"(D) any of such investors are not provided an option to receive or retain a security under substantially the same terms and conditions as the original issue.

"(5) EXCLUSIONS FROM DEFINITION.—Notwithstanding paragraph (4), the term 'limited partnership rollup transaction' does not include—

"(A) a transaction that involves only a limited partnership or partnerships having an operating policy or practice of retaining cash available for distribution and reinvesting proceeds from the sale, financing, or refinancing of assets in accordance with such criteria as the Commission determines appropriate;

"(B) a transaction involving only limited partnerships wherein the interests of the limited partners are repurchased, recalled, or exchanged in accordance with the terms of the preexisting limited partnership agreements for securities in an operating company specifically identified at the time of the formation of the original limited partnership;

"(C) a transaction in which the securities to be issued or exchanged are not required to be and are not registered under the Securities Act of 1933;

"(D) a transaction that involves only issuers that are not required to register or report under section 12, both before and after the transaction;

"(E) a transaction, except as the Commission may otherwise provide by rule for the protection of investors, involving the combination or reorganization of one or more limited partnerships in which a non-affiliated party succeeds to the interests of a general partner or sponsor, if—

"(i) such action is approved by not less than 66⅔ percent of the outstanding units of each of the participating limited partnerships; and

"(ii) as a result of the transaction, the existing general partners will receive only compensation to which they are entitled as expressly provided for in the preexisting limited partnership agreements; or

"(F) a transaction, except as the Commission may otherwise provide by rule for the protection of investors, in which the securities offered to investors are securities of another entity that are reported under a transaction reporting plan declared effective before the date of enactment of this subsection by the Commission under section 11A, if—

"(i) such other entity was formed, and such class of securities was reported and regularly traded, not less than 12 months before the date on which soliciting material is mailed to investors; and

"(ii) the securities of that entity issued to investors in the transaction do not exceed 20 percent of the total outstanding securities of the entity, exclusive of any securities of such class held by or for the account of the entity or a subsidiary of the entity.".

(b) SCHEDULE FOR REGULATIONS.—The Securities and Exchange Commission shall conduct rulemaking proceedings and prescribe final regulations under the Securities Act of 1933 and the Securities Exchange Act of 1934 to implement the requirements of section 14(h) of the Securities Exchange Act of 1934, as amended by subsection (a), and such regulations shall become effective not later than 12 months after the date of enactment of this Act.

(c) EVALUATION OF FAIRNESS OPINION PREPARATION, DISCLOSURE, AND USE.—

(1) EVALUATION REQUIRED.—The Comptroller General of the United States shall, within 18 months after the date of enactment of this Act, conduct a study of—

(A) the use of fairness opinions in limited partnership rollup transactions;

(B) the standards which preparers use in making determinations of fairness;

(C) the scope of review, quality of analysis, qualifications and methods of selection of preparers, costs of preparation, and any limitations imposed by issuers on such preparers;

(D) the nature and quality of disclosures provided with respect to such opinions;

(E) any conflicts of interest with respect to the preparation of such opinions; and

(F) the usefulness of such opinions to limited partners.

(2) REPORT REQUIRED.—Not later than the end of the 18-month period referred to in paragraph (1), the Comptroller General of the United States shall submit to the Congress a report on the evaluation required by paragraph (1).

SEC. 303. RULES OF FAIR PRACTICE IN ROLLUP TRANSACTIONS.

(a) REGISTERED SECURITIES ASSOCIATION RULE.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by adding at the end the following new paragraph:

"(12) The rules of the association to promote just and equitable principles of trade, as required by paragraph (6), include rules to prevent members of the association from participating in any limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)) unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following:

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding securities of each of the participating limited partnerships;

"(iv) the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor, that has been approved by a majority of the outstanding securities of each of the participating partnerships, and that has such authority as is necessary to protect the interest of limited partners, including the authority to hire independent advisors, to negotiate with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction; or

"(v) other comparable rights that are prescribed by rule by the association and that are designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed limited partnership rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such person shall file an objection in writing under the rules of the association during the period in which the offer is outstanding.".

(b) LISTING STANDARDS OF NATIONAL SECURITIES EXCHANGES.—Section 6(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78f(b)) is amended by adding at the end the following:

"(9) The rules of the exchange prohibit the listing of any security issued in a limited partnership rollup transaction (as such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following:

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding securities of each of the participating limited partnerships;

"(iv) the use of a committee of limited partners that is independent, as determined in accordance with rules prescribed by the exchange, of the general partner or sponsor, that has been approved by a majority of the outstanding units of each of the participating limited partnerships, and that has such authority as is necessary to protect the interest of limited partners, including the authority to hire independent advisors, to negotiate with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction; or

"(v) other comparable rights that are prescribed by rule by the exchange and that are designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed limited partnership rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such person shall file an objection in writing under the rules of the association during the period during which the offer is outstanding.".

(c) STANDARDS FOR AUTOMATED QUOTATION SYSTEMS.—Section 15A(b) of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3(b)) is amended by adding at the end the following new paragraph:

"(13) The rules of the association prohibit the authorization for quotation on an automated interdealer quotation system sponsored by the association of any security designated by the Commission as a national market system security resulting from a limited partnership rollup transaction (as

such term is defined in paragraphs (4) and (5) of section 14(h)), unless such transaction was conducted in accordance with procedures designed to protect the rights of limited partners, including—

"(A) the right of dissenting limited partners to one of the following:

"(i) an appraisal and compensation;

"(ii) retention of a security under substantially the same terms and conditions as the original issue;

"(iii) approval of the limited partnership rollup transaction by not less than 75 percent of the outstanding securities of each of the participating limited partnerships;

"(iv) the use of a committee that is independent, as determined in accordance with rules prescribed by the association, of the general partner or sponsor, that has been approved by a majority of the outstanding securities of each of the participating partnerships, and that has such authority as is necessary to protect the interest of limited partners, including the authority to hire independent advisors, to negotiate with the general partner or sponsor on behalf of the limited partners, and to make a recommendation to the limited partners with respect to the proposed transaction; or

"(v) other comparable rights that are prescribed by rule by the association and that are designed to protect dissenting limited partners;

"(B) the right not to have their voting power unfairly reduced or abridged;

"(C) the right not to bear an unfair portion of the costs of a proposed limited partnership rollup transaction that is rejected; and

"(D) restrictions on the conversion of contingent interests or fees into non-contingent interests or fees and restrictions on the receipt of a non-contingent equity interest in exchange for fees for services which have not yet been provided.

As used in this paragraph, the term 'dissenting limited partner' means a person who, on the date on which soliciting material is mailed to investors, is a holder of a beneficial interest in a limited partnership that is the subject of a limited partnership rollup transaction, and who casts a vote against the transaction and complies with procedures established by the association, except that for purposes of an exchange or tender offer, such person shall file an objection in writing under the rules of the association during the period during which the offer is outstanding.".

SEC. 304. EFFECTIVE DATE; EFFECT ON EXISTING AUTHORITY.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by section 303 shall become effective 12 months after the date of enactment of this Act.

(2) RULEMAKING AUTHORITY.—Notwithstanding paragraph (1), the authority of the Securities and Exchange Commission, a registered securities association, and a national securities exchange to commence rulemaking proceedings for the purpose of issuing rules pursuant to the amendments made by section 303 is effective on the date of enactment of this Act.

(3) REVIEW OF FILINGS PRIOR TO EFFECTIVE DATE.—Prior to the effective date of regulations promulgated pursuant to this title, the Securities and Exchange Commission shall continue to review and declare effective registration statements and amendments thereto relating to limited partnership rollup transactions in accordance with applicable regulations then in effect.

(b) EFFECT ON EXISTING AUTHORITY.—The amendments made by this title shall not limit the authority of the Securities and Exchange Commission, a registered securities association, or a national securities exchange under any provision of the Securities Exchange Act of 1934, or preclude the Commission or such association or exchange from imposing, under any other such provision, a remedy or procedure required to be imposed under such amendments.

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment to the House amendments be considered as read and printed in the RECORD.

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

There was no objection.

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

Mr. FIELDS of Texas. Mr. Speaker, reserving the right to object, I will not object, but I would like to give the gentleman from Massachusetts [Mr. MARKEY] an opportunity to explain the bill.

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

Mr. FIELDS of Texas. Further reserving the right to object, Mr. Speaker, I am happy to yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, today the House is taking up consideration of S. 422, the Government Securities Act Amendments of 1993. This legislation reflects a bipartisan House-Senate agreement on a broad package of reforms affecting the regulation of the Government securities market and mergers or reorganizations of limited partnerships. It represents a compromise between: First, the House government securities legislation that was approved by voice vote on October 5 (H.R. 618) and the Senate bill (S. 422) which was approved on July 27; and second, the House limited partnership rollup legislation (H.R. 617) that was approved by a 408-to-6 vote on March 2 of this year and the companion Senate legislation (S. 424) which passed the Senate by voice vote on August 6 of this year.

I. GOVERNMENT SECURITIES ACT AMENDMENTS OF 1993

BACKGROUND

Two years ago, shocking revelations of wrongdoing by Salomon Bros. in connection with several Treasury auctions dramatically underscored the consequences of relying on an antiquated system of clubby informal regulation to guide the $4.5 billion market for U.S. Treasury securities, as well as the markets for other government securities. We learned that Salomon employees repeatedly submitted false bids at Treasury auctions, committed numerous books and records violations, and participated in a series of fictitious tax trades. At the same time, we learned of serious breakdowns in internal controls and supervisory procedures by the senior management of the firm.

These scandals raised a disturbing prospect for regulators—the spectacle of sophisticated and unscrupulous operators being able to manipulate the market for the U.S. Government's securities by effectively cornering the market for a particular Treasury issue, generating a short squeeze in that issue, and then profiting from the artificially inflated prices that would result. Such a development, if left unchecked, would have a devastating effect on the public's confidence in the fairness and integrity of the market.

Unfortunately, the shocking revelations of wrongdoing by Salomon Brothers were not an isolated incident. During the last 2 years we have witnessed:

Ninety-eight securities firms and banks reaching a settlement with Federal regulators for inflating customer orders and maintaining false books in connection with sales of the securities of various Government-sponsored enterprises;

Two firms signing a consent decree relating to abuses associated with noncompetitive bidding for Treasury securities, with additional investigations into abuses by other firms and individuals still underway;

Other firms either reaching or nearing settlements for undertaking prearranged trades aimed at generating fictitious tax losses; and,

Revelations that convicted swindler Steven Wymer used the Government market as the vehicle for carrying out a series of ripoffs of nearly 100 local and State governments.

Today, Government investigations into these areas, as well as broad-ranging investigations into other instances of possible market manipulation are still continuing, and further settlements or enforcement actions may be forthcoming in the very near future.

CONGRESSIONAL RESPONSE

The Salomon and related scandals amply demonstrated the need for comprehensive reforms in the regulation of the Government securities market. In response, in January of this year, I joined with Chairman DINGELL, Mr. FIELDS, Mr. WYDEN, Mr. SYNAR, Mr. COOPER, and Mr. MOORHEAD in introducing H.R. 618, the Government Securities Reform Act of 1993, which this House approved in October. The Senate passed a narrower bill, S. 422, in July. We have since labored long and hard to craft the final agreement we are bringing to the House floor today.

I am very pleased to report that the result of our discussions has been a bill which adopts the major provisions of the original House bill. S. 422, as amended by the House-Senate agreement, would:

Permanently extend all the rulemaking authorities granted to Treasury under the Government Securities Act of 1986;

Require all Government securities brokers and dealers to furnish to the

SEC, upon request, records of transactions in Government securities needed to reconstruct trading for oversight, surveillance or enforcement purposes;

Authorize Treasury to adopt rules requiring reporting by holders of large positions in Treasury securities in order to enhance market surveillance and enforcement efforts;

Empower the National Association of Securities Dealers and the appropriate regulatory agencies for financial institutions to develop and enforce sales practice and other rules of fair practice for Government securities brokers and dealers;

Make it an explicit violation of the securities laws for any person to make false or misleading statements in connection with any bid for or purchase of a Government security;

Supplement the SEC's basic antifraud authorities over this market by empowering it to prescribe prophylactic antifraud and antimanipulation rules for the Government securities market;

Direct the SEC to continuously monitor the nature and adequacy of public access to market quotation and transaction information;

Effectuate various reforms affecting the primary auction market for Treasury securities, including the electronic submission of bids, open access to the auction, and reforms of the Treasury Borrowing Committee;

Mandate joint interagency, the Treasury, and GAO studies of the regulatory system for Government securities; and,

Require certain reports by the Treasury concerning its public debt obligations and changes in the Treasury debt auction process.

HOUSE-SENATE AGREEMENT ON S. 422

I would like to take a few minutes to further clarify the purpose of four key changes made in the legislation that we are considering today, from the bill H.R. 618, which the House approved in October.

Transaction records: The House and Senate agreed that there was a need to improve recordkeeping by Government securities brokers and dealers so that the SEC can readily obtain transaction information needed to reconstruct trading for surveillance or enforcement purposes. Shoddy recordkeeping practices by some Government securities brokers and dealers greatly complicated the SEC's Salomon Brothers-related investigations. Requiring standardized records to be maintained in electronic form and furnished to the SEC upon request should help rectify this problem.

The House-Senate agreement anticipates that the SEC shall consider the impact of this requirement on small Government securities brokers and dealers. It is our intent that this provision be construed to mean that the SEC shall work with these smaller firms to develop an efficient means of compliance, such as the electronic blue sheets used for all firms in the equity markets.

The House-Senate agreement also provides that the information to be furnished to the SEC is information that is required for particular inquiries or investigations being conducted by the SEC for surveillance or enforcement purposes. While it is not anticipated that the SEC would use this particular grant of authority to establish continuous marketwide surveillance system or electronic audit trail covering the entire Government securities market, we fully intend and anticipate that the SEC will be able to obtain information as frequently as is needed. For example, if price anomalies, unusual trading patterns, or shortages of supply in a particular issue should develop, the SEC would be able to require Government securities firms to furnish transaction records during the period such records are required by the SEC to reconstruct trading in the issue, identify the causes of any anomalies or shortages, and whether any manipulative or fraudulent practices have taken place.

At the same time (as noted in H. Rept. 103-55, at 23-24), we fully expect and anticipate that the SEC will take other steps to closely monitor market developments and maintain an active market surveillance program which makes full use of all other available sources of information, such as GSCC transaction information, GOVPX and other interdealer broker price and volume information.

Large position reporting: In response to the Salomon Brothers and related scandals, both the House and Senate agreed that it was necessary to improve the information available to regulators regarding large positions held by market participants. I consider reporting of such information to be absolutely critical to the Treasury and the SEC in monitoring risks to the stability and integrity of the Treasury market and undertake appropriate regulatory or enforcement actions to respond to market squeezes or other disruptions.

The House and Senate agreed on the need for the large position reporting authority in H.R. 618. We also have added clarifying language regarding the minimum size of positions that would be subject to reporting under the agreement. This language states that the minimum size of positions reported "shall be no less than the size that provides the potential for manipulation or control of the supply or price, or the cost of financing arrangements, of an issue or the portion thereof that is available for trading."

In establishing a minimum threshold for reporting, the House and Senate sought to ensure that Treasury would retain considerable flexibility and discretion to set an appropriate standard for what positions should be reported. It is our expectation that the thresholds reported will be large in relation to the size of an issue or the portion thereof that is available for trading. At the same time, we have sought to avoid establishing an artificially high minimum reporting threshold that would prevent regulators from obtaining access to information regarding large positions that they might need in order to carry out their responsibilities.

During our discussions with the Senate, the House considered and rejected proposals to establish a percentage or dollar threshold for large position reporting. At one point during our discussions, some of our Senate colleagues suggested that we establish a percentage or dollar minimum threshold for reporting. For example, a 35-percent threshold was suggested by one of our Senate colleagues, since that is the upper limit of what a single purchaser can bid for at Treasury auctions. The House and Senate resoundingly rejected such an approach for a number of reasons.

We were concerned that the 35-percent threshold was far too high for a minimum reporting threshold. At the same time, we also felt that defining by statute that a large position must be at least 35 percent of an issue—or even some other lower percentage threshold—would remove Treasury's flexibility to tailor the reporting requirements to specific market conditions. For example, a considerable amount of a security that is in short supply—and which may be reopened by Treasury—may be in the hands of final investors who do not follow market conditions that closely. In addition, a considerable amount of the issue may have been, or is committed to be, stripped into separate interest- and principal-only securities. In such cases, a significantly lower percentage of the total issue might constitute the actual amount of the security that is actually available for trading. We wanted to ensure that Treasury would have ample discretion to take such factors into account in setting the minimum reporting threshold.

In addition, we feared that tying the Treasury's hand by statute would also present an inviting target for would-be manipulators, who might find a way to evade a reporting threshold by working in concert to control the supply of an issue. In such a situation, two or more persons or firms might collude to manipulate the market for the issue but never individually have a position large enough to be potentially reportable. It also was feared that establishing a percentage or dollar minimum threshold might create the impression that manipulation of the market with a slightly smaller position is something that would be condoned. The language we agreed upon gives Treasury

the flexibility it needs to respond to such situations.

As the joint House-Senate statement indicates, it is our expectation that Treasury will take into account the likelihood of collusion among market participants when it issues large position reporting rules. While Treasury should take into account other relevant rules and procedures, including auction rules regarding positions, in its rulemaking, it must make the potential for collusion, manipulation, or market control its paramount concern. At the same time, I would emphasize that there is absolutely no presumption of manipulative intent solely because a position is large enough to be reported, and no such presumption should be inferred simply because a person is required to file such reports.

Internal controls: While the House-Senate agreement deletes provisions of H.R. 618 that would have established statutory requirements that Government securities brokers and dealers establish, maintain, and enforce written policies and procedures aimed at assuring compliance with the Federal securities laws, there was agreement on the part of both the House and Senate that the general responsibility of brokers and dealers to supervise their employees must be adhered to and vigorously enforced by both the Commission and the self-regulatory organizations [SRO's]. I would note that over the last several years, there have been a number of disturbing instances in which a breakdown in supervision and compliance at brokers and dealers has occurred. The subcommittee has asked the General Accounting Office to undertake an investigation into this matter, and Chairman DINGELL has recently joined this request and also asked the SEC to submit a report on its ongoing inquiry regarding recidivist rogue brokers to determine whether action is needed to strengthen the failure to supervise provisions of the Exchange Act and related SRO rules.

Sales practice anti-fraud and antimanipulation rules: S. 422, as amended, contains the sales practice and antifraud and antimanipulation rulemaking provisions contained in Sections 5 and 7 of H.R. 618. In doing so, the House and Senate agreed on the need to eliminate current restrictions that prevent the NASD and bank regulators from developing and applying normal sales practice rules to the Government securities markets. We also agreed that the SEC should have the power to supplement its existing antifraud authorities by being able to issue prophylactic antifraud and antimanipulation rules.

We agreed on an enhanced consultation requirement with regard to both of these provisions in order to allow Treasury the opportunity to provide input regarding the impact of any rules adopted pursuant to these provisions on Treasury's ability to manage the Federal debt. While the consultative provisions refer to all Government securities, it is not anticipated that Treasury would normally have any special concerns or special expertise regarding the impact of any rules prescribed for the marketing or trading of securities other than Treasury securities. For example, it would not be anticipated that such authority would normally be invoked in the context of a rulemaking dealing solely with securities in Government sponsored enterprises.

CONCLUSION

This bill represents a truly bipartisan reform package that is targeted at the specific abuses and problem areas that were uncovered by the Subcommittee on Telecommunications and Finance during its 3-year investigation of the Government securities market.

The reform package set forth in this conference report is supported by both the Treasury Department and the Securities and Exchange Commission. Key provisions are also supported by the Federal Reserve Bank of New York. The bill has won support from a wide range of organizations representing brokers, dealers, and investors in the market, including the National Association of Securities Dealers, the Public Securities Association, the Government Finance Officers Association, the North American Securities Administrators Association, the Investment Company Institute, the United Shareholders Association, the Council of Institutional Investors, the National Association of Counties, the National League of Cities, and the National Association of State Retirement Administrators.

I would like to express my appreciation to both House and Senate Members and staff for their tireless efforts in crafting this important legislation. In particular, I would like to thank Chairman DINGELL and Consuela Washington of the full Committee staff, the distinguished ranking Republican member of the committee, Mr. MOORHEAD, and the ranking Republican on the subcommittee, Mr. FIELDS, and Steve Blumenthal and Peter Rich of the minority staff, Steve Cope of the Office of Legislative Counsel, and Jeffrey Duncan of the subcommittee staff. In addition, I also want to express my special thanks to Treasury Under-Secretary Frank Newman and his staff, particularly Darcy Bradbury, Norman Carlton, and George Tyler. I would also like to thank SEC Chairman Arthur Levitt and the SEC staff, particularly Kate Fulton and Catherine McGuire. Their hard work and technical support was invaluable in helping us to bridge the differences that had previously separated the various parties interested in the government securities reform legislation.

Again, I urge my colleagues to support this legislation. It makes critically-needed reforms in the regulation of the government securities market that must be enacted into law now if we are to assure continued public confidence in the fairness and integrity of the Government securities market and allow it to continue to efficiently serve the U.S. Government's financing objectives, meet the needs of other government issuers, and provide individual and institutional investors with a fair and well-regulated market in which to invest their savings.

II. LIMITED PARTNERSHIP ROLLUP REFORM ACT

Today the House is also taking up final consideration of legislation to reform the regulatory treatment of mergers and reorganizations of limited partnerships, known on Wall Street as rollups. This legislation, contained in Title III of S. 422, will protect investors from abusive limited partnership rollups and provide significant new protections to the millions of investors who are today at risk of losing their savings in abusive rollup transactions.

BACKGROUND

The Subcommittee on Telecommunications and Finance has conducted a 3-year investigation into the fairness and regulatory treatment of rollups. Our investigations revealed that virtually all of the rollups approved during the last several years have resulted in devastating financial losses for small investors all over the country. General partners and Wall Street investment banks raked in huge fees, while thousands of small, generally unsophisticated investors suffered devastating financial losses. According to an analysis by the American Association of Limited Partners of 18 major real estate and oil and gas rollups completed over the last decade, over 510,000 investors lost an estimated $1.7 billion, while general partners and others earned up to $200 million in fees and reimbursements. In the first year of trading, rollup securities often drop 70 percent below the values assigned to the securities at the time of the transaction, with first trading day losses averaging 45 percent.

The tragedy is that even those investors who voted against the deal got rolled up if a simple majority consents to the transaction. On Wall Street, this is called a "cram down" because it crams often worthless rollup securities down the throats of unwilling investors.

CONGRESSIONAL RESPONSE

After the Subcommittee on Telecommunications and Finance began shining a spotlight on abusive rollups, the SEC and the NASD took steps to improve regulatory scrutiny of these transactions. However, major gaps still exist that could allow abusive rollups to continue, and passage of this legislation is needed to close those loopholes and give limited partners the full range of protections they need. Title III of S.

422, as amended by our agreement with the Senate, would:

Allow dissenting investors to be provided with a financial alternative to the rollup and no longer be forced to accept cramdown securities;

Greatly improve disclosure of the independent third-party fairness opinions that often accompany rollup disclosure documents, require rollup sponsors who fail to obtain a fairness opinion disclose why not, and mandate a GAO study of fairness opinions;

Improve rollup disclosures to prominently highlight any risks and conflicts-of-interest and assure that rollup disclosure documents are more clear, concise, and comprehensible;

Prevent rollups from being utilized to make certain changes in corporate governance, unfair changes in fees paid to the general partner, and unfair transaction charges for failed transactions;

Make it easier for limited partners to fight abusive rollups by assuring they get access to investor lists and can communicate with other investors;

Assure investors have adequate time to review a rollup proposal by setting a 60-day minimum solicitation period; and finally,

Bar broker-dealers or any other proxy solicitors from being paid for "yes" votes but not for "no" votes, in order to reduce financial incentives for engaging in abusive boilerroom solicitation practices.

HOUSE-SENATE AGREEMENT

I would like to briefly discuss some of the key aspects of the House-Senate agreement on the rollup legislation.

