to separate the politics of how we get here.

Mr. DICKEY. That is right.

Mr. TAUZIN. And how we return here in reelection campaigns with the art of governing. There is a huge difference between those two activities, yet we confuse them. Our politics have gotten meaner. Negative campaigning is the way in which candidates are now elected. Citizens are left with choosing the lesser of two evils, because they learn so many horrible things about all the candidates that they cannot really believe in any of them anymore.

Time magazine wrote an article once that said that if Burger King and, say, McDonald's——

Mr. DICKEY. How about Taco Bell?

Mr. TAUZIN. Or Taco Bell, I should not fail to mention Taco Bell—had instead of talking about the good quality of their products, of their tacos and their hamburgers, if they had instead for 10 years got on television and talked about how rotten and awful and cancer-causing these products were, people would not be choosing between Taco Bell and Burger King and McDonald's. They would turn off on the whole mess. They would not go to fast-food restaurants anymore.

The point is, our politics has led us to that. Our negative campaigning and our politics has led us to the point where the American public has kind of turned off on so much of the process by which we get elected.

Then we come to this Chamber and we confuse our role again. We think we are all campaigning still, and we get into these heated fights, these partisan debates, these acrimonious accusations. There is questioning of motives, this attribution of ill intent, all these things we do as though we are still campaigning and running negative ads against one another.

The art of governing is something else. The art of governing is putting the election behind you and debating ideas, and seeing which ideas have force and which have power and which can compel a majority to support them, and which make better common sense for the good of all the people of our country.

In that clash and debate of ideas, we ought not have this, the politics of negative campaigning, but somehow it has infiltrated into this room, and our negative campaigns go on for 2 years. We ought to somehow call that to Members' attentions, and as Americans ask one another to separate the campaigns and the negative, ugly politics from the art of governing.

Mr. BLUTE. If the gentleman would yield on that point. I think does it not begin by ceding to your opponent here in this well or on the clash of ideas over these very divisive issues, it begins by ceding one thing to your opponent up front, that their motivation is, in their view, in the best interest of their constituents.

Mr. TAUZIN. Yes.

Mr. BLUTE. And the American people.

Mr. DICKEY. Yes.

Mr. BLUTE. They are patriotic. They believe their philosophy is something that will help people. I think to some extent we have gotten away from that, and we think of our opposition in a debate format as someone who actually is out to hurt the people. That is just not the case.

Mr. DICKEY. There is a biblical principle, and that is, find first what you have in common with somebody.

Mr. BLUTE. Right.

Mr. DICKEY. Both of you talked about something that is excellent. BILLY is talking about the fact that we are bringing the politics on this floor. How can we be statesmen if we continue to try to play to the polls and to the negative things? We have some duty, as he was talking, we have some duty to educate and try to lead our constituents away from the negative that they see is sometime enjoyable. Sometimes they see that.

Let me mention two other things. One is, generalizations are so harmful. Just to say all people from Arkansas are like that in a debate, and particularly when it gets heated, all you Republicans are that way, all Democrats are that way, and someone will say, ''Wait a minute, I'm an exception.'' That is not finding something in common with somebody, that is finding something negative, and I think we all do it.

The other perspective I want to bring to you all, before you interrupted me and just carried this debate too far, is the people who sit up here, that have sat up here for years, ask them the next time you have a chance, just go and say, how is it different? They will, the ones I have talked to and the ones that answered me, their countenance kind of falls and they say, ''It's not near like it used to be. There's too much bickering.'' There is even one person who said, ''We have never heard the profanity like we have here.''

You see? That is dragging us all down, and what Billy is saying is so true. If we are constantly complaining about each other, you see, not talking about issues but each other, it is going to be destructive and we are not going to be doing what we need to do for the people of America.

Mr. TAUZIN. If the gentleman will yield, let me draw a distinction. I think the American public expects us to vigorously debate ideas.

Mr. DICKEY. That is right.

Mr. TAUZIN. And I do not think there is anything wrong with your characterizing my idea. You can characterize my idea as you see it. When you go from characterizing my idea to attacking me personally——

Mr. DICKEY. And questioning your motives.

Mr. TAUZIN. And questioning my motives or my intent, it has gone beyond the pale. It has gotten out of the debate and gotten into the negative politics, is my point. If we could all, I hope every day, listen to the speeches on the floor of the House and all of us start thinking, is that really a debate over the idea? Or is that a debate challenging the motives or the intentions of the individual?

And every time you find that difference, kind of go up to that individual and say as a friend, as a colleague, ''Maybe you stepped over the line. You went too far. Go back to debate the idea, please. That person over there got elected just like you, by people just like your people back home, who love this country and sent you over here to do a good, honest day's work in debating ideas, not challenging people's intentions and motives.''

Mr. BLUTE. If I could just interrupt for a second, Jefferson had a great line. I do not have the exact line, but he said that we should always believe that our opposition is at least, there is a 10-percent chance that they may be right, that we may be wrong. We should always leave that opening for us all as we debate. If we do that, it is a wise statement, then we kind of keep a broader mind.

Mr. WAMP. Another interesting dynamic, if my colleague would yield, please, is that many of the new Members feel that the seniority system in this institution that had grown out of touch over a period of time needed some reform, that the seniority system did not serve us too well, because whoever was around the longest got to be in charge, and some things just inherently were not fair. They did not reward hard work and effectiveness, they really rewarded the seniority of Members.

I think in the passion of the day, even some of my freshmen colleagues failed to recognize that while the seniority system is moving aside, I think after the last election, half this body about had been here less than 3 years, and after the next election, based on the turnover we anticipate, it may be two-thirds of this body will be here less than 5 years. So the seniority system is being moved out.

As the seniority system moves out, we have to recognize that the respect has got to stay. We cannot move it all out and replace it with some kind of bomb-throwing mentality, that we are going to storm this place and rock this place. This place is unreal. It is magnificent. It sends chills up and down your spine when you walk the hallowed Halls of the U.S. Congress.

□ 2100

We got to leave it that big. It is that big, and it deserves that.

Mr. BLUTE. The gentleman would yield, and I think he is right on target here. It is not just the history. It is the actual individuals who serve here. I have been shocked in my 4 years to see the quality of the individual, but also some of the histories are fascinating. For example, the guy in the office next to me is SAM JOHNSON from Dallas, TX,

who is an American hero. And then to think that he spent 7 years of his life for his fellow citizens in a North Vietnamese prisoner of war camp, the Hanoi Hilton, facing torture and abuse and solitary confinement for 2 years. Now that is incredible.

Mr. Speaker, but then we look over on the Democratic side and see someone like SAM GIBBONS, who landed at D-day, and that was a long time ago. I have read about it in the history books, but to be able to sit next to someone and perhaps engage in a conversation about, boy, what was that like?

I mean, this is an incredible place. JOHN LEWIS marched with Martin Luther King.

Mr. DICKEY. And got beaten up.

Mr. BLUTE. Stood up for his people, for their civil rights. That is a tremendous history. And I think from my own area, the Kennedy family and their great history and contributions to America. You have got PATRICK KENNEDY and JOE KENNEDY. I mean, this is an incredible place. We should have on both sides of the aisle high quality individuals, men and women from all kinds of different backgrounds.

I just think that we should reflect that high quality in our debates.

Mr. DICKEY. Mr. Speaker, let me introduce one other thought to this discussion, and that is good humor. I know you all have it, and we kid each other a lot. But you know, if we could get our personalities in this thing and do jokes some, you knows, there are some good things that can be said in the heat of a debate. We can laugh, and there is nothing wrong with it.

Now some people, if you bring good humor to debate here, they say that is not congressional, you see. But if we use it as part of a dose of medicine, it is awfully good.

Now, I want to suggest something here that might seem a little trivial, it is, that we have V chips. You understand that we all have V chips. When we get over the line and we bring the politics in, somehow we cut off like we do on television.

We can do it. One of you all mentioned that we can go up to our colleagues, particularly those on the same side of the aisle, and say you have gone over the line a little bit, the V chip went off, you see.

But what do you all think of good humor and how have you seen it work to help and, BILLY, you probably have story after story.

Mr. TAUZIN. Of course, I can tell you countless stories, particularly from my Louisiana experience in the Louisiana legislature, about how Members who have spent time with another and have come to know and love, and respect one another in the same way that PETER has talked so admirably about some of my Democratic colleagues who have such a history of contribution to our country, who in the heat of debate gently, with humor, brought each other back to a point of civility when things were getting out of hand.

Mr. Speaker, I recall once we were debating the institution of a board of contractors so that the Government would not appoint all the contractors. The board will end up doing it. One of the oldest gentlemen in the House stood up and said, ''Now, BILLY, you know you can't take politics out of politics any more than you can take kissing out of loving.''

And I said, I know you cannot take politics out of politics, and I certainly would not want to take kissing out of loving. We just are trying to take a little kissing out of politics.

The humor of that moment of course made a point, but it also kept what otherwise was sometimes heated debate in line, and it is a useful tool. But I think the most important tool of all the tools that are available to us is a recognition that you came here the same way I did. I ought to respect you, and I ought to respect your ideas because you speak with not your own voice. You speak with the voice of 500,000 or 600,000 people who sent you up here to be their voice. And if I cannot respect you and your voice, I am disrespecting them in their homes. If I have that attitude, that is the most important tool in my arsenal to make me a little more civil in this body.

Mr. DICKEY. Is it not true that you respect my voice a little bit more because we are closer to Louisiana right on the border? Is that not true? Do you not listen to me a little bit more because it is home folks talking?

Mr. TAUZIN. You are bigger than me.

Mr. BLUTE. I just noticed that we are surrounded by Southerners here. But of course we do not have any accents up there in New England, of course.

You know, some of the finest moments that I have experienced here were interparty tributes. For example, I recall when our colleague, RAY LAHOOD, I thought did a nice job when he took the floor, Republican, to pay tribute to a Democratic colleague, BILL RICHARDSON, upon his successful diplomatic effort to liberate American citizens from Saddam Hussein's Iraq. That was a great example I think of mutual respect.

Perhaps the other one that I enjoyed so much was when our distinguished colleague from Illinois, HENRY HYDE, recognized JIM BUNNING on the day he was elected into the Baseball Hall of Fame. We all know how important that was.

Mr. DICKEY. And there is nothing wrong with crying, letting a tear fall every now and then.

Mr. BLUTE. But again, you know, we need to have vigorous debate. I mean, again the people who were promoting this civility resolution are some of the hardest, toughest debaters, and I have heard ZACH out there. JAY gave a speech earlier on the minimum wage, on his position on that minimum wage. It was very focused on the issue. You did not characterize the other side as wanting to kill jobs, but that you felt the result would be that there would be jobs lost, and I think that is what we want.

We want a vigorous debate, tough, tough minded, tough characterizations, but we need to keep it within a limit so that we do not turn off the American people because, frankly, they need to hear and be educated about some of these very complicated issues.

Mr. TAUZIN. You know, PETER, if you yield, I think you are right. Some of the most stirring moments have been when Members have done that, have risen to congratulate Members on the other side of the aisle, and not only a good collegial way, but in a way that I think Americans said, hey, maybe these people are not just a bunch of kids. They are Americans first. Maybe they are not just Republicans and Democrats. Maybe they do care about something other than their reelection. Maybe they care about this country, and maybe they respect one another enough once in a while to say something nice about one another.

And maybe, just maybe, just thinking aloud with you, PETER, maybe that is one thing we in our two groups ought to try to encourage more, that we do more of those kinds of speeches on the floor when another Member, particularly from the other side who has had a success, who has had a tragedy, who has had something happen that is to them and to the folks that sent him here, that we rise on the floor and show our admiration, our feelings of sympathy, whatever it may be, to literally demonstrate that we do, to the American public, that we do respect one another more than our words sometimes indicate.

Mr. BLUTE. I think a great example of this was the political relationship between somebody who I have a great deal of respect for, who brought me into Republican politics. That was our former President, Ronald Reagan, and his relationship with Speaker of the House Tip O'Neill, who had tremendous differences over policy. I mean, they literally hated each other's views and direction they wanted to take the country, but, boy, they also communicated a mutual respect, a mutual admiration, and even a certain friendship.

Mr. TAUZIN. Mixed with good humor, if you remember.

Mr. BLUTE. And with some great humor exchanges between them which communicated to the American people that the Government at least could ultimately decide on things, move forward on that key question that we respect each other as Americans first and then we have differences on policy.

Mr. WAMP. If the gentleman would yield, and the theme and the message there is what you said earlier. We are reflective of the American people. I said as a candidate that I thought that Congress was a mirror image of America. Whoever is sent here is in fact a mirror image of what is out there.

Mr. Speaker, if we are mean and shallow and harsh, the country is mean and shallow and harsh. If we are kind and respectful and dignified, the country is kind and respectful and dignified. That is how important this is. This is a critical issue.

I think we should take the initiative, Congressman TAUZIN, to actually discourage the leadership of both parties from engaging in these short speeches, just openly critical, playing the blame game. I think we ought to as a group, we ought to take the lead on that to say, you know, it is time because it does not matter who wins or loses in the political blame game here. What matters most is that this institution is sinking in esteem and that our young people are seeing the wrong thing, and we need to take that off.

I like your V-chip idea. We ought to V that right out. We ought to get that right off the page here. Both parties would not be any better or any worse off if we did away with that because each party gets equal time, and they are basically just blaming each other. I do not think the people out there in the hinterland, whether they agree or disagree with people, much care for that kind.

Mr. DICKEY. Mr. Speaker, I do not think we respect ourselves when we do that. I think we walk over here saying, boy, but there is a feeling that settles in that I miss the point by doing that.

Mr. BLUTE. Some of the debates I think we all agree that we walk into here coming from our offices, we cringe at the level that it has sunk to because we may have been en route here.

Mr. TAUZIN. If the gentleman will yield, you know, Americans like a good fight. We are not talking about not having some good healthy fights over issues. We are not talking about, you know, some little-pinkie gentility in this Chamber. We are not talking about being less than healthy, hearty debaters on the issues that face America.

There are some enormous divisions in this body and in America on many of these issues. There is an extreme need for us to debate those things in a healthy fashion so that we either come to closure or realize we cannot, one or the other, and then we let the American people settle it in the next election.

That is all healthy. We ought to have those vigorous, hearty, healthy debates. Americans ought to see a good battle on this floor of ideas, not of personalities. You ought to see a healthy fight when it comes to what is right and what is wrong in terms of legislation, but they ought to never see, they ought never see us behaving like Boy Scouts without a troop leader.

Mr. DICKEY. I agree with that. Now you know, let us say something that is positive here. We are having an enormous change in our Nation. You know, ZACH was talking about it is a mirror image. But what the people of America see when they see us debating here is a change that cannot take place in any other government in the world. We are changing. I mean, we have cut $40 billion out of the budget this year, you see, for this year. We have cut spending like we have, and how have we done it? We have done it through debate, and there are some people that are still suffering. There are still some people that are still bitter, and reconciliation is a real key.

But let us change topics a second. What can we do, what permission do we have from our voters to get to know each other than on this floor, and how is the best way to do it? Now, I think we have thrown aside the trips that we take for pleasure and all the things, all the excesses that way. But what are some of the things, because that is what happens, is when you sit there and you know that you have been at a prayer breakfast with so and so, or you have been on a committee with so and so. But what can we do to promote our getting to know each other better away from the floor?

Mr. WAMP. Amazingly, as a freshman, it shocked me when I got here how from the day you are here as a new Member they separate you, Republicans over here, Democrats over here. Republicans get this training, Democrats get this training. The freshman class did not even meet as a freshman class. It was the Republicans over here the Democrats over here. And so the only way to build bridges is one on one, interactively. We even sit over here, they sit over there.

Mr. Speaker, I mean, that is amazing to me because, as BILLY said, we all had to fight the same fight to get here, and we all represent the same number of people or thereabouts, and so I think you have to.