While we would have preferred to maintain the mandatory fairness opinion and the House infeasibility triggering standard from the House bill, the Senate was unwilling to yield on these issues, forcing us instead to seek alternative means of assuring adequate protections to investors. We believe that we have done so by making a number of significant improvements in these provisions of the Senate bill.

Fairness opinions: We have beefed up the fairness opinion disclosure provisions of the bill. The bill now requires that if the general partner or rollup sponsor receives a fairness opinion or appraisal from someone whose compensation is tied to approval of the deal or who has not been given full access by the issuer to its personnel and premises and any books and records the preparer deems relevant, there must be fulsome disclosure of these facts. This is intended to put investors on notion that the objectivity and utility of any such opinion may be severely compromised if the preparer of the opinion has a direct economic stake in approval or completion of the transaction.

Second, we have mandated that if a fairness opinion is not obtained, the general partner or rollup sponsor must state the reasons why they have concluded that such an opinion is not necessary in order to permit the limited partners to make an informed decision on the proposed transaction. Currently, fairness opinions are not required by either Federal or State law, although general partners often obtain such opinions to help market the rollup to investors or defend themselves against litigation alleging that they have breached their fiduciary duties.

Particularly in those situations where a general partner or rollup sponsor proposes a rollup transaction which confers significant financial benefits on themselves, investors require an independent opinion of the entire fairness of the transaction. Factually accurate disclosure, by itself, is simply not sufficient to allow investors to make an informed consent, particularly when they are under intense and sometimes coercive pressure to approve a transaction. A fairness opinion, to be useful, must examine the entire fairness of the deal to investors in each of the affected partnerships, including whether there has been fair dealing by the general partner and whether a fair price has been offered to investors. If a fairness opinion has not been obtained, the rollup sponsor or general partner must now explain the reasons for their failure to do so in light of the importance that receiving such information and analysis could have to investors trying to make an informed decision regarding the rollup.

In addition to these disclosure provisions, the legislation also requires the GAO to undertake a comprehensive analysis of the nature and adequacy of fairness opinions. We are mandating this study in order to determine whether there is a need for the SEC to mandate that fairness opinions be prepared in connection with all rollup transactions, and whether the SEC should establish Federal standards regarding such opinions in order to improve their usefulness to investors.

Triggering language: In our discussions with the Senate, we also agreed to drop the so-called triggering language on dissenter's rights. This has the effect of allowing dissenting investors to be offered either an appraisal and compensation, retention of their original security, approval of the rollup by a 75 percent supermajority, the use of an independent committee, or other comparable rights designed to protect dissenting limited partners. We expect there to be a presumption in favor of providing dissenting investors appraisal rights wherever feasible.

We dropped the so-called triggering language from the House bill for three reasons. First, the 75 percent supermajority requirement is a very high standard for approval by each of the affected partnerships. Indeed, some say it is so high as to be virtually impossible to attain by anything other than a self-evidently beneficial transaction. Second, by adding a requirement that individuals serving on the independent committee be approved by a majority of the limited partners, the House has obtained greater confidence that the committee will genuinely represent and protect the interest of investors. Finally, by adding language requiring that any other rights offered to limited partners be comparable to the appraisal and compensation, we have greater assurance that if any other rights are offered, such rights will be adequate to protect the financial interests of limited partners.

I would also like to make note of some other important changes that have been made in the final version of the bill. We have picked up the Senate's exclusions from the definition of a rollup, but modified them to eliminate potential loopholes and better assure that abusive transactions would not be able to evade the purposes of the act.

First, we accepted the exclusion in section (5)(B) based on the understanding that it only affects transactions that are conducted in accordance with the terms of the preexisting limited partnership agreement and which are for securities in an operating company specifically identified in such agreements at the time of the formation of the original limited partnership. Unless both conditions are met, a transaction cannot go forward in reliance on this exclusion.

Second, we have accepted the exclusion in section (5)(D) based on the understanding that this excludes transactions only involving issuers that are not required to register or report under section 12 of the Exchange Act both before and after the transaction. If a transaction involved the issuance of a security that, after the transaction, would be convertible into a security of an issue that is required to register or report under section 12, this exclusion would not be available since the transaction would not involve only section 12 issuers.

Third, we agreed on the exclusion in section (5)(E) on the basis of new language providing the Commission authority to subject otherwise excluded transactions to the provisions of the act if it determines, by rule, that such action is necessary for the protection of investors. The Commission should not hesitate to make use of this authority if it determines that this exclusion is being utilized for transactions that are abusive and inconsistent with the purpose of this act. In addition, we have provided that transactions using this exclusion will not provide the existing general partner with any compensation to which they were not entitled as expressly provided for in the preexisting partnership agreements. This provision is intended to prevent general partners from being bought off

by an independent acquirer and assure that the excluded transactions are the result of arms length negotiations and not self-dealing.

Fourth, we agreed on the so-called seasoned securities exclusion in section (5)(F) on the basis of three language changes. We provided the Commission authority to subject otherwise excluded transactions to the provisions of the Act if it determines, by rule, that such action is necessary for the protection of investors. The Commission should not hesitate to make use of this authority if it determines that this exclusion is being utilized for transactions that are abusive and inconsistent with the purposes of this act.

We have also added new language to this exclusion that assures that closely held securities are excluded from the requirement that the securities of the entity issued to investors in the transaction do not exceed 20 percent of the total outstanding securities of the entity. The purpose of this provision is to assure that there is an adequate public float of securities in the entity so that investors have will be likely to have a deep and liquid trading market available to them if they desire to sell the securities in the successor entity following the rollup transaction.

Finally, we have added language requiring that such securities be both reported and regularly traded for at least 12 months prior to the transaction. The Senate argued that this exclusion was in the public interest because the securities being offered to the limited partners were essentially equivalent to cash, in that the value of such securities was readily ascertainable due to the existence of a public market for such securities. The House, however, was concerned about the possibility that some NYSE, AMEX, or NASDAQ National Market System securities might not have a sufficiently liquid secondary trading market, and therefore the value of the securities offered or exchange could be reasonably expected to plummet in value following the transaction. The House therefore insisted that securities provided under this exclusion be a regularly traded securities, which, in this context, means securities for which there exists an active, liquid and orderly secondary trading market into which those limited partners who choose to do so may sell their new shares following the rollup transaction.

CONCLUSION

I would like to express my appreciation to the staffs and Members of both the House and Senate for their efforts to craft the rollup compromise, In particular, I would like to thank Chairman DINGELL and Consuela Washington of his staff, the gentleman from California [Mr. MOORHEAD], the gentleman from Texas [Mr. FIELDS], and Steve Blumenthal and Peter Rich of their staffs, and Jeffrey Duncan of the subcommittee staff. I would also like to thank Steve Cope of the Office of Legislative Counsel for his assistance. Finally, I would like to express my personal appreciation for the efforts of the many individuals and organizations who worked hard for passage of the important set of investor protections that we are enacting today.

I urge my colleagues to join with us in supporting passage of S. 422, as amended with the rollup reform provisions, so that we can put on the books appropriate rules that will protect the estimated 8 million limited partners who today are at risk of being subjected to an abusive rollup.

Mr. FIELDS of Texas. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Speaker, I rise in support of S. 422, the Government Securities Reform Act of 1993.

The purpose of the government securities market is to finance the national debt at the lowest possible cost. Public confidence in the integrity of the market is essential. It was to help preserve that confidence that Congress enacted the Government Securities Act of 1986, and for the same reason we act today.

The GSA established a Federal system for regulating the government securities market, including previously unregulated brokers and dealers, in order to protect investors and to ensure the maintenance of fair, honest and liquid markets. Treasury's rulemaking authority under the GSA, however, sunset on October 1, 1991.

I believe it is incumbent upon Congress to remedy the situation in which the Treasury Department is without authority to regulate its own marketplace. Our legislation does this by reauthorizing the Treasury Department to adopt rules as necessary.

I believe that the government has a role to play in ensuring that this critically important marketplace is not disrupted by the frauds and scandals it has endured during the last 3 years.

I want to commend our full committee chairman, JOHN DINGELL, Chairman ED MARKEY of the Telecommunications and Finance Subcommittee, and its ranking Republican member, JACK FIELDS, for their work in fashioning an appropriate response to the need to update the oversight regulations of this important market. I urge my colleagues to vote for this legislation.

I also rise today in support of those provisions of S. 422 that were contained in H.R. 617, the Limited Partnership Rollup Reform Act of 1993.

That bill outlines what changes must be made to the Federal securities laws to ensure that in rollup transactions adequate disclosure is made. It also ensures that conflicts of interest and self-dealing are minimized and that dissenters' rights are adequately protected.

Just as important, the rights of legitimate businessmen are maintained as well. The regulatory structure of the bill uses securities industry self-regulation as the first line of defense for investors. By pursuing this avenue of regulation, the industry's considerable expertise is brought to bear on its own problems, and the solutions, carefully overseen by the government's own securities regulator, will be in the best interest of all those who are involved in these transactions.

All of the members of the Energy and Commerce Committee share the same desire, to ensure that this bill focuses only on the abuses in these transactions and does not interfere with legitimate business done by reputable firms. I believe that we have achieved this goal admirably.

Mr. GONZALEZ. Mr. Speaker, I would like to reiterate several points concerning the conference report's government securities auction reforms which I first made when H.R. 618 was considered by the House.

But first I should point out that the scandal of Salomon Brothers involved fraud in the government securities auction process, with a resultant squeeze in the secondary market. The submission of false bids by Salomon Brothers at several government securities auctions forced the resignation of several top level officers of the firm, including the chief executive officer. This is why I insisted that any bill to reform the government securities market must include reforms of the auction process which was so easily manipulated.

The conference report on S. 422 contains several important long-term reforms to the government securities auction process. These reforms will increase participation and competition in the government securities auction process, and thereby lower the cost of financing the Government's debt.

The first provision guarantees that any bidder who meets a minimum creditworthiness standard will be eligible to participate in the new automated auction system. Currently, only the primary dealers are allowed to participate in the new automated system. This gives them an unfair competitive advantage.

The second provision prohibits the Treasury Department from giving an auction bidder any advantage, favorable treatment, or other benefit. Only reasonable and necessary exceptions in the public interest would be allowed. The favored treatment historically given to the primary dealers for no valid reason would be stopped once and for all.

Third, the activities of the secretive Treasury advisory borrowing committee will be pried open to the public. Generally, all meetings are open, except for those where the committee deliberates and reports to the Treasury. I am pleased that the Treasury Department has agreed to implement this provision in advance of the passage of the conference report. In fact, the borrowing committee has already held an open meeting under this new policy.

The minutes of borrowing committee meetings must be available to the public within 3 business days. Also, committee members are strictly prohibited from divulging the contents of the committee's discussions. A person violating this provision will be permanently

banned from the committee and the firm the person was associated with would also be banned from the committee for 5 years.

In addition, I have received assurances from the Chairman of the Securities and Exchange Commission that committee members who violated this prohibition would be subject to liability under insider trading laws. I would refer Members to the debate on H.R. 618 contained in the October 5, 1993, CONGRESSIONAL RECORD, where I placed into the record a letter I received from Chairman Arthur Levitt on this point.

I have also received assurances from the Treasury Department that it will improve the diversity of the committee membership to reflect more accurately the array of participants in the government securities market. The Treasury Department will ensure that at least one-fourth of the committee's membership turns over every 2 years, with a complete turnover every 8 years.

Finally, the Secretary must report to Congress every year on violations and suspected violations of the auction rules. The Treasury will continue its practice of referring all such violations to the SEC or Justice Department for further investigation or prosecution.

I appreciate the cooperation of the Treasury Department in accepting these much needed reforms, and the work of everyone involved in producing this legislation. I urge passage of the conference report.

Mr. DINGELL. Mr. Speaker, I rise in strong support of the Government Securities Act Amendments of 1993. Passage of this bill is the culmination of a process that begin over 2 years ago, and is a tribute to the cooperation of three committees in the House—Energy and Commerce, Banking, and Ways and Means—and our colleagues on the Senate Banking Committee, as well as senior officials and staff of the Department of Treasury, the Securities and Exchange Commission, and the Federal Reserve. Each provision of the bill has been carefully crafted, keeping in mind the manner in which Treasury finances and manages the public debt, and the critical need to maintain investor confidence and the integrity of the market in Government securities. The special provisions governing rules for financial-institution Government securities brokers and Government securities dealers are a result of the unique structure of the Treasury market and its regulation, and are not meant as precedent for any other markets or any future legislation.

Although no formal conference was convened to reconcile differences between the House and Senate bills, staffs from both bodies conducted extensive negotiations and ultimately reconciled the differences between the two bills. No formal conference was necessary due to the success of this process. I commend the staff for their hard work and diligence, and thank my colleagues in the House and the Senate, especially Senators DODD and GRAMM, for their leadership and their efforts to resolve their differences in such an expeditious and considerate manner. The statement that follows my remarks, and an identical statement that appears in the Senate proceedings on this bill, shall constitute the legislative history on this bill in lieu of a formal conference report.

This legislation is the product of a bipartisan effort in the House and the Senate to produce a focused, well-balanced regulatory framework in response to significant changes that have occurred in the Government securities market since enactment of the Government Securities Act of 1986, and to scandals in the Government securities market that threaten to shake public confidence in the fairness of that market. I especially want to commend Mr. MARKEY, the chairman of the Subcommittee on Telecommunications and Finance, and Messrs. MOORHEAD and FIELDS, the ranking Republican members of the committee and of the subcommittee, respectively, for their extraordinary leadership and perseverance on this issue, and to thank Mr. GONZALEZ, the chairman of the House Banking Committee, and Messrs. ROSTENKOWSKI and PICKLE, the chairmen of the Committee on Ways and Means and of its Subcommittee on Oversight, respectively, for their important contributions to this legislation.

I urge my colleagues to support passage of this bill.

STATEMENT ON S. 422, THE GOVERNMENT SECURITIES ACT AMENDMENTS

On July 29, 1993, the Senate passed S. 422, the Government Securities Act Amendments of 1993, and, on October 5, 1993, the House passed the bill with an amendment containing the language of the House-passed bill, H.R. 618, the Government Securities Reform Act of 1993. The legislation that we consider today is, with a few modifications, almost identical to the bill (S. 422 as amended by the text of H.R. 618, the previously-passed House bill) that was passed by the House on October 5, 1993. These modifications are reflected in an amendment which was passed by the Senate earlier today. The legislation before the House thus encompasses the amendments of the House to S. 422 with an amendment. In lieu of a conference report, this floor statement represents the views of the chairman and ranking minority member of the Committee on Energy and Commerce and the chairman and ranking minority member of the Subcommittee on Telecommunications and Finance and is intended to serve as the legislative history, along with S. Rpt. 103-109 (July 27, 1993) and CONGRESSIONAL RECORD (July 29, 1993) at 17865-17866, and H. Rpt. 103-255 (September 23, 1993) and CONGRESSIONAL RECORD (October 5, 1993) at 23620-23635.

ANALYSIS OF MAJOR PROVISIONS

Extension of Rulemaking Authority.—In 1986, Congress granted specific rulemaking authority to the Secretary of the Treasury (Treasury) and provided that the authority of the Treasury to issue orders and to propose and adopt rules would terminate on October 1, 1991 (P.L. 99-571). This was done in response to concerns raised by 1985 Treasury testimony strongly opposing the Government Securities Act (GSA).

However, the 1990 Joint Treasury, Securities and Exchange Commission (SEC), and Board of Governors of the Federal Reserve System (Federal Reserve) Study of the Effectiveness of the Implementation of the Government Securities Act reached the following unanimous conclusion: "[t]he implementation of the GSA regulations has met the objectives established by Congress in enacting the GSA. The rules have been timely and fairly implemented; have not imposed excessive and overly burdensome requirements; have not impaired the liquidity, efficiency and integrity of the government securities market; and have improved and strengthened investor safety in the market. Most importantly, although some government securities brokers or dealers have failed or discontinued business since the inception of the GSA regulations, no customers have lost any funds or securities as a result of such occurrences."

Accordingly, the amendment eliminates the sunset date and extends the Treasury rulemaking authority pursuant to section 15C(b) of the exchange Act, as well as the new large position reporting authority granted to Treasury under this amendment.

Transaction Records.—The amendment requires all government securities brokers and dealers to furnish to the SEC on Request records of government securities transactions, including records of the date and time of execution of trades, as the SEC may require to reconstruct trading in the course of a particular inquiry of investigation being conducted by the SEC for enforcement or surveillance purposes. It is our intention that the SEC and Treasury will take the necessary steps under their existing authorities to adopt necessary recordkeeping rules to assure that appropriate records are made and maintained by all government securities brokers and dealers, and that they will work together to make sure that inadequate recordkeeping and impediments to trade reconstruction are addressed so that the SEC is able to carry out effectively its responsibilities under the federal securities laws. It is further our intent that, in utilizing its authority to require information in machine readable form under new section 15C(d)(3)(A), the SEC shall consider the impact of this requirement on small government securities brokers and dealers and should work with these smaller firms to develop an efficient means of compliance, such as the electronic blue sheets used for all firms in the equity markets. *See* House Comm. on Energy and Commerce, Report to Accompany H.R. 618, H.R. Rep. No. 225, 103rd Cong., 1st Sess. (September 23, 1993) at 42.

Large Position Reporting.—The amendment authorities Treasury to prescribe rules to require persons holding, maintaining or controlling large positions in to-be-issued or recently-issued Treasury securities to file reports regarding those positions.

The amendment rests on the belief that the Secretary of the Treasury is well positioned to determine whether large position reporting is necessary and appropriate in order to monitor the impact in the Treasury securities market of concentrations of positions and to assist the SEC in its enforcement of the Exchange Act. It is our expectation that substantial deference will be accorded to any determinations that Treasury makes in this regard.

The statutory provision regarding the minimum size of a position subject to reporting is meant to ensure that the minimum size will not be set so low that positions which could not affect significantly the market for a particular security are subject to reporting rules. However, there is no presumption of manipulative intent solely because a position is large enough to be subject to reporting rules adopted by Treasury.

It is our expectation that, in determining the minimum size of a reportable position, Treasury will consider, among other factors, other relevant rules and procedures, including auction rules regarding positions. It is our further expectation that Treasury will take into account the likelihood of collusion

among market participants. Substantial deference should be accorded to Treasury's determination of the minimum size of a position subject to reporting requirements.

By inserting the requirement that Treasury, in adopting rules regarding large position reporting, take into account any impact on the efficiency and liquidity of the Treasury securities market and the cost to taxpayers of funding the Federal debt, the amendment does not contemplate that a formal statistical exercise be performed to justify the rulemaking. Rather, it is our intent to ensure that Treasury considers all the important responsibilities and goals that it has in managing the pubic debt in any rulemaking concerning large position reporting.

We expect the Treasury to consult with the Federal Reserve Bank of New York in formulating large position reporting rules concerning the Bank's need to maintain the confidentiality of the accounts it maintains for foreign central banks, foreign governments, and official international financial institutions.

Finally, it is our intent that large position reports would be information within the scope of the Trade Secrets Act (TSA), 18 U.S.C. 1905, which prohibits the disclosure of certain types of information by officers and employees of the federal government unless "authorized by law." *See Chrysler* v. *Brown*, 441 U.S. 281, 295-304 (1979) (disclosure may be deemed authorized by law only when made pursuant to statute or substantive agency regulation authorized by statute). The TSA covers "information coming to [such person] in the course of his employment or official duties or by reason of any * * * report or record * * * concern[ing] or relat[ing] to * * * the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association." *See CNA Financial Corp.* v. *Donovan*, 830 F.2d 1132, 1140 (D.C. Cir. 1987) (describing the scope of the TSA as "oceanic" and as "encompass[ing] virtually every category of business information likely to be in the files of an agency.") In addition to this criminal statute, Section 24(b) of the Exchange Act specifically makes it unlawful "for any member, officer, or employee of the Commission to disclose to any person other than a member, officer, or employee of the Commission, or to use for personal benefit, any information contained in any application, statement, report, contract, correspondence, notice, or other document filed with or otherwise obtained by the Commission (1) in contravention of the rules and regulations of the Commission under the [the FOIA] or (2) in circumstances where the Commission has determined pursuant to such rules to accord confidential treatment to such information." Members, officers, or employees of the SEC who disclose information in violation of Section 24 and the rules thereunder are subject to criminal penalties pursuant to Section 32 of the Exchange Act. Officers and employees are also prohibited pursuant to Rule 0-4 of the SEC's Rules and Regulations under the Exchange Act from making "non-public records of the Commission" available to others without SEC authorization.

Fraudulent and Manipulative Acts and Practices.—The amendment extends the SEC's current authority under sections 15(c)(1) and (2) of the Exchange Act to all government securities brokers and dealers and to all transactions in government securities. This grant of authority will enable the SEC to prescribe rules to prevent fraudulent, deceptive, or manipulative acts or practices or the use of any fictitious quotations in the government securities market.

The amendment requires the SEC to consult with and consider the views of the Treasury and the bank and thrift regulatory agencies prior to adopting any such rules, and to respond in writing to any written comments submitted in such consultation process. The amendment provides for enhanced consultation between the regulators in order to respond to particular concerns about the potential impact of these antifraud rules on the Treasury's ability to manage the federal debt. Accordingly, this provision is designed to avoid any unforeseen effects of new rules on the auctions or secondary market for Treasury securities. This concern ordinarily would not be expected to arise with respect to the application of such rules to the marketing and trading of other types of government securities.

Sales Practice Rulemaking Authority.—The amendment removes current limitations on the ability of the National Association of Securities Dealers (NASD) to regulate its members' transactions in exempted securities other than municipal securities, and authorizes the bank and thrift regulatory agencies to prescribe rules applicable to the financial institutions they supervise, to prevent fraudulent and manipulative sales practices, and promote just and equitable principles of trade. The amendment's consultation and coordination requirements are intended to facilitate consistency of financial institution rules with analogous self-regulatory organization rules, as well as consistent administration and enforcement of such rules, in order to maintain the integrity of the market for government securities. The amendment provides for enhanced consultation between the regulators in order to respond to particular concerns about the potential impact of these sales practice rules on the Treasury's ability to manage the federal debt. Accordingly, this provision is designed to avoid any unforeseen effects of new rules on the auctions or secondary market for Treasury securities. This concern ordinarily would not be expected to arise with respect to the application of such rules to the marketing and trading of other types of government securities.

Market Information.—The amendment adds government securities market transparency to the list of subjects on which the SEC is required to report to Congress annually. These reports will provide information necessary for proper ongoing evaluation of the sufficiency of private sector developments, and are necessary to assure that momentum toward improved market transparency continues and is not reversed.

SIPC Disclosure.—The amendment prohibits a government securities broker or dealer, registered under Exchange Act Section 15C(a)(1)(A), that is not a member of the Securities Investor Protection Corporation (SIPC) from effecting securities transactions in contravention of rules prescribed to assure that customers receive complete, accurate, and timely disclosure of the inapplicability of SIPC coverage to their accounts.

False and Misleading Statements in Government Securities Offerings.—The amendment explicitly provides that, in connection with any bid for a purchase of a government security related to an offering of government securities by or on behalf of an issuer, no government securities broker or dealer, or bidder for or purchaser of securities in such offering, shall knowingly and willfully make any false or misleading statement or omit any fact necessary to make any written statement made not misleading. The amendment does not alter the SEC's existing authority under sections 10(b) or 17(a) of the Exchange Act or the rules promulgated thereunder.

Treasury Auction Reforms.—The amendment requires that, by the end of 1995, any bidder, who meets the Treasury's minimum creditworthiness standard and agrees to comply with the applicable rules and regulations, be permitted to submit a computer-generated tender to any automated auction system established by Treasury for the sale upon issuance of Treasury securities. The amendment also prohibits Treasury from providing any government securities broker or government securities dealer any advantage, favorable treatment, or other benefit, subject only to necessary and appropriate exceptions. Finally, the amendment opens to the public, subject to reasonable exceptions, the meetings of the Treasury Borrowing Committee, requires minutes of each meeting to be publicly available within three business days, and explicitly prohibits Committee members from divulging the contents of the Committee's discussions. The amendment provides penalties for violations of the latter prohibition (that are in addition to any other applicable penalty or enforcement action) and requires Treasury to submit an annual report to Congress with respect to violations of Treasury auction rules or regulations.

Studies, Reports and Notices to Congress.—The amendment provides for (1) a joint Treasury, SEC and Federal Reserve study and report on the effectiveness of the regulatory system for government securities as amended by this legislation; (2) a Treasury study and report on the continuing need for a separate regulatory system for government securities brokers and government securities dealers registered with the SEC under section 15C of the Exchange Act; (3) an annual report by Treasury on the Treasury's public debt activities and the operations of the Federal Financing Bank; and (4) a notice to the Congress of any significant modifications to the Treasury auction process at the time such modifications are implemented.

Mr. FIELDS of Texas. Mr. Speaker, I strongly support this legislation.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on S. 422, the Senate bill just considered.

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

There was no objection.

COPYRIGHT ROYALTY TRIBUNAL REFORM ACT OF 1993

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2840) to

amend title 17, United States Code, to establish copyright arbitration royalty panels to replace the Copyright Royalty Tribunal, and for other purposes, with a Senate amendment thereto and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copyright Royalty Tribunal Reform Act of 1993".

SEC. 2. COPYRIGHT ARBITRATION ROYALTY PANELS.

(a) ESTABLISHMENT AND PURPOSE.—Section 801 of title 17, United States Code, is amended as follows:

(1) The section designation and heading are amended to read as follows:

"§ 801. Copyright arbitration royalty panels: Establishment and purpose"

(2) Subsection (a) is amended to read as follows:

"(a) ESTABLISHMENT.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, is authorized to appoint and convene copyright arbitration royalty panels.".

(3) Subsection (b) is amended—

(A) by inserting "PURPOSES.—" after "(b)";

(B) in the matter preceding paragraph (1), by striking "Tribunal" and inserting "copyright arbitration royalty panels";

(C) in paragraph (2)—

(i) in subparagraph (A), by striking "Commission" and inserting "copyright arbitration royalty panels";

(ii) in subparagraph (B), by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panels"; and

(iii) in subparagraph (D) by adding "and" after the semicolon;

(D) in paragraph (3)—

(i) by striking "and 119(b)," and inserting "119(b), and 1003,"; and

(ii) by striking the sentence beginning with "In determining" through "this title"; and

(E) by striking paragraph (4);

(4) by amending subsection (c) to read as follows:

"(c) RULINGS.—The Librarian of Congress, upon the recommendation of the Register of Copyrights, may, before a copyright arbitration royalty panel is convened, make any necessary procedural or evidentiary rulings that would apply to the proceedings conducted by such panel."; and

(5) by adding at the end the following new subsection:

"(d) ADMINISTRATIVE SUPPORT OF COPYRIGHT ARBITRATION ROYALTY PANELS.—The Library of Congress, upon recommendation of the Register of Copyrights, shall provide the copyright arbitration royalty panels with the necessary administrative services related to proceedings under this chapter.".

(b) MEMBERSHIP AND PROCEEDINGS.—Section 802 of title 17, United States Code, is amended to read as follows:

"§ 802. Membership and proceedings of copyright arbitration royalty panels

"(a) COMPOSITION OF COPYRIGHT ARBITRATION ROYALTY PANELS.—A copyright arbitration royalty panel shall consist of 3 arbitrators selected by the Librarian of Congress pursuant to subsection (b).

"(b) SELECTION OF ARBITRATION PANEL.—Not later than 10 days after publication of a notice in the Federal Register initiating an arbitration proceeding under section 803, and in accordance with procedures specified by the Register of Copyrights, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, select 2 arbitrators from lists provided by professional arbitration associations. Qualifications of the arbitrators shall include experience in conducting arbitration proceedings and facilitating the resolution and settlement of disputes, and any qualifications which the Librarian of Congress, upon recommendation of the Register of Copyrights, shall adopt by regulation. The 2 arbitrators so selected shall, within 10 days after their selection, choose a third arbitrator from the same lists, who shall serve as the chairperson of the arbitrators. If such 2 arbitrators fail to agree upon the selection of a third arbitrator, the Librarian of Congress shall promptly select the third arbitrator. The Librarian of Congress, upon recommendation of the Register of Copyrights, shall adopt regulations regarding standards of conduct which shall govern arbitrators and the proceedings under this chapter.

"(c) ARBITRATION PROCEEDINGS.—Copyright arbitration royalty panels shall conduct arbitration proceedings, subject to subchapter II of chapter 5 of title 5, United States Code, for the purpose of making their determinations in carrying out the purposes set forth in section 801. The arbitration panels shall act on the basis of a fully documented written record, prior decisions of the Copyright Royalty Tribunal, prior copyright arbitration panel determinations, and rulings by the Librarian of Congress under section 801(c). Any copyright owner who claims to be entitled to royalties under section 111, 116, or 119, or any interested copyright party who claims to be entitled to royalties under section 1006, may submit relevant information and proposals to the arbitration panels in proceedings applicable to such copyright owner or interested copyright party, and any other person participating in arbitration proceedings may submit such relevant information and proposals to the arbitration panel conducting the proceedings. In ratemaking proceedings, the parties to the proceedings shall bear the entire cost thereof in such manner and proportion as the arbitration panels shall direct. In distribution proceedings, the parties shall bear the cost in direct proportion to their share of the distribution.

"(d) PROCEDURES.—Effective on the date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, the Librarian of Congress shall adopt the rules and regulations set forth in chapter 3 of title 37 of the Code of Federal Regulations to govern proceedings under this chapter. Such rules and regulations shall remain in effect unless and until the Librarian, upon recommendation of the Register of Copyrights, adopts supplemental or superseding regulations under subchapter II of chapter 5 of title 5, United States Code.

"(e) REPORT TO THE LIBRARIAN OF CONGRESS.—Not later than 180 days after publication of the notice in the Federal Register initiating an arbitration proceeding, the copyright arbitration royalty panel conducting the proceeding shall report to the Librarian of Congress its determination concerning the royalty fee or distribution of royalty fees, as the case may be. Such report shall be accompanied by the written record, and shall set forth the facts that the arbitration panel found relevant to its determination.

"(f) ACTION BY LIBRARIAN OF CONGRESS.—Within 60 days after receiving the report of a copyright arbitration royalty panel under subsection (e), the Librarian of Congress, upon the recommendation of the Register of Copyrights, shall adopt or reject the determination of the arbitration panel. The Librarian shall adopt the determination of the arbitration panel unless the Librarian finds that the determination is arbitrary or contrary to the applicable provisions of this title. If the Librarian rejects the determination of the arbitration panel, the Librarian shall, before the end of that 60-day period, and after full examination of the record created in the arbitration proceeding, issue an order setting the royalty fee or distribution of fees, as the case may be. The Librarian shall cause to be published in the Federal Register the determination of the arbitration panel, and the decision of the Librarian (including an order issued under the preceding sentence). The Librarian shall also publicize such determination and decision in such other manner as the Librarian considers appropriate. The Librarian shall also make the report of the arbitration panel and the accompanying record available for public inspection and copying.

"(g) JUDICIAL REVIEW.—Any decision of the Librarian of Congress under subsection (f) with respect to a determination of an arbitration panel may be appealed, by any aggrieved party who would be bound by the determination, to the United States Court of Appeals for the District of Columbia Circuit, within 30 days after the publication of the decision in the Federal Register. If no appeal is brought within such 30-day period, the decision of the Librarian is final, and the royalty fee or determination with respect to the distribution of fees, as the case may be, shall take effect as set forth in the decision. The pendency of an appeal under this paragraph shall not relieve persons obligated to make royalty payments under sections 111, 115, 116, 118, 119, or 1003 who would be affected by the determination on appeal to deposit the statement of account and royalty fees specified in those sections. The court shall have jurisdiction to modify or vacate a decision of the Librarian only if it finds, on the basis of the record before the Librarian, that the Librarian acted in an arbitrary manner. If the court modifies the decision of the Librarian, the court shall have jurisdiction to enter its own determination with respect to the amount or distribution of royalty fees and costs, to order the repayment of any excess fees, and to order the payment of any underpaid fees, and the interest pertaining respectively thereto, in accordance with its final judgment. The court may further vacate the decision of the arbitration panel and remand the case to the Librarian for arbitration proceedings in accordance with subsection (c).

"(h) ADMINISTRATIVE MATTERS.—

"(1) DEDUCTION OF COSTS FROM ROYALTY FEES.—The Librarian of Congress and the Register of Copyrights may, to the extent not otherwise provided under this title, deduct from royalty fees deposited or collected under this title the reasonable costs incurred by the Library of Congress and the Copyright Office under this chapter. Such deduction may be made before the fees are distributed to any copyright claimants. If no royalty pool exists from which their costs can be deducted, the Librarian of Congress and the Copyright Office may assess their reasonable costs directly to the parties to the most recent relevant arbitration proceeding.

"(2) POSITIONS REQUIRED FOR ADMINISTRATION OF COMPULSORY LICENSING.—Section 307 of the Legislative Branch Appropriations

Act, 1994, shall not apply to employee positions in the Library of Congress that are required to be filled in order to carry out section 111, 115, 116, 118, or 119 or chapter 10.".

(c) PROCEDURES OF THE TRIBUNAL.—Section 803 of title 17, United States Code, and the item relating to such section in the table of sections at the beginning of chapter 8 of such title, are repealed.

(d) INSTITUTION AND CONCLUSION OF PROCEEDINGS.—Section 804 of title 17, United States Code, is amended as follows:

(1) The section heading is amended to read as follows:

"§ 803. Institution and conclusion of proceedings".

(2) Subsection (a) is amended to read as follows:

"(a)(1) With respect to proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in sections 115 and 116, and with respect to proceedings under subparagraphs (A) and (D) of section 801(b)(2), during the calendar years specified in the schedule set forth in paragraphs (2), (3), and (4), any owner or user of a copyrighted work whose royalty rates are specified by this title, established by the Copyright Royalty Tribunal before the date of the enactment of the Copyright Royalty Tribunal Reform Act of 1993, or established by a copyright arbitration royalty panel after such date of enactment, may file a petition with the Librarian of Congress declaring that the petitioner requests an adjustment of the rate. The Librarian of Congress shall, upon the recommendation of the Register of Copyrights, make a determination as to whether the petitioner has such a significant interest in the royalty rate in which an adjustment is requested. If the Librarian determines that the petitioner has such a significant interest, the Librarian shall cause notice of this determination, with the reasons therefor, to be published in the Federal Register, together with the notice of commencement of proceedings under this chapter.

"(2) In proceedings under section 801(b)(2)(A) and (D), a petition described in paragraph (1) may be filed during 1995 and in each subsequent fifth calendar year.

"(3) In proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in section 115, a petition described in paragraph (1) may be filed in 1997 and in each subsequent tenth calendar year.

"(4)(A) In proceedings under section 801(b)(1) concerning the adjustment of royalty rates as provided in section 116, a petition described in paragraph (1) may be filed at any time within 1 year after negotiated licenses authorized by section 116 are terminated or expire and are not replaced by subsequent agreements.

"(B) If a negotiated license authorized by section 116 is terminated or expires and is not replaced by another such license agreement which provides permission to use a quantity of musical works not substantially smaller than the quantity of such works performed on coin-operated phono-record players during the 1-year period ending March 1, 1989, the Librarian of Congress shall, upon petition filed under paragraph (1) within 1 year after such termination or expiration, convene a copyright arbitration royalty panel. The arbitration panel shall promptly establish an interim royalty rate or rates for the public performance by means of a coin-operated phonorecord player of non-dramatic musical works embodied in phonorecords which had been subject to the terminated or expired negotiated license agreement. Such rate or rates shall be the same as the last such rate or rates and shall remain in force until the conclusion of proceedings by the arbitration panel, in accordance with section 802, to adjust the royalty rates applicable to such works, or until superseded by a new negotiated license agreement, as provided in section 116(b).".

(3) Subsection (b) is amended—

(A) by striking "subclause" and inserting "subparagraph";

(B) by striking "Tribunal" the first place it appears and inserting "Copyright Royalty Tribunal or the Librarian of Congress";

(C) by striking "Tribunal" the second and third places it appears and inserting "Librarian";

(D) by striking "Tribunal" the last place it appears and inserting "Copyright Royalty Tribunal or the Librarian of Congress"; and

(E) by striking "(a)(2), above" and inserting "subsection (a) of this section".

(4) Subsection (c) is amended by striking "Tribunal" and inserting "Librarian of Congress".

(5) Subsection (d) is amended—

(A) by striking "Chairman of the Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "determination by the Tribunal" and inserting "a determination".

(6) Subsection (e) is stricken out.

(e) REPEAL.—Sections 805 through 810 of title 17, United States Code, are repealed.

(f) CLERICAL AMENDMENT.—The table of sections for chapter 8 of title 17, United States Code, is amended to read as follows:

"CHAPTER 8—COPYRIGHT ROYALTY TRIBUNAL

"Sec.
"801. Copyright arbitration royalty panels: establishment and purpose.
"802. Membership and proceedings of copyright arbitration royalty panels.
"803. Institution and conclusion of proceedings.".

SEC. 3. JUKEBOX LICENSES.

(a) REPEAL OF COMPULSORY LICENSE.—Section 116 of title 17, United States Code, and the item relating to section 116 in the table of sections at the beginning of chapter 1 of such title, are repealed.

(b) NEGOTIATED LICENSES.—Section 116A of title 17 United States Code, is amended—

(A) by redesignating such section as section 116;

(B) by striking subsection (b) and redesignating subsections (c) and (d) as subsections (b) and (c), respectively;

(C) in subsection (b)(2) (as so redesignated) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(D) in subsection (c) (as so redesignated)—

(i) in the subsection caption by striking "ROYALTY TRIBUNAL" and inserting "ARBITRATION ROYALTY PANEL";

(ii) by striking "subsection (c)" and inserting "subsection (b)"; and

(iii) by striking "the Copyright Royalty Tribunal" and inserting "a copyright arbitration royalty panel"; and

(E) by striking subsections (e), (f), and (g).

(2) The table of sections at the beginning of chapter 1 of title 17, United States Code, is amended by striking "116A" and inserting "116".

SEC. 4. PUBLIC BROADCASTING COMPULSORY LICENSE.

Section 118 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) by striking the first 2 sentences;

(B) in the third sentence by striking "works specified by this subsection" and inserting "published nondramatic musical works and published pictorial, graphic, and sculptural works";

(C) in paragraph (1)—

(i) in the first sentence by striking ", within one hundred and twenty days after publication of the notice specified in this subsection,"; and

(ii) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(D) in paragraph (2) by striking "Tribunal" and inserting "Librarian of Congress";

(E) in paragraph (3)—

(i) by striking the first sentence and inserting the following: "In the absence of license agreements negotiated under paragraph (2), the Librarian of Congress shall, pursuant to chapter 8, convene a copyright arbitration royalty panel to determine and publish in the Federal Register a schedule of rates and terms which, subject to paragraph (2), shall be binding on all owners of copyright in works specified by this subsection and public broadcasting entities, regardless of whether such copyright owners have submitted proposals to the Librarian of Congress.";

(ii) in the second sentence—

(I) by striking "Copyright Royalty Tribunal" and inserting "copyright arbitration royalty panel"; and

(II) by striking "clause (2) of this subsection" and inserting "paragraph (2)"; and

(iii) in the last sentence by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(F) by striking paragraph (4);

(2) in subsection (c)—

(A) by striking "1982" and inserting "1997"; and

(B) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(3) in subsection (d)—

(A) by striking "to the transitional provisions of subsection (b)(4), and";

(B) by striking "the Copyright Royalty Tribunal" and inserting "a copyright arbitration royalty panel";

(C) in paragraphs (2) and (3) by striking "clause" each place it appears and inserting "paragraph"; and

(4) in subsection (g) by striking "clause" and inserting "paragraph".

SEC. 5. SECONDARY TRANSMISSIONS OF SUPERSTATIONS AND NETWORK STATIONS FOR PRIVATE HOME VIEWING.

Section 119 of title 17, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1) by striking "; after consultation with the Copyright Royalty Tribunal," each place it appears;

(B) in paragraph (2) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(C) in paragraph (3) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(D) in paragraph (4)—

(i) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iii) in subparagraph (B) by striking "conduct a proceeding" in the last sentence and inserting "convene a copyright arbitration royalty panel"; and

(2) in subsection (c)—

(A) in the subsection caption by striking "DETERMINATION" and inserting "ADJUSTMENT";

(B) in paragraph (2) by striking "Copyright Royalty Tribunal" each place it appears and inserting "Librarian of Congress";

(C) in paragraph (3)—

(i) in subparagraph (A)—

(I) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(II) by striking the last sentence and inserting the following: "Such arbitration proceeding shall be conducted under chapter 8.";

(ii) by striking subparagraphs (B) and (C);

(iii) in subparagraph (D)—

(I) by redesignating such subparagraph as subparagraph (B); and

(II) by striking "Arbitration Panel" and inserting "copyright" arbitration royalty panel appointed under chapter 8";

(iv) by striking subparagraphs (E) and (F);

(v) by amending subparagraph (G) to read as follows:

"(C) PERIOD DURING WHICH DECISION OF ARBITRATION PANEL OR ORDER OF LIBRARIAN EFFECTIVE.—The obligation to pay the royalty fee established under a determination which—

"(i) is made by a copyright arbitration royalty panel in an arbitration proceeding under this paragraph and is adopted by the Librarian of Congress under section 802(e), or

"(ii) is established by the Librarian of Congress under section 802(e),

shall become effective as provided in section 802(f)."; and

(vi) in subparagraph (H)—

(I) by redesignating such subparagraph as subparagraph (D); and

(II) by striking "adopted or ordered under subparagraph (F)" and inserting "referred to in subparagraph (C)"; and

(D) by striking paragraph (4).

SEC. 6. CONFORMING AMENDMENTS.

(a) CABLE COMPULSORY LICENSE.—Section 111(d) of title 17, United States Code, is amended as follows:

(1) Paragraph (1) is amended by striking ". after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(2) Paragraph (1)(A) is amended by striking ", after consultation with the Copyright Royalty Tribunal (if and when the Tribunal has been constituted),".

(3) Paragraph (2) is amended by striking the second and third sentences and by inserting the following: "All funds held by the Secretary of the Treasury shall be invested in interest-bearing United States securities for later distribution with interest by the Librarian of Congress in the event no controversy over distribution exists, or by a copyright arbitration royalty panel in the event a controversy over such distribution exists.".

(4) Paragraph (4)(A) is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "Tribunal" and inserting "Librarian of Congress".

(5) Paragraph (4)(B) is amended to read as follows:

"(B) After the first day of August of each year, the Librarian of Congress shall, upon the recommendation of the Register of Copyrights, determine whether there exists a controversy concerning the distribution of royalty fees. If the Librarian determines that no such controversy exists, the Librarian shall, after deducting reasonable administrative costs under this section, distribute such fees to the copyright owners entitled to such fees, or to their designated agents. If the Librarian finds the existence of a controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty fees.".

(6) Paragraph (4)(C) is amended by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress".

(b) AUDIO HOME RECORDING ACT.—

(1) ROYALTY PAYMENTS.—Section 1004(a)(3) of title 17, United States Code, is amended—

(A) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(B) by striking "Tribunal" and inserting "Librarian of Congress".

(2) DEPOSIT OF ROYALTY PAYMENTS.—Section 1006 of title 17, United States Code, is amended by striking the last sentence.

(3) ENTITLEMENT TO ROYALTY PAYMENTS.—Section 1006(c) of title 17, United States Code, is amended by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress shall convene a copyright arbitration royalty panel which".

(4) PROCEDURES FOR DISTRIBUTING ROYALTY PAYMENTS.—Section 1007 of title 17, United States Code, is amended—

(A) in subsection (a)(1)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" and inserting "Librarian of Congress";

(B) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(C) in subsection (c)—

(i) by striking the first sentence and inserting "If the Librarian of Congress finds the existence of a controversy, the Librarian shall, pursuant to chapter 8 of this title, convene a copyright arbitration royalty panel to determine the distribution of royalty payments.";

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iii) in the last sentence by striking "its reasonable administrative costs" and inserting "the reasonable administrative costs incurred by the Librarian".

(5) ARBITRATION OF CERTAIN DISPUTES.—Section 1010 of title 17, United States Code, is amended—

(A) in subsection (b)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress"; and

(ii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress";

(B) in subsection (e)—

(i) in the subsection caption by striking "COPYRIGHT ROYALTY TRIBUNAL" and inserting "LIBRARIAN OF CONGRESS"; and

(ii) by striking Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(C) in subsection (f)—

(i) in the subsection caption by striking "COPYRIGHT ROYALTY TRIBUNAL" and inserting "LIBRARIAN OF CONGRESS";

(ii) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(iii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress"; and

(iv) in the third sentence by striking "its" and inserting "the Librarian's"; and

(D) in subsection (g)—

(i) by striking "Copyright Royalty Tribunal" and inserting "Librarian of Congress";

(ii) by striking "Tribunal's decision" and inserting "decision of the "Librarian of Congress"; and

(iii) by striking "Tribunal" each place it appears and inserting "Librarian of Congress".

SEC. 7. EFFECTIVE DATE AND TRANSITION PROVISIONS.

(a) IN GENERAL.—This Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) EFFECTIVENESS OF EXISTING RATES AND DISTRIBUTIONS.—All royalty rates and all determinations with respect to the proportionate division of compulsory license fees among copyright claimants, whether made be the Copyright Royalty Tribunal, or by voluntary agreement, before the effective date set forth in subsection (a) shall remain in effect until modified by voluntary agreement or pursuant to the amendments made by this Act.

(c) TRANSFER OF APPROPRIATIONS.—All unexpended balances of appropriations made to the Copyright Royalty Tribunal, as of the effective date of this Act, are transferred on such effective date to the Copyright Office for use by the Copyright Office for the purposes for which such appropriations were made.

SEC. 8. LIMITATIONS ON PERFORMANCE OF LONGSHORE WORK BY ALIEN CREWMEMBERS—ALASKA EXCEPTION.

(a) ALASKA EXCEPTION.—Section 258 of the Immigration and Nationality Act (8 U.S.C. 1288) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) STATE OF ALASKA EXCEPTION.—(1) Subsection (a) shall not apply to a particular activity of longshore work at a particular location in the State of Alaska if an employer of alien crewmen has filed an attestation with the Secretary of Labor at least 30 days before the date of the first performance of the activity (or anytime up to 24 hours before the first performance of the activity, upon a showing that the employer could not have reasonably anticipated the need to file an attestation for that location at that time) setting forth facts and evidence to show that—

"(A) the employer will make a bona fide request for United States longshore workers who are qualified and available in sufficient numbers to perform the activity at the particular time and location from the parties to whom notice has been provided under clauses (ii) and (iii) of subparagraph (D), except that—

"(i) wherever two or more contract stevedoring companies have signed a joint collective bargaining agreement with a single labor organization described in subparagraph (D)(i), the employer may request longshore workers from only one of such contract stevedoring companies, and

"(ii) a request for longshore workers to an operator of a private dock may be made only for longshore work to be performed at that dock and only if the operator meets the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932);

"(B) the employer will employ all those United States longshore workers made available in response to the request made pursuant to subparagraph (A) who are qualified and available in sufficient numbers and who are needed to perform the longshore activity at the particular time and location;

"(C) the use of alien crewmembers for such activity is not intended or designed to influence an election of a bargaining representative for workers in the State of Alaska; and

"(D) notice of the attestation has been provided by the employer to—

"(i) labor organizations which have been recognized as exclusive bargaining representatives of United States longshore workers within the meaning of the National Labor Relations Act and which make available or intend to make available workers to the particular location where the longshore work is to be performed,

"(ii) contract stevedoring companies which employ or intend to employ United States longshore workers at that location, and

"(iii) operators of private docks at which the employer will use longshore workers.