I am in a weekly small group, bipartisan, Democrats and Republicans. We meet every week to just walk through the problems with our lives here and to hold each other accountable while we are separated from our families, while we are here. It is a great thing, and it is bipartisan. Some of my greatest relationships here: MIKE DOYLE of Pennsylvania and BART STUPAK of Michigan, are Democrats, are in my small group. Some of my greatest relationships now have been built with my friends from the other side of the aisle.

I think these small group efforts sometimes, if you exercise, you need to physically keep your body alive, you develop relationships exercising with friends from the other party. You mentioned the prayer breakfast. There are some retreats that are now planned in a bipartisan way so that people can build relationships because, once you build a relationship with somebody, you are not going to trash that person's ideas or ideology.

Mr. DICKEY. Let me ask you this. Do you not think that getting to know somebody away from here helps you with a perspective, too?

Mr. WAMP. Amen.

Mr. DICKEY. I mean, these trips are bad as we have seen the excesses, but getting away and looking back together about what we are doing here helps in the relationships, and I think it will help the dialogs if we do more of it.

Mr. TAUZIN. If the gentleman would yield, I think he has touched on a good point. The point is that we have separated one another by party in this place. We are led by party leaders who serve a dual function.

□ 2115

One of their functions is to represent their party on this floor, and party positions. The other function is to be the leadership of the House. They are two different functions. I think sometimes that gets confused. As leaders of different parties, I think they probably would like to keep us separate in that role.

But there is a bigger role they play, the leadership of the House, and perhaps we could appeal to them every once in a while to literally look for ways that would bring us a little closer; maybe, as this report indicates, to hold summit conferences, where we could talk about this obligation to this House, to one another, and to the folks who elected us; where we could literally get to know one another a little better.

I am always amazed when we do have these kinds of meetings, whether it is a prayer breakfast or whether it is a joint meeting, a gathering, a coalition of mainstream Republican members, how once we learned a little bit more about one another, not only does our respect deepen, because everybody comes over here with so much experience and talent, and when you learn about it, you say, ''Wow, I did not know that about you. I did not realize you had that much to offer.'' We are surprised sometimes about what quality people you find here. It does get harder then to debate with them and be ugly to them.

Mr. DICKEY. That is the excess. The excess of congeniality can be harmful, too. That is the balance.

Mr. BLUTE. If the gentleman will yield, many of the senior Members, reflecting back on their long careers here, mention that ''In the old days we used to get along, we used to do other things, so that our wives knew each other, our husbands knew each other, our spouses.'' So yes, I think in recent years there has been a separation, as the gentleman from Tennessee, ZACK WAMP, said.

I remember when my freshman class in 1992 came, we did not get a chance to do anything together, either, between the freshman Democrat and Republican class. We called it separated at birth, that we were just kind of put in different camps, and it was months, really, before we ever got a chance to say, ''Hey, you got elected this year, too. How did you get elected? What issues did you talk about?'' Then you find out that many of them were the same issues, because we are reflecting, I think,

politically what the American people are thinking they want. They want change, they want reform, and they want reasonableness in our public policy and in our public debate.

Mr. DICKEY. Where are you all going with this?

Mr. TAUZIN. There is another thing we ought to mention before we conclude this special order tonight. That is that we all share some responsibility for the decline of civility in this place, for the decline of civility in politics in general.

A recent study by the Center for Media and Public Affairs, a nonpartisan foundation group, did a study of the 1996 Presidential race coverage. They found that it was so negative. They found that it was highly negative coverage, heavy but misleading coverage of the horserace, and much less attention on the meat, the debate that was going on between the candidates.

We are in an election year right now. We see too much of that, I think, in the coverage of this Chamber. C–SPAN now brings this debate to so many people's homes, and I think when we look at television coverage of our campaigns and we see that negativism, we think maybe they ought to see it on C–SPAN, too, and we emulate it here.

I think all of that contributes generally to the decline of civility, not only in our politics, not only in this Chamber, but in the society at large. I think ZACH probably said it best: We should be a better example for America. If we expect our children and our citizens to lead a more civil life, to not run each other on the road, and to insult one another and eventually drive-by shoot one another, we ought to start by being a little more civil in this Chamber, where they watch us every day on C–SPAN.

Mr. DICKEY. Where are you going with this now?

Mr. BLUTE. We are closing out our special order now.

Mr. DICKEY. After this, what is the next thing?

Mr. BLUTE. Mr. Speaker, we are going to continue this. We are going to continue to pursue signatories. We have 70 cosponsors. We think, as the gentleman from Louisiana [Mr. TAUZIN] said, every Member should sign it. It is basically fairly basic stuff most people, I think, can agree with. It takes, I think, a commitment to try, and all of us have to do it.

Sometimes we get angry, sometimes we get upset at mischaracterizations on the debate floor, but it means thinking about, you know, let us keep this in check. I think this special order is a step forward, but also the pledge. We are also trying to get more people, so if you could help us with that, that would be very, very helpful.

Mr. TAUZIN. Mr. Speaker, if the gentleman will yield, there is nothing like peer pressure. If we all work to get each other to sign this pledge, and having signed it, to feel embarrassed when we violate it, we will have done one major step towards restoring civility in this Chamber. That is our first goal.

Our second goal is to see some of these recommendations of CRS enacted: The leadership reforms, the role of the Chair in educating the Members, the role of Members to help one another stay within the lines of decorum and, eventually, maybe some of the ideas you expressed tonight; maybe getting us together in a bipartisan way once in a while, just to know one another a little better and to learn to respect each other a little more.

Mr. DICKEY. Thank you for including me.

Mr. BLUTE. We would like to thank all of the Members who came out tonight on both sides of the aisle to participate in this special order. We think it is an important issue, and we believe that the American people think it is an important issue. We are going to move forward on this.

Ms. PRYCE. Mr. Speaker, I appreciate the opportunity to talk about civility and decorum in the House of Representatives tonight because I believe it is a very important subject. I want to thank my friends and colleagues, PETER BLUTE and PETE GEREN, for organizing this special order tonight.

The Blue Dogs were originally organized to reach across the aisle and find bipartisan, commonsense solutions to our problems. As a member of the blue dog organization, I am dedicated to seeking new ways of cooperation between members of both parties to develop a solution-oriented approach to Government. A very important part of seeking a new level of cooperation is to create a more civil and cooperative environment for the exchange of ideas.

Since the establishment of this great institution, it has been recognized that courtesy and decency among Members of Congress was necessary in order to enhance the ability of the membership to hear opposing views in the process of reaching a consensus. Further, without the presence of civility and mutual respect, the process of legislating becomes much more difficult. Hostility limits creative thinking and the sharing of views so important to good government.

But all of these logical and worthy reasons for improving decorum pale in comparison to the reasons I would like to touch on this evening. You see, when people talk about civility and decorum in Congress, we commonly hear about past confrontations involving canes, guns, and even duels. Fortunately today we don't face quite such drastic measures, but I would submit that the general lack of comity and decorum on this very floor has a wide reaching impact that I urge my colleagues to consider every time they speak on this floor.

The reason for this is television. Whenever a Member of this body stands in this well to speak, he or she is not speaking only to other Members of this body, but they are also speaking to thousands of Americans throughout our country. All of us were elected to represent the American people. We owe it to the people we represent to conduct ourselves in a respectful and proper manner. If you think about it, we are all ambassadors of our districts.

As public officials and leaders, I believe we have a responsibility to conduct ourselves in a manner that is respectful to the American people. Every poll shows that the American people hold Congress in low regard. It is no wonder they hold us in such low regard when every time they turn on the television, they see an argument taking place.

Before running for Congress, I was a judge. I had a wonderful career in the law, where respect and dignity are highly valued. When I announced to my family that I was going to run for Congress, my mother was really shocked, and maybe a little disappointed. "Why do you want to go down there and join that sleazy institution?" she asked me. Well, I will tell you the same thing I told my mother. I came here to try and do everything I could to make Congress a place the American people can once again be proud of.

We teach our children to resolve their differences peacefully and civilly. We teach them to listen to others and to air their grievances in a positive, respectful manner. Many schools in our Nation today have conflict resolution programs that are aimed at teaching our children to resolve their differences through civil negotiation and compromise. It is time we start to practice what we preach. I passionately believe that one of the most important responsibilities bestowed upon every Member of Congress as a leader, is to set an example. We have set the wrong example for our children and for the American people. How can we expect our children to heed our appeals for respectful and compassionate conduct if we do not conduct ourselves in the same manner?

Many of the issues that we debate here on this floor have great national import. Members hold firm and passionate views about these issues. And they should. There is plenty of room for vigorous and energetic debate. And we should have that. But no matter how passionately one feels about a particular issue, it is no excuse for name calling or other uncivil conduct. I cannot emphasize enough my belief that we must—must set an example for the American people, especially for our children.

In closing, let me say that the issue of conduct on this floor goes beyond any single legislative fight. It even goes beyond the issues of decorum and comity in debate. This issue is about respect. Respect for ourselves and our views as well as respect for the views of those who may disagree with us. We owe it to ourselves to conduct business in a professional and courteous manner, but most importantly, we owe it to the American people.

So I would urge my colleagues to think, every time they step onto this floor to speak, to think about the example they want to set for the people of our country, especially the children.

A DEBATE ON INCREASING THE MINIMUM WAGE

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

Mr. FIELDS of Louisiana. Mr. Speaker, I want to also thank the gentleman to my right for their special order tonight, Mr. Speaker. I want to thank

them for their colloquy, and I want to thank them for such a great expression of the issues in terms of bringing this body to a level that this body should be at.

I am very encouraged by the gentleman's pledge, and want to pledge to the gentleman that I will be one gentleman who will sign his pledge, and I thank the gentleman for bringing it to the floor tonight to talk about it in a special order.

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

Mr. FIELDS of Louisiana. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman, my fellow colleague from Louisiana [Mr. FIELDS] and I go back a long way to his first days in politics. I want to say something publicly, CLEO, that needs to get said, I think.

You have made an incredible and enormous contribution to politics in Louisiana, and to government, and to this body, and I want to thank you for joining and signing this pledge. You and all of us, I think, signing it and being a part of it can help make it real and help make this place a better governmental institution. I know that was one of your goals when you came here. Thank you for that, CLEO.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman for his words of encouragement. I want the gentleman to know that I want to continue to work hard to remain in this body and to remain a force to change not only the conditions of this country, but the way we do business as Members of Congress.

I also want to expressly thank the gentleman from Arkansas [Mr. DICKEY] who has agreed to be a part of this colloquy tonight on an issue that is very important to me and an issue that is very important to people all across this Nation, and also the gentlewoman from Georgia [Ms. MCKINNEY] who is going to be joining in this colloquy tonight on the issue of minimum wage.

Mr. Speaker, I am here tonight to talk about the minimum wage, and why I feel that we should raise the minimum wage. There are people, Americans in this country who work hard every day. They wake up early in the morning, they go to work, they work a 40-hour work shift every week, and they go home. At the end of the day they are still poor. It is not because they are lazy, but it is because we must raise the minimum wage.

I am here tonight to offer a plea to this Congress and to you, Mr. Speaker, on behalf of the millions of Americans who cannot afford to buy the food at the restaurant that they work at on a day-to-day basis, they cannot afford to sit at the tables that they clean, they cannot afford to sleep in the beds that they make up in hotels, because they cannot afford to check in that very hotel.

They cannot even afford to go to colleges and universities and send their kids to colleges and universities that they work at as custodians and janitors. I am here tonight to offer a plea for those millions of Americans, who come in all shapes and all sizes and all colors.

Let us take this Congress. We as Members of Congress, we make about $550 a day. To have the audacity to come on the floor of this House and say that people who make $680 a month do not deserve an increase to me is wrong. Tonight I offer a plea for those millions of Americans, because I do think that they deserve a minimum wage increase.

I call upon Members from both sides of the aisle to look at this issue and give it some serious consideration, because in all frankness, Mr. Speaker, these people have not had an increase for 5 years. If we look at the history of the minimum wage when it was passed, the act when it was passed in 1938, when this Congress passed the Fair Labor Standards Act, the wage was set at 25 cents. Then this Congress came back and changed the minimum wage 17 times. Seventeen separate times this Congress voted to raise the minimum wage. Now it has been since 1991. The last time the minimum wage was raised in this country was in 1991, so this country has gone 5 years without a minimum wage increase. I think it is long overdue.

If we look at the history of the minimum wage, we will find that the minimum wage was increased on an average of about every 3½ years. We are now at 5 years, which means we are a year and a half late on raising the minimum wage. Why do we raise the minimum wage in the first place? Why did this Congress raise the minimum wage, or even start a minimum wage in 1938? It is because it is no more than fair to give people the opportunity to earn a decent wage.

No one would sit or stand before this podium or any podium tonight on this floor and suggest that inflation has not gone up in the past 5 years. It would be a bit crazy, for lack of a better word, for us to think that a person can buy a loaf of bread in 1996 at a 1991 price. It would not be fair for us to even assume that a person can buy a gallon of milk in 1996 for a 1991 price. If inflation is moving up on an average of 3 percent a year, then it just makes basic sense to give those working people the opportunity to earn a decent wage.

The other thing I want to talk about is welfare reform. People talk about it, that we need to put people on payrolls in this country and get them off of welfare rolls. I think they are right. There is not a Member of this Congress who does not want to get people off of welfare more quickly and sooner, in a compassionate way, than I do. But we are saying, ''Get off the welfare rolls and go on the payrolls,'' but we do not want to pay people for the work they do. The best way to decrease the welfare rolls, in my estimation, is to pay people for the work they do.

People need to make a decent wage in this country. Think about it; 34 cents a day. We have decent Americans, good Americans, who wake up. They want to provide health care for their children. They want to send their kids to school. They work in restaurants. They bus tables, they make beds, they mop floors, they work at gas stations, and at 40-hour work shifts a week, because they want to be productive. They do not want to be on the welfare rolls. We criticize these people because we do not want to even give them an opportunity to be paid for the work they do.

I am happy that the gentleman from Arkansas [Mr. DICKEY] is here, who will talk about some of the reasons why we should not raise the minimum wage, and I am going to yield to the gentleman in a minute, but before we do, I am going to yield to the gentlewoman from Georgia [Ms. MCKINNEY] who has joined us to talk about the minimum wage increase as well.

I notice that the gentlewoman earlier tonight was on the floor talking about the need to raise the minimum wage. I want to thank her for her tenacity, and I want to thank her for her commitment to try to give people a decent wage in America, because in my opinion, that is just no more than fair. If we want people to get off of the welfare rolls and go to payrolls, then the very least we can do as a Congress is to make sure that they get paid for the work they do.

Mr. Speaker, I yield to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. First of all, Mr. Speaker, I thank the gentleman for securing this time so we could have this discussion about raising the minimum wage. I have a quote here: ''A living wage for a fair day's work is a hallmark of the American economic philosophy.'' I do not know if the gentleman knows who said that. It was not some left-wing person, it was not a person who is out of left field. These words were spoken by BOB DOLE in 1974: ''A living wage for a fair day's work is a hallmark of the American economic philosophy.''

Yet, Mr. Speaker, in 1996, we have the House majority leader saying, ''I will resist an increase in the minimum wage with every fiber in my being.'' We have the House Republican whip saying, ''Working families trying to get by on $4.25 an hour don't really exist.''

□ 2130

And then more recently we had the Republican Conference chairman say, ''I will commit suicide before I vote on a clean minimum wage bill.''

Now, we have had some folks who have come to us with an economic argument and they have said that this is bad for the economy. Well, we have 101 economists who have signed on to the call for a higher minimum wage. Among those 101 economists are 3 Nobel prize winners. Those economists range from Henry Aaron at the Brookings Institution to Kenneth Arrow at

Stanford University to David Blanchflower at Dartmouth College; Lawrence Klein, University of Pennsylvania; James Tobin of Yale, John Kenneth Galbraith of Harvard. We have got people who have received the world's highest honor and they have said that the minimum wage increase is the right thing to do. At the same time that we were talking about not raising the minimum wage, not even allowing the vote to come on the floor, at one time there were even proposals to cut the earned income tax credit.