"(2)(A) An employer filing an attestation under paragraph (1) who seeks to use alien crewmen to perform longshore work shall be responsible while the attestation is valid to make bona fide requests for United States longshore workers under paragraph (1)(A) and to employ United States longshore workers, as provided in paragraph (1)(B), before using alien crewmen to perform the activity or activities specified in the attestation, except that an employer shall not be required to request longshore workers from a party if that party has notified the employer in writing that it does not intend to make available United States longshore workers to the location at which the longshore work is to be performed.

"(B) If a party that has provided such notice subsequently notifies the employer in writing that it is prepared to make available United States longshore workers who are qualified and available in sufficient numbers to perform the longshore activity to the location at which the longshore work is to be performed, then the employer's obligations to that party under subparagraphs (A) and (B) of paragraph (1) shall be 60 days following the issuance of such notice.

"(3)(A) In no case shall an employer filing an attestation be required—

"(i) to hire less than a full work unit of United States longshore workers needed to perform the longshore activity;

"(ii) to provide overnight accommodations for the longshore workers while employed; or

"(iii) to provide transportation to the place of work, except where—

"(I) surface transportation is available;

"(II) such transportation may be safely accomplished;

"(III) travel time to the vessel does not exceed one-half hour each way; and

"(IV) travel distance to the vessel from the point of embarkation does not exceed 5 miles.

"(B) In the cases of Wide Bay, Alaska, and Klawock/Craig, Alaska, the travel times and travel distances specified in subclauses (III) and (IV) of subparagraph (A) shall be extended to 45 minutes and 7.5 miles, respectively, unless the party responding to the request for longshore workers agrees to the lesser time and distance limitations specified in those subclauses.

"(4) Subject to subparagraphs (A) through (D) of subsection (c)(4), attestations filed under paragraph (1) of this subsection shall—

"(A) expire at the end of the 1-year period beginning on the date the employer anticipates the longshore work to begin, as specified in the attestation filed with the Secretary of Labor, and

"(B) apply to aliens arriving in the United States during such 1-year period if the owner, agent, consignee, master, or commanding officer states in each list under section 251 that it continues to comply with the conditions in the attestation.

"(5)(A) Except as otherwise provided by subparagraph (B), subsection (c)(3) and subparagraphs (A) through (E) of subsection (c)(4) shall apply to attestations filed under this subsection.

"(B) The use of alien crewmen to perform longshore work in Alaska consisting of the use of an automated self-unloading conveyor belt or vacuum-actuated system on a vessel shall be governed by the provisions of subsection (c).

"(6) For purposes of this subsection—

"(A) the term 'contract stevedoring companies' means those stevedoring companies licensed to do business in the State of Alaska that meet the requirements of section 32 of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 932); and

"(B) the term 'employer' includes any agent or representative designated by the employer; and

"(C) the terms 'qualified' and 'available in sufficient numbers' shall be defined by reference to industry standards in the State of Alaska, including safety considerations.".

(b) CONFORMING AMENDMENTS.—

(1) Section 258(a) (8 U.S.C. 1288(a)) is amended by striking "subsection (c) or subsection (d)" and inserting "subsection (c), (d), or (e)".

(2) Section 258(c)(4)(A) (8 U.S.C. 1288(c)(4)(A)) is amended by inserting "or subsection (d)(1)" after "paragraph (1)" each of the two places it appears.

(3) Section 258(c) (8 U.S.C. 1288(c)) is amended by adding at the end the following new paragraph:

"(5) Except as provided in paragraph (5) of subsection (d), this subsection shall not apply to longshore work performed in the State of Alaska.".

(c) IMPLEMENTATION.—(1) The Secretary of Labor shall prescribe such regulations as may be necessary to carry out this section.

(2) Attestations filed pursuant to section 258(c) (8 U.S.C. 1288(c)) with the Secretary of Labor before the date of enactment of this Act shall remain valid until 60 days after the date of issuance of final regulations by the Secretary under this section.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the RECORD.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I shall not object, but I wish to give the gentleman from Texas the opportunity to explain this legislation, and I yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, H.R. 2840 abolishes the Copyright Royalty Tribunal and reassigns its duties to ad hoc arbitration panels, the Copyright Office, and the Librarian of Congress. This legislation passed the House on October 12, 1993, under suspension of the rules.

On November 20, the Senate passed the legislation with an amendment adding a provision which narrowly redefines the limitations on the performance of longshore work by alien crewmen in Alaska. This action was taken in response to problems which have arisen due to the implementation of the Immigration Technical Corrections Act of 1991. The present provision reflects an agreement finally reached between fishing interests and the longshore union in Alaska. I am delighted that the groups were able to resolve their differences before the expiration of the interim agreement next month.

As far as I know, the Senate amendment is without opposition in this body as well.

I urge its adoption.

Mr. HUGHES. Mr. Speaker, the House passed this bill on October 12. The Senate passed the bill on November 20, with a few technical amendments. These amendments represent improvements and I urge my colleagues to support the bill and concur in the Senate amendments.

This bill will abolish the Copyright Royalty Tribunal, the only Government agency to be eliminated this session of Congress despite a lot of talk about reinventing Government. The tribunal's light workload and its members' inability to operate under majority rule argue for its abolition and replacement with ad hoc arbitration panels. This bill will save taxpayers and copyright owners money.

I wish to thank my colleague, CARLOS MOORHEAD, ranking Republican member of the Subcommittee for Intellectual Property and Judicial Administration, which I chair, for his leadership on the bill, as well as Senators DECONCINI and HATCH, who were the sponsors of the legislation in the other body, and without whom this legislation would not have been possible.

I would like to briefly explain the amendments made by the Senate.

First, in order to address concerns of small royalty claimants, the Senate amendments requires the Librarian of Congress to choose two arbitrators from lists provided by professional arbitration association, rather than, as in the House-passed bill, from lists provided by the parties.

Second, in order to ensure that the arbitrations will be efficiently handled, the arbitrators selected are required to have experience in conducting arbitration proceedings and facilitating dispute resolution and settlement.

Third, the arbitration panels are required to conduct their proceedings according to the Administrative Procedures Act.

Fourth, the Librarian of Congress is required to adopt the rules and regulations of the Copyright Royalty Tribunal until such time as the Librarian, upon the recommendation of the Register of Copyrights, adopts superseding or supplemental regulations.

Fifth, the Librarian of Congress is directed to adopt the arbitration panel's decisions unless he or she finds those decisions are arbitrary or contrary to the applicable provisions of title 17, United States Code. The House-passed limited this review to arbitrary determinations.

Sixth, assignment of the costs of the arbitration proceedings is treated differently depending on whether the proceeding is one for ratemaking or distribution of royalties. If the proceeding is for ratemaking, the parties shall bear the cost in direct proportion to their share of the distribution. If the proceeding is for distribution of royalties, the parties are to bear costs in such manner and proportion as the

arbitration panel directs. The House-passed version had only method of allocating costs, that for distribution proceedings.

Seventh, the Librarian of Congress is directed to adopt regulations regarding the standards of conduct governing arbitration panels. No such provision was contained in the House-passed bill. The establishment of ethical criteria in the selection and conduct of arbitrators is a welcome addition to the legislation.

Eighth, the effective date of the act has been changed from January 1, 1994, to the date of enactment. Since the 1990 cable distribution has been suspended at the request of the parties, there is no need to delay the effective date.

I would also like to comment briefly on a few issues raised by the parties who currently participate in proceedings of the Copyright Royalty Tribunal. There are a number of practices of the tribunal that have grown up over the years and that should be continued by the ad hoc arbitration panels established by H.R. 2840. The first of these concerns partial distribution of royalty funds. Even in instances where there is a controversy over the distribution of royalties, the CRT has traditionally distributed a very large proportion of the royalties before final adjudication. An amount sufficient to cover disputed amounts is retained. This practice, which gets needed royalties to copyright owners at the earliest possible time is a good one and should be followed by the Librarian of Congress upon enactment of the Copyright Royalty Reform Act of 1993.

The CRT has also held open hearings at which oral testimony and cross examination is permitted. This too should be continued by the copyright arbitration royalty panels. In order to reduce the amount of actual litigation time, and thereby reduce expenses, I encourage the Librarian to promulgate regulations permitting exchange of information before the tolling of the 180 decision period, and, to the extent practicable, generally to permit precontroversy discovery.

As discussed above, the Senate amendments require the Librarian of Congress to select arbitrators from a list supplied from professional arbitration associations and to select individuals with experience in adjudication and dispute settlement. I have been informed that there are such associations which include former Federal and State judges. These individuals would appear to be well-qualified to perform the arbitration duties assigned under the bill.

Parties who appear before the CRT requested that the bill require the Librarian to choose arbitrators willing to serve a 6-year term in order that there be continuity in decisionmaking. These individuals would only be paid as they needed, however. I agree that continuity is desirable. The Librarian of Congress certainly has the discretion to chose individuals willing to serve for 6 years. The Senate decided not to make this a requirement, however, and I agree with that decision.

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

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

There was no objection.

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

There was no objection.

A motion to reconsider was laid on the table.

EXTENDING CERTAIN AUTHORITY FOR THE MARSHAL OF THE SUPREME COURT AND SUPREME COURT POLICE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Senate bill (S. 1764) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police be rereferred exclusively to the Committee on the Judiciary, and to discharge the Committee on the Judiciary from further consideration of the Senate bill (S. 1764) to provide for the extension of certain authority for the Marshal of the Supreme Court and the Supreme Court Police, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I do so to give the gentleman an opportunity to explain to us what this bill does.

I yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, this legislation extends for 3 years the authority of the Supreme Court Police to protect Justices of the U.S. Supreme Court—as well as their officers, employees, and guests—when off the grounds of the Supreme Court Building.

Since 1982, when Congress first recognized the Supreme Court Police's jurisdiction outside the Court grounds, threats of violence against the Justices and the Court have increased. These incidents have increased the need for the Supreme Court Police to protect Justices when they are away from the Court. This authority became even more important with the Court's use of space in the new Thurgood Marshall Federal Judiciary Building here in Washington.

The existing authority is set to expire, under the terms of its last 3-year extension, on December 29, 1993. This legislation would extend it until December 1996.

S. 1764 passed the Senate on November 20. I urge adoption of the bill by the House today.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I received a letter from the Chief Justice of the Supreme Court just in the last day or two saying that this bill would be very helpful, and he felt it was very necessary for them to have to give them the protection they need, so I ask for an "aye" vote.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1764

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the Act entitled "An Act relating to the policing of the building and grounds of the Supreme Court of the United States," approved August 18, 1949 (40 U.S.C. 13n(c)), is amended in the first sentence by striking out "1993" and inserting in lieu thereof "1996".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ARBITRATION EXTENSION UNDER PROVISIONS OF THE UNITED STATES CODE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 1732) to extend arbitration under the provisions of chapter 44 of title 28, United States Code, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Texas [Mr. BROOKS] to explain this legislation.

Mr. BROOKS. Mr. Speaker, on October 12, 1993, the House passed H.R. 1102, the Court Arbitration Authorization Act of 1933, which permanently reauthorizes and extends court-sponsored arbitration in the Federal courts. A successful pilot project for 20 Federal district courts was authorized in 1988 and expired a few days ago.

The bill required Federal district courts to develop, by local rule, mandatory or voluntary arbitration programs. It provided that all persons subject to mandatory arbitration may request a full trial at the conclusion of the arbitration proceedings.

The Senate bill provides a simple, short-term reauthorization for 1 year. The House amendment is necessary to revive the program because it expired last Friday. I am supporting this legislation because of the importance of continuing efforts to facilitate access to justice in an efficient yet fair manner. I hope that in the next session, before this program expires again, we can enact a longer-lasting arbitration alternative that offers litigants and opportunity to reduce expense or delay.

Mr. Speaker, I am also including in the RECORD at this point a summary of H.R. 1102, the Court Arbitration Authorization Act of 1993, as follows:

SUMMARY OF H.R. 1102, THE COURT ARBITRATION AUTHORIZATION ACT OF 1993

Summary: In 1988, Congress enacted legislation authorizing 10 pilot programs of "mandatory" court-annexed arbitration that were in operation in the Federal Courts, as well as 10 additional pilot programs that would be "voluntary." This authorization is scheduled to expire on November 19, 1993. H.R. 1102, as amended, repeals this sunset provision and requires that all Federal District Courts make available to their litigants some form of arbitration procedure, either voluntary or mandatory (or both), subject to the restrictions in the existing law. It also increases the maximum amount in controversy for "mandatory" referral from $100,000 to $150,000.

The bill retains provisions of current law which make all arbitration awards subject to trial de novo, as well as numerous procedural limits on arbitrator powers. A number of classes of cases are excluded from consideration for arbitration, such as civil rights actions. In essence, because of the right to refuse voluntary arbitration and to have a jury trial following mandatory arbitration, all Federal arbitration under this legislation is more accurately described as "non-binding" arbitration.

Senate bill: The Senate bill, S. 1732, is a one-year extension of authority for the pilot project.

House amendment: The House technical amendment is necessary because the program expired on November 19 and must be "revived," not extended.

Mr. MOORHEAD. Mr. Speaker, further reserving the right to object, I wish to congratulate the gentleman from New Jersey [Mr. HUGHES] and the gentleman from Texas [Mr. BROOKS] for the work that they have done on this fine piece of legislation which I feel is very important and very necessary, providing for a 1-year extension of the 20 pilot arbitration programs in operation in the Federal district courts.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, the bill before the House today is a stop-gap provision to authorize pilot court-annexed arbitration for another year.

The existing authorization for pilot court-annexed arbitration in the Federal System was enacted in 1988 and expired on November 19, 1993.

The 1988 legislation identified 10 pilot districts for mandatory pilot programs and directed the judicial conference to identify 10 other districts for voluntary programs.

Our review of these pilot programs revealed that the pilot projects in the mandatory courts were working very well and meeting their goals of:

First, providing options to litigants;

Second, reducing costs and time of litigation; and

Third, reducing the burdens on the courts.

We also determined that the mandatory programs were far more successful than the voluntary programs, and that the dollar limit for mandatory programs should be raised.

The House of Representatives' response to this situation was to expand the arbitrations programs nationwide through H.R. 1102.

H.R. 1102, as passed by the House of Representatives on the Suspension Calendar on October 12, 1993, directs that all district courts provide, by local rule arbitration, programs of some form. It increases the maximum amount in controversy for mandatory referral to $150,000.

The Committee on the Judiciary also strongly recommends in its report that all district courts select certain categories of cases for mandatory referral.

In doing so, I would say that the mandatory designation for these programs is misleading because there is a great flexibility in this mandatory process. First of all, arbitration can be used only for cases with potential money damages of under $150,000. Also, many cases are exempt from referral under the existing law, and local courts are allowed to chose those categories of cases which are most suitable for referral. Finally, and most significantly, all cases are subject to trial de novo. Given this fact, mandatory arbitration might more accurately be called nonbinding arbitration.

Our Federal courts are experiencing tremendous backlogs in their civil dockets. These backlogs are adding not only delay, but expense. It behooves us to make this modest adjustment in the civil process and allow for arbitration options designed at the local level. In fact, with the difficulty of getting civil cases to trial due to the great increase in criminal dockets in the Federal Court System, H.R. 1102 might aptly be named the "Access to Civil Justice Act."

The other body, however, believes it needs more time to study H.R. 1102, so as an interim measure, they have passed S. 1732 to extend until December 31, 1994, the 20 pilot projects.

In passing S. 1732 today, I would say that I look forward to working with Senator HEFLIN, Senator GRASSLEY, and my ranking Member, Congressman MOORHEAD in the next session to refine H.R. 1102 so that it will provide meaningful and expedited access to civil justice.

In the interim, I urge my colleagues to accept S. 1732.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1732

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

SECTION 1. EXTENSION OF ARBITRATION.

(a) AMENDMENT OF REPEAL.—Section 906 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100-702; 102 Stat. 4664) is amended in the first sentence by striking out "5 years after the date of the enactment of this Act" and inserting in lieu thereof "December 31, 1994".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 905 of the Judicial Improvements and Access to Justice Act (28 U.S.C. 651 note; Public Law 100-702; 102 Stat. 4664) is amended in the first sentence by striking out "4" and inserting in lieu thereof "7".

AMENDMENT OFFERED BY MR. BROOKS

Mr. BROOKS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BROOKS: Add the following after section 1:

SEC. 2. TREATMENT OF EXPIRED PROVISIONS.

Chapter 44 of title 28, United States Code, and the item relating to that chapter in the table of chapters at the beginning of part III of such title, shall be effective on or after the date of the enactment of this Act as if such chapter and item had not been repealed by section 906 of the Judicial Improvements and Access to Justice Act, as such section was in effect on the day before the date of the enactment of this Act.

Mr. BROOKS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas [Mr. BROOKS].

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 0200

MAKING A TECHNICAL AMENDMENT OF THE CLAYTON ACT

Mr. BROOKS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 664) making a technical amendment to the Clayton Act, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. PAYNE of Virginia). Is there objection to the request of the gentleman from Texas?

Mr. FISH. Mr. Speaker, reserving the right to object, and I will not object, as the principal sponsor of the Antitrust Amendments Act of 1990, H.R. 29, which modernized the interlocking directorate provisions of section 8 of the Clayton Act, I now rise in support of S. 664, which makes a technical amendment to that same section of the Clayton Act, 15 U.S.C. 19.

S. 664 simply changes from October 30 to January 31 the date by which the FTC must publish its annual revision of the jurisdictional threshold amounts for the application of the act's prohibition against interlocking directorates.

69-059 O—97 Vol. 139 (Pt. 22) 37

This change is necessary because the Federal Trade Commission must base its revised threshold amounts on GNP data which the Department of Commerce cannot now make available until after the date by which the present law requires the Commission to act.

I urge all Members to join me in support of S. 664.

Mr. Speaker, further under my reservation of objection, I yield to the gentleman from Texas [Mr. BROOKS].

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

Mr. BROOKS. I thank my distinguished friend, the gentleman from New York [Mr. FISH] for yielding.

Mr. Speaker, S. 664 makes a technical correction to the date by which the Federal Trade Commission [FTC] is required to report any revisions it makes in the jurisdictional dollar thresholds that trigger the act's prohibition on interlocking directorates.

Section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) was enacted on November 16, 1990, and requires, among other things, that the FTC report, by October 30 of each year, any revisions it makes in the jurisdictional dollar thresholds. The annual revisions are to be based on the change in the gross national product [GNP] as determined by the Department of Commerce.

Since the Department of Commerce does not publish final figures for the GNP until December, the FTC cannot adjust these jurisdictional thresholds by October 30 to comply strictly with the reporting deadline. S. 664 merely changes the reporting deadline to January 31.

This change improves the efficiency of the Government and saves the expenditure of funds required to print an explanation of the delay in the Federal Register every year. I urge its passage.

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

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 664

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

SECTION 1. TECHNICAL AMENDMENT OF THE CLAYTON ACT.

Section 8(a)(5) of the Clayton Act (15 U.S.C. 19(a)(5)) is amended by striking "October 30" and inserting "January 31".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNUAL REPORT OF RAILROAD RETIREMENT BOARD, FISCAL YEAR 1992—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

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

To the Congress of the United States:

I hereby submit to the Congress the Annual Report of the Railroad Retirement Board for Fiscal Year 1992, pursuant to the provisions of section 7(b)(6) of the Railroad Retirement Act and section 12(1) of the Railroad Unemployment Insurance Act.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *November 22, 1992.*

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the 4 bills just passed.

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

There was no objection.

SAFE MEDICATIONS ACT OF 1993

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

Mr. COYNE. Mr. Speaker, I rise today to introduce the Safe Medications Act of 1993. This legislation will improve the public health by creating a national, confidential information network to track deaths caused by medication errors. The data will then be shared with practitioners through publications to educate and inform them of mishaps that can take place when prescribing, dispensing and administering medications. This bill is designed to build upon, not replace the voluntary and State systems already in place.

In late October, the Pittsburgh Post-Gazette published a series of articles by writer Steve Twedt that detailed medication errors. Mr. Twedt's series contained some disturbing statistics in this area. He reported that a Pittsburgh-Post Gazette study of 250 hospital pharmacists across the country estimated that there were 16,000 medication errors in their institutions in 1992; 106 of them caused patient deaths.

After reading the Post-Gazette series on this topic and after reviewing extensive industry data, I have concluded that the present system for monitoring medication errors needs to be improved. A voluntary reporting program has tracked over 600 mishaps that have occurred in a variety of health care facilities. Some examples reported to the U.S. Pharmacopeia over the last year include: a 98-year-old woman who died because the nursing home pharmacist gave her blood pressure medicine, corgard, instead of cephradine an antibiotic; a 4-year old girl who was sedated with chloral hydrate at a diagnostic center died when the medical technician gave her twice the normal adult dose; a 13-year-old boy undergoing oral surgery died with he was given 12 teaspoons of chloral hydrate; a 20-year-old man died when a local pharmacy dispensed the drug methotrexate, an anticancer drug, rather than metolazone the kidney drug his physician had prescribed; a women on her seventies and a women in her forties were over medicated, and one subsequently died, when staff in a physician's office incorrectly communicated the wrong dosage of a drug to a pharmacy and to the patient.

These accounts illustrated that medication errors are not confined to one setting and that the same faults are often repeated. We need to create a national clearinghouse that will protect patient care by identifying repeated mistakes and addressing and fixing any problems. The facts collected by this date bank will improve the present health care delivery system; further, this information cannot be used for prosecuting individuals.

Currently, there are no substantive figures to indicate the number of incidents which may be occurring. The only way medical boards are alerted to problems is if consumers or health personnel voluntarily report them. Experts in the field cite national estimates that indicate that one in 3,000 prescriptions are indeed wrong. One such authority put it in perspective: if there are 4 billion prescriptions a year, 1 error in 3,000 is "a lot of errors."

As Americans, we hear daily of how we have the most advanced health care system in the world. This stellar medical delivery system includes technology that is able to diagnose diseases before they develop and cutting edge surgery that reconstructs and replaces vital organs. The system also includes a wide variety of medications and devices that are used to treat and cure illnesses. These sophisticated technologies and the wide availability of medications and devices also unfortunately increase the chances for mistakes.

Under our present medical system, if a health care practitioner accidently prescribes, dispenses or administers an inaccurate does of a drug or confuses the labels of two drugs and mismedicates a patient, there is no required reporting system, in most cases, for practitioners to share the incidient. Sometimes these errors have little health consequences, sometimes they cause permanent damage to an individual's well-being and sometimes they are fatal. Ultimately, since there is no mandatory reporting system, these unfortunate occurrences are repeatedly causing permanent health problems for productive people and sometimes killing others.

Two States require reporting medication errors; New York as a mandatory program for hospitals and North Carolina has a required reporting system for its pharmacies. While these programs are important steps in addressing this problem on a local level, the information they collect is not available to other regions of the country as quickly as it could be.

Miscalculations are not typically isolated to one area. Mistakes which happen in New York

and North Carolina, could most likely be occurring in other parts of the Nation. It is important to establish a structure to interface both on State and Federal levels.

The Institute for Safe Medication Practices established the medication error reporting program (MER). This voluntary system is coordinated by the U.S. Pharmacopeia, the organization that sets drug standards and publishes drug information. This program is vital in identifying miscaluations and educating over 1.5 million health professionals about the misunderstandings, miscalculations and misadministration that may accompany the prescribing, dispensing and administering of medications. Unfortunately, as one of the founders of the MER program recently noted, "We know we don't get a very large percentage of the actual incidents because it's not required."

First, we need to maintain and expand upon the voluntary MER program. This can be done by requiring all health care entities to report deaths caused from medication errors to the FDA. The U.S. Pharmacopeia and FDA already collaborate to help address faults that health professionals elect to share. This effort is catching some of the medication errors; but we need to bolster that effort.

Second, and perhaps most importantly, to protect the public health and welfare, we must ensure that this information is disseminated to other health care providers to educate them and minimize unnecessary risks. My legislation will achieve these goals.

With this in mind, I have developed legislation that will:

Establish a system that will address misinterpretation, misreading and misdiagnosing drugs by requiring health care institutions to report deaths caused by medication errors to one central entity.

Require the FDA to review this information and share it with other providers who prescribe, dispense and administer prescription drugs.

Finally, ensure the confidentiality of the individuals and institutions involved so that honest oversights can be addressed without assigning liability.

Presently, health care personnel in a wide variety of institutions are able to prescribe, dispense and/or administer prescription drugs. These institutions include pharmacies, hospitals, long-term care facilities, ambulatory care facilities and physician offices. Since these entities are involved in medicating patients there is a possibility that mistakes can occur in any one of these settings.

This legislation will require these providers to notify Food and Drug Administration (FDA) of deaths caused by medication errors in their institutions. These reports must be made within 10 working days from the date the error was discovered. In order to analyze each problem these reports must include the drug name or names, a description of the error, the date and time the death occurred and when and how the error was discovered.

The FDA will examine the reports it is given from these health care entities. This information will then be shared with the U.S. Pharmacopeia and with select national and specialty health professional organizations so that they can notify and alert their constituencies of potential problems.

As I stated earlier, this bill is not designed to address medical liability. This legislation is to make certain that information drawn from a national clearinghouse is published and that health care professionals are informed of deaths that can occur during the prescribing, dispensing and administration of drugs. While this bill requires all fatal medical mishaps to be reported, the identities of those reporting will remain anonymous. Anyone who tries to gain access to the data bank will be fined up to $15,000 and could be subject to imprisonment for a first offense.

This bill authorizes the necessary appropriations for this data bank.

Mr. Speaker, today medication errors occur that often result in death. Most times, these are honest mistakes made by otherwise competent providers. We need to establish a neutral, educational system that will help medical personnel who prescribe, administer and dispense medication and perhaps cause a fatal accident to share their experience anonymously with their peers. Remember, a great deal of these errors involve administering the wrong drug, the incorrect strength or the improper dosage due to misreading prescription abbreviations, writing or confusing products because of similar labels or names. The possibility of accidents increases with the amount of drugs on the market. Health professionals have concluded that learning of their colleagues' experiences is helpful for practicing better medicine and to prevent recurring problems. With a greater awareness of potential problems, safeguards can be instituted to avoid them, thereby promoting better patient care.

I look forward to working with all the groups involved with this effort to construct the most effective system possible so that we can reduce errors and improve America's health.

Mr. Speaker, I ask that part 4 of the Pittsburgh-Post Gazette series be printed in the RECORD.

HOSPITALS ARE BLIND TO EACH OTHER'S MISTAKES

(By Steve Twedt)

In nearly all walks of life, tragedies born of human error launch public investigations to assign blame and establish underlying causes.

A serious car accident will set in motion investigations by the local police department and other public safety officials to determine what happened and what could be done to prevent it from happening again. A train derailment or plane crash will send National Transportation Safety Board officials scrambling to the scene within hours. Their investigation of one accident may lead to changes in an entire fleet of aircraft.

But medication errors in America's hospitals are different. Most medication errors are not investigated by anyone outside the hospital walls.

And when the lessons from those mistakes are kept within the hospital, the mistakes are doomed to be repeated at a cost measurable in human lives, ruined careers and costly lawsuits.

In examining how hospital medication errors are handled across America, the Post-Gazette found most states lack any program that could identify patterns of medication errors.

In two exceptions—New York and North Carolina—the decision to start such a program was spurred by ghastly mistakes.

The 1985 death of Lillian Cedeno, who was pregnant, helped to move New York to statewide mandatory reporting for hospital patients' injuries. And a series of three incidents that killed four patients prompted the North Carolina Board of Pharmacy to adopt mandatory reporting of fatal errors.

"As far as we can tell, any reporting out there is minimal if there's any at all," said David R. Work, executive director or North Carolina's board, which surveyed other states before enacting its reporting regulations.

"I think they just haven't thought about it."

Hospitals traditionally have operated under an honor system in which they investigate their own medication errors, then act to prevent a recurrence. Presumably the problem gets solved—at that particular hospital.

The U.S. Food and Drug Administration, with overriding authority for regulating medications and medical devices, requires manufacturers to report adverse reactions to their drugs, but makes no requirement that health professionals or hospitals report even fatal medication errors.

And the Joint Commission for Accreditation of Healthcare Organizations, a voluntary, independent organization that accredits about 80 percent of U.S. hospitals, says only that hospitals must have a policy for dealing with medication errors. It does not analyze those errors to spot recurring problems.

One disagreement among those who advocate better reporting is on the question of whether medication error reports should be voluntary or mandatory.

The voluntary approach encourages reporting, one side says. But without mandatory reporting, the picture will be incomplete because few will report, the other side counters. A third group favors mandatory reporting of fatal errors, but only with legal and professional immunities for the health care workers involved.

Under the current system, however, patients must accept hospital's word that it aggressively investigates mistakes and takes steps to prevent recurrences.

"We don't have any reason to disbelieve them," said Work. "However, if [medication error reporting] is being handled adequately, why shouldn't it be public?"

A SEARCH FOR ERRORS

One state—New York—has a comprehensive reporting system that allows health department officials to monitor hospital mishaps, including medication errors.

From Oct. 1, 1985 through June 15, 1993, New York's Hospital Incident Reporting Program collected 4,172 reports of medication errors from New York hospitals, 261 of which resulted in a patient's death. And officials believe those numbers represent only part of the total.

"Even with these regulations we know we're getting underreported. The hospitals nickel and dime us by saying, 'Oh, it was repaired immediately.' You wouldn't believe how many interpretations [of the law] we've had," said George Ennis, senior hospital administration consultant for New York's state Department of Health.

For example, Ennis said, they heard unconfirmed reports that doctors would "sit" on patients who developed blood clots shortly after surgery, rather than return them to surgery.

The reason: an immediate return to surgery would be a reportable incident under New York state law, something doctors wanted to avoid.

Ennis said: "What we were hearing from all over the place, is 'You know, you guys are preventing people from getting appropriate care.' Believe it or not, the doctors were blaming it on us."

Earlier this year, the system was modified so that hospital staff members are identified by code numbers known only to that hospital's administration. Non-serious incidents are reported in aggregate on a quarterly basis.

Ennis also said the state wants to handle the reports differently. "We were not making adequate use of the information. We were getting lots of information in but we weren't doing much with it. And, even more importantly, the hospitals weren't doing much with it."

But even with those limitations, the New York system enabled the health department in 1988 to send out statewide alerts after officials noted a series of mistakes in administering potassium chloride, a medication which showed up repeatedly in the Post-Gazette investigation of hospital medication errors.

The New York alert went out nearly five years before the U.S. Pharmacopoeia began enforcing a standard that calls for putting black caps imprinted with a warning on potassium chloride concentrate bottles.

New York also sent out alerts regarding laser surgery injuries and injuries occurring during a new procedure in which a patient's gallbladder is removed with the aid of a laparoscope.

Without mandatory reporting, Ennis said, none of that would have happened.

"I do not believe you accomplish anything by the voluntary system. If you don't have mandatory reporting, everyone will protect themselves."

ACTION IN NORTH CAROLINA

After learning that four patients were killed in North Carolina hospitals when the hospital pharmacies made mistakes, North Carolina's Board of Pharmacy last year became one of the few state licensing boards that requires reports on fatal errors.

In January 1988, a night pharmacist at Charlotte Memorial Hospital (now Carolinas Medical Center), accidentally dispensed bags of TPN, a liquid nourishment, instead of a cardioplegia solution that was ordered for two men scheduled for heart bypass surgery. Cardioplegia is used to bathe the resting heart during the operation.

The error was discovered after doctors could not restart either man's heart following the surgery. It became public after the Charlotte Observer newspaper broke the story.

As the North Carolina Board of Pharmacy prepared for its hearing in the case, it received word of another death at Charlotte Memorial: On June 13, 1988 a patient died within minutes after being given 10 times the prescribed dose of a hydrochloric acid solution.

When the board learned of a fourth death in 1991, it took action.

Brandon Quintero 5, had been treated at Duke University Medical Center with chemotherapy for a benign tumor on his arm. The physician order called for 4.8 milligrams of "Velban (vincristine)" to be given intravenously.

The problem: Velban is not vincristine. Velban is a trade name for vinblastine, a different cancer drug.

The pharmacist dispensed vincristine at the Velban dose, which was then administered intravenously to the youngster. The boy died from the overdose two weeks later.

"That's when I said we needed to do something about reporting these deaths," said Work. "From a public health standpoint, I don't think it's arguable. Public health and safety demands that it be reported. Not that it be reported if they feel like it, or if risk management people say they should."

But while fatal dispensing errors must now be reported to the pharmacy board, no similar regulations apply for the North Carolina's physician and nurse licensing boards.

PATCHWORK SAFETY NET

That inconsistency is reflected across the country, where the Post-Gazette contacted health officials in every state and found a patchwork of approaches to tracking medication errors.

Kansas, for example, requires hospitals to report any injury-causing error to the state health department but only its nursing board analyzes that information to spot patterns. The pharmacy and medicine boards don't do the same for errors made by pharmacists or doctors.

Colorado also has a reporting system but it doesn't cover all medication errors. Since January 1991, the health department has received only 17 reports of medication errors.

The Massachusetts health department requires reports on any "serious incidents . . . which seriously affects the health and safety of its patients." Does that include medication errors? "It could," said program administrator Margery Eramo.

Louisiana, like many states, does not require medication error reports.

"The problem we run into with trying to regulate it is, when do you report and when do you not report? If we report every little incident, then we will be inundated. Paperwork is not going to help anybody," said Board of Pharmacy Executive Director Howard B. Bolton.

"On the other hand if we ask hospital pharmacy directors to document mishaps, then perhaps we'll get a pattern of incidents that we might need to work on."

In Pennsylvania, where hospitals must report fires or power outages to state health officials, there is no requirement to report even fatal medication errors.

"We haven't found that there have been a lot of problems in the hospitals that should have been brought to our attention that weren't," said William F. White, director of the Division of Hospitals for the state health department.

"The other problem is the whole process of overregulation. If everyone started reporting every problem, I don't have the resources to deal with that."

White acknowledged that his staff has sometimes depended on news accounts to find out about medication errors.

"Every time when something happens like that, there's a question—'Shouldn't there be reporting?'

"And every time we look at it, we don't think that because of that incident the solution is to have every hospital report to us."

In West Virginia, Larry Barker, a member of the Board of Pharmacy since 1978, said the pharmacy board once learned "by chance" of a $25,000 civil settlement against a pharmacist for dispensing the wrong drug. It convinced him they need a mandatory reporting law, although the board has not yet voted for such a regulation.

"We'd get 500 percent more [reports] than we get now," Barker said.

One year ago, Kentucky appeared headed for its own mandatory reporting laws following a highly publicized case where Mark Sun, 20, was killed when a retail pharmacist dispensed a potent cancer-fighting drug instead of a diuretic.

A few years earlier, Sun had suffered permanent brain damage because of an anesthesiology mix-up while he was undergoing surgery.

For months, the Kentucky pharmacy board considered various reporting regulations, most versions modeled after North Carolina's. But, earlier this year, the idea lost steam.

Ralph Bouvette, who became executive director in January, said the board was troubled by North Carolina's emphasis on fatal errors.

"I don't know what they're gaining by that. They should investigate each and every complaint, regardless of the outcome," he said.

But state officials can't count on complaints to alert them, according to North Carolina's Work. He noted that the North Carolina board received 15 reports of deaths in the first year of its new reporting regulations. In each case, no complaint had been filed "and none of those [incidents] were in the newspaper, so we wouldn't have found out about them without our reporting rule."

In states without mandatory reporting, some officials concede they have only a fragmentary picture of medication errors in their hospitals.

"There are many, many medication errors that would never be brought to the board because the hospital takes care of it," said Ruth Ann Terry, supervisor and nursing education consultant for the California Board of Registered Nurses.

"There really may be a pattern [of errors] that nobody has looked at that could cause harm in patients. Right now we don't have a real view of what's happening."

MISSING THE BIG PICTURE

Nor does the nation as a whole. Instead, medication errors typically are viewed as individual mistakes rather than small pieces of a single, dangerous puzzle.

At the annual meeting of the American Society of Hospital Pharmacists in Orlando last December, one speaker said the problem of medication errors "is vastly underappreciated."

"It is underappreciated in health care because we never see it in the aggregate. We see it one patient at a time," said Bill Zellmer, an ASHP vice president.

The irony is that potentially valuable information on medication errors exists within key agencies such as the FDA.

The FDA's Adverse Drug Reaction Reporting System has a database of 675,000 adverse drug reaction reports going back to 1969, some of which the Post-Gazette found explicitly describe medication errors which led to patient deaths.

But the medication errors are not separated out or distinguished from reports of allergic reactions, unexpected side effects or other possible "adverse reactions."

So the information on errors literally is lost in a mountain of other data. And, an FDA official said the agency historically has not encouraged medication error reports, anyway.

"Mining the old stuff in the Adverse Drug Reaction system wouldn't be productive because I think the agency didn't particularly look for those [medication error] reports," said Dr. Peter H. Rheinstein, director of the medicine staff in FDA's Office of Health Affairs. "It could be done, but my top-of-the-head impression is that you wouldn't find much there."

Specific information about medication errors also is contained in the National Practitioner Data Bank. Established by Congress,

the Data Bank since September 1990 has collected information about medical malpractice payments.

The information, which an agency spokeswoman said contains descriptions of specific incidents, is available to hospitals, licensing boards, peer review organizations and other health care groups.

The idea is to prevent doctors and others with a history of problems from jumping from state to state.

But Congress included a provision in the law calling for a $10,000 fine against anyone releasing data bank information to the public.

In reality, the closest any national group comes in attempting to monitor medication errors is the U.S. Pharmacopeia in Rockville, Md., which sets industry standards for purity and labeling of drugs.

USP coordinates a voluntary, confidential medication error reporting program originated by Pennsylvania pharmacists Michael R. Cohen and Neil M. Davis.

In its first 18 months of operation, from January 1992 through June 30, 1993, the USP hotline had fielded 660 reports, or about 35-40 per month. Starting last year, those reports also have been reviewed by a special FDA subcommittee.

Cohen and Davis said the system has led to direct changes in drug packaging and labeling, but conceded they are only hearing about a fraction of the errors happening in hospitals across the country.

"I would say the effect [of the FDA subcommittee] is better than nothing, but it's not going to address the problem in a major way," said Kenneth N. Barker, head of pharmacy care systems at Auburn University in Alabama and one of the country's preeminent medication errors experts.

New York's Ennis was more direct: "Voluntary reporting is nothing. Nothing happens."

STOLEN GUNS ACT OF 1994

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

Mr. FIELDS of Louisiana. Mr. Speaker, today I am introducing a new bill, the Stolen Guns Act of 1994, to end the way stolen guns are openly bought and sold.

Currently, stolen guns are easily sold to unknowing gun dealers. The dealer then resells the gun, and the path is nearly impossible for law enforcement to discover or follow.

This legislation plugs that regulatory loophole, stemming the untraceable flow of stolen guns into the stream of commerce.

The Stolen Guns Act will provide an accurate, enforceable method for the dealer to discover whether a gun is stolen.

Stolen guns will be recaptured when offered for sale, and most important, without an easy market for resale, fewer guns will be stolen.

This law is not a solution to crime; nor is it just another gun law.

The Stolen Guns Act establishes a needed rule, tailored to prevent stolen guns from being bought and sold by gun dealers.

EVALUATING THE CLINTON ADMINISTRATION: DID THE AMERICAN PEOPLE VOTE FOR THIS?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. SOLOMON] is recognized for 60 minutes.

Mr. SOLOMON. Mr. Speaker, the Clinton administration is presently enjoying the 10th month of its 48-month lease on political life.

I put it that way because 3 years from next week the American people will be turning down an opportunity to renew that lease.

They will do so—in overwhelming numbers—because the gap between what they believe about our country and what, in fact, the Clinton administration actually represents will have widened into an unbridgeable gulf.

Indeed, today's credibility gap will be a credibility canyon by 1996.

Speaking as part of the 57 percent of the American electorate which did not vote to put Bill Clinton in the White House, far be it from me to explain the motives of the 43 percent who did.

But, Mr. Speaker, I can at least hazard a suggestion or two concerning what they didn't vote for.

I am convinced that the large majority of Bill Clinton's voters did not cast a vote in favor of reviving the counterculture of the 1960's.

Nor did they support a return to the drift, shift, and national embarrassment that characterized the Carter years.

Unfortunately, all of this is exactly what the American people are now getting—and things can only go from bad to worse over the next 3 years.

I believe Bill Clinton was elected President because he managed to convince just enough voters as necessary that he is some kind of "new democrat", that he represents some kind of new thinking in Democratic Party circles.

Fooling the American people is one thing—but fooling the left-wing activists, the moonstruck academics, and the careerist bureaucrats who are populating the Clinton administration is another thing altogether.

These are the people who saw the "help wanted" sign that was posted outside Clinton headquarters the day after the election.

And the word was put out early in the transition process after the election: Centrists, moderates, genuine "new Democrats", and nonlawyers need not apply.

Mr. Speaker, other Members have taken to this well in recent days to describe a cultural war that is presently raging across the country.

This is a struggle in which nothing less than the survival of our American way of life, the survival of a free society rooted in the Judeo/Christian ethic, is at stake.

I would suggest that today's cultural war in American society at large stems in large part from a civil war within the Democratic Party—a civil war that began in the 1960's and which shaped an entire generation of political and social activities who now find ample opportunity for employment in the Clinton administration.

In the 1960's the legislation that was enacted in pursuit of the new frontier and the great society spawned a dramatic increase in the size and scope of the Federal Government's activities and expenditures in all sectors of American life.

But when social engineering at home was overtaken by politico/military engineering abroad—the war in Vietnam—the liberal coalition which had dominated American politics since the 1930's completely disintegrated.

The stage was set for a massive disillusionment and rupture within the Democratic Party—a division that haunts the party to this very day.

The political collapse of the Johnson administration—made manifest most dramatically during the riots at the Democratic National Convention in Chicago in 1968—drove an entire generation of social activists underground.

Indeed, a virtual government-in-exile gradually took shape as refugees from the 1960's licked their wounds, wondered what went wrong, and plotted to reconstruct society in their own image.

Some of these people surfaced just long enough in the late 1970's to doom the Carter administration irretrievably.

But mostly they decided to bide their time—sheltered within their academic cloisters, bureaucratic pigeonholes, well-heeled law firms, and left-wing advocacy groups.

Cultivating the sense of intellectual certainty and superiority that only comes from not having any actual responsibility or contact with reality, this government-in-exile has spent the last 25 years nursing its grudges against American society and pursuing ever more bizarre fantasies about the way things ought to be.

When they weren't coining "rights", identifying "victims", or redefining even the most basic meaning of "justice", they were busy exploring the outer limits of human sexuality and celebrating even the most twisted forms of personal self-expression.

And then Bill Clinton hung out the "help wanted" sign.

The government-in-exile was given a new lease on life.

But, Mr. Speaker, did the American people really vote for this?

Even the 43 percent who voted for Bill Clinton—how many of them really voted for this?

This is an administration:

Whose Associate Director of Personnel at the White House proclaims himself as the "first fag" and announces that his status as a homosexual protects him from being fired;

Whose AIDs policy advisor declares that the United States is a "repressed victorian society" and that teaching sexual abstinence to teenagers is "criminal";

Whose Deputy Attorney General wrote the preface to an autobiography of a career criminal and praised the man as having personal qualities that would be useful on the White House Staff;

Whose Assistant Secretary of Education for elementary and secondary education believes the Boy Scouts cannot be tolerated working with young people.

This same official also promotes so-called results-based performance, in which teachers are prohibited from giving failing grades to students for fear of harming their self-esteem.

This is an administration:

Whose Assistant Secretary of Housing for Fair Housing and Equal Opportunity favors the addition of homosexuals as a protected class under the Fair Housing Act and requiring the lodging of homosexual support groups at homeless shelters.

This official, by the way, also has a particular hangup about the Boy Scouts—she was

the driving force behind banning the Boy Scouts from the San Francisco public school system and in cutting off financial support for them by the Bay Area United Way.

This is an administration—

Whose surgeon-general advocates sex education in kindergarten, believes abortion is a positive public health benefit, and equates any beliefs on these issues different from hers with slavery;

Whose assistant Secretary of HHS for health believes the real problem with the American health care system today is the presence of too many doctors.

Maybe that is why the Clinton administration wants to replace so many of them with lawyers.

This is an administration—

Whose Assistant Secretaries of Education for Civil Rights and Policy have both promoted various schemes whereby funding for all public school districts would have to be equalized—by means of class action lawsuits if necessary;

Whose Chairman of the National Endowment for the Humanities had carried "political correctness" to such hypocritical extremes in his previous job his appointment to Federal office was more like a rescue than a promotion.

And on and on and on it goes, Mr. Speaker.

The Lani Guinier episode was not an isolated fluke—she is not the only Clinton appointee to have suffered intellectual meltdown during those long and lonely years away from the Federal trough and the levers of power.

Indeed, the Lani Guinier episode is entirely symptomatic of Bill Clinton's preference for appointing to high office people whose political sensibilities were shaped by the struggles of the 1960's and whose philosophies have been migrating steadily leftward ever since.

All of this wouldn't matter, Mr. Speaker, if ideas had no consequences.

But ideas do have consequences—and the worst idea coming out of the 1960's counterculture was the whole notion that one's actions and one's personal accountability for such actions can be disconnected.

How else, then, could Bill Clinton have maintained a straight face throughout the 1992 campaign all the while trying to explain the inconsistencies and discrepancies in both his public and private lives?

Another question: How can a generation of social activists which worked overtime coining new "rights" not wonder if there was any connection between that exercise and the concurrent one of identifying all kinds of new "victims"?

If responsibilities had been emphasized as the necessary corollary to rights, the number of society's so-called victims would be significantly smaller—and the number of claimants on the Government would be significantly smaller.

But that is the whole point.

The 1960's Government-in-exile that Bill Clinton brought back to Washington in the 1990's is dedicated to increasing the power of the Federal Government over every individual, every home, every business place, every private institution in the country.

How else, for example, can one explain the health care proposal the Clinton team came up with?

That proposal—all 1,600 pages of it—is so convoluted, so fraught with social engineering, so intrusive in all sectors of society, and so bereft of any cost controls that I can only conclude it must actually be a stalking horse for outright socialized medicine.

Indeed, the so-called "single-payer", or socialized, scheme actually looks simple, efficient, and cost-effective by comparison.

All of this bodes badly enough for America at home, but what about overseas?

What about protecting the very security of our country?

There again, the Clinton administration sees no connection between actions and accountability.

How else can one explain a process whereby the administration decides first to reduce the defense budget and only after that decision is locked in decides to examine what the security needs of the country actually are?

Can it be any surprise that the projected defense spending over the 4-year span of the Clinton administration does not meet the minimum requirements identified by the so-called "bottom-up" review as needed to protect the security of the country?

And then we come to the issue of peacekeeping, the centerpiece of what the Clinton administration says is a foreign policy.

The architect of the policy on peacekeeping is named Morton Halperin—remember that name.

Here is another refugee from the counterculture of the 1960's, and he has been given a tailor-made position in the Defense Department as Assistant Secretary for Democracy and Peacekeeping.

I must be precise and say that he does not actually hold the position to which he has been appointed—because the Senate has thus far refused to confirm him.

But he doesn't need confirmation so long as he has an office in the Pentagon anyway and all the access he wants to senior officials.

And, frankly, I cannot imagine the day when the Senate of the United States would confirm the appointment to high office of a man who has expressed views such as these:

Using secret intelligence agencies to defend a constitutional republic is akin to the ancient medical practice of employing leeches to take blood from feverish patients.

Every action which the Soviet Union and Cuba have taken in Africa has been consistent with the principles of international law.

The Soviet Union apparently never even contemplated the overt use of military force against Western Europe.

In the name of protecting liberty from communism, a massive undemocratic national security structure was erected during the cold war. . . .

Mr. Speaker, I will have more to say in future special orders concerning Morton Halperin and others to whom Bill Clinton would entrust the future of our country.

Suffice to say right now that any Member who attended as I did the briefing in which Secretary of State Christopher and Secretary of Defense Aspin could neither explain, defend, or even confirm the existence of a United States policy in Somalia need look no further than Morton Halperin's desk in order to understand how things could go so seriously awry.