So I believe that this is the right thing to do and I am pleased to join with my colleague from Louisiana, and I am anxious to hear my colleague from Arkansas who is my good friend, and maybe I should not say that out loud, but this is the hour of civility, so I ask my colleague from Arkansas to join us.

Mr. FIELDS of Louisiana. I thank the gentlewoman for her presentation.

Before I recognize the gentleman from Arkansas, who is a distinguished gentleman for whom I have the utmost respect, as a matter of fact he and I have shared planes on a number of occasions. As a matter of fact, as recently as this last week, we took the same route here to Washington. I want to thank the gentleman because it is very honorable of the gentleman to stay as late as he is staying to talk about an issue that certainly I feel very strongly about and, of course, the gentleman feels very strongly about, as well.

I want to talk a little bit about, and then I want to yield to the gentleman from Arkansas, because I think he may be able to shed some light on this. Because I have heard those who are against raising the minimum wage assert the argument that it would in fact decrease jobs particularly among young people. That it would also have an adverse effect on the economy because people will in fact lose jobs.

My assertion and my belief is people did not lose jobs when we raised the minimum wage the 17 times that we did raise the minimum wage in the past, and young people were not thrown out of the work market, which, and I will be quite honest here, as one of the youngest members of Congress, I fight for and advocate for every time I walk on this floor. They did not lose their jobs then, and I suggest that they would not lose their jobs now.

If we look at the economy, and I am no economist. The gentleman has been around a lot longer than I have been around, and he has read many more books than I have read because he has been around a lot longer. But I can tell you, it just makes practical sense to me that if you give a person more buying power, then that person will probably buy more.

So to say that people will lose jobs as a result of raising the minimum wage to me does not make much sense because if you raise the minimum wage and give a person more buying power and give those producers the opportunity to come in and then take advantage of the products that we have to offer, the goods and services that we have to offer instead of at $4.25, at $5.15, then it just makes sense that that will in fact generate more money in the economy.

I have heard the argument, also, that you will also cause prices to go up. Well, I believe in the free enterprise system, and I think that our consumers are smart enough and wise enough to know where to shop and where not to shop. At hamburger stand X, if we have enough insight to raise the minimum wage, if this Congress raises the minimum wage, if hamburger shop X decides to send the price of a hamburger from 90 cents to a dollar, I just fail to understand the logic of hamburger X raising that price of a hamburger without assuming or making the assumption that every hamburger stand in that location or locality will raise the price of hamburgers as well.

As a former businessman it would just make sense to me to keep my hamburger at the same price provided that I can and if I have as good a burger as hamburger stand X, then I would suggest that people would come and buy my burger and if enough people buy my burger then hamburger stand X will reduce its burger to a reasonable price. We talk about how we let the free enterprise system grow and work and give consumers the opportunity to make decisions. I just cannot see how people are going to lose jobs if we raise the minimum wage.

Let us take it another step. Let us say the hamburgers go up, the price of goods and services go up. You are still going to have to have people who are going to produce these products, who are going to be in these service jobs, to cook the hamburgers, so forth and so on. So people are not going to lose jobs. And if you give a person $5.15 versus $4.25, and you raise the burger by a penny, then that money goes into the economy.

I am going to yield to the gentleman because I know the gentleman would like to shed some light on why this will cause an adverse effect on the economy. At this time I yield to my distinguished friend from the State of Arkansas.

Mr. DICKEY. Thank you, Mr. FIELDS.

On the question of congeniality, as you started your statement, I would like to go back to that a second.

The race you ran for Governor and the respectful way that you did not trash your opponent, you did not bring issues out that would demean the voting populace was a credit to our Nation and I want to thank you. I am your neighbor on the north. I heard about how you handled yourself in that race and I think it was just absolutely wonderful and it is an example of congeniality. You lived it, you did it in a race. And I think what the gentleman from Louisiana [Mr. TAUZIN] was talking about, you really contributed. I want to thank you for that. I also want to thank you both for letting me get in this discussion with you. I think you just kind of want to pick on me, though, particularly CYNTHIA, the gentlewoman from Georgia, Ms. MCKINNEY.

But let me try to bring a perspective, if I can, to this, and when I run out of time, you just tell me that, if you will.

This is really an issue, and let me tell you this. I am an employer. I have two restaurants, and most of the people I hire are first-time employees when they come to work for me. I have been in that business since 1962 really. I had an ice cream shop and I now own two Taco Bells. I do not sign the payrolls now, my son does, but I do know the issues. If you all could do this, please do not completely draw conclusions until you think about what it is like to sign a payroll, what it is like to sign the front part of a check. It is a difficult thing to do in this world today, in America, with all the regulations, with all the forces and everything else, and it does come down to where you have to make some decisions, and it is not a decision that is based on greed or trying to make so much money most of the time, even though we do have excesses.

What I am saying to you is what is happening is that we are not taking the view of that person who is the payroll signer, that person who is battling all the issues. The insurance can go up, taxes can go up, real estate taxes, regulations, and I know regulations about just taking grease out requires an enormous amount of paperwork. If you look at the perspective there, you are going to see what the problem is when the Federal Government comes in and says, ''Though productivity is not an issue, we want you to give a raise. We want you, because we decide, we want you to give a raise to these people who are working for you now but we're not going to give you the money to do it. In fact, we're going to charge you more taxes than you had before because you're going to have to pay the payroll taxes on a higher amount for those people who are just coming into the work force.''

Now, this may be a statement that you do not agree with, but there is not a person who I hire who has ever had a job at $4.25 who is worth $4.25, not one person. Either they have worked somewhere else and you have to untrain them from what they are doing and train them for your way or you have to start them on a pattern of training and you have to put somebody with them, you have to attach somebody with them. So they are not worth $4.25. Where they reach the point that they are worth $4.25 is up to them.

So what we are saying is if in fact they are entitled to a raise, it will happen, not by what the employer says, not by what the government says, not by what some politician says but what the consumer says.

Mr. FIELDS of Louisiana. Will the gentleman yield on that point?

Mr. DICKEY. Sure. It is your show.

Mr. FIELDS of Louisiana. If the gentleman would just answer a few questions for me so I can understand exactly what mode of operation the gentleman is in in terms of his philosophy on the minimum wage.

Does the gentleman believe that there should be in fact a minimum wage irrespective, and let us not get into whether or not we should raise it now or in the future. Does the gentleman believe that this country should have a standard in terms of what is the minimum wage for an individual when they enter the work force?

Mr. DICKEY. Are you asking me as an employer or as a politician?

Mr. FIELDS of Louisiana. I am asking you as a human being. As either. As a human being, do you think that this Congress should have a standard in terms of a wage when a person enters the work force?

Mr. DICKEY. If you want an answer from the politician's standpoint, we are past the point of debating that. It is behind us. We must have a minimum wage.

Mr. FIELDS of Louisiana. If the gentleman would agree to that, then let me just go to first base. The gentleman knows that this country, the American workers, have not received a minimum wage increase since 1991, and I am sure that the gentleman would agree with me that the cost of living between 1991 and 1996 did not go down but it went up. As a matter of fact, inflation is on the average 3 percent a year. So if that is the case, then the gentleman would have to agree with me, or it appears to me that the gentleman would have to agree with me that is just makes basic sense that those low-paid workers, those minimum wage workers deserve the opportunity to have their increase, not commensurate with inflation but in 5 years they are overdue for an increase. Would the gentleman not agree to that?

Mr. DICKEY. What I need to do is I need to keep going. Let me go through this whole thing if I can from the perspective. Let me say this. As a politician, the minimum wage exists and we have to have a minimum wage.

Now what I am saying to you as far as the economy is concerned, it is destructive of the economy's best interests. As an employer, I would say that I could take the case that employees are worse off with a minimum wage, whatever it is, than they would be if we did not have it at all.

Let me see if I can explain the whole thing before you gang up on me, okay? Can we do that? What I am saying to you is from the perspective of the employee, the problem with the minimum wage is that we are giving them an idea that that is the maximum wage. If an employee stays in the employ of an employer to a certain point and does not reach higher productivity than the minimum wage, they probably should be terminated.

Because what is going to happen is the consumer, and you all are not looking at it probably from the standpoint of the consumer, the consumer does not want somebody who is not trying to improve, who does not want to try to reach a higher level of achievement and does not want to please them. If someone is working for a minimum wage and waiting for politicians to come in and give them their raise, if they do, then you are going to have poorer service and you are going to have a lackluster type of performance.

What we are not doing is discussing the productivity of the employee. That is where the problem is. The minimum wage gives that employee some problems because it says, ''You don't have any more incentive than that.'' On this segment of this, there should not be one employee who says, ''That's all I'm going to get.'' They should think about it as being, ''This is the way I'm going to learn, I'm going to get a reputation, I'm going to move on to something else or I'm going to move up in this particular operation.''

Let me go further. Let me tell you about the employer. The employer is the one who is taking the risk and he or she is the one who is paying the tab. After the consumer decides to buy from them, then the employer is paying the tab.

□ 2145

The employer for too long has been put aside in the wings and the employee is put at center stage. We have got to start considering the plight of the employer in this particular exercise or discussion, because they are looking at taxes, taxes, taxes; regulations and regulations and regulations. They are thinking about retiring sooner. They are thinking about getting out of this business about helping to meet a payroll.

What is going to happen is if we do not start paying attention to the employer, we are not going to have any employers, and the employer is looking at their taxes and what they are going to right now. The money is being taken from them, they are having troubles with trying to improve or to expand, the money is being taken and given to politicians and then given to people who will not work.

But the problem is that we are now putting the employer in competition with the Government. We have to go and say to somebody to come to work, will you come to work for us at whatever wage it is, and they say I can get paid more by staying at home.

I will be glad to step down and leave, but what I am saying to you is we need to bring the attention to the employer, he is competing against the Government, the Government is taking taxes from him to give to people, not to work, so that he cannot get them to compete with other employees. So what we have here, if we have a minimum wage increase and if you will agree it is going to cost jobs, we are going to have the workers who are working at that job with less fellow workers, their stress level is going to be higher, their fatigue is going to be higher, they are going to have the demands of the consumer and the employer at the same time, and we lose in the process. The employees lose.

So what I am hoping that you all will see is that the plight of the employer has to be taken into consideration because that middle class employer has been neglected for years and years and years, and he or she has been given promises of tax relief, of regulation relief, and been given promises for years and years and years, and all that really has happened from Government is you are making a profit and you should give that profit to somebody else. We are going to have people getting out of that business, not paying into the Government, but getting money from the Government if we continue to negate that person and not have compassion for that person.

Mr. FIELDS of Louisiana. I thank the gentleman. I certainly do not want the gentleman to leave. I just wanted a colloquy among all of us. But let me just make a couple of comments before I yield to the gentleman from Illinois.

The gentleman stated that he did not believe or feel that we should have a minimum wage at all. That being the case, you take some of these countries across the world that this Congress has passed legislation to even try to censure. You have countries that make Nike tennis shoes at the cost of paying employees 50 cents and shipping them to the United States of America and selling them for $80 to $110 a pair. Certainly the gentleman would not suggest we ought to have that type of slave labor right here in the United States of America.

First the gentleman said he was in favor of a minimum wage. Then the gentleman said we should not have a minimum wage at all. I would only suggest to the gentleman that I think a minimum wage is the right thing.

Now, lastly, finally, the gentleman stated that it gives employees some sense of knowing that the Government will reward you for an increase versus the increase being dealt with on merits. Let us be realistic. I do not think if we increase the minimum wage that employees for some reason or another are going to sit back and wait for the Government to pass another minimum wage in 6 months or 1 year after that in order to get an increase in salary. We know that all these jobs are on a competitive basis and merit. That is not going to take away the merit system from the private sector. Employers will give increases based on the productivity of that worker.

You are a businessman. You own several restaurants. You have had to operate under the minimum wage. It was the law when you had your business. You had to pay employees, you could not pay them below that minimum wage. You gave employees, I am sure, an increase, and it was not based on the Government saying you had to do

it. You gave the employees an increase based on their self-worth, their ability to do the job. The Government had nothing to do with that. To suggest that is going to take away that now, it did not take it away then, to me is not a fair assumption.

Mr. DICKEY. Mr. Speaker, if the gentleman will yield, how much minimum wage do you think we ought to have? $5? $10? Why would you stop? If there is a profit in the business under your theory, why stop at $25 an hour? I am serious about this. Where do you say, OK, I am not going to take any more from the employer, even though I have compassion for the man working 40 hours a week, where, say between $5 and $25? Why would you stop going up to $25 if you really had compassion for the employee?

Mr. FIELDS of Louisiana. Realistically speaking, you have to do it based on inflation. You have to take inflation into account. I would never say that the minimum wage of this country should be $25 an hour now, henceforth and forevermore. That would not even make basic sense. The reason why is because a loaf of bread 20 years from now may cost $50. So that would not make economic sense nor would it make basic sense.

I want to thank the gentleman from Illinois who has been waiting so patiently. I want to yield to the gentleman.

Mr. JACKSON of Illinois. Mr. Speaker, let me thank the distinguished gentleman from Louisiana for being kind enough to allow me the opportunity to participate in this special order. I also want to thank and indeed indicate it is a privilege to have the opportunity to serve with the distinguished gentleman from Arkansas in this body. I can assure him as we engage in this colloquy on the minimum wage that we are not going to gang up on him.

Mr. Speaker, I heard the debate taking place from my office and I wanted to come down and try and put, at least as I see it, the minimum wage in a particular context, a context that all too often we do not discuss in this Congress.

Let me say the very first thing, I think it is important for the purposes of our colloquy that we need to be aware that half of all of the financial assets of our Nation are owned and held by the top 10 percent, and the richest 1 percent of that 10 percent owns almost 40 percent of the Nation's wealth.

Are we aware that nearly 80 percent of the assets of the top 1 percent are owned furthermore by the richest one-half of 1 percent, about 500,000 families? The distinguished gentleman from Michigan, Representative OBEY, not long ago indicated, and he certainly has the documentation, that the holdings of those 500,000 families was worth $2.5 trillion in 1983. By 1989, it had risen to $5 trillion. To put that into perspective, the holdings of those families grew by almost three times as much as the national debt grew during that same period.

You want to talk about reducing the deficit and the debt? Those 50,000 families could have paid off the entire national debt, not just its growth, and still have owned 10 percent more wealth than they did in 1983. Remember, that does not include the increase in their wealth due to a doubling of the stock market since that time. Now we are talking about cutting even more from the poor so they can provide more tax breaks for the wealthy and do not want to give poor working people a raise in the minimum wage.

Let us put the minimum wage, Mr. DICKEY, in this particular context: The Federal minimum wage was signed into law by President Roosevelt in 1938. The Democrats' current proposal would increase the minimum wage from $4.25 to $5.15 over 2 years through two 45 cent increases. The last increase passed overwhelmingly by bipartisan vote in 1989 and was implemented in 1990 was also a 90-cent increase in two 45-cent stages.

Full-time, minimum wage workers earn $8,500 a year, and a 90 cent increase would raise their yearly income by only $1,800, as much as the average family spends on groceries in over 7 months, to $10,712.

Currently the purchasing power of those earning the minimum wage is at a 40-year low. In discussing the minimum wage, we are not talking primarily about high school and teenage workers. We are talking about 12 million people who will benefit from a 90-cent increase in the minimum wage, two-thirds of whom are adults over 20 who bring home half of their family's earnings, and the majority of the minimum wage workers are women.

For example, in the State of Michigan, 324,000 workers, representing 11.9 percent of all hourly workers in the State, will benefit from an increase in the minimum wage. Even Henry Ford understood that his workers had to earn a livable wage that would allow them to buy the cars that they built so they could even build more so that he could even make more money. Certainly the Henry Ford example is certainly indicative of how employers should certainly see an increase in the minimum wage.