In conclusion, Mr. Speaker, I can only reiterate what I said at the very outset: The gap between what the American people believe about our country and the interests the Clinton administration truly represents will inevitably get wider and wider.

This administration is the living embodiment of a philosophy which believes actions can be divorced from accountability.

We have 3 more long years to wait until the day of reckoning finally comes—at the polls, that is.

In the meantime, who can predict what kind of storms our country and our people will have to endure as the Clinton administration gets its on-the-job training in learning how to deal with reality?

THE MINORITY HEALTH IMPROVEMENT ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 10 minutes.

Mr. STOKES. Mr. Speaker, whereas, all groups lacking access to health care and experiencing a diminished health status, African-Americans and other minorities continue to top the list;

And, whereas, the 17th annual report card on health, the publication entitled, "Health United States 1992," continues to report that whether the focus is on the rate of minorities' mortality, morbidity, or the utilization of health services, disparities in health status remain widespread;

And, whereas, this disparity has remained despite significant advances stemming from the Nation's steadfast investment in biomedical and related research, and rapid improvements in the systems designed to provide essential health care services, racial and ethnic groups have not benefitted equally as well as the rest of the United States population;

I rise to introduce the Minority Health Improvement Act of 1993.

I am most eager about this legislation because the issue of health care for underserved, disadvantaged populations is a cause which I have championed since my first days in Congress. It is a known fact that our Nation must provide quality accessible and affordable health care for all Americans if the Nation is to strengthen its competitive edge and further improve the quality of life for all Americans.

Mr. Speaker, I am sure you know just how critical this legislation is to the minority community. Certainly, every racial and ethnic minority group experiences some health disparity. Unfortunately, for African-Americans, this situation continues to not only persist but to deteriorate. We know, for example, that the gap between blacks and whites in life expectancy has continued to widen. Life expectancy at birth for blacks overall was 69.1 years in 1990 compared to 76.1 years for whites. For black males, life expectancy was 64.5 years in 1990, a decline since its high of 65.3 years in 1984. For white males, the life expectancy is 72.7 years, 8.2 years longer than for African-Americans.

Blacks also have higher age-adjusted death rates than whites for 15 leading causes of

death. In the instance of homicide and HIV infection, the gap between black and white mortality rates is wider than for any chronic disease.

Although infant mortality declined among both blacks and whites between 1980 and 1990, it was still more than twice as high among blacks than whites. In fact, black mothers with a college degree have a higher infant mortality rate than white mothers with less than a high school education.

Added to these grim statistics is the fact that African-Americans and Hispanics account for over 50 percent of the number of Americans added to the rolls of the uninsured between 1977 and 1987—and that these individuals are disproportionately represented in the kinds of families at the greatest risk of being uninsured or underserved. These types of trends further exacerbate the disproportionate incidence of illness and death in our communities.

Mr. Speaker, because of these continued adversities, I introduce the Minority Health Improvement Act of 1993. This is a most critical time for improving minority health. It is at a time when our President has issued a call to his administration and experts around the United States to reform our health care system. To that end, we in the Congress must determine what must be done to make sure that the resulting system is responsive to the health care needs of all Americans. From my position as a member of the Labor-Health and Human Services Appropriations Subcommittee, and particularly as chairman of the Congressional Black Caucus Health Braintrust, I know that, if we listen and respond to the experts in the minority community, we have at our fingertips many of the answers to this critical problem.

Many of these solutions are provisions under the original law, the Disadvantaged Minority Health Improvement Act of 1990. They were enacted with the input and insight of those of us who deal regularly with these concerns. Our references were those individuals who every day are in the trenches touching, healing, and treating the medically indigent.

Mr. Speaker, you have only to visit my city of Cleveland, to see the success of the health services for residents in public housing section of the original Disadvantaged Minority Health Improvement Act. There has been such an overwhelming response to this program that the housing authorities cannot accommodate the need. This is in an area where only 5 minutes away is another health facility. But the success of this program is based upon its being targeted, for the first time, to the area where the underserved live. In this case, they live in public housing.

I have also been contacted by students and faculty at institutions across the Nation about their achievement in pursuing health professions careers and addressing the health care needs of unserved and underserved populations due to the provisions in the Minority Health bill. This would not have happened without the centers of excellence in minority health.

Undoubtedly, if this Nation ensures that every American has access to health care, we must also ensure the availability of culturally competent providers for all minority populations that are sicker and have very unique needs. Moreover, it is these providers who understand the cultural, linguistic, racial, educational, and attitudinal differences that impose special barriers to effective delivery of health care to minority Americans.

The Minority Health Improvement Act of 1993 which I am introducing today not only recognizes the importance of the original law, but also the need to strengthen and enhance it to ensure its continued responsiveness to improving the health status of minority Americans.

The Minority Health Improvement Act of 1993 recognizes the success of the office of minority health in fulfilling its mission throughout the Department of Health and Human Services [HHS], and also strengthens the coordination of minority health initiatives in every HHS agency. This will provide a guaranteed mechanism for activities the bill supports. Thereby, the bill improved upon the existing minority health bill by expanding and strengthening efforts in other areas to improve the health status of African-Americans, Hispanic-Americans, Native-Americans, and Asian-Americans. The bill addresses the needs of each group individually and collectively.

This approach is particularly important since the health problems among the various minority populations are immense, as well as diverse. Thus, any legislative remedy should require a strengthening of the Federal commitment to program with a long and successful history of addressing these concerns. At the same time, we need to recognize those programs that are newer, and others that have not yet been implemented.

Mr. Speaker, our colleague in the Senate, Senator KENNEDY from Massachusetts jointly sponsored this legislation in the 101st Congress, it was signed into law in November of 1990. The urgency of the enactment of this legislation is as pressing now as it was then. Mr. KENNEDY and I will again work to make this legislation and the improvements in the quality of life that stem from it a reality. The Nation cannot afford for the closing of the minority health gap to be just a sound byte. The physical, social, and economic burden and suffering is just too great to be ignored.

Mr. Speaker, I strongly urge my colleagues to meet the challenge in 1993 as they did in 1990 and enact this very important piece of legislation, the Minority Health Improvement Act of 1993.

PREPAYMENT PENALTIES ON SMALL BUSINESS FINANCINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 60 minutes.

Mr. LAFALCE. Mr. Speaker, today I have introduced the Small Business Prepayment Penalty Relief Act of 1993.

This bill will assist some small businesses which are burdened with onerous interest rates on debentures held by the Small Business Administration or guaranteed by it and purchased by the Federal Financing Bank.

It is my intent in introducing this bill today to put forth a proposal for examination by the administration and the small business constituency it is designed to help. I am not wed to its provisions, and I solicit input from others. But any alternative proposals, I believe, must be equitable to all small business borrowers who are required to pay these excessive interest rates. Any solution must adhere to two principles.

First, it must provide some type of a refinancing mechanism. Merely reducing the penalty, without providing alternative means, would unfairly reward those small businesses who had become so successful that they have accumulated sufficient capital with which to pay off the principal amount of their indebtedness, while requiring less successful firms to continue paying, 10-, 12-, or even 14- or 15-percent rates.

And second, it must treat all of these SBA program participants the same, whether they are under the certified development company program, the small business investment company program or the specialized small business investment company program.

BACKGROUND AND EXPLANATION OF PROVISIONS

During the 1980's, small businesses came to seek assistance from the Small Business Administration through several different programs. Interest rates at the time were very high. The one thing that each of these borrowers has in common is that a hidden, and somewhat unintelligible clause, in the debenture agreement is interpreted by the Federal Financing Bank of the Department of the Treasury to effectively prohibit prepayment of the debentures, locking these companies in to prohibitively high rates.

Interest rates have since dropped substantially. But these borrowers can prepay or refinance only if they pay a penalty which is equal to the total amount of interest which would be required to be paid on the debenture if paid according to its full term, but reduced to its present value; that is, the prepayment penalty would be the amount of money which would be required to be invested at today's rates being paid by the Federal Government which would result in a return to the Government of the same amount of money which the Government would receive if the issuer of the debenture, or long-term loan, paid the interest each year according to the original terms and conditions. The provision holds the Government harmless, but does enormous harm to these small companies.

This excessive prepayment penalty inflicts a severe financial penalty on the affected small businesses, in some cases an amount equal to 50 percent or more of the amount of the loan. For some it means that they cannot sell their business; for others, if the owner dies, the heirs must continue the business or be subject to the penalty; and for others it means that the business cannot expand with new financing because a prospective lender requires a first lien position, and thus the borrower would have to prepay the existing debenture, including the penalty.

The small businesses subject to these penalties are small firms whose efforts serve important public policy goals. These debentures have been issued under the certified development loan company program, one of the primary purposes of which is job creation, and under programs to provide venture capital to small businesses and minority small businesses under the Small Business Investment

Company Program and the Minority or Specialized Small Business Investment Company Program. The prohibitive penalties which now exist are impending SBA's efforts to bring job growth and new capital to the small business community, including the minority small business community.

Mr. Speaker, based upon data supplied by the Federal Financing Bank, we estimate that if all of these debentures prepaid, the aggregate prepayment penalty would be almost $200 million. Under the Budget Enforcement Act, this would be treated as a loss of income to the Government if legislation was enacted eliminating these penalties. Thus, we cannot eliminate the penalties without crippling all other SBA programs, and I do not advocate doing so. But I do believe that we must mitigate the damage being inflicted on these small businesses which we tried to help with loans made years ago.

In prior Congresses, the House of Representatives has twice passed legislation to reduce the amount of this penalty. In the first instance, the bill was vetoed by President Reagan. And in the second instance, the Senate blocked consideration of a similar provision at the request of President Bush.

Fortunately, this year President Clinton has indicated that he believes that this prepayment penalty is so onerous that it must be modified. However, no formal request nor authorizing legislation to do so has been submitted to date.

I have long advocated the modification of the penalty, and in fact, I introduced the earlier House legislation to do so. However, our current budget situation indicates to me that it is impossible to fix the entire problem in one fiscal year. This problem was created over a number of fiscal years and its resolution should be paid for over a number of fiscal years.

Accordingly, my proposal is for a two-prong approach.

First, my bill would authorize the appropriation of funds each year to permit SBA to buy down the interest rate on these debentures to 7.5 percent. This is above the current Federal cost of money and still would result in a penalty being imposed upon these small business borrowers, but a much more reasonable one. This should reduce the overall pressure to exit the programs.

Second, my bill would authorize all of those small business borrowers with loans outstanding to bid on a reduced prepayment penalty or their debentures, with SBA paying the balance of the penalty. With our current budget situation, we probably cannot provide enough money to accommodate everyone. But SBA annually would supplement the bid price with the addition of some limited amount of funds so that borrowers who elected to do so could prepay—with those who agreed to pay the highest amount, but less than 100 percent of the calculated penalty receiving assistance first.

This approach would provide some help to all of these small business borrowers and would permit a few annually, depending upon the amount of an appropriation we were able to secure, to get completely out from under the onerous terms of their Federal loan.

It is my hope that the committee will explore a legislative solution along the lines I have proposed, with hearings to commence early in the second session of this Congress.

A sectional summary of the bill follows:

SECTIONAL SUMMARY

Provides that this Act may be cited as "The Small Business Prepayment Penalty Relief Act of 1993".

TITLE II

Buy-downs and interest rate reductions

Section 201. (a) Provides that upon the request of the issuer, annually the Administration is authorized to buy-down the interest rate of any debenture purchased by the Federal Financing Bank (1) which has been issued by a development company pursuant to the provisions of section 503 of the Investment Act or (2) which has been issued by a small business investment company pursuant to the provisions of section 303 of such Act.

It defines the term "buy-down" as a payment from the Administration to the Federal Financing Bank in an amount determined by the Administration to reduce the interest payment for that year to an amount equal to 7.5 percentum of the outstanding principal amount of the debenture.

Subsection (b) provides that upon the request of the issuer, annually the Administration is authorized to reduce the interest rate on any debenture issued by a small business investment company licensed pursuant to the provisions of section 301(d) of the Investment Act. The amount of the reduction would be an amount determined by the Administration to make the interest payment for that year equal to 7.5 percentum of the outstanding principal amount of the debenture.

TITLE III

Prepayments

Section 301(a) provides that annually, after the regular Appropriations Act has been signed into law providing funding for the Administration, the Administration shall calculate the amount needed to carry out the provisions of section 201 of this Act. It would then set-aside this amount and the balance would be available for title III.

Subsection (b) requires the Administration to promptly notify the issuer of each debenture subject to the provisions of section 201 of this Act that it will receive offers from any interested issuer to prepay the debenture in full. The issuer's offer would include all or part of the full prepayment penalty, or assumed prepayment penalty in the case of a specialized small business investment company. To assist the issuer in making his proposal, SBA's notification would provide basic information, including:

(1) the amount of funds available to carry out this title;

(2) a computation of the total amount of the prepayment penalties and assumed prepayment penalties if all issuers prepaid;

(3) the amount of the prepayment penalty or assumed prepayment penalty for the issuer receiving the notification;

(4) the time period during which offers may be submitted; and

(5) a description of the process under which the Administration will evaluate, give priority to, and accept submission of offers pursuant to this title.

Subsection (c) requires SBA within 30 days after termination of the period for submission of offers, to evaluate each offer and assign each a priority. The priority would be based upon the percentum of the prepayment penalty which the issuer offers to pay, with the highest percentum receiving the highest priority. The Administration would approve offers beginning with the one with the highest priority and continuing until it utilizes all funds available to carry out this title in the current fiscal year.

Prepaying Development Company Debentures

Section 302. (a) Defines the term "issuer" as the issuer of a debenture which has been purchased by the Federal Financing Bank pursuant to section 503 of the Investment Act, and the term "borrower" as the small business concern whose loan secures a debenture issued pursuant to such section.

Subsection (b) provides that the issuer of a debenture purchased by the Federal Financing Bank and guaranteed by the SBA under section 503 of the Investment Act may offer to prepay if:

(1) the debenture is outstanding on the date of enactment of this Act, and neither the loan that secures the debenture nor the debenture is in default on the date the prepayment is made;

(2) state or personal funds, which may include refinancing under the programs authorized by section 504 and 505 of the Investment Act are used to prepay the debenture; and

(3) the issuer certifies that the benefits, net of fees and expenses authorized herein, associated with prepayment of the debenture are entirely passed through to the borrower.

Subsection (c) prohibits any fees or penalties other than those specified in this section from being imposed as a condition of such prepayment against the issuer or the borrower, or the Administration or any fund or account administered by the Administration.

It also provides that if the debenture is prepaid or refinanced other than through section 504, the issuer may require the borrower to pay a fee to the issuer in an amount equal to one-half of one percent of the unpaid principal balance of the debenture, or if refinanced under section 504, the issuer may require the borrower to pay a fee to the issuer in an amount equal to one-fourth of one percent of the unpaid balance of the debenture.

Subsection (d) provides that debentures refinanced under section 504 shall be subject to all of the other provisions of sections 504 and 505 of the Investment Act and the rules and regulations of the Administration promulgated thereunder.

Prepaying Specialized Small Business Investment Company Debentures

Section 303. (a) provides that any specialized small business investment company which is the issuer of a debenture purchased by the Administration under title III of the Investment Act may offer to prepay the debenture if:

(1) the debenture is outstanding on the date of enactment of this Act and is not in default of the date the prepayment is made; and

(2) personal funds, which may include refinancing with the proceeds of debentures under title III of the Investment Act, are used to prepay the debenture.

Subsection (b) prohibits any fees or penalties other than those specified in this section from being imposed as a condition of such prepayment against the issuer, the Administration or any fund or account administered by the administration.

Prepaying Regular Small Business Investment Company Debentures

Section 304. (a) provides that any small business investment company which is the

issuer of a debenture guaranteed by the Administration under title III of the Investment Act and purchased by the Federal Financing Bank may offer to prepay the debenture if:

(1) the debenture is outstanding on the date of enactment of this Act and is not in default on the date the prepayment is made; and

(2) personal funds, which may include refinancing with proceeds of guaranteed debentures under title III of the Investment Act, are used to prepay the debenture.

Subsection (b) prohibits any fees or penalties other than those specified in this section from being imposed as a condition of such prepayment against the issuer, the Administration or any fund or account administered by the Administration.

Subsection (c) provides debentures refinanced under title III of the Investment Act shall be subject to all of the other provisions of such Act.

TITLE IV

Miscellaneous Provisions

Section 401. (a) provides that the provisions of this Act are exercisable at the option of the borrower under section 302 of this Act or at the option of a small business investment company under sections 303 and 304 of this Act and are in addition to any prepayment options otherwise authorized by law.

Subsection (b) requires SBA within sixty days of the date of enactment of this Act to issue regulations to implement this Act.

Subsection (c) provides that any new credit or spending authority provided for in this Act is subject to amounts provided in advance in appropriations Acts.

Authorization

Section 402. (a) Authorizes the appropriation of such sums as may be necessary to carry out the provisions of this Act.

Subsection (b) provides that in the administration of this Act, the Administration shall not obligate any funds pursuant to title III of this Act in any fiscal year unless it has provided the full amount of assistance authorized and requested pursuant to title II of this Act.

Subsection (c) provides that if sufficient funds are not appropriated for any fiscal year to fully carry out the buy-downs and reductions authorized and requested pursuant to title II of this Act, the Administration must buy down and reduce the interest rates to the extent that funds are available for that year, but may not utilize any funds to carry out title III.

Section 403 defines the term "Administration" as the Small Business Administration, and the term "Investment Act" as the Small Business Investment Act of 1958.

A TRIBUTE TO MANUEL HERNANDEZ

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

Mr. DOOLEY. Mr. Speaker, I rise today to pay tribute to Manuel Hernandez, an immigrant American who for the past 40 years has contributed mightily to the well-being of Visalia, CA.

Mr. Hernandez was born in Torreon, Coahuila, Mexico, on September 1, 1913, and came to the United States at the age of 10. He has lived in Visalia since 1927. He and his wife, Helen, have four children: Ruben, Richard, Mary Lou, and Vicki; 13 grandchildren, and 8 great-grandchildren.

Mr. Hernandez has little formal education, but he has given a lifetime of benefit to the Visalia community. He was the first president of the Crowley School PTA on the northside of Visalia, and his dedication earned him an honorary life membership in the PTA. In the late 1950's, he served on the board of directors of the Visalia YMCA, and in the 1960's he represented working people as president of the Carpenter's Union Local No. 1484 in Visalia.

Beginning in 1965, Mr. Hernandez served as construction superintendent for Self-Help Enterprises, for which he helped establish affordable housing in the San Joaquin Valley. He continued to volunteer as a member of the self-help board of directors until 1979. From 1979 to 1985, he was a member of the board of directors of the Washington, DC-based Housing Assistance Council.

Mr. Hernandez is a former president of the Community Service Organization, and he was active for many years as a member of the Visalia Neighborhood Advisory Council and the North Visalia Concerned Citizens Committee. As a city volunteer, he served on the City of Visalia advisory committee and on the selection committee of the Leadership Visalia Program.

In 1983, Mr. Hernandez was awarded the outstanding citizen commendation by the Optimist Club, and in 1987 he was chosen as Visalia's Man of the Year, the first Visalian of Mexican descent to receive that honor. He served on the Tulare County Grand Jury from 1986 to 1989.

Mr. Hernandez currently is a board member of the Kaweah Delta District Hospital Foundation and of Tulare County Food Resources. He also is an active supporter of the Wittman Village Community Center. He continues his involvement with young Visalians through the Police Activities League.

As you can see, Manuel Hernandez has never recognized barriers in himself and in others. He has set a shining example as a devoted family man and community worker. His dedication and vision have done immeasurable good for Visalia and Tulare County.

Please join me, Mr. Speaker and my colleagues, in honor of Manuel Hernandez.

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. BROOKS) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 5 minutes, today.

Mr. STOKES, for 10 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. HOYER, for 30 minutes, today.

Mr. FALEOMAVAEGA, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. STEARNS, and to include therein extraneous material notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $7,682.)

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 898. An act to authorize the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.R. 1425. An act to improve the management, productivity, and use of Indian agricultural lands and resources.

H.R. 2330. An act to authorize appropriations for fiscal year 1994 for the intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

H.R. 3225. An act to support the transition to nonracial democracy in South Africa.

H.R. 3318. An act to amend title 5, United States Code, to provide for the establishment of programs to encourage Federal employees to commute by means other than single-occupancy motor vehicles.

H.R. 3378. An act to amend title 18, United States Code, with respect to parental kidnapping, and for other purposes.

H.R. 3471. An act to authorize the leasing of naval vessels to certain foreign countries.

H.J. Res. 75. Joint resolution designating January 16, 1994, as "National Good Teen Day."

H.J. Res. 159. Joint resolution to designate the month of November in 1993 and 1994 as "National Hospice Month."

H.J. Res. 294. Joint resolution to express appreciation to W. Graham Claytor, Jr., for a lifetime of dedicated and inspired service to the Nation.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 412. An act to amend title 49, United States Code, relating to procedures for resolving claims involving unfiled, negotiated transportation rates, and for other purposes.

S. 1670. An act to improve hazard mitigation and relocation assistance in connection with flooding, and for other purposes.

ADJOURNMENT

Mr. GEPHARDT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 3 minutes a.m.), the House adjourned until today, November 23, 1993, at 12 noon.

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. CONYERS: Committee on Government Operations. North American Free-Trade Agreement [NAFTA] Rules of Origin and Enforcement Issues (Rept. 103–407). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Reimbursement of Defense Contractors' Environmental Cleanup Costs: Comprehensive Oversight Needed to Protect Taxpayers (Rept. 103–408). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. State Department Mismanagement of Overseas Embassies: Corrective Action Long Overdue (Rept. 103–409). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Bank Regulation and Bank Lending to Small Business (Rept. 103–410). Referred to the Committee of the Whole House on the State of the Union.

Mr. GONZALEZ: Committee on Banking, Finance and Urban Affairs. H.R. 3063. A bill to authorize U.S. participation in the replenishment of the resources of the International Development Association and the Asian Development Bank, to authorize a U.S. contribution to the Global Environment Facility, to authorize the provision of special debt relief for the poorest, most heavily indebted countries through the multilateral approach of the Paris Club, and for other purposes; with an amendment (Rept. 103–411). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee of Conference. Conference report on H.R. 1025. A bill to provide for a waiting period before the purchase of a handgun, and for the establishment of a national instant criminal background check system to be contacted by firearms dealers before the transfer of any firearm (Rept. 103–412). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WAXMAN (for himself, Mr. SYNAR, Mr. WYDEN, Mr. DURBIN, and Mrs. SCHROEDER):

H.R. 3614. A bill to prescribe labels for packages and advertising for tobacco products, to restrict the advertising and promotion of tobacco products, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself, Mr. NEAL of North Carolina, and Mr. LEACH):

H.R. 3615. A bill to amend the Federal Deposit Insurance Act to require Federal Deposit Insurance Corporation approval for conversions of insured banks from mutual form to stock form, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. KENNEDY:

H.R. 3616. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of Thomas Jefferson, Americans who have been prisoners of war, the Vietnam Veterans Memorial on the occasion of the 10th anniversary of the memorial, and the Women in Military Service for America Memorial, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SHAW (for himself and Mr. DEUTSCH):

H.R. 3617. A bill to amend the Everglades National Park Protection and Expansion Act of 1989, and for other purposes; to the Committee on Natural Resources.

By Mr. WYDEN (for himself and Ms. FURSE):

H.R. 3618. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to exempt from preemption thereunder certain provisions of law of the State of Oregon relating to the Oregon Health Plan; to the Committee on Education and Labor.

By Mr. ANDREWS of Texas (for himself, Mr. SUNDQUIST, and Mr. KOPETSKI):

H.R. 3619. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Ways and Means.

By Mr. UPTON:

H.R. 3620. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; jointly, to the Committees on Energy and Commerce, Public Works and Transportation, and Ways and Means.

By Mr. BACHUS of Alabama:

H.R. 3621. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for costs incurred to cleanup contaminated property; to the Committee on Ways and Means.

By Mr. BAKER of California:

H.R. 3622. A bill to repeal the must-carry provisions of the title VI of the Communications Act of 1934, relating to cable television; to the Committee on Energy and Commerce.