Let me put this in one last context and then engage in the colloquy along with the gentleman from Arkansas and the gentleman from Louisiana. A 90-cent per hour raise to 12 million people will add $10.8 million an hour to the purchasing power of workers. It will add $432 million a week in consumer power to the economy. It will add $22.5 billion a year to the spending growth of our Nation's economy. And even though we contemplate this whole notion of raising the minimum wage so that more Americans can provide for their families, indeed take care of the kind of basic necessities that families indeed need, I am just taken aback when I think about the debate in this Congress, about raising the minimum wage to provide more security for American families.

And then I think about the auction last week. Imagine this, according to Time magazine, pearls, not even real pearls, estimated at $500 to $700, they sold for $211,500. A rocking horse, a little horse, estimated at $2,000 to $3,000, sold for $85,000. Even the Terminator purchased five McGregor golf clubs, just five of them, $772,500. Three pillows worth about $50 to $100, $25,300. Pearls estimated at $75,000 sold for $250,000.

So I think when we talk about the minimum wage, we also have to recognize that there is a group and a facet in our society that is enjoying tremendous luxury and tremendous wealth, and they are, quite frankly, not paying enough taxes. Any time we can pay golf clubs for $772,000 and there will only be five golf clubs, you cannot even get a good game out of 5 golf clubs, that certainly suggests the kind of inadequacies that this body must address by allowing working people who work in stores, who drive taxicabs, to be able to work their way out of their conditions.

Not all of us can afford a big movie. Not all of us can afford the opportunities that have been afforded Members of this body. The only way we can change that is to have some legislation that is sponsored in this body to change the conditions of working people. I thank the gentleman for yielding.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman for his comments. As the gentleman pointed out, many of these minimum wage workers are women. I mean, almost 60 percent, about 57 percent of the people who earn minimum wage, are female. These are the people who wake up every morning and go to work.

I think we also, whenever we talk about the minimum wage debate, if you are for getting people off of welfare, then I just cannot understand how one cannot be in the same breath for raising the minimum wage. One of the best ways to get people off of welfare is to pay the people for the work they do.

We have been joined by the distinguished gentleman from New York, the gentleman who has advocated the raising of the minimum wage long before I was elected to this Congress, a gentleman who is a strong advocate of not only the working people of this country, but of educators, who was an educator himself. I would like to yield to the gentleman from New York [Mr. OWENS] for as much time as he may consume.

Mr. OWENS. Mr. Speaker, I thank the gentleman for taking this special order. I serve on the Committee on Economic and Educational Opportunities as the ranking Democrat on the Subcommittee on Workplace Protections, which is directly responsible for the minimum wage, so I have quite a file on the minimum wage and have been living with it for some time.

The bill that is presently out, sponsored by Minority Leader GEPHARDT and the ranking Democrat on the Committee on Economic and Educational Opportunities, Mr. CLAY. That bill calls for an increase of 90 cents over a 2-year period, and I must say that I am awfully sorry that at its last count we only had about 125 people who are cosponsors of the bill. I hope we will have more cosponsors, not only from the Democratic side, a complete cosponsorship, but also some of the Republicans who have decided that this is the humane and sensible thing to do will also join us and will get on with the business of giving the lowest paid workers in America a 90-cent increase over the next two years.

It is a very conservative approach. We have an economy right now that is booming. From Brownsville and Brooklyn in my district, to Mapleton, GA, from California to New York, we have an economy that is booming. Most of the workers in this economy are not paid minimum wage. They are paid above minimum wage. Yet the businesses that these workers work for are thriving. Everybody wants to get into the American business climate.

□ 2200

We appreciate that our entrepreneurs and small businesses make up a tremendously large segment of the economy. Small businesses employ more workers than anybody else, but they are doing quite well from coast to coast.

And restaurant businesses in the parts of the country where the labor supply is less, it is a matter of supply and demand. Where you have more labor, they can afford, the businesses can afford to get away, or they can get away with paying lower wages. That is what happens. They have a lot of people who want jobs, so they pay the lowest wages.

Yet the restaurant businesses in the areas where they are paying the lowest wages, they are able to survive. And they cry, if we talk about increasing the minimum wage, that they will have problems, they may go out of business. And yet the same kind of restaurant business in another part of the country, where they are paying higher wages, is thriving also.

When the wages go up in another part of the country because the supply of labor is not plentiful and they have to pay more, they continue to profit. Businesses do not stay around if they do not profit. Nobody stays in business if they are not making a profit.

The size of the profit and whether or not a business stays viable or not is not dependent on just the wages paid. McDonald's and Burger King and a number of fast food restaurants are able to supply fast foods at tremendously low prices. In fact, there is a lady in my district that says she finds it cheaper to feed her kids at McDonald's. She cannot buy beef at the prices they pay for their beef, and she cannot feed her kid hamburgers at that price.

Mr. DICKEY. Will the gentleman yield, just for a question?

Mr. OWENS. No, I will not yield now.

There are some other factors that are involved that drive the prices down so low, as there is in many businesses. There are many other factors involved than the wages paid. We have a thriving economy, and we owe it to our workers to try to get a fair wage for them in those areas where the supply of labor is so great until the entrepreneurs, the business owners, are able to exploit that. They can get labor cheap, so they get it cheap.

Most people in the country are in areas where the labor supply is not so cheap and they have to work for a minimum wage. There are about 13 million people who still work for minimum wage, unfortunately, because they are in situations where they have to compete in a labor supply pool where they cannot get higher wages; or, in some cases, they may have a situation where if they were organized, they might be able to demand high wages because the supply of labor is not so much greater than the demand.

But the organization of workers has been thwarted in this country by our poor labor laws. Of all the industrialized nations, we have the worst labor laws. We make it more difficult for people to organize and for people to bargain than any other industrialized nation in the world. So we keep down the wages. And by having a minimum wage, a floor, we are only protecting ourselves as a Nation.

The Constitution talks about promoting the general welfare. Well, promoting the general welfare means the welfare for everybody, not just the entrepreneurs or businesses, or people who make a lot of money, who keep crying crocodile tears about taxes and about regulations. They are quite well off. And there are whole cadres of business people from all over the world who want to get into this economy and into this business environment, who think they can make a lot of money. I do not know why we have so many crocodile tears being cried by entrepreneurs in this business environment which is so favorable toward entrepreneurs. It is not favorable toward workers.

And one way you help workers on the very bottom is by having this much needed increase in the minimum wage which, when you look at inflation, we are still at an all time low in terms of the wage level of people on the bottom.

Mr. FIELDS of Louisiana. Since each of the gentlemen and the gentlewoman have made their opening statements, at this time I am going to allow Members to enter into a colloquy, and I notice the gentleman from Arkansas had a question of the gentleman from New York.

Mr. OWENS. I have been listening to the gentleman bemoan the fact, as a businessman, he is persecuted in America by taxes, by paperwork; he has to make out paychecks, and that is a painful experience. You should live the experience of the people that do not have any money to make out checks for. There are large numbers of people who would love to have your pain and your grief in terms of the difficulty of making out checks for payroll.

Mr. FIELDS of Louisiana. I yield to the gentleman from Arkansas.

Mr. DICKEY. Let me ask the question now. Let me ask the question, if in fact we are going to accuse people who have been successful, of what you just accused.

Mr. OWENS. I am not accusing anybody of anything. We need entrepreneurs and people to be successful.

Mr. DICKEY. I am just trying to ask a question, that is all.

Mr. OWENS. You are a good lawyer. You said I accused. Who did I accuse?

Mr. FIELDS of Louisiana. I yield to the gentleman from Arkansas.

Mr. DICKEY. I am asking a question, and any of you all can ask it. I won't ask the gentleman from New York; I will ask any of you: If we are to set up a role model for people to work toward in a capitalistic society, and if we are trying to get that message down to the lowest of the people in the economy and say, if you will work hard, this is what will happen, how can we encourage those people to get to where they can get in America? If they work hard, and that is the promise, you can do whatever you want to do in America and you can make it. How can we do that if we take the people at the top rung and say we are going to regulate you to death, and we want these people down here to know that you are the reason why no prosperity gets to you?

You see what we are doing? We are doing just exactly the opposite. We should be saying to people at the lower rungs, you can get there at the top. Look at what got them there. Use that as a role model and let the government stay out of the process of drawing attention.

Mr. JACKSON of Illinois. Mr. Speaker, let me thank the gentleman from Arkansas for that question, and at any point in time, my distinguished colleagues are more than welcome to try to answer that question.

Let us take a case study. Let us say a college student, who is working at McDonald's or Burger King, or at any particular minimum wage paying job, earning $8,500 a year, assuming they are working full time, from 9 to 5. And, obviously, they are not because they are a college student. $8,500 a year is not enough money to even pay off one's student loan to go to a 4-year, 1 year on a full academic scholarship costs more than $8,500 at a State-run institution.

So no matter how hard that student is working, and that we are promoting them because of their education, and that they have a serious work ethic, the reality is no matter how serious their work ethic is or their educational advancements or the opportunity that we provide for them, they are not able to work their way even to meet their

current obligations, which include their loans.

Let me say to the gentleman from Arkansas, I think that it probably makes sense, and I would like the gentleman from New York to possibly respond to this, why not look at the minimum wage and index it to inflation so that we do not have to engage in this debate every year and a half.

Mr. OWENS. We would have to go up to $6.25 an hour. If we put it on an index inflation now it should be at $6.25 instead of $4.25.

Mr. DICKEY. It is $7.18, I believe, is that it is.

Mr. JACKSON of Illinois. I would make the argument that we can avoid this debate and we can avoid rehashing this every 3, 4, or 5 years, since we are 1½ years past due on increasing the minimum wage, by attaching the minimum wage and indexing it to inflation so that the cost-of-living for working people, and we are not talking about people who are lazy and not working, we are talking about people who are working but at the end of a hard day's work they cannot change their economic situation.

Mr. FIELDS of Louisiana. Reclaiming my time, Mr. Speaker, I will yield to the gentlewoman from Georgia.

Ms. MCKINNEY. I just want to make a few points in closing, and I will yield to the gentleman here who want to dominate the debate.

The gentleman from Arkansas made some reference to productivity gains, and there have, indeed, been productivity gains experienced by our economy, except that in the past those productivity gains accrued to the community at large. Now those productivity gains are not accruing to the community, perhaps to stockholders and CEO's, but certainly not to the low-wage workers. And that is one argument in favor of protecting the interests of our low-wage workers.

I think we have also seen that the gentleman from Arkansas shares the opinion of his colleagues in the Republican leadership that he also fights the increase in the minimum wage or the concept of the minimum wage with every fiber in his being as well.

Mr. DICKEY. I did not say that.

Ms. MCKINNEY. The gentleman has said that we need to take care of the employers. I would posit that Congress is doing just that. When McDonald's can get $200,000 to advertise chicken nuggets, then I think we are taking care of employers. When AT&T can get $34 million, we are taking care of employers.

We have not begun to talk about corporate welfare yet. This Congress wants to repeal the alternative minimum tax, build more stealth bombers, defend Americans who renounce their citizenship in order to avoid paying taxes, and yet they want to deny poor folks, working folks a 90 cent increase in the minimum wage. Now, you know, you have to be a little bit less heartless than that.

Mr. DICKEY. Is that a question?

Ms. MCKINNEY. Well, it is a statement.

Mr. DICKEY. I understand you are saying I am heartless, and you know better than that. What I am trying to say, what I want the question to be answered is, why not encourage these people to improve rather than to say this minimum is the maximum? Why not do that? Why not give them a role model that means achievement and improvement?

Mr. OWENS. We are encouraging them to improve by saying we are going to pay you what you should be paid in this economy. In this economy you cannot live on $8,400 a year. You need more than that. You cannot live off $4.25 an hour.

So we are going to pay you for your work. We are not going to have you work at the level of a peasant or just above slavery just because the supply and demand is such that your employer can pay you that because he can always get more people. We want to have enlightened employers.

Mr. DICKEY. But where is the role model?

Mr. OWENS. We need employers who understand that it is better for them, like Henry Ford understood at a certain point that he had to pay his workers a decent hourly wage so they could buy the cars.

Mr. DICKEY. Would you please yield a second, the gentleman from New York, for a question?

Mr. OWENS. No, I will not yield. I will yield in a minute.

The SPEAKER pro tempore (Mr. MICA). The gentleman from Louisiana has the time.

Mr. FIELDS of Louisiana. I yield to the gentleman from New York and I will then yield to the gentleman from Arkansas for a response.

Mr. OWENS. An enlightened employer would know that paying the minimum wage helps the economy as a whole. These are very poor people and every dollar they make they are going to spend in this economy. They are not like the CEO's, who make millions of dollars and travel around the world spending their money somewhere else.

An enlightened employer would know that the effort we made in the last Congress to pass health care legislation would greatly help them in their woes. They would not have to moan so much if we had a health care plan which took care of everybody's health care.

We did not ask for a minimum wage 2 years ago because we were concentrating on a universal health care plan, which meant that the poorest person would also be able to have a health care plan and maybe he would not need an increase in the minimum wage.

Here is an opportunity where you might have helped yourself and helped the Government and helped the people who work for you if you had supported a health care plan. But most employees are not enlightened. they can only see tunnel vision, and we need to give them some help in understanding how the economy really works in the rest of the world. The economy works for everybody. The workers at the lowest level——

Mr. FIELDS of Louisiana. Reclaiming my time.

Mr. DICKEY. Teacher, can I ask a question?

Mr. FIELDS of Louisiana. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentleman from Louisiana has 8 minutes remaining.

Mr. FIELDS of Louisiana. If the distinguished gentlemen from Arkansas, New York, and Illinois, and the distinguished gentlewoman from Georgia would allow me to now operate on a controlled time basis, at this time I yield 1 minute to the gentleman from Arkansas.

Mr. DICKEY. All right, this is the question I want to say in 1 minute, and thank you, teacher, for letting me.

If this plan that you have for raising the minimum wage, if, just give me that, if it, because of the increased costs of the wages and on the payroll and the taxes that comes, if this causes a taco to go from 89 to 90 cents, 1 penny, proportionately who suffers the most?

What I am saying to you all is that we have increased costs and inflation because of this, because all of the elements come into an operation, the delivery costs, the costs of the goods that come in are increased, everything is increased. It is an incremental thing. It comes up.

The harshest thing you all are doing when you do this is penalizing disproportionately the lower people on the rung of the economic scale because they have to go. If that is the case, how do you answer the question that inflation is going to hurt those people? When you say you are going to help them and you use them, in my opinion, to try to increase taxes and try to balloon the size of Government, you use that argument, they, in fact, will be suffering the most by inflation. What do you say about that?

Mr. FIELDS of Louisiana. Reclaiming the time, I yield to the gentlewoman from Georgia for 1 minute.

Ms. MCKINNEY. The bottom line on what I say about that, we all know that crime doesn't pay, but if you happen to work for Congressman DICKEY your work doesn't pay either.

□ 2215

Mr. FIELDS of Louisiana. Reclaiming my time, let me try to respond to the gentleman's question.

Ms. MCKINNEY. I am just playing.

Mr. FIELDS of Louisiana. The gentleman has a very legitimate question and my response is very simple. I know that the gentleman would agree with me that most countries across the world try to pattern themselves, all of them, most of them, admire the work

that we do in the area of business. Would the gentleman not agree with that?

The gentleman does agree. He is shaking his head.

Mr. DICKEY. That is correct.

Mr. FIELDS of Louisiana. That is a yes. They in fact look at us as role models for the most part. Is that not correct?

Mr. DICKEY. That is correct.

Mr. FIELDS of Louisiana. The gentleman would agree. We do not have companies and workers across the world looking at America saying we do not do our business correctly. For the most part, think we do a pretty good job at it.

Let me take the gentleman through the history of minimum wage for a second. It did not hurt then, and I would suggest to the gentleman it is not going to hurt now because, first of all, it is not going to take away the competitive angle of the work force. Individuals must still be competitive. They will be rewarded based upon their merits.

Public Law 75–718 was the first minimum wage law, 25 cents. Then in 1939 it moved from 25 to 30 cents. In 1945 it moved from 30 to 40, 40 cents. Then in 1950 it moved to 75 cents. It was still competitive then. Employees were still working and getting their just due in the merit system, and it did not have a devastating effect on the economy and certainly did not have a devastating effect on the American workers.

Let me ask the Speaker, inquire in terms of how much time the gentleman has remaining.

The SPEAKER pro tempore (Mr. MICA). The gentleman from Louisiana has 4 minutes remaining.

Mr. FIELDS of Louisiana. Because I would like to yield 1 minute to each of the gentlemen and gentlewoman before I leave, before we close.

It moved from, I will put it in the RECORD, up to 1991, it moved from 25 cents in 1938 to $4.25 in 1991. And certainly the gentleman is not suggesting that employees are coming to work waiting for the Government to raise their wage and not working hard, not trying to be promoted on jobs and waiting for this Congress to raise their wage. The gentleman is not suggesting that.

Mr. DICKEY. I am.

Mr. FIELDS of Louisiana. If the gentleman is suggesting that, I would suggest that the gentleman is wrong.

I am going to yield 30 seconds to each of the gentleman and the gentlewoman for closing. I first yield to the gentleman from New York.

Mr. OWENS. It is an insult to workers who make the minimum wage to say that they are there because they are no good, they cannot improve themselves. My father is one of the smartest men I ever knew. He worked in the Memphis furniture factory all his life, never paid more than the minimum wage. He went to school to the sixth grade. He was the smartest man. When the machines broke down, he made them operate. He understood the mechanics. They had to come get him when they laid him off because of the fact the machines could no be run by anybody else, yet they still never paid him more than the minimum wage because the supply and demand was such that they could get people who would work for the minimum wage.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. DICKEY. Mr. Speaker, I would yield my time.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Let me thank the gentleman from Louisiana for this opportunity. I want to make sure that we are focusing and keep the minimum wage debate in a particular context. The context is, once again, the top 500,000 families, their net worth in 1983 in this Nation was $2.5 trillion. By 1989 it had risen to $5 trillion.

Those families, those business people, they witnessed an increase in their standard of living. They have witnessed an increase in their earnings and in their wage earnings. That is a crowd that paid $700,000 for golf clubs, $300,000 for fake pearls. They need to pay more taxes, which is good. It is American because they are benefiting from America.

At the same time, we need to raise the minimum wage of people who do not have the same opportunity that those 500,000 families do.

Before I yield back the balance of my time, I just want to show this.

Mr. FIELDS of Louisiana. The gentleman has no time.

Mr. JACKSON of Illinois. The distinguished majority leader has indicated he will resist a minimum wage increase with every fiber of his body. In light of the fact there are working people in our country that we upset about this, we ought to change that.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the distinguished gentleman from Illinois, and I yield to the gentlewoman from Georgia.

Ms. MCKINNEY. Mr. Speaker, I thank the gentleman for yielding.

I say we need to increase the minimum wage to a livable wage. We need to protect workers' rights and jobs. We need to decrease taxes on middle and low income families, and we need to encourage not just personal responsibility but corporate responsibility, too.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentlewoman from Georgia. I thank all the gentlemen and the gentlewoman for being here, and I want to especially thank the gentleman from Arkansas for being here tonight to participate in this colloquy. The gentleman certainly showed a lot of statesmanship and character in being part of this debate tonight, and I thank the gentleman.

In closing, Mr. Speaker, I simply say that Members of this Congress, all who I serve with and all who I have a great deal of respect for, when we go home each day we take in $550. Each day we work we get $550. A person on minimum wage only makes $680 a month. I just cannot see why we cannot give them a small 40-cent increase 1 year and another 40 cents the next year, so that they can buy bread and milk for the same price that we buy bread and milk.

I want to thank the Speaker and I want to thank the gentleman and the gentlewoman.

THE REPUBLICAN VISION FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RADANOVICH] is recognized for 60 minutes.

Mr. RADANOVICH. Mr. Speaker, I appreciate the opportunity to come speak to the American people regarding the important issues of the day, and I would like to start off by commenting on how important words are, I think in conveying messages. In my short term here in Congress, I am a freshman, I have been here a little over a year, I have learned a couple of vital things, and that is that we have to be very, very careful about the words that we say to make sure that they are communicating exactly what we mean to the American people, because words are very important.

It is in that spirit that I offer the following vision, in an attempt to determine a way to communicate to the American people the role and the mission of the Republicans here in Congress. If we can say things and put them down into easily understandable terms, using very symbolic figures, it can go a long way to explaining to the American people how we would like to go and where we would like to take this country. It is in that spirit that I offer this following vision.

Let me use the simple symbol of a chair to illustrate where we are in America and I think where the Republican Congress would like to take this country. In starting with something such as this, I think it kind of illustrates where America is right now. I believe that before we can entrust or get the American people's trust in following us, we have to accurately describe where America is right now, and this portrait of this chair is a good illustration of American society. So welcome to America.

Basically we have an unstable chair, something that does not provide very much freedom, something that does not provide very much security. This is really the condition of our country right now, I believe. You will notice the chair has four legs, but the problem is that none of the legs are the same size as the other legs on the chair.

Look at the government leg, way too long. Look at the family leg. It would be very easy to sell the argument to

the American people that the family unit has basically been decimated over the last 30, 40 years with the notions of the Great Society and the Great Society mentality that this Congress has been operating under over the last 40 years. Business institutions and religious and civic institutions in this country are not operating up to their fullest capacity because of the large leg that knocks everything out of proportion and creates much instability and insecurity in the society.

Take the next chart to further illustrate this in a different way, and that is by saying I think that it is safe to state that in America today our institutions are disproportionate to one another, and that is the basis or the cause of a lot of our civil and financial problems in this country.

You will notice in the government institution, of all dollars spent on government, 70 percent of those dollars are spent at the Federal level, 30 percent of those dollars are spent at the State and local level.

Religious institutions and business institutions, as I mentioned, are not operating at full capacity due to overtaxation and regulation and problems with civic institutions that do not really fill their proper role in society, that basically have been taken over by the government institution.

The family institution has been decimated over the last 30 years.

There are two ways that we can solve this problem, because we believe that the American people sent us to Congress in this wave of the 1994 election to solve the problem of the reality that I just described. There are two ways that we can solve the problem.

This is not the way to do it. This somewhat illustrates the current efforts that we have been going through during the last year with our great deal and our determination to downsize Federal Government. What we failed to do, though, in chopping off certain responsibilities and lopping them out of the government sector, is to take into consideration how the downsizing of Federal Government would have an effect on the other institutions in the American society.

Now, I will say that Lyndon Johnson said it right. When he began to campaign for the Great Society in the early 1960's, he said ''Great Society.'' He did not say ''great government,'' even though that is what he did. He tried to solve all of society's problems through a great government, and it ended up getting us $5.5 trillion worth of debt and expanded the ranks of the poor and needy.

Everything that government got into basically in many of the areas of our lives has made the problems worse, not better. So I think what the Republicans need to learn is that in addition to our concept of downsizing, we have to think in terms of relationships, of how to build these other institutions in this country so that they can begin to fulfill some of the obligations that we feel government should no longer be in.

If Members would like to do it like this, we have a helter-skelter approach. It is not good for this country. Basically this is the result of a negative message, and anti-Great Society message, an antigovernment message.

I think what we would like to do, the Republicans would like to do, is to paint an accurate picture of what America would look like after using the balanced budget process as a blueprint to get to a better America. That can be accomplished, I believe, in two ways. One is through the legislation that we would be accomplishing on the House floor and in the Senate and through the White House, and the other would be to illustrate how the issue of personal responsibility ties into the reestablishing of the family institutions and the downsizing of Federal Government.

If we are to downsize Federal Government and take into consideration its effect on the other institutions in this country, and also build these other institutions up so that they are able to receive these responsibilities that we therefore determine are no longer the responsibility of the Federal Government, then it should occur in some of the following examples such as this:

There are many who believe that once government entered into the social programs, that they actually made them worse. The war on poverty is not over. There is more poverty since war was declared on poverty by the Federal Government in the early 1960's. Many of the concepts of the Good Samaritan I think people agree are found in scripture, not in the Constitution. They are better met by civic and religious institutions in this country.

We should begin designing tax overhaul problems in relationship to, with the objective, I should say, of shifting that responsibility from the institution of government over to civic and religious institutions. By that I mean providing generous deductions for contributions made to not only church groups but civic groups, nonprofit groups, private charities, anybody, any group that takes care of the poor and needy, so that as this fulfillment of that need to care for the poor and needy expands in this civic and religious institution, the social programs of the government are correspondingly reduced so that we can have a phaseout of government's participation, but the need is met and even met more effectively in this institution that begins to rebuild this one.

Deregulation and tax relief, a mantra of the Republican Party, and justifiably so, will reduce the amount of overhead of the Federal Government. Regulation costs money, and they have to raise taxes in order to make the money in order to pay for the increased regulation of government. That is, as it is shifted down, it begins to rebuild the business institution because business can expand when they get tax and regulation relief, so we have a downsizing of that institution and a beginning of the rebuilding of the business institution.

Third, an example of education and how much it can rebuild the family institutions is by making the point that the education system in this country must be answerable to the family unit, because parents are ultimately responsible for the education of their children, and not the government. I do not mean that everybody in this country should be home schoolers. What I do mean is that through local control of education, not Federal control, by the abolishment of the Department of Education, returning responsibility back to the community level, local control or a voucher system puts that responsibility back onto the family unit, so our parents can have more after choice in their child's education. It, too, reduces the amount of government.

□ 2230

On the issue of localizing, you have today 70 percent of all total dollars spent on the Federal Government, you have like laws that are current State level, and also local level. So it is to the benefit if you take all these programs and push them back down to the State level by block granting. Or if you push them down at the local level by further block granting to counties, you begin to reduce the amount of government by reducing the Federal Government's role in these problems, but still having government obligations met at the State and local level.

Mr. Speaker, these are indications of how we start downsizing in such a way that we begin to rebuild these institutions.

I want to make one point, and that is that we have begun to get some rebuilding of these institutions. But they are not operating at the full capacity that they could, and this will never occur at their full capacity without the issue of personal responsibility, which is the next slide, if you would like to go ahead and put that up there.

The issue of raising the conscience of the American people is really a very important key in bringing stability and actually recreating a free society in America, and that is not a role of the government institution. It is the role of religious institutions.

Now, civic organizations can take care of poor and needy, but it is the responsibility of the churches across the land to begin to raise the conscience of the American people so that they, the American people, can begin to operate effectively in these other institutions. By raising the conscience of the American people, it allows their capacity through religious and civic institutions to take over the social programs in this country. By raising the conscience of the American people in the family institution, it encourages personal responsibility so that parents are better parents, kids are better kids, marriages are not conducted frivolously, divorces are not conducted frivolously, people actually take serious responsibility within the family institution.

Raising the conscience of the American people allows the business institution to expand through two things, by encouraging less lawsuits and by the establishment of peer review. By peer review I mean that doctors police doctors, lawyers police lawyers, like-minded business policies like-minded business so that peer review, those of us judging each other, acts as a buffer between direct government control and no government control at all. It provides a cost-effective way by decreasing the cost of regulation, therefore decreasing taxes on business, to allow that business institution to expand to its fullest capacity.

So while you have downsized Federal Government, and the other issue is through raising the conscience of the American people, it allows us to flip this awkward percentage of large Federal, 70 percent being spent by Federal Government, and 30 percent at State and local governments, to be switched back down. Not only would we reduce the size of government, but that which we do spend is returned, 70 percent spent at the local level, 30 percent spent at the Federal level.

I cannot tell you how many times I heard on the House floor, especially when we were talking about block granting crime money at the local level, various Members standing up here, and we were arguing for no strings attached, let the local people decide how best to take care of crime in their various districts and people arguing that you simply cannot trust those local elected officials because they will go spend it on something else. My statement is, by raising the conscience of the American people, we can give more responsibility to elected officials in this country so that we can begin to attack the arrogant assumption that the only elected officials that you can trust are the 536 that are in Washington right now.

Through this idea I think what we begin to get is a proper vision of where we would like to take this country through a balanced budget process. And it is pretty much described in this one, which I call a free society, and that is where a Federal Government's role in this country is in equal proportion to the other institutions that form American society so that government is equal to religion, is equal to family, is equal to business. Not only that, but in a government institution the Federal Government's role in total spending is back to 30 percent, State and local control is the larger share of 70 percent.

Throughout history we have faced times of disproportionate institutions. Our country was developed because of the overly repressive monarchy in England, and that is what caused this disproportionate system for the Pilgrims to come to this new land. During the Industrial Revolution the business institution was disproportionate in its influence to other institutions in this country. During the inquisitions, an early church period, the religious institutions were far too disproportionate to the other institutions in this country. And in the last hundred years, through socialism, Communism, fascism we have experienced disproportionate government over the other institutions in this country. And in America we felt the ancillary effects of that through the Great Deal and also the Great Society.

So this is the vision of America: this is a free society. It provides the maximum amount of freedom and security for Americans so that they can go on to begin to pursue life, liberty and happiness with the surest amount and the greatest of success. What you end up with in relationship to my first slide was the result of that, and you can go ahead and change those, and that is a chair that works, a chair much like society in that both of them provide freedom and security so that you may sit in a chair, discuss, read, go about your business, and government is constructed in such a way that people can pursue life, liberty and happiness and not worry about insecurities or lack of freedoms.

Mr. Speaker, this is the vision of the Republican Party. This is a free society. This is when government is no longer any bigger than the religious institutions and civics institutions in this country, no longer bigger than the family institutions who have been restored to their full effectiveness, and no longer disproportionate to the business institutions providing a firm foundation for us to live on and experience the maximum amount of life, liberty and happiness in this country.

So I submit that to the American people and appreciate the time.

I do have time and want to yield to my friend and colleague from Maryland, Mr. BOB EHRLICH, who wants to begin a second portion of his presentation. I also welcome my friend and colleague, the gentlewoman from California, ANDREA SEASTRAND. So, BOB, I want to switch over to you and give you the magic wand, and I will be back up on that seat there.

Mr. EHRLICH. I thank my colleague from California. I also officially congratulate him upon his election to the presidency of the freshman class, and I welcome our colleague from California. Very well put, GEORGE, very well put.

Mr. Speaker, I would like to take the next half hour to engage my two colleagues in a discussion of what we see happening in America today, which is big labor bosses trying to buy themselves a Congress. I know the gentlewoman from California has some very, very strong views on this. I have taken the liberty actually of bringing my AFL–CIO report card, and blowing it up, and bringing it to the floor of this House because I know my two colleagues and I want to talk about exactly where big labor bosses are coming from the distinction of big labor bosses and how they have grown apart from the working folks in this country.

Mr. Speaker, what I would like to do, with the permission of my colleagues, is go over, one by one, the major issues on this report card. I am going to start with a favorite, and I know the president of the freshman class, my friend, the gentleman from California [Mr. RADANOVICH], is a businessman voting against an increase in the minimum wage. We have just heard an hour of discussion concerning the merits of raising the minimum wage. During that discussion I did not hear one sentence uttered about the ultimate irony of raising the minimum wage which is putting at risk marginal workers in this country out of work.

Every economic study I have ever seen, and, I submit, any economic study folks on the other side of the aisle have seen, holds the same result. When you raise the minimum wage, you automatically put *x* amount of marginal workers, unskilled, untrained, disabled workers, out of the work force, and that is compassion. That equals compassion. That is the traditional assumption that this majority challenges on this floor every day.