By Mr. BARCIA of Michigan (for himself and Mr. DINGELL):

H.R. 3623. A bill to amend the Federal Crop Insurance Act to establish a pilot program to evaluate the feasibility of including crop insurance based on costs of production among the types of crop insurance available under the act; to the Committee on Agriculture.

By Mr. BOUCHER (for himself and Mr. UPTON):

H.R. 3624. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to establish a program for assigning shares of liability to liable parties at Superfund sites, and for other purposes; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. BROWN of California:

H.R. 3625. A bill to renew and improve the operation of title V of the Trade Act of 1974 (relating to the Generalized System of Preferences); to the Committee on Ways and Means.

By Mr. BROOKS (for himself and Mr. DINGELL):

H.R. 3626. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled U.S. v. Western Electric, civil action No. 82-0192, U.S. District Court for the District of Columbia; to amend the Communications Act of 1934 to regulate the manufacturing of Bell operating companies, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Ms. CANTWELL (for herself and Mr. MANZULLO):

H.R. 3627. A bill to amend the Export Administration Act of 1979 with respect to the control of computers and related equipment; to the Committee on Foreign Affairs.

By Mr. CHAPMAN:

H.R. 3628. A bill to establish the Regulatory Sunset Commission to review regulations of executive agencies, and to provide for the automatic termination of regulations that are not authorized by the Commission to continue in effect; jointly, to the Committees on the Judiciary and Government Operations.

By Mr. COPPERSMITH (for himself, Mr. CUNNINGHAM, Mr. KREIDLER, Mr. STENHOLM, Mr. FINGERHUT, Mr. CANADY, Mr. CRANE, Mr. MCCANDLESS, Mr. POSHARD, Mr. EWING, Mr. ARCHER, Mr. HOCHBRUECKNER, Mr. TAYLOR of Mississippi, Mr. GENE GREEN of Texas, Mr. LANCASTER, Mr. KINGSTON, and Mr. GALLEGLY):

H.R. 3629. A bill to rescind appropriations for the U.S. Postal Service in an amount equal to the amount expended by the Postal Service in the design and implementation of its new corporate logo; to the Committee on Appropriations.

By Mr. COYNE (for himself, Mr. CARDIN, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, Mr. HOAGLAND, Mr. KOPETSKI, Mr. JEFFERSON, Mr. BREWSTER, Mr. SHAW, and Mr. SUNDQUIST):

H.R. 3630. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of tax-exempt bonds; to the Committee on Ways and Means.

By Mr. COYNE (for himself, Mr. JACOBS, Mr. NEAL of Massachusetts, Mr. HOAGLAND, and Mr. BREWSTER):

H.R. 3631. A bill to amend the Internal Revenue Code of 1986 to provide nonrecognition treatment for certain transfers by common trust funds to regulated investment companies; to the Committee on Ways and Means.

By Mr. COYNE (for himself and Mr. STARK):

H.R. 3632. A bill to require the mandatory reporting of deaths resulting from errors in the prescribing, dispensing, and administration of drugs, to allow the continuation of voluntary reporting programs, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. CRAPO (for himself, Mr. HASTERT, Mr. HANSEN, Mr. HUTCHINSON, Mr. SANTORUM, Mr. ARMEY, and Mr. QUINN):

H.R. 3633. A bill to reform the House of Representatives, and for other purposes; jointly, to the Committees on Rules and Government Operations.

By Mr. DEFAZIO:

H.R. 3634. A bill to amend the Military Selective Service Act to terminate the registration requirement and to terminate the activities of civilian local boards, civilian appeal boards, and similar local agencies of the Selective Service System; to the Committee on Armed Services.

By Mr. DORNAN (for himself, Mr. HERGER of California, Mr. BAKER of California, Mr. POMBO, Mr. DOOLITTLE, Mr. TAYLOR of North Carolina, Mr. PACKARD, and Mr. YOUNG of Alaska):

H.R. 3635. A bill to require the withdrawal of the United States from the NAFTA supplemental agreements on labor and environmental cooperation; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. FIELDS of Texas, Mr. BOUCHER, Mr.

OXLEY, Mr. HALL of Texas, Mr. MOORHEAD, Mr. BRYANT, Mr. BARTON of Texas, Mr. LEHMAN, Mr. HASTERT, Mr. RICHARDSON, Mr. GILLMOR, and Ms. SCHENK):

H.R. 3636. A bill to promote a national communications infrastructure to encourage deployment of advanced communications services through competition, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DURBIN (for himself, Mr. MCDERMOTT, Mr. GORDON, Mr. DARDEN, Mr. DELLUMS, Mr. FRANK of Massachusetts, Mr. PETE GEREN of Texas, and Mr. WALSH):

H.R. 3637. A bill to require the Secretary of the Treasury to include organ donation information with individual income tax refund payments; to the Committee on Ways and Means.

By Ms. ESHOO:

H.R. 3638. A bill to suspend temporarily the duty on Mycophenolate Mofetil in bulk form; to the Committee on Ways and Means.

By Mr. FIELDS of Louisiana:

H.R. 3639. A bill to amend title 18, United States Code, to regulate the receipt of firearms dealers; to the Committee on the Judiciary.

By Mr. FILNER:

H.R. 3640. A bill to direct the Administrator of the Environmental Protection Agency to establish an office in a community in the United States located not more than 10 miles from the border between the United States and Mexico; to the Committee on Merchant Marine and Fisheries.

By Mrs. FOWLER (for herself, Mr. YOUNG of Florida, Mr. LEWIS of Florida, Mr. BACCHUS of Florida, Mr. GOSS, Mr. PETERSON of Florida, and Mrs. THURMAN):

H.R. 3641. A bill to make adjustments of maps relating to the Coastal Barrier Resources System; to the Committee on Merchant Marine and Fisheries.

By Mr. FRANK of Massachusetts (for himself, Mr. BAKER of Louisiana, Mr. MORAN, Mr. LEACH, Mr. FLAKE, Mr. MCCOLLUM, and Mr. LAROCCO):

H.R. 3642. A bill to provide regulatory capital guidelines for treatment of real estate assets sold with limited recourse by depository institutions; jointly to the Committees on Banking, Finance and Urban Affairs and Energy and Commerce.

By Mr. FRANKS of Connecticut:

H.R. 3643. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage corporations to provide financing and management support services to enable welfare recipients to leave welfare an operate small business concerns; to the Committee on Ways and Means.

By Mr. GRAMS:

H.R. 3644. A bill to correct the tariff treatment of certain articles covered by the Nairobi Protocol; to the Committee on Ways and Means.

By Mr. GRAMS (for himself, Mr. HUTCHINSON, Mr. HASTERT, Mr. GINGRICH, Mr. ARMEY, Mr. MCCOLLUM, Mr. DELAY, Mr. HYDE, Mr. HUNTER, Mr. PAXON, Mr. SOLOMON, Mr. KASICH, Mr. ISTOOK, Mr. KNOLLENBERG, Mr. TALENT, Mr. CRAPO, Mr. MANZULLO, Ms. DUNN, Mr. BACHUS of Alabama, Mr. BARTLETT of Maryland, Mr. DICKEY, Mr. KINGSTON, Mr. KIM, Ms. PRYCE of Ohio, Mr. HOEKSTRA, Mr. LEVY, Mr. POMBO, Mr. MCKEON, Mr. BAKER of California, Mr. COLLINS of Georgia, Mr. INGLIS of South Carolina, Mr. QUINN, Mr. CANADY, Mr. HOKE, Mr. TORKILDSEN, Mr. LINDER, Mr. BLUTE, Mr. MCINNIS, Mr. KING, Mr. SMITH of Michigan, Mrs. FOWLER, Mr. MCHUGH, Mr. ROYCE, Mr. DOOLITTLE, Mr. BARTON of Texas, Mr. BURTON of Indiana, Mr. RAMSTAD, Mr. COX, Mr. SMITH of Oregon, Mr. DORNAN, Mr. HERGER of California, Mr. HEFLEY, Mr. GOSS, Mr. KYL, Mr. ZIMMER, Mr. STEARNS, Mr. ROHRABACHER, Mr. BAKER of Louisiana, Mr. INHOFE, Mrs. VUCANOVICH, Mr. BOEHNER, Mr. EWING, Mr. STUMP, Mr. SAM JOHNSON, Mr. MOORHEAD, Ms. MOLINARI, Mr. SANTORUM, Mr. PACKARD, Mr. SHAYS, Mr. SPENCE, Mr. HANCOCK, Mr. EMERSON, Mr. SMITH of Texas, Mr. SAXTON, Mr. RAVENEL, Mr. HOBSON, and Mr. GALLEGLY):

H.R. 3645. A bill to provide a tax credit for families, to provide certain tax incentives to encourage investment and increase savings, and to place limitations on the growth of spending; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. GUNDERSON:

H.R. 3646. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards; to the Committee on Agriculture.

By Mr. HINCHEY:

H.R. 3647. A bill to provide for the acquisition of certain lands formerly occupied by the Franklin D. Roosevelt family, and for other purposes; to the Committee on Natural Resources.

By Mr. HUNTER (for himself, Mr. EVERETT, Ms. KAPTUR, and Mr. TRAFICANT):

H.R. 3648. A bill to amend the Internal Revenue Code of 1986 to provide investment incentives for any corporation with a majority of its manufacturing operations in the United States; to the Committee on Ways and Means.

By Mr. HUNTER (for himself, Mr. BURTON of Indiana, Mr. CUNNINGHAM, Mr. EVERETT, Ms. KAPTUR, and Mr. TRAFICANT):

H.R. 3649. A bill to establish the Industrial Regulatory Relief Commission; jointly, to the Committees on Energy and Commerce, Banking, Finance and Urban Affairs, and Rules.

By Mr. WAXMAN (for himself and Mr. DINGELL):

H.R. 3650. A bill to amend the Federal Food, Drug, and Cosmetic Act to assure access to dietary supplements and to amend the Dietary Supplement Act of 1992 to extend the moratorium with respect to the issuance of regulations on dietary supplements, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, and Mr. THOMAS of California):

H.R. 3651. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of long-term care insurance policies, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. THOMAS of California, Mr. MCMILLAN, and Mr. GUNDERSON):

H.R. 3652. A bill to improve the competitiveness, efficiency, and fairness of health coverage for individuals and small employers through promoting the development of voluntary Health Plan Purchasing Cooperatives; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. KOLBE (for himself, Mr. PORTER, Mr. SCHIFF, Mr. DORNAN, and Mr. HERGER of California):

H.R. 3653. A bill to amend title XI of the Social Security Act and title 18, United States Code, to extend criminal RICO provisions to health care fraud and to extend certain other criminal provisions to health care fraud under the CHAMPUS Program, the Indian health care program, health care programs for veterans and the Department of Defense, and the Federal employees health care program; jointly, to the Committees on Ways and Means and the Judiciary.

By Mr. KOPETSKI (for himself, Mrs. UNSOELD, Mr. FARR, Mr. YOUNG of Alaska, and Mr. SMITH of Oregon):

H.R. 3654. A bill to amend title 28, United States Code, to divide the ninth judicial circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Mr. LAFALCE:

H.R. 3655. A bill to authorize the Small Business Administration to reduce the interest rate on certain outstanding debentures, and for other purposes; to the Committee on Small Business.

By Mr. LANTOS (for himself, Mr. GILMAN, Mrs. MALONEY, Mr. SWETT, Ms. MARGOLIES-MEZVINSKY, Mr. DEUTSCH, Mr. HASTINGS, Mr. BROWN of Ohio, Mr. ANDREWS of New Jersey, Mr. SCHUMER, Ms. LOWEY, Mr. PALLONE, Ms. ROS-LEHTINEN, Mr. BERMAN, and Mr. ACKERMAN):

H.R. 3656. A bill to restrict sales and leases of defense articles and defense services to any country or international organization which as a matter of policy or practice is known to have sent letters to U.S. firms requesting compliance with, or soliciting information regarding compliance with, the secondary or tertiary Arab boycott; to the Committee on Foreign Affairs.

By Mr. LAROCCO (for himself, Mr. LEHMAN, Mr. RAHALL, Mr. YOUNG of Alaska, Mr. RICHARDSON, Mr. SCHIFF, and Mrs. VUCANOVICH):

H.R. 3657. A bill to establish fees for communication sites on public lands; jointly, to the Committees on Natural Resources and Agriculture.

By Mr. LEHMAN (for himself, Mr. MOORHEAD, Mr. BERMAN, Mr. DOOLEY, Mr. MATSUI, Mr. DELLUMS, and Mr. ROHRABACHER):

H.R. 3658. A bill to amend the Fair Labor Standards Act of 1938 to provide that employees in classified positions in community colleges are not required to receive overtime compensation for service in a certified or other academic position; to the Committee on Education and Labor.

By Mrs. MALONEY (for herself, Mr. RANGEL, Mr. GILMAN, Mr. MANTON, Mr. NADLER, Mr. ENGEL, Mrs. LOWEY, Mr. OWENS, Mr. HINCHEY, Mr. HOCHBRUECKNER, Mr. MCNULTY, Mr. FLAKE, Ms. VELAZQUEZ, Mr. SCHUMER, Mr. ACKERMAN, Ms. SLAUGHTER, Mr. QUINN, and Mr. SERRANO):

H.R. 3659. A bill to amend title XIX of the Social Security Act to improve the Federal medical assistance percentage used under the Medicaid Program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MANZULLO (for himself and Mr. WELDON):

H.R. 3660. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive benefits; to the Committee on the Judiciary.

By Mr. McCOLLUM (for himself, Mr. LEWIS of California, Mr. SAM JOHNSON, Mr. LINDER, Mr. BACHUS of Alabama, Mr. GRAMS, Mr. MCCRERY, Mr. THOMAS of Wyoming, Mr. MCCANDLESS, and Mr. CASTLE):

H.R. 3661. A bill to amend the Federal Deposit Insurance Act to clarify the due process protections applicable to directors and officers of insured depository institutions and other institution-affiliated parties, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MEEHAN:

H.R. 3662. A bill to amend the Ethics in Government Act of 1978 to require that Members, officers, and employees of Congress required to file reports under this Act disclose in those reports additional information relating to travel financed by persons with any interest in legislation before the Congress, and for other purposes; jointly, to the Committees on the Judiciary, House Administration, and Post Office and Civil Service.

By Mrs. MEEK (for herself, Mr. GILMAN, Ms. BROWN of Florida, Mr. OWENS, Mr. MFUME, Mr. TOWNS, Mr. RUSH, Mrs. CLAYTON, Mr. SCOTT, Mr. LEWIS of Georgia, Mr. WATT, Mr. HILLIARD, Mr. ROMERO-BARCELO, Miss COLLINS of Michigan, Mr. FLAKE, Mr. TUCKER, Ms. WATERS, Mr. JEFFERSON, Mr. PAYNE of New Jersey, Mr. RANGEL, Ms. PELOSI, Mr. WYNN, Mr. JACOBS, Mr. FRANK of Massachusetts, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CONYERS, Mr. HASTINGS, Mr. FOGLIETTA, Ms. MCKINNEY, Mr. SERRANO, Mr. WASHINGTON, Mr. DE LUGO, Mr. CLYBURN, Mr. ENGEL, and Mr. DELLUMS):

H.R. 3663. A bill to reaffirm the obligation of the United States to refrain from the involuntary return of refugees outside the United States, designate Haiti under temporary protected status, and for other purposes; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. MINGE:

H.R. 3664. A bill to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility; to the Committee on Merchant Marine and Fisheries.

By Mrs. MORELLA (for herself and Ms. BYRNE):

H.R. 3665. A bill to amend title 49, United States Code, relating to penalty amounts for civil violations of Federal motor carrier safety regulations, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MURPHY (for himself and Mr. MURTHA):

H.R. 3666. A bill to require the Secretary of the Treasury to mint and issue $1 coins in commemoration of the 50th anniversary of the end of World War II and General George C. Marshall's service therein; to the Committee on Banking, Finance and Urban Affairs.

By Mr. MURPHY:

H.R. 3667. A bill to redesignate the Federal building located at Ninth and Pennsylvania Avenue, NW., Washington, DC, and known as the "J. Edgar Hoover Federal Bureau of Investigation Building" as the "Federal Bureau of Investigation Building"; to the Committee on Public Works and Transportation.

By Mr. NADLER (for himself and Mrs. MALONEY):

H.R. 3668. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 125th anniversary of the founding of the American museum of Natural History; to the Committee on Banking, Finance and Urban Affairs.

By Mr. NADLER:

H.R. 3669. A bill to amend the Public Health Service Act with respect to determining the amount of a supplemental grant under the emergency relief program regarding the human immunodeficiency virus; to the Committee on Energy and Commerce.

By Mr. NADLER (for himself and Mrs. SCHROEDER):

H.R. 3670. A bill to provide a civil claim for individuals who are victims of crimes motivated by actual or perceived race, color, gender, religion, national origin, ethnicity, sexual orientation, or physical or mental disability; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Ms. LOWEY, Mr. ENGEL, and Mr. SCHUMER):

H.R. 3671. A bill to amend the Internal Revenue Code of 1986 to provide for adjustments in the individual income tax rates to reflect regional differences in the cost-of-living; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 3672. A bill to require the Secretary of Labor to establish cost-of-living indexes on a regional basis; to the Committee on Education and Labor.

By Mr. HERGER:

H.R. 3673. A bill to minimize the impact of Federal acquisition of private lands on units of local government, and for other purposes; to the Committee on Government Operations.

By Mr. NADLER:

H.R. 3674. A bill to amend title XIX of the Social Security Act to increase the income eligibility limit for medical assistance for COBRA continuation coverage under a State medicaid plan from 100 percent to 185 percent of the poverty level; to the Committee on Energy and Commerce.

H.R. 3675. A bill to provide for the establishment of alternative use committees at defense facilities to assist in the economic adjustment of communities, industries, and workers as a result of reductions or realignments in defense or aerospace spending and arms exports and the closure or realignment of military installations; jointly, to the Committees on Armed Services, Education and Labor, Foreign Affairs, Science, Space, and Technology, and Merchant Marine and Fisheries.

By Ms. NORTON:

H.R. 3676. A bill to amend the District of Columbia Spouse Equity Act of 1988 to provide for coverage of the former spouses of judges of the District of Columbia courts; to the Committee on the District of Columbia.

By Ms. NORTON (by request):

H.R. 3677. A bill to extend to the Mayor of the District of Columbia the same authority with respect to the National Guard of the District of Columbia as the Governor of a State exercises with respect to the National Guard of that State; jointly, to the Committees on Armed Services and the District of Columbia.

By Mr. ORTIZ (for himself, Mr. WELDON, Mr. LEHMAN, and Mr. TAUZIN):

H.R. 3678. A bill to authorize the Secretary of the Interior to negotiate agreements for the use of Outer Continental Shelf sand, gravel, and shell resources; jointly, to the Committees on Natural Resources and Merchant Marine and Fisheries.

By Mr. ORTIZ (for himself, Mr. WELDON, Mr. HUGHES, Mr. DELLUMS, Mr. LIPINSKI, Mr. LAUGHLIN, Mr. YOUNG of Alaska, Mr. FROST, Mr. BONIOR, and Mr. WASHINGTON):

H.R. 3679. A bill to authorize appropriations to expand implemention of the Junior Duck Stamp Conservation Program conducted by the U.S. Fish and Wildlife Service; to the Committee on Merchant Marine and Fisheries.

By Mr. OWENS (for himself and Mr. HASTINGS):

H.R. 3680. A bill to amend the revised statutes to restore standards for proving international discrimination; jointly, to the Committees on Education and Labor and the Judiciary.

By Mr. OXLEY:

H.R. 3681. A bill to promote the establishment of qualified voluntary environmental response programs in States and to encourage the expeditious remediation of contaminated sites; jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

By Mr. PALLONE:

H.R. 3682. A bill to require that 4-gallon to 6-gallon buckets distributed in commerce bear a permanent label warning of a potential drowning hazard to young children, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETERSON of Florida:

H.R. 3683. A bill to amend the Community Reinvestment Act of 1977 to permit any loan by an insured depository institution, the proceeds of which are used for the certified rehabilitation of a certified historical structure, to be taken into account in connection with an assessment of such institution for purposes of such act; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PICKLE (for himself and Mr. ARCHER):

H.R. 3684. A bill to amend the Internal Revenue Code of 1986 to modify the pension plan rules applicable to State judicial retirement plans; to the Committee on Ways and Means.

By Mr. POMBO:

H.R. 3685. A bill to amend title 18, United States Code, to authorize prosecutions as adults of certain armed offenders who are juveniles; to the Committee on the Judiciary.

By Mr. ROBERTS (for himself and Mr. CONDIT):

H.R. 3686. A bill to amend the Safe Drinking Water Act to suspend the requirements of that act until the costs of implementing those requirements are fully funded by the Federal Government; to the Committee on Energy and Commerce.

By Mr. ROEMER (for himself, Mrs. MALONEY, Mr. PENNY, Mr. BARRETT of Wisconsin, Mr. FRANK of Massachusetts, Mr. SHAYS, Mr. RAMSTAD, Mr. POMEROY, Mr. HOEKSTRA, Mr. MEEHAN, Mr. STRICKLAND, Mr. DURBIN, Mr. VENTO, Mr. BARCA of Wisconsin, Mr. ANDREWS of Maine, Mr. POSHARD, Ms. DANNER, Mrs. ROUKEMA, Mr. KLEIN, Mr. LAROCCO, Mr. DEFAZIO, Mr. CONYERS, Mr. KLECZKA, Mr. HUGHES, Mr. SCHUMER, Mr. PORTER, Mr. PAYNE of New Jersey, Mr. SHARP, and Mr. HASTERT):

H.R. 3687. A bill to cancel the space station program; to the Committee on Science, Space, and Technology.

By Mr. SANGMEISTER (for himself and Mr. HASTERT):

H.R. 3688. A bill to extend the deadlines applicable to certain hydroelectric projects under the Federal Power Act; to the Committee on Energy and Commerce.

By Mr. SANTORUM (for himself and Mrs. ROUKEMA):

H.R. 3689. A bill to limit occupancy of nonelderly single persons in dwelling units located in public housing projects for elderly families; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SANTORUM:

H.R. 3690. A bill to require that development assistance may be provided to certain governmental or nongovernmental organizations only if those organizations use that assistance in democratic countries, and for other purposes; to the Committee on Foreign Affairs.

H.R. 3691. A bill to require that printing for the executive and legislative branches of the Government be procured through a competitive bid process conducted by the Administrator of General Services; jointly, to the Committees on Government Operations and House Administration.

H.R. 3692. A bill to limit the amount an executive agency may obligate for office furniture and decorating in fiscal years after fiscal year 1994, and to rescind amounts available for that purpose for fiscal year 1994; to the Committee on Government Operations.

By Mr. SCHAEFER:

H.R. 3693. A bill to designate the U.S. courthouse under construction in Denver, CO, as the "Byron White United States Courthouse"; to the Committee on Public Works and Transportation.

By Mrs. SCHROEDER (for herself, Mr. MARKEY, and Mr. KENNEDY):

H.R. 3694. A bill to amend title 5, United States Code, to permit the garnishment of an annuity under the Civil Service Retirement System or the Federal Employees' Retirement System, if necessary to satisfy a judgment against an annuitant for physically abusing a child; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Texas (for himself, Mr. KASICH, Mr. COX, and Mr. FRANKS of New Jersey):

H.R. 3695. A bill to establish requirements relating to the issuance and review of regulations by Federal agencies; to the Committee on the Judiciary.

By Mr. STARK:

H.R. 3696. A bill to subject the income of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, and the Student Loan Marketing Association to taxation by State and local governments, and to require the Mayor of the District of Columbia to submit a report to Congress on the economic impact of such entities on the District of Columbia; jointly, to the Committees on Banking, Finance and Urban Affairs, Education and Labor, and the District of Columbia.