I know the gentlewoman from California would like to make a comment about that.

Mrs. SEASTRAND. Well, I would also say that we came here to do away with unfunded Federal mandates, and if there was anything that was a mandate, it is to increase the minimum wage, and it is just artificial.

I say, why not raise it to $10 or $25? Why stop?

Mr. EHRLICH. We could really be compassionate, let us get real compassionate. Why not $20? Why not? We could put a lot more money in a few workers' pockets, and we would cause an awful lot of unemployment.

Mrs. SEASTRAND. Well, I think statistics have proven over the years that a minimum wage will not create one job. Statistics prove that we lose jobs for those very people that we are trying to help. And you know none of us want to people to stay in a minimum wage job.

Mr. Speaker, I would just say my children, Curt and Heidi, worked their way through high school and college with different jobs. They depended on those minimum wages. You know, there are very few folks that really wanted to give them more. They were training, they were learning about getting to a job on time, learning what it meant to be there and to follow some of the rules and some of the basics.

Many of these minimum wage jobs apply to students across this Nation, both in high school and in college, and many of those students and young people are the very people, the minority students and such, that we are trying to help.

Mr. EHRLICH. Another irony at work here, and of course we have the President of the United States acting in a very compassionate way in this

election year, trying to sell the American people on the notion that he supports an increase in the minimum wage. Yet it is words, it is these words that keep rebounding against the President.

February 6, 1995, Bill Clinton: It, raising the minimum wage, is the wrong way to raise the incomes of low-wage earners. In 1995, a nonelection year; 1996, we see quite different words coming from this White House.

The gentleman from California?

Mr. RADANOVICH. Mr. Speaker, my comment would be that the timing of this issue, at least in my view, and I have to let you know where I am coming from, and that is that basically I think that the establishment of a minimum wage really is a violation of the separation of government and business. I do not think that the Federal Government should be involved in the establishment of a minimum wage, No. 1.

No. 2, this issue was raised, and the comment about the President illustrates this point as a diversionary tactic, to divert the Nation's attention away from the real business at hand in Washington. That is balancing the Federal budget, getting our Federal act in order, learning how we can privatize certain things that government does, learning how we can localize.

This is a perfect example of things that probably should not be discussed on this floor of this House, is better left at the State level or even the local level for the establishment of minimum wages in States.

Mrs. SEASTRAND. If the gentleman will yield, we are going to be having an initiative on the ballot come November regarding the minimum wage. If there was someplace to discuss it, it would be at the State level.

Mr. Speaker, I would like to point out, I think the two gentleman would agree with me, that the irony is the President was in control 2 years. He had a House, he had a Senate. They could have increased the minimum wage, and instead we see comments such as on the board there, and they failed to do it, and you are right, he did do it for just getting us away from balancing the budget.

Mr. RADANOVICH. It is a political issue to divert attention away from the more urgent business at hand, and that is balancing the budget.

Mr. EHRLICH. Mr. Speaker, I think there is a far larger point here that I know many of us have discussed on the floor of this House. Should not words have meanings, even in this town, even on Capitol Hill, even in election years? It seems the institutional memory of this administration is quite limited. If you listen to the State of the Union, or you listen to this President, words simply have no meaning. An eloquent speaker, a wonderful speaker, charismatic, great on TV, yet the words are empty. The words have no meaning.

I think the American people want a little bit more out of their elected officials, both in the executive branch and the legislative branch. I know as I go door to door in the 2nd Congressional District of Maryland, people tell me they want their Representative to actually believe something.

It has become a traditional view of politics. You go get elected to anything, the State legislature or the county council, the Congress of the United States, President of the United States, because you actually have principles, because you are carried forward to public service on the philosophical foundation of things that you believe in and the vision you have for the country.

Mr. Speaker, words should have meanings.

Mrs. SEASTRAND. If the gentleman would yield, you mentioned principles. I know that, as we are discussing the minimum wage, we see polls where we see across America that perhaps Americans would like to see an increase in the minimum wage. But we came here as new Members to this Congress trying to change the policy, and I do not know about you, but I really cannot look at myself in the mirror to know that I hop on something that is popular instead of standing here and trying to share with the American people why this is not good policy and it is not going to be helpful to those people that we all say that we want to help.

□ 2245

It is not the compassionate thing to do. In fact, it is going to have the reverse. Here is an example where we might look at polls, but I think all of us came here to do what is right and not just what is correct for the next election.

Mr. EHRLICH. Which is a radical thought in this town. It is a radical thought in this town that politicians would act on the basis of what individually he or she believes is best for the country, and not on the basis of what the latest poll would dictate.

Unfortunately, Mr. Speaker, that is a radical thought in American politics. As I campaigned in my district, and I know you both find the same thing, people find that refreshing. They are stunned. Even people that believe in this opportunity agenda in the Congress of the United States still have a hard time believing that folks can go to Washington with ideas, with a philosophy, debate that philosophy, pass that philosophy, defend that philosophy, and actually believe in something, and not what the latest poll should dictate.

Mrs. SEASTRAND. Mr. Speaker, if the gentleman will yield, you have your congressional report card there by the AFL–CIO. I just want to share with the two gentleman here today that I have the AFL–CIO news for April 22, and I will tell you, I made the front page, because I also have a picture here of my congressional report card with ANDREA SEASTRAND. It is the same report card. I guess, as I said, I made the front page. It says, ''Lawmakers don't make grade. Extremists feel the sting,'' that is you and me, you know, and ''Ready Smear Campaign.''

I would like to share with you the fact that that is not what I am hearing from the fellows and gals that belong to the unions in California on the central coast of California. I would just like to share the fact that I have a letter here from a gentleman from Santa Maria. I had also received one from Templeton, and a lady who is a firefighter from the northern end of the District, Atascadero, went on television and was upset with the way she is seeing her dues being spent.

This gentleman says: ''I see that the freshman congressional class is a breath of fresh air. I praise you and your fellow congressional Republicans for tackling head on many of the important issues of today.'' He said:

> I am a blue collar union member. Many in our union feel the same as I do on national issues. I am a registered Republican, but our leadership is rabid Democrat. They seem blind to the destruction that liberalism is causing our Nation. They use our dues without regard to if the membership wishes to attack our party. Many of us wish we could stop our leadership from attacking your platform, but are powerless in a very undemocratic organization. I understand these attacks on you must frustrate and anger you, but I plead with you not to look on all blue collar workers as mindless robots. We still vote our conscience. Our contracts with management are the way we ensure a decent standard of living and protection from abuse. Please keep going.

I would just say, I am sure that is what you heard. They had an 800 number to call us, the ads on television from the AFL–CIO. I am sure my colleagues from California and Maryland heard what I did. They used that 800 number and said, ''Please, do not give up. We believe in what the freshman class is doing. We believe in what this Congress is doing, and do not believe that all union workers feel the way that bureaucratic leadership in Washington, D.C. feels.''

Mr. EHRLICH. Mr. Speaker, I know the gentleman from California wants to add a point, but I have to add just a quick observation. The only thing left out of that letter, and that was very well written, was the fact that also many Democrat members of unions who are blue collar, who are conservatives, share that gentleman's views.

How ironic that the big labor bosses who want to buy this Congress, who are lying to the American people every day, many of them live out in nice valleys with big houses and make lots of money. I will bet you they are the rich. I will bet you they are rich people, and we hear a lot of demagoguery about class warfare and the rich on this floor.

I do not think, and I submit to the gentleman from California this observation, I will bet you a lot of those big labor bosses who are trying to buy this Congress make an awful lot of money, a heck of a lot more than that gentleman who wrote the gentlewoman from California.

Mr. RADANOVICH. I believe that is the case, Mr. Speaker. I think, too,

what the American people need to know when they are confronted with what I call fearmongering like this, all the F's that were on the report cards, and how you are against so many good things, reminds me of a scene in a jungle somewhere where a group of people, say 10 people, get stuck in a murky old swamp and they are up to their armpits in swamp water, and they are stuck in the mud and cannot get out. They have been in there so long, and by the way, the Great Society is the name of the swamp, and they are stuck in there and they cannot leave. They have been there so long that they cannot think that there is anything better than that swamp.

So finally a couple of people out of those 10 get the inspiration. They see a hill, a shining hill, and want to begin to stir the efforts of those to begin to get themselves out of the swamp, and you have people full of fear, so used to being stuck in the swamp that they cannot imagine anything different and do not want to take what even might be a perceived risk to get out of the swamp and change to a better country, which I call what the Republicans are trying to do.

That is a sad state of affairs when you have to defend the order that we are in this country right now, because many people feel, and many people believe that we indeed are stuck in a swamp. But many people believe that they would love to be inspired by that shining hill and make the journey out of the swamp and onto the hill. The people that attack you the people that give you F's, are the same people saying let us stay in the mud because we fear change. That is really what the big sin is.

One more point that I want to make, too, on the issue of minimum wage, standing up for families and seniors, and, you bad person who got the F, educational opportunities. All of those things are good things, but if we are going to change this country for the better, we have to start answering the question: If those are things of value to me, to ANDREA, to BOB, to everybody in this country, if they are so valuable to you, why on earth would you trust those things to a Washington bureaucrat?

Mr. EHRLICH. Mr. Speaker, I would ask the gentleman, is that a question?

Mr. RADANOVICH. Yes; answer me.

Mr. EHRLICH. The gentleman just used the term ''fear'' twice in the last minute. That is a great lead-in to category 2, issue 2, standing up for families and seniors. ''Ehrlich voted to slash Medicare and Medicaid,'' my personal favorite whopper from the big labor bosses.

How many times have you heard the word ''extremist'' out there in these ads? How many times have you heard the word ''slash,'' have you seen the word ''slash'' from the big labor bosses?

Mrs. SEASTRAND. Or ''gut''?

Mr. EHRLICH. The last time I checked, under the Republican budget reconciliation proposal, the Balanced Budget Act, Medicare spending per beneficiary was to increase from $4,800 a year to $7,200 a year. Yet they used the term ''slash and burn,'' and the fear and demagoguery. But do you know what, I do not think it is going to work, because the philosophical foundation of this tactic is that seniors are dumb. They have to think that the seniors of this country are dumb; that they cannot read; that the seniors will ignore the fact that the trustees just last week, and we have a quote coming up, I know, from my trusty assistant, reported just last week in the Washington Post, April 29, 1996: ''The Medicare trust fund that pays hospital bills for 39 million elderly and disabled people will go bankrupt sooner and accumulate far deeper deficits over the next decade than previously projected by the trustees.''

Now, short-term political calculations, which have ruled this town for 40 years, would dictate that the three of us ignore this language, because you know what, that will get you reelected. The folks on that side of the aisle know that. It kept one party in control of this town for 40 years on the basis of fear and class warfare. But I do not think that the seniors in the Second Congressional District of Maryland sent me here to be a politician.

Mr. RADANOVICH. Mr. Speaker, I have a question. I hope I will get some answers here. Was I not mistaken? Did you not say that the current amount that a beneficiary gets from Medicare is about $4,800 a year?

Mr. EHRLICH. That is correct.

Mr. RADANOVICH. If I am to believe that you are slashing and burning Medicare, my assumption then would be that we must be cutting that, then, from $4,800 a year to, what, $2,300 or $2,200.

Mr. EHRLICH. Again, what was the budget figure that the Republicans propose for the next 7 years? Was it an increase of $7,200 in the year 2002, which was very close to the President's number, by the way?

Mr. RADANOVICH. I am confused. Is that an increase?

Mrs. SEASTRAND. Mr. Speaker, apparently the gentleman from California was brought up on new math. I would just say, we know there is a big difference, and the big difference has had a big plus sign on it, so we are actually increasing Medicare spending per beneficiary. We are also going to take in more people into the system.

Mr. RADANOVICH. Excuse me, you two, but that is very extreme, I want to tell you.

Mr. EHRLICH. There is that word again.

Mrs. SEASTRAND. Mr. Speaker, if the gentleman would yield, I think, too, we talk about the seniors, but also our union members back home understand what we are trying to do. They are going to see through this.

I have a copy here of one of our local Capitol newspapers, the Hill. It says, ''Local unions take back in labor blitz.'' So the people back home are taking a seat, going in the back seat, while the union bosses here on Capitol Hill, big special interests that make those high-priced salaries and such, they are the ones calling the shots on this congressional report card. Our union people at home did not give this. This came all from a PR firm here in Washington, DC. That is what we are up against.

Mr. EHRLICH. Mr. Speaker, if the gentlewoman would yield, I know the gentlewoman and the gentleman are both familiar with the poll that was recently conducted, a nationwide poll of union members, workers, people that built this country: horrible results for the big labor bosses. I know the results, and I know my two colleagues are familiar with the results, but I would like to share the results with the American people tonight.

We are talking about union folks, working folks. Eighty-seven percent support welfare that requires work and is of limited duration. They also support a balanced budget amendment by a huge margin, with 82 percent of union folks in favor of a constitutional requirement that Washington keep its fiscal house in order.

More than three-quarters of union families in this country voiced their support for tax cuts for working families. Think about those numbers. Demagogues hate facts. That is why the big union bosses who love big government, who want to buy this Congress, issue ''report cards'' such as this one. They cannot stand facts. They cannot stand the light of day. They cannot stand the fact that people that work for a living, people that built this country, are not bought and paid for by the left wing of the Democratic party, as they are. That is why we have these report cards. They just cannot stand it.

When we see poll results like this, it makes us feel pretty good, does it not?

Mrs. SEASTRAND. What I found amazing about that survey is when informed about those Washington union bosses here on the Hill, when they found out, the union members back home found out that those bosses took their union dues to more or less come up with this demagoguery, the report card and the ads that are attacking us on television and radio, 59 percent said they want to ask for a refund for their dues.

Mr. Speaker, the folks that picketed me on this one particular day, it was interesting, because I found out that one came from Los Angeles, one came from San Francisco, another was from San Jose. One was the executive director, who is the paid bureaucrat. The regular union members who are making a living were out working.

Mr. RADANOVICH. Is the gentlewoman telling me those folks were paid to picket you?

Mrs. SEASTRAND. I would certainly say they must be on a payroll. They came from San Francisco.

Mr. EHRLICH. Paid protesters? It is good work if you can get it.

Mrs. SEASTRAND. A paid protester. We call them rent-a-protester. This is an interesting thing; that when union Members found out that their dues were even increased, and that they were used to attack the new ideas that we are trying to push through here and work through in Congress, 59 percent said they would ask for a refund of their dues.

The letter I read and the lady that appeared on a local television who is a firefighter, she says she is tired of her hard-earned money being used in such a way when she agrees with what we are trying to do in this different Congress; as I say, the Congress with a new attitude.

They want to see that balanced budget, they want to see a $500 tax credit per child, they want to see a line-item veto. They want to see a change in Washington, DC. It is those Washington union bosses that, you know, they are gasping. They are on their last legs. They know if they do not get control of this House once more, it is kind of gone for a long, long time. Their special perks, their large salaries—here is the president, $192,500 a year. A chauffeur is getting $53,143 for the union boss. These are people that are living off my folks, your folks in Maryland, and the gentleman from the central coast of California, they are living off of our blue-collar workers.

□ 2300

I think the moment many of these members find out more about this we are going to see a change.

Mr. RADANOVICH. I think you need to get back to the fact that when the gentlewoman from California, ANDREA SEASTRAND, was mentioning that the rank and file member, even the rank and file members of the unions, they want a balanced budget. They want welfare reform. They want these changes to the American society. Not because they want to give tax breaks to the rich, not because they want to promote class warfare to keep things the way they are, simply because they see that as the road to a better country, to a better America, not for certain people but for everybody so that everybody, depending on how they were born into this world and what their lot in life is, has the opportunity to better themselves.

That is what is so scary, I think, because after 40 years of operating things the way that they have been used to operating in this House, they love it in the mud and they do not want to change. It has become very comfortable. Change is scary, and you have got to learn a new way to count. That is not all that easy. Those are the things that we come up here—by the way, we are all freshmen and proud of it, and I think that those are the changes that scare the living daylights, not out of the American people, because they know what they want, they tell us what they want. They want a balanced budget. They want welfare reform. They want a better country as a result of that for them and everybody else. It is not that they are scared. It is those that have been hanging on to power and having been so used to having power for the last 40 years.

They cannot begin to grapple with the idea that maybe their philosophy was wrong to begin with and they have to begin to accept new realities. That is what the freshmen have done here in the new Congress. That is the beachhead that we have established. That is the change that is beginning to operate in this town finally.

Mr. EHRLICH. I would add this point, I want to get back to education and I want to get back to the TEAM Act. I want to go right to the balanced budget, because it includes my favorite whopper: the rich, tax cuts for the rich.

How many times do we see class warfare strategy utilized on the floor of this House? The bad news for the folks that we are talking about, the working people who built this country, what they do not know and what the bosses failed to tell them is that they are rich. They make $25,000, $35,000, $45,000 a year. They are rich. Do you know how you can prove it? How many times have you heard on the floor of this House, the Republicans are slashing Medicare to make tax cuts for their rich buddies? Do we hear that every day?

Mrs. SEASTRAND. We hear it day in an day out.

Mr. EHRLICH. Do we hear it on radio and TV? Depending on whose study you believe, every study I have been concludes that under the Republican sponsored bill, which is part of the Contract with America, between 60 and 70 percent of the families or the tax cut that we were talking about would go to families making between $30,000 and $75,000 a year, between 60 and 70 percent of that tax cut would get to families making between $30,000 and $75,000 a year. So these are facts.

If you place that fact next to what we hear on the floor of this House every day, one could only conclude, in a logical way, that folks who make between $30,000 and $75,000 a year are rich. And I am here to tell the big union bosses in this country that if they think the folks who sent me here who make $25,000, $35,000, $45,000 a year think they are rich, I would suggest those big union bosses leave their big houses out in the country and go talk to people who are still working for a living who must balance their budget, who believe the Federal Government is out of control, who understand our tort system is out of control, who understand the need for regulatory reform, and who understand the nature of government which will grow and grow and grow and grow unless the budget is brought back into balance.

Mr. RADANOVICH. I want to propose something here. Say for example person A paid $20 in income taxes to the United States Government and person B paid $10 in income taxes, and we in the Congress decide to give a 50 percent tax rebate. So the person paying $20 in taxes gets a $10 rebate. The person who pays $10 worth of taxes gets a $5 rebate. Now, that is basically because one person paid more and the other paid less. They get the equal amount in percentage backs.

My question is, if you believe that, do you really think that you want the Federal Government getting involved in income redistribution, which would mean that the person that paid in 20 does not get 10 back, he gets 5 back, and the person who paid in 10 does not get 5 back, they get 10 back? Do you really trust the Federal Government to start getting involved that closely in that detail in your life, and do you really believe in income redistribution? Is that what we are here to do? It is a simple fact that the person who paid 20 gets 50 percent back. The person who paid 10 also gets 40 percent back. That is not unfair. That is fair. You cannot call that tax cuts for the rich.

Mr. EHRLICH. You can call it that.

Mr. RADANOVICH. It is equal in its percentage of return. Only a bumblehead would buy the argument that that is tax breaks for the rich.

Mrs. SEASTRAND. I would just say, I guess he would be an extremist.

Mr. EHRLICH. My favorite term in this debate.

Mrs. SEASTRAND. I would like to say that it is interesting, because when we talk about these things, we see, we talk about being the freshmen here trying to change the way Washington has done business for all these years. I am in possession here of a Washington Post article where the headline states, ''GOP Freshmen Top House Democrats Hit List.'' It goes on about the AFL–CIO hit list. And I think that people should understand that when they see those ads on the central coast of California in Santa Barbara and San Luis Obispo Counties on their local television sets, they should realize that my colleague in Las Vegas, JOHN ENSIGN, is hit with that same ad. That gentleman saying our congresswoman voted to cut Medicare and to gut education spending and so on should realize again high-priced PR firms from Washington, DC, ordered by those union bosses, they are after JOHN ENSIGN, they are after me. They are after—those union bosses are after RICK WHITE and RANDY TATE in Washington and JIM BUNN. the gentlemen might be amused to know that JIM BUNN from Oregon's ad was on my local television station in Santa Barbara. They sent the wrong video to the wrong place. I do not know where I was floating and where I appeared in this country, but it is very orchestrated and it is paid by those union bosses to a high-priced public relations firm.

I just think the people should know how their especially our union members that are in our districts, how their dollars are being utilized to fight what we are trying to do on this House floor.

Mr. EHRLICH. Of course, this whole debate is chock full of irony. You have big union bosses asking the working people in this country to take their hard-earned money to pay big time media consultants to run ads to defeat folks in this Congress who have an opportunity agenda which will benefit working people.

Mrs. SEASTRAND. Not only advertising in the form of radio, television, but direct mail, phone banks, door-to-door campaigns. I have been under siege, as I call it, since last April, a whole year. Here is a local article from one of my local newspapers, Seastrand Under Siege. Not only do they do it in advertising and direct mail, but they are bodily sending people to protest at my office. But also there is a gentleman here whose picture, Tim Allison, who is my Project '96 coordinator. He is somebody who is coming from outside the district in my district to organize against me.

I say all is fair in love and war and politics. If folks at home want to organize against ANDREA SEASTRAND and say she is not doing it, that is the way it does go. But I think be you Democrat, independent, Republican, Libertarian, whatever your philosophy, I think we should all be outraged to think that that special interest money from Washington, DC is bringing in a gentleman such as this one, I do not know where he lives. They have done that in JIM LONGLEY's district in Maine. They have done it in many of our districts. In fact, some of our Members are trying to find out who their Project '96 coordinator is. Not only are they doing it in advertising, they are actually sending an organizer into the district.

Mr. RANDOVICH. I think you need to ask the question, why are they doing that? That is simply because they have had influence, a special influence on the Congress for the last 40 years. And they are going to do anything they can to get that special interest influence back. It is plain and simple. It is power and the loss of it.

We came here to undo things in Washington because of too much government and too much government control. And we are here to localize; we are here to privatize government. They do not like it because they like it when they had influence. And under the old administration that was here for 40 years, they ran this country into the ground to the tune of $5.5 trillion worth of debt. They want to get the reins back so that the can run us deeper into debt.

Mrs. SEASTRAND. I would just ask for the gentleman to continue to yield to finish my comments. It is just interesting, because I have list upon list here of union expenditures, whether it is the salaries, the chauffeurs or the big perks, the free rent, the big ticket perks, whether it is condos or purchasing videos or purchasing artwork or whether it is gifts, on and on, luncheons, meals, convention conferences, page after page where my folks at home are trying to do it with their blue collar job, they are trying to make a living, in many instances both spouses are working in the family, here the big union bosses living off more or less the fat of the land are upset because we are trying to bring some tax relief and some common sense for our folks at home.

So with that, I just enjoyed being with my colleagues today, and I thank you for letting me participate.

Mr. EHRLICH. We thank the gentlewoman.

I would just like to add one further observation. I hope we will be able to do this again in the near future, because this is fun. This is the fun part of the job. We can talk to the American people without anybody filtering our words, directly to the folks that sent us here.

I just need to, because it is one of my favorites from the report card, talk about the TEAM Act. We all received the same report card.

Protecting your rights as workers. Congressman Ehrlich voted for the so-called TEAM Act, which allows employers to, listen to the words, I would ask the American people to listen to the words here, which allows employers to control who represents employees in discussions about wages, hours and other working conditions, H.R. 743, September 27, 1995.

Now, we have made this point time and time again tonight. Demagogs hate facts. They hate facts. Because facts kill demagogs. The Protecting Your Right as Workers Act, H.R. 743, specifies the following: Organizations, these new organizations will not have the authority to serve as the exclusive bargaining representative of employees. Second, they will not be able to enter into collective bargaining agreements. Third, workplaces that already unionized are specifically exempted under the bill.

Now, we are going to, hopefully, I know we are running out of time, we will hopefully have time to go over the two categories that we missed. But the fact needs to be made to the American people, the facts are so dangerous even in this town.

One thing, just a suggestion I throw out this evening to my colleagues in front of me and to the conservative Democrats who supported us so much in these debates and to my Republican colleagues and to the American people is that facts always kill demagogs. One thing that we do in our office, when people call me up and they say, EHRLICH, you say X and GEPHARDT said Y, or GINGRICH said X and FAZIO said Y or HOYER said Y, I do not know what to believe. In our office, and I will throw this open to the folks in the second district of Maryland, all across the country tonight, do not believe us if you choose not to. If you are so cynical about politics, if you are so cynical about Members of Congress regardless of party, do not believe any word you have heard from the three of us tonight, nor should you believe what you hear from that podium day after day. Just get the facts. Call our office. I will send you the bill. I will send you the budget numbers. I am sure my two colleagues would agree with me. We will send you the raw numbers. We will send you the actual bills. You figure it out.

Because I will not run a campaign on the foundation that the American people are dumb, that seniors cannot read the newspaper, that seniors do not expect this Congress to save Medicare. I will not run a campaign on the basis of class warfare or generational warfare, where you turn grandparents against grandchildren, where the guy making $20,000 a year is encouraged to be jealous of the woman making $28,000. That is not the way you run an economy. That is not the way you run a House. That is not the way I am going to run my campaign.

Let the word go out to the big union bosses, class warfare, generational warfare, this phony stuff will not work because the people, the American people can read and they can write and they can learn and they know better. I thank the gentleman.

□ 2315

Mr. RADANOVICH. Thank you very much, Mr. EHRLICH from Maryland and Mrs. SEASTRAND from California. In closing I would like to say that our case to the American people, and you are right, this is the opportunity for us to come unedited to the American people and let them know our opinions and let them judge for themselves, because through the ballot box, the American people are the ultimate judge of who should sit in this Congress and whose philosophy should prevail.

But I would say that we are here to do a job, and the job is not to promote class warfare, not to make the rich more richer at the expense of the poor, or the poor more rich at the expense of the rich. It is simply to build a better country. And we believe that by our efforts of balancing the budget, using the balanced budget as a blueprint to change this country, that we are changing America for the better, for the betterment of everybody, for equal opportunity for everybody. We are changing America for the better.

We are not playing silly games, and we are determined to do that, and that is our job. And I hope people will realize that the changes that we want to make through a balanced budget process, by localizing government, by privatizing government, will make America a better place, will make America a better place not only for you and I, but for every American in this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MYERS of Indiana (at the request of Mr. ARMEY) after 12:30 p.m.

today, on account of illness in the family.

(Mr. GOSS (at the request of Mr. ARMEY) from 1 p.m. today, on account of personal reasons.

Ms. KAPTUR (at the request of Mr. GEPHARDT) for April 30 and the balance of the week, on account of illness.

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. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.
Mr. MEEHAN, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. BENTSEN, for 5 minutes, today.
Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Ms. PRYCE) to revise and extend their remarks and include extraneous material:)

Mr. DICKEY, for 5 minutes, today.
Mr. WALKER, for 5 minutes, today.
Mr. FOX of Pennsylvania, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.
Mr. NEUMANN, for 5 minutes, today.
Mr. MCINTOSH, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, on May 2.
Ms. PRYCE, for 5 minutes, on May 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOGGETT) and to include extraneous material:)

Mr. KLINK.
Mr. GEJDENSON.
Mr. DURBIN.
Mr. PASTOR.
Mr. HAMILTON in three instances.
Mr. VENTO.
Ms. LOFGREN.
Mr. BARCIA in three instances.
Mr. CARDIN.
Mr. ACKERMAN in two instances.
Mr. CONDIT.
Mr. HILLIARD.
Mr. VISCLOSKY in two instances.
Mr. RANGEL.
Mr. FILNER.
Mr. DELLUMS.
Mr. LANTOS.
Mr. WILSON.
Ms. MCCARTHY.
Mr. BENTSEN.

(The following Members (at the request of Ms. PRYCE) and to include extraneous material:)

Mr. MARTINI.
Mr. KNOLLENBERG.
Mr. GINGRICH.
Mr. SHUSTER.
Mr. PACKARD in two instances.
Mr. PARKER.
Mr. BOEHLERT.
Mr. YOUNG of Alaska.
Mr. DELAY.
Mr. DAVIS.
Ms. MOLINARI.
Mr. MCCOLLUM.
Ms. ROS-LEHTINEN.
Mr. BALLENGER.
Mr. BILBRAY.
Mr. COOLEY of Oregon.

(The following Members (at the request of Mr. RADANOVICH) and to include extraneous matter:)

Mr. RAHALL.
Mr. FRANKS of New Jersey.
Mr. DELAY.
Mr. RANGEL.
Mr. LATOURETTE.
Mr. COSTELLO.
Mr. SMITH of Michigan.
Ms. FURSE.
Mr. LANTOS.
Mr. FAZIO of California.
Ms. JACKSON-LEE of Texas.
Mr. ROMERO-BARCELÓ.
Mr. FRELINGHUYSEN.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2024. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. 53. A joint resolution making corrections to Public Law 104–134.

ADJOURNMENT

Mr. RADANOVICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, May 2, 1996, at 10 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

Has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 104th Congress, pursuant to the provisions of 2 U.S.C. 2b:

JUANITA MILLENDER-MCDONALD, 37th District, California.

ELIJAH E. CUMMINGS, Seventh District, Maryland.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2691. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Early Warning Reporting Requirements, Minimum Financial Requirements, Prepayment of Subordinated Debt, Gross Collection of Exchange—Set Margin for Omnibus Accounts and Capital Charge on Receivables from Foreign Brokers (RIN: 3038–AB011 and 3038–AB12) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2692. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Ethics Training for Registrants (RIN: 3038–AB09) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2693. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business Concerns (DFARS Case 95–D039) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2694. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 12th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104–6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

2695. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 735, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

2696. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for the Special Studies Program received May 1, 1996, pursuant to 5 U.S.C. 801(a)91)(B); to the Committee on Economic and Educational Opportunities.

2697. A letter from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Cholorflourocarbon Propellants in Self-Pressurized Containers; Addition to List of Essential Uses (Docket No. 92P–0403) received

April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2698. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages (RIN: 2127–AF68) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Replacement Light Source Information; Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment (RIN: 2127–AF65) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2700. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuthiuro; Pesticide Tolerances (FRL–4995–8) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2701. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerance for Iprodine (FRL–5360–3) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2702. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lactofin; Pesticide Tolerance (FRL–5362–9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2703. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees (FRL–5365–2) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2704. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tefluthrin; Renewal of Time-Limited Tolerances (FRL–5358–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2705. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Xanthan Gum-Modified, Produced by the Reaction of Xanthan gum and Glyoxal; Tolerance Exemption (FRL–5359–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2706. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Interim Approval of Operating Permits Program; State of Rhode Island (FRL–5465–9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2707. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio (FRL–5458–8) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2708. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List (FRL–5465–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2709. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance (FRL–5364–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2710. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerance (FRL–5365–6) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2711. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Italy (Transmittal No. DTC–21–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2712. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the Ministry of Defense of Brunei (Transmittal No. DTC–23–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2713. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–18–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2714. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2715. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the List of Proscribed Destinations (22 CFR Part 126 received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–254, ''Sports Commission Conflict of Interest Temporary Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–258, ''Banking and Branching Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–260, ''Tax Revision Commission Establishment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2719. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–261, ''Contribution Limitation Initiative Amendment Act of 1996,'' pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2720. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the financial disclosure statements of board members, pursuant to D.C. Code, section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform and Oversight.

2721. A letter from the Human Resources Manager, CoBank, transmitting the annual report to the Congress and the Comptroller General of the United States for CoBank—National Bank for Cooperatives Retirement Plan for the year ending December 31, 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

2722. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Equal Employment Opportunity; Policies and Procedures (FR–3323) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2723. A letter from the Agency Freedom of Information Officer (1105), Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2724. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2725. A letter from the Director, Office of Personnel Management, transmitting the Office's final rules—(1) Federal Employees Health Benefits Programs: Filing Claims; Disputed Claims Procedures and Court Actions (RIN: 3206–AH36) and (2) Federal Employees Health Benefits Acquisition Regulation Filing Health Benefits Claims; Addition of Contract Clause (RIN: 3206–AG30) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2726. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995; pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manchester Harbor, MA (RIN: 2115–AE47) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Compressed Natural Gas Fuel Containers (RIN: 2127–AF79) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety Program Procedures; Updates and Corrections (RIN: 2137–AC79) received April 30, 1996, pursuant to 5 U.S.C. 801)(1)(A); to the Committee on Transportation and Infrastructure.

2730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Fuel System Integrity (RIN: 2127–AG30) received April 30, 1996, pursuant to 5 U.S.C. 801)(1)(A); to the Committee on Transportation and Infrastructure.

2731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Safety Standards; Hydraulic Brake Systems (RIN: 2127–AG28) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2732. A letter from the General Counsel, Department of Transportation, transmitting

the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300–600 Series Airplanes (RIN: 2120–AA64) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Elimination of Unnecessary and Duplicate Hazardous Materials Regulations (RIN: 2137–AC69) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2734. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards for Surface Waters in Arizona (FRL–5467–9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2735. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rules—Treatment of Underwriters in Section 351 and Section 721 Transactions (RIN: 1545–AT55) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Way and Means.

2736. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Environmental Settlement Funds—Classification (RIN: 1545–AT02) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2737. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transfers to Investment Companies (RIN: 1545–AT43) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2738. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diversification of Common Trust Funds (RIN: 1545–AQ64) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2739. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Debt Instruments Subject to Both Section 475 and the Principal-Reduction Method of Accounting (Notice 96–23, 1996–16 I.R.B. 23) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2740. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled the ''Methamphetamine Control Act of 1996''; jointly, to the Committees on the Judiciary, Commerce, and Ways and Means.

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. HYDE: Committee on the Judiciary. H.R. 2974. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims; with an amendment (Rept. 104–548). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3120. A bill to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering; with an amendment (Rept. 104–549). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 3322. A bill to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes (Rept. 104–550 Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE 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. SMITH of Texas: Committee on the Judiciary. H.R. 1009. A bill for the relief of Lloyd B. Gamble (Rept. 104–546). Referred to the Committee of the Whole House.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2765. A bill for the relief of Rocco A. Trecosta (Rept. 104–547). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and respolutions were introduced and severaly referred as follow:

By Mr. RAHALL (for himself, Mr. OBERSTAR, and Mr. GIBBONS):

H.R. 3372. A bill to provide for the recoupment to the highway trust fund of that portion of Federal motor fuel taxes being deposited into the general fund; to the Committee on Ways and Means.

By Mr. EVERETT (for himself, Mr. EVANS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 3373. A bill to amend title 38, United States Code, to improve certain veterans' benefits programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

H.R. 3374. A bill to amend title XVIII of the Social Security Act to provide annual and other opportunities for individuals enrolled under a Medicare-select policy to change to a medigap policy without prejudice; to the Committee on Commerce.

By Mr. ROYCE:

H.R. 3375. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in motor fuels tax, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, National Security, Government Reform and Oversight, Rules, and Science, 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. STUMP (for himself, Mr. MONTGOMERY, Mr. HUTCHINSON, and Mr. EDWARDS):

H.R. 3376. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COOLEY (for himself and Mr. DEFAZIO):

H.R. 3377. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for determining tort liability of holders of rights-of-way over Federal lands under the ordinary rules of negligence and to clarify the exemption from right-of-way rental fees for certain rural electric and telephone facilities; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 3378. A bill to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors; to the Committee on Resources, and in addition to the Committee on 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. CONDIT:

H.R. 3379. A bill to amend chapter 11 of title 31, United States Code, to require that each President's budget submission to Congress include a detailed plan to achieve a balanced Federal budget, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, 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. DEAL of Georgia:

H.R. 3380. A bill to authorize substitution for drawback purposes of certain types of fibers and yarns for use in the manufacture of carpets and rugs; to the Committee on Ways and Means.

By Mr. DURBIN:

H.R. 3381. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide tax incentives for the purchase of long-term care insurance and to establish consumer protection standards for such insurance; to the Committee on Ways and Means, and in addition to the Committee on 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. FRISA:

H.R. 3382. A bill to promote safe streets by preventing the further sale of illegal assault weapons and large capacity ammunition feeding devices, and to provide for mandatory prison terms for possessing, brandishing, or discharging a firearm during the commission of a Federal crime; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself and Mr. ROBERTS):

H.R. 3383. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act and to implement a new work opportunity tax credit, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, 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. LATOURETTE:

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to provide for the deposit of the general revenue portion of the motor fuel excise taxes into the highway trust fund and airport and airway trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. LAZIO of New York, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER of Louisiana, Mr. BENTSEN, Mr. HAYWORTH, Mr. STOCKMAN, Mr. BLILEY, Mr. FRELINGHUYSEN, Mr. GOODLATTE, Mr. GREEN of Texas, Mr. LIVINGSTON, Mr. MORAN, Mrs. MYRICK, Mr. PICKETT, Ms. PRYCE, and Mr. SHADEGG):

H.R. 3385. A bill to affirm the role of the States in setting reasonable occupancy standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCDADE:

H.R. 3386. A bill to amend title 28, United States Code, to require prosecutors in the Department of Justice to be ethical; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself and Mr. LINDER):

H.R. 3387. A bill to designate the Southern Piedmont Conservation Research Center located at 1420 Experimental Station Road in Watkinsville, GA, as the ''J. Phil Campbell, Senior Natural Resources Conservation Center''; to the Committee on Resources.

By Mr. FRANKS of New Jersey:

H.J. Res. 178. Joint resolution disapproving Orders Nos. 888 and 889 of the Federal Energy Regulatory Commission; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mr. MCCRERY, Mr. HAYES, Mr. UPTON, Mr. HERGER, Mr. DOOLITTLE, Mr. GUTKNECHT, Mr. NEUMANN, Mr. SMITH of Michigan, Mr. BLUTE, Mrs. MYRICK, Mr. HOKE, Mr. BACHUS, Mr. STOCKMAN, Mr. MICA, Mr. MCINTOSH, Mr. THORNBERRY, Mr. HOUGHTON, Mrs. KELLY, Ms. DUNN of Washington, Mr. CANADY, Mr. SAM JOHNSON, Mr. PARKER, Mr. KOLBE, Mr. RIGGS, Mr. WOLF, Mr. HOBSON, Mr. FOX, Mr. LAZIO of New York, Mr. KLUG, Mr. WALKER, Mr. DICKEY, Mr. SOUDER, Mr. TATE, Mr. DAVIS, Mr. NUSSLE, Mrs. MORELLA, Mr. FORBES, Mr. FRISA, Mr. BROWNBACK, Mr. TAYLOR of North Carolina, Mr. LINDER, Mrs. CUBIN, Mr. COBLE, Mr. STEARNS, Mrs. ROUKEMA, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. FLANAGAN, Mr. HASTINGS of Washington, Mr. LOBIONDO, Mr. HORN, Mr. MARTINI, Mr. QUINN, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. GOODLING, Mr. PORTER, Mr. GRAHAM, Mr. GILCHREST, Mr. CAMP, Mr. CUNNINGHAM, Mr. SAXTON, Mr. LEWIS of Kentucky, Mr. GANSKE, Mr. GOODLATTE, Mr. DIAZ-BALART, Ms. GREENE of Utah, Mr. LUCAS, Mr. SHADEGG, Mr. LONGLEY, Mr. BARTLETT of Maryland, Mr. ZELIFF, Mr. GILMAN, and Mr. NEY):—

H. Con. Res. 169. Concurrent resolution expressing the sense of the Congress that the 1996 annual report of the Board of Trustees of the Federal hospital insurance trust fund be submitted without further delay; to the Committee on Ways and Means.

By Mr. JACOBS (for himself and Mr. CONYERS):—

H. Res. 420. Resolution recognizing and commending Viola Liuzzo for her extraordinary courage and for her contribution to the Nation; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

218. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to the transfer of certain portions of the lands of the Kisatchie National Forest to the Fort Polk military base; jointly, to the Committees on Agriculture and National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEJDENSON introduced a bill (H.R. 3388) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Hoptoad;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. FIELDS of Louisiana, Mr. JACKSON, and Miss COLLINS of Michigan.

H.R. 1325: Mr. PAYNE of Virginia and Mr. FRAZER.

H.R. 1462: Mr. MASCARA, Mrs. KELLY, Mr. CONDIT, Mr. CHAPMAN, and Ms. RIVERS.

H.R. 1483: Mr. MONTGOMERY.

H.R. 1540: Mr. SOUDER.

H.R. 1541: Mr. FRISA.

H.R. 1708: Mr. MANZULLO, Mr. FRANKS of Connecticut, Mr. COOLEY, Mr. STEARNS, and Mr. LAHOOD.

H.R. 1713: Mr. GREEN of Texas.

H.R. 1889: Mr. LINDER.

H.R. 1892: Mr. CALVERT and Mr. ROHRABACHER.

H.R. 2200: Mr. ALLARD and Mr. CLEMENT.

H.R. 2244: Mrs. VUCANOVICH.

H.R. 2338: Mr. FRAZER.

H.R. 2400: Mr. GILMAN, Mr. TRAFICANT, and Mr. KENNEDY of Rhode Island.

H.R. 2508: Mr. BACHUS and Ms. DUNN of Washington.

H.R. 2579: Mr. SCHAEFER and Mr. BLUTE.

H.R. 2748: Mr. NADLER.

H.R. 2807: Mr. MCNULTY, Mrs. MYRICK, Mr. CLEMENT, Mrs. LOWEY, and Mr. MANZULLO.

H.R. 2891: Mr. OBERSTAR and Mr. SABO.

H.R. 2925: Mr. HOLDEN, Mr. TATE, Mr. BALDACCI, Mrs. KELLY, and Mr. HAYWORTH.

H.R. 2974: Mr. HASTERT and Mr. SOLOMON.

H.R. 3059: Mr. POSHARD, Mr. TORRES, Mrs. LOWEY, Mr. BALDACCI, and Mr. SANDERS.

H.R. 3067: Ms. WOOLSEY, Mr. MATSUI, Mr. FILNER, and Mr. CUNNINGHAM.

H.R. 3077: Mr. FROST, Mr. HAMILTON, Mrs. KELLY, Mr. HASTINGS of Florida, Mr. PAYNE of Virginia, Mr. MATSUI, Mr. PETRI, and Ms. LOFGREN.

H.R. 3083: Mr. EHLERS.

H.R. 3107: Mr. LANTOS, Mr. TORRICELLI, Mr. ROYCE, Mr. ENGLISH of Pennsylvania, Mr. ZIMMER, Mr. FILNER, Mr. FOX, Mr. BUNN of Oregon, Mr. BARCIA of Michigan, Mr. DIAZ-BALART, Mr. MEEHAN, Mr. EHRLICH, Mr. CUNNINGHAM, Miss COLLINS of Michigan, Mr. LIPINSKI, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. SANFORD, Mr. FUNDERBURK, Ms. PRYCE, Mr. KASICH, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr. TRAFICANT, Mr. KNOLLENBERG, Mr. STARK, Mr. PORTER, Mr. PAXON, Mr. DEUTSCH, Mr. SMITH of New Jersey, Mr. FRAZER, Mr. METCALF, Mr. EVANS, Mr. BRYANT of Texas, Mr. SAXTON, Mr. HOUGHTON, Mr. DURBIN, Ms. KAPTUR, Mr. SOUDER, Mr. MCHUGH, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. OBERSTAR, Mrs. THURMAN, Mr. SISISKY, Ms. LOFGREN, Mr. LOBIONDO, Mrs. LOWEY, Mr. SHAYS, Mr. LATOURETTE, Mr. CARDIN, Mr. KLECZKA, Mr. FOLEY, Mr. YATES, Mr. ACKERMAN, Mr. TORRES, Mr. COYNE, Mr. TOWNS, Mr. COOLEY, Ms. PELOSI, Mr. DEFAZIO, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. KLUG, Mr. CALVERT, Mr. BLUTE, Mr. RADANOVICH, Mr. ENSIGN, Mr. HORN, Mr. ROEMER, Mr. HALL of Ohio, Mrs. CUBIN, Ms. ROS-LEHTINEN, and Mr. WHITE.

H.R. 3149: Mr. NEAL of Massachusetts.

H.R. 3161: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3167: Mr. KLINK.

H.R. 3170: Mr. SAXTON and Mr. FLAKE.

H.R. 3173: Mr. HYDE and Mr. BORSKI.

H.R. 3178: Mr. SANDERS, Mr. SERRANO, Mr. DELLUMS, Mr. FOX, Mr. DEFAZIO and Mr. HASTINGS of Florida.

H.R. 3180: Mr. BRYANT of Texas, Mr. MONTGOMERY, and Mr. PETE GEREN of Texas.

H.R. 3200: Mr. PETE GEREN of Texas, Mr. THORNTON, Mr. PETERSON of Minnesota, Mrs. KELLY, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. ROHRABACHER, Mr. LARGENT, Mr. COBLE, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. KOLBE, Mr. THORNBERRY, Mr. BLILEY, Mr. CRAPO, Mr. BOEHNER, Mr. FRANKS of Connecticut, Mr. WHITE, Mr. WATTS of Oklahoma, Mr. GILLMOR, Mr. TORKILDSEN, Mr. ZIMMER, Mr. ROSE, Mr. DELAY, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. COMBEST, Mr. KINGSTON, Mr. GUTKNECHT, Mr. WICKER, Mr. INGLIS of South Carolina, Mr. HOSTETTLER, Mr. CHAMBLISS, Mr. STENHOLM, Mr. GALLEGLY, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. GEKAS, Mr. GOODLING, Mr. DEAL of Georgia, Mr. CHRYSLER, Mr. MILLER of Florida, Mr. STUMP, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mrs. SEASTRAND, and Mr. CANADY.

H.R. 3246: Mr. LUTHER.

H.R. 3247: Mr. ENGEL, Mrs. KENNELLY, Ms. RIVERS, Mr. WATT of North Carolina, Mr. OWENS, Mr. SPRATT, Mr. DELLUMS, Mrs. SCHROEDER, Ms. BROWN of Florida, Mr. BISHOP, Mrs. COLLINS of Illinois, Miss. COLLINS of Michigan, Mr. FIELDS of Louisiana, Mr. HASTINGS of Florida, Mr. JACKSON, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Ms. WATERS, and Mr. WYNN.

H.R. 3265: Mr. BARRETT of Wisconsin and Mr. KLINK.

H.R. 3267: Ms. WOOLSEY, Mr. CRAMER, and Mr. LAHOOD.

H.R. 3286: Mr. TRAFICANT, Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. KLINK, and Mr. FAWELL.

H.R. 3300: Mr. EMERSON, Mr. COOLEY, Mr. PARKER, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. CANADY, and Mr. STOCKMAN.

H.R. 3346: Mr. GIBBONS.

H. Con. Res. 10: Mr. STEARNS, Mr. FROST, Mr. POMEROY, Mr. SHUSTER, Ms. HARMAN, and Mr. KNOLLENBERG.

H. Con. Res. 51: Mr. SHADEGG.

H. Con. Res. 165: Mr. CLINGER, Mr. FRANK of Massachusetts, Mr. CUNNINGHAM, Mr. NEAL of Massachusetts, Mr. LANTOS, and Mr. ANDREWS.

H. Res. 381: Mr. LANTOS and Mr. WOLF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2796: Mr. GORDON.