H.R. 3697. A bill to amend the Internal Revenue Code of 1986 to impose excise taxes on acts of self-dealing and private inurement by certain tax-exempt organizations; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. ARMEY, Mr. HASTERT, Mr. BAKER of California, Mr. CUNNINGHAM, Mr. DELAY, Mr. GINGRICH, Mr. RAMSTAD, Mr. GRAMS, Mr. HANCOCK, Mr. HYDE, Mr. TALENT, Mrs. VUCANOVICH, Mr. HUTCHINSON, Mr. DORNAN, Mr. HUNTER, Mr. GEKAS, and Mr. DUNCAN):

H.R. 3698. A bill to provide Americans with secure, portable health insurance benefits and greater choice of health insurance plans, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, the Judiciary, and Rules.

By Mr. STOKES (for himself, Mr. CLAY, Mrs. MEEK, Mr. LEWIS of Georgia, Mr. DELLUMS, Mr. HILLIARD, Mr. MFUME, Mr. JEFFERSON, Mr. TOWNS, Mr. BISHOP, Ms. NORTON, and Mr. THOMPSON):

H.R. 3699. A bill to amend the Public Health Service Act to establish, reauthorize and revise provisions to improve the health of individuals from disadvantaged backgrounds, and for other purposes; jointly, to the Committees on Education and Labor and Energy and Commerce.

By Mr. STRICKLAND:

H.R. 3700. A bill to provide for enforcement of State court judgments against federally forfeited assets of individuals who are delinquent in payment of child support; jointly, to the Committees on the Judiciary, Energy and Commerce, and Ways and Means.

By Mr. STUDDS:

H.R. 3701. A bill to deauthorize a portion of the project for navigation, Falmouth, MA, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SYNAR:

H.R. 3702. A bill to amend section 1341 of title 28, United States Code, relating to the jurisdiction of the district courts over certain tax controversies; to the Committee on the Judiciary.

By Mr. THOMAS of California:

H.R. 3703. A bill to validate and confirm a conveyance of certain real property by the Southern Pacific Transportation Co., successor in interest to Southern Pacific Railroad Co., to the Redevelopment Agency of the city of Tulare, a public body, corporate and politic, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS of California (for himself, Mrs. JOHNSON of Connecticut, Mr. GUNDERSON, and Mr. MACHTLEY):

H.R. 3704. A bill to provide comprehensive reform of the health care system of the United States, and for other purposes; jointly, to the Committees on Energy and Commerce, Ways and Means, Education and Labor, the Judiciary, and Rules.

By Mrs. THURMAN (for herself, Mr. CANADY, Mr. BACCHUS of Florida, Mr. BILIRAKIS, Ms. BROWN of Florida, Mrs. FOWLER, Mr. GIBBONS, Mr. GOSS, Mr. JOHNSTON of Florida, Mr. MILLER of Florida, Mr. PETERSON of Florida, and Ms. ROS-LEHTINEN):

H.R. 3705. A bill to amend the Fair Labor Standards Act of 1938 to provide an exemption from that act for inmates of penal or other correctional institutions who participate in certain programs; to the Committee on Education and Labor.

By Mr. TOWNS (for himself, Mr. BROWN of California, Miss COLLINS of Michigan, Mr. CONYERS, Mr. DELLUMS, Mr. EVANS, Mr. PETERSON of Minnesota, Mr. RICHARDSON, Mr. SANDERS, Mrs. SCHROEDER, Mr. WHEAT, and Mr. WYNN):

H.R. 3706. A bill to amend the Solid Waste Disposal Act to prohibit the international export and import of certain solid waste; to the Committee on Energy and Commerce.

By Mr. VENTO (for himself, Mr. HINCHEY, and Mr. BOUCHER):

H.R. 3707. A bill to establish an American Heritage Areas Partnership Program in the Department of the Interior; to the Committee on Natural Resources.

By Mr. VENTO:

H.R. 3708. A bill to reform the operation, maintenance, and development of the Steamtown National Historic site, and for other purposes; to the Committee on Natural Resources.

H.R. 3709. A bill to reform the process for the study of areas for potential inclusion in the National Park System, and for other purposes; to the Committee on Natural Resources.

H.R. 3710. A bill to strengthen the protections afforded to units of the National Park System and certain other nationally significant historic and natural places, and for other purposes; to the Committee on Natural Resources.

By Mrs. VUCANOVICH:

H.R. 3711. A bill to establish within the Department of Energy a National Test and Demonstration Center of Excellence at the Nevada test site, and for other purposes; to the Committees on Armed Services, Science, Space, and Technology, and Energy and Commerce.

By Mr. WHEAT:

H.R. 3712. A bill to award a congressional gold medal on behalf of President Harry S. Truman to commemorate the 50th anniversary of his 1st inauguration as President of the United States of America; to the Committee on Banking, Finance and Urban Affairs.

H.R. 3713. A bill to amend the Motor Vehicle Information and Cost Savings Act to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles that are salvage or have been damaged, to require inspection of salvage vehicles that have been repaired in order to prevent the sale of unsafe vehicles or vehicles with stolen parts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WHITTEN:

H.R. 3714. A bill to provide for an interpretive center at the Civil War Battlefield of Corinth, MS, and for other purposes; to the Committee on Natural Resources.

By Mr. YOUNG of Alaska:

H.R. 3715. A bill to provide consultations for the development of Articles of Incorporation for territories of the United States; to the Committee on Natural Resources.

By Mr. ZIMMER:

H.R. 3716. A bill to limit amounts expended by certain Government entities for overhead expenses; to the Committee on Government Operations.

H.R. 3717. A bill to allow for moderate growth of mandatory spending; jointly, to the Committees on Government Operations and Rules.

By Mr. GEPHARDT:

H.J. Res. 300. Joint resolution providing for the convening of the 2d session of the 103d Congress; considered and passed.

By Mr. CRANE:

H.J. Res. 301. Joint resolution designating May 1994 as "National Sporting Goods Month"; to the Committee on Post Office and Civil Service.

By Ms. FURSE (for herself, Ms. SNOWE, Ms. MCKINNEY, Ms. VELAZQUEZ, Mr. ANDREWS of Maine, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BILBRAY, Mr. BISHOP, Mr. BONIOR, Ms. BYRNE, Mrs. CLAYTON, Mr. CONYERS, Mr. COPPERSMITH, Mr. DEFAZIO, Mr. DELLUMS, Mr. DE LUGO, Ms. ESHOO, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. FISH, Mr. FOGLIETTA, Mr. FROST, Mr. GIBBONS, Mr. GREENWOOD, Mr. HINCHEY, Mr. HUGHES, Mr. HUTTO, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KASICH, Mr. LANCASTER, Mr. LEWIS of Georgia, Mr. LIPINSKI, Mrs. LLOYD, Ms. LOWEY, Mr. MARTINEZ, Mr. MCDERMOTT, Mr. MCNULTY, Mrs. MEEK, Mr. MINGE, Mrs. MINK, Mr.

MOAKLEY, Mrs. MORELLA, Mr. NADLER, Ms. NORTON, Mr. OBERSTAR, Mr. OLVER, Mr. PASTOR, Ms. PELOSI, Mr. PETERSON of Minnesota, Mr. RANGEL, Mr. RAVENEL, Ms. ROYBAL-ALLARD, Mr. SCOTT, Mr. SERRANO, Mr. TOWNS, Mrs. UNSOELD, Mr. VALENTINE, Mr. WALSH, Mr. WASHINGTON, Ms. WATERS, Mr. WAXMAN, and Ms. WOOLSEY):

H.J. Res. 302. Joint resolution designating 1994 through 1999 as the "Years of the Girl Child"; to the Committee on Post Office and Civil Service.

By Mr. LANTOS (for himself, Mr. GEPHARDT, Mr. MICHEL, Mr. DELLUMS, Mr. SPENCE, Mr. MONTGOMERY, Mr. STUMP, and Mr. GIBBONS):

H.J. Res. 303. Joint resolution designating June 6, 1994, as "D-Day National Remembrance Day"; to the Committee on Post Office and Civil Service.

By Mr. SHARP (for himself, Mr. SWETT, Mrs. MORELLA, Ms. LAMBERT, and Mr. BOEHLERT):

H. Con. Res. 188. Concurrent resolution expressing the sense of the Congress that a dramatic new direction in Federal Government energy research, development, demonstration, and commercialization funding priorities should be adopted to improve environmental protection, create new jobs, enhance U.S. competitiveness, and reduce the trade deficit; jointly, to the Committees on Energy and Commerce and Science, Space, and Technology.

By Mr. MCCLOSKEY (for himself, Mr. WILSON, Mr. HYDE, and Ms. MOLINARI):

H. Con. Res. 189. Concurrent resolution expressing the sense of the Congress that every effort should be made to avert a humanitarian disaster in Bosnia and Herzegovina and the other former Yugoslav republics during the winter of 1993–94; to the Committee on Foreign Affairs.

By Mr. GEPHARDT:

H. Con. Res. 190. Concurrent resolution providing for the sine die adjournment of the 1st session of the 103d Congress; considered and agreed to.

By Mr. FRANKS of New Jersey (for himself, Mr. JOHNSON of Georgia, and Mr. REGULA):

H. Con. Res. 191. Concurrent resolution to urge the Secretary of State to actively engage in negotiations with the signatories of the United Nations Convention relating to the status of refugees to establish international first safe haven procedures for aliens claiming political asylum; to the Committee on Foreign Affairs.

By Mr. NADLER:

H. Con. Res. 192. Concurrent resolution expressing the sense of Congress with respect to information on AIDS and HIV infections, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REGULA (for himself, Mr. LEVIN, Mr. MINETA, Mr. OBERSTAR, Mr. YATES, Mr. COSTELLO, Mr. APPLEGATE, Mr. VISCLOSKY, Mr. HUGHES, Mr. EDWARDS of California, Mr. BOEHNER, Mr. FILNER, Mr. CONYERS, Mr. LIPINSKI, Mr. LANCASTER, Mrs. BENTLEY, Mr. MURTHA, Ms. LOWEY, Ms. ESHOO, Mr. DEFAZIO, Mr. CARDIN, Mr. GENE GREEN of Texas, Mr. PASTOR, Mr. RIDGE, Mr. WELDON, Mr. CARR, Mr. GEKAS, Mr. LAFALCE, Mr. CLAY, Ms. LONG, Mr. MCDADE, Mr. PALLONE, Mr. STOKES, Mr. DINGELL, Mr. HINCHEY, Mr. VENTO, Mr. MCHALE, Mr. PAYNE of Virginia, Mr. BROWN of Ohio, Mr. HUNTER, Mr. RUSH, Mr. CRAPO, Mr. SLATTERY, Mr. MARKEY, Mrs. MINK, Mr. BROWN of California, Ms. KAPTUR, Mr. COYNE, Mr. KILDEE, Mr. OBEY, Mr. RAHALL, Mr. SANGMEISTER, Mr. SAWYER, Mr. SYNAR, Mr. BOEHLERT, Mr. QUINN, Mr. ROEMER, Ms. FURSE, Ms. MARGOLIES-MEZVINSKY, Mr. MOLLOHAN, Mr. NEAL of Massachusetts, Mrs. KENNELLY, Mr. PICKLE, Mr. BONIOR, Mr. HOUGHTON, and Miss COLLINS of Michigan):

H. Con. Res. 193. Concurrent resolution to express the sense of the Congress regarding negotiations objectives for the Uruguay round of the General Agreement on Trade and Tariffs [GATT] to the Committee on Ways and Means.

By Mr. TALENT:

H. Con. Res. 194. Concurrent resolution expressing the sense of the Congress that any comprehensive health care reform legislation that is enacted should require a Senator or Representative in, or Delegate or Resident Commissioner to, the Congress to wait for a period equal to a national average waiting period before receiving a health care service; jointly, to the Committees on Energy and Commerce and House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Ms. MARGOLIES-MEZVINSKY introduced a bill (H.R. 3718) for the relief of Mark A. Potts; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Ms. FURSE.
H.R. 39: Mr. LANTOS and Mr. WYNN.
H.R. 70: Mrs. FOWLER and Mr. JOHNSON of South Dakota.
H.R. 122: Mr. KLUG and Mrs. MALONEY.
H.R. 133: Mr. KLUG, Mr. COX, and Mr. HOKE.
H.R. 140: Mr. BURTON of Indiana, Mr. PORTMAN, Mr. OXLEY, Mr. SHAW, Mr. GALLEGLY, Mr. REYNOLDS, Mr. CANADY, Mr. BARTON of Texas, Mr. GRANDY, Mr. MURTHA, Mr. LANCASTER, Mrs. VUCANOVICH, and Mr. ARMEY.
H.R. 146: Mr. BACHUS of Alabama.
H.R. 163: Mr. HOKE and Mr. GORDON.
H.R. 173: Mr. GORDON.
H.R. 226: Mr. YATES, Mr. SWETT, and Mr. WISE.
H.R. 291: Mr. BUNNING, Mr. HUGHES, and Ms. FURSE.
H.R. 301: Mr. KLUG.
H.R. 306: Mr. FRANKS of Connecticut.
H.R. 383: Mrs. MEYERS of Kansas.
H.R. 388: Mrs. MEYERS of Kansas.
H.R. 401: Mr. HERGER of California.
H.R. 417: Ms. PRYCE of Ohio.
H.R. 425: Mr. BARCIA of Michigan.
H.R. 427: Mr. BARCIA of Michigan.
H.R. 429: Mr. KLUG and Mr. MICA.
H.R. 436: Ms. PELOSI AND MS. FURSE.
H.R. 441: Ms. MOLINARI Mr. BLUTE, Mr. PALLONE, Mr. SCHAEFER, Mr. JOHNSON of South Dakota, and Mr. LAZIO.
H.R. 465: Mr. SCHAEFER, Mr. HOKE, and Mr. JOHNSON of South Dakota.
H.R. 476: Mr. GRAMS, Ms. FURSE, and MR. Jefferson.
H.R. 477: Mrs. MALONEY.
H.R. 502: Mr. GOODLATTE, Mrs. MALONEY, and Mr. BACCHUS of Florida.
H.R. 518: Mr. FORD of Michigan, Mr. SANDERS, Mr. SABO, Mr. GUTIERREZ, Mr. PALLONE, and Ms. KAPTUR.
H.R. 522: Mr. SERRANO.
H.R. 549: Mr. SCHIFF.
H.R. 551: Mr. BUNNING, Mr. ENGEL, and Mr. BARLOW.
H.R. 561: Mr. ARMEY Mr. HERGER of California, and Mr. UPTON.
H.R. 624: Mr. GOODLATTE, Mr. VENTO, Mr. HINCHEY, and Mr. ROMERO-BARCELÓ.
H.R. 643: Ms. MOLINARI.
H.R. 657: Mr. BATEMAN.
H.R. 662: Mr. SPENCE and Mr. COX.
H.R. 672: Mr. DORNAN, Mr. HINCHEY, Mr. QUINN, and Mr. KENNEDY.
H.R. 681: Mr. SHAYS.
H.R. 702: Mr. WYNN.
H.R. 723: Mr. BACHUS of Alabama and Mr. JOHNSON of South Dakota.
H.R. 746: Ms. NORTON and Mr. MATSUI.
H.R. 769: Mr. ANDREWS of Maine.
H.R. 778: Mr. ORTON, Mr. DARDEN, Mrs. LLOYD, and Mr. CLEMENT.
H.R. 814: Mr. SCHIFF and Mr. BACHUS of Alabama.
H.R. 846: Mr. GOSS.
H.R. 883: Mr. HOKE.
H.R. 895: Mr. BACHUS of Alabama and Mr. SCHAEFER.
H.R. 896: Mr. BATEMAN, Mrs. VUCANOVICH, and Mrs. FOWLER.
H.R. 943: Mr. CAMP, Mr. DUNCAN, Mr. ORTON, and Mr. LAZIO.
H.R. 961: Ms. MOLINARI, Mr. PALLONE, and Mr. JOHNSON of South Dakota.
H.R. 972: Ms. FURSE.
H.R. 1015: Mr. GILMAN.
H.R. 1026: Mr. BACHUS of Alabama.
H.R. 1048: Mr. STARK, Mrs. MALONEY, Mr. PENNY, and Mr. PASTOR.
H.R. 1055: Ms. FURSE and Mr. LEVY.
H.R. 1080: Mr. BLUTE, Mr. JOHNSON of South Dakota, and Mr. GILCHREST.
H.R. 1086: Mr. GEJDENSON.
H.R. 1099: Mr. MICA, Mr. STEARNS, Mr. LINDER, Mr. BACHUS of Alabama, Mrs. VUCANOVICH, Mr. COX, and Mr. RAMSTAD.
H.R. 1116: Mr. WYNN.
H.R. 1122: Mr. KNOLLENBERG, Mr. SCHAEFER, and Mrs. MALONEY.
H.R. 1124: Mr. BACHUS of Alabama and Mr. SCHAEFER.
H.R. 1125: Mr. BATEMAN.
H.R. 1126: Mr. MICA, Mr. SCHAEFER, and Mr. BACHUS of Alabama.
H.R. 1127: Mr. SCHAEFER.
H.R. 1128: Mr. COX, Mr. BACHUS of Alabama, and Mr. BLUTE.
H.R. 1129: Mr. KNOLLENBERG, Mr. COX, and Ms. MOLINARI.
H.R. 1130: Mr. SHAW and Mr. BACHUS of Alabama.
H.R. 1151: Mr. WAXMAN.
H.R. 1164: Mr. TOWNS.
H.R. 1167: Mr. BACHUS of Alabama.
H.R. 1168: Mr. COX, Mrs. FOWLER, Mr. BATEMAN, and Mr. QUINN.
H.R. 1169: Mr. BACHUS of Alabama and Mr. COX.
H.R. 1176: Ms. FURSE.
H.R. 1181: Mr. SWETT.
H.R. 1191: Mr. GILCHREST.
H.R. 1192: Mr. ZIMMER.
H.R. 1194: Mr. MCCLOSKEY and Mr. NADLER.
H.R. 1200: Mr. FIELDS of Louisiana, Mr. SYNAR, Mr. RICHARDSON, Mr. GONZALEZ, and Mr. WAXMAN.
H.R. 1209: Mr. BACHUS of Alabama and Mr. COX.
H.R. 1231: Mr. BARCA of Wisconsin.
H.R. 1241: Mrs. MEYERS of Kansas.
H.R. 1276: Mr. SARPALIUS and Mr. CRAMER.
H.R. 1293: Mr. LINDER, Mr. DOOLITTLE, Mr. BACHUS of Alabama, and Mr. SCHAEFER.

H.R. 1295: Mr. ANDREWS of Texas, Mr. HOBSON, Mr. HERGER of California, Mr. KYL, and Mr. ISTOOK.

H.R. 1322: Mr. LIVINGSTON, Mr. DICKEY, Mr. DOOLITTLE, Mr. ISTOOK, Mr. CRAPO, Mr. TUCKER, Mr. INGLIS of South Carolina, Mr. MACHTLEY, Mr. KASICH, Mr. DELAY, Mr. LIGHTFOOT, Mr. DARDEN, Mr. DIAZ-BALART, Mr. CAMP, Mr. EVERETT, and Mr. MCKEON.

H.R. 1349: Mr. COBLE, Mr. DEUTSCH, and Ms. FURSE.

H.R. 1354: Mr. TORKILDSEN, Mr. MILLER of California, Mr. NADLER, and Mrs. MORELLA.

H.R. 1392: Mr. HOKE.

H.R. 1402: Mr. FRANK of Massachusetts.

H.R. 1423: Mr. MATSUI, Mr. GRAMS, Mr. HILLIARD, Mr. APPLEGATE, and Mr. HINCHEY..

H.R. 1428: Mr. BACHUS of Alabama.

H.R. 1444: Mr. FRANK of Massachusetts.

H.R. 1455: Mr. YOUNG of Florida.

H.R. 1483: Mr. HOKE, Mr. SCHAEFER, and Mr. KLUG.

H.R. 1487: Mr. MICA, Mr. RAMSTAD, and Mrs. FOWLER.

H.R. 1493: Mr. BATEMAN, Mr. YATES, and Ms. FURSE.

H.R. 1505: Mr. PORTMAN, Mr. BLUTE, and Mr. COX.

H.R. 1518: Mr. SCHAEFER.

H.R. 1538: Mr. MORAN.

H.R. 1551: Mr. BURTON of Indiana, Mr. SMITH of Texas, Mr. MCCRERY, Mr. DORNAN, and Mr. EDWARDS of Texas.

H.R. 1552: Mr. LINDER, Mr. BACHUS of Alabama, Mr. BARCA of Wisconsin, Mr. DARDEN, and Mr. GILCHREST.

H.R. 1555: Mr. BARCA of Wisconsin.

H.R. 1571: Ms. MARGOLIES-MEZVINSKY.

H.R. 1602: Mr. OLVER, Mr. MURPHY, Mr. LEWIS of Georgia, and Mr. ZELIFF.

H.R. 1604: Mr. BACHUS of Alabama.

H.R. 1607: Mr. PALLONE.

H.R. 1609: Mr. RICHARDSON.

H.R. 1620: Mr. KLUG, Mrs. VUCANOVICH, Mr. GOODLATTE, Mr. LINDER, Mr. RAMSTAD, Mrs. FOWLER, Mr. BACHUS of Alabama, Mr. SCHAEFER, Mr. MICA, Mr. COX, and Mr. JOHNSON of South Dakota.

H.R. 1621: Mr. ZELIFF, Mr. ZIMMER, Mr. UPTON, Mr. JACOBS, Mr. PALLONE, and Mr. PENNY.

H.R. 1622: Mr. BATEMAN.

H.R. 1673: Mr. KLUG and Mr. PENNY.

H.R. 1687: Mr. WALSH.

H.R. 1703: Mr. GEJDENSON, Mr. GIBBONS, and Mr. FRANK of Massachusetts.

H.R. 1709: Mr. SMITH of Oregon, Mr. ROSE, Mr. PACKARD, Mr. HILLIARD, Mr. TANNER, Mr. OXLEY, Mr. MANTON, Mr. OWENS, Mr. GALLO, Mr. SKELTON, Mr. NEAL of North Carolina, Mr. WELDON, Mr. PAXON, Mr. YOUNG of Alaska, Mr. SMITH of New Jersey, Mr. BLILEY, Mr. HUTCHINSON, Mr. DELAY, Mr. UNDERWOOD, Mr. FORD of Tennessee, Mr. BEREUTER, Mr. GOODLING, Mrs. LLOYD, Mr. BILIRAKIS, and Mr. ANDREWS of Maine.

H.R. 1725: Mr. ZELIFF and Mr. KLUG.

H.R. 1775: Ms. LAMBERT.

H.R. 1785: Mr. ZELIFF, Mr. DOOLITTLE, Mr. KLUG, and Mr. SCHAEFER.

H.R. 1793: Mrs. MEYERS of Kansas, Mr. BISHOP, and Mr. GEJDENSON.

H.R. 1808: Mr. DEFAZIO, Mr. PAYNE of New Jersey, and Mr. ENGEL.

H.R. 1809: Mr. DEFAZIO, Mr. PAYNE of New Jersey, Mr. PORTER, and Mr. ENGEL.

H.R. 1810: Mr. DEFAZIO, Mr. PAYNE of New Jersey, and Mr. ENGEL.

H.R. 1815: Mr. MCDADE, Mr. SANTORUM, Mr. CANADY, Mr. GINGRICH, Mr. MCMILLAN, and Mr. GOODLING.

H.R. 1852: Mr. BACHUS of Alabama and Mr. COX.

H.R. 1853: Mr. BACHUS of Alabama.

H.R. 1857: Mr. BACHUS of Alabama.

H.R. 1860: Mr. BACHUS of Alabama.

H.R. 1864: Mr. MCKEON.

H.R. 1883: Mr. GONZALEZ, Mr. HASTINGS, Mr. BROWN of California, Miss COLLINS of Michigan, and Mr. YOUNG of Florida.

H.R. 1884: Mr. BEVILL and Mr. BARRETT of Wisconsin.

H.R. 1887: Mr. BATEMAN, Mr. HERGER of California, and Mr. BACHUS of Alabama.

H.R. 1900: Mr. THORNTON.

H.R. 1910: Mr. TAUZIN and Mr. SCHAEFER.

H.R. 1921: Mr. HOKE.

H.R. 1950: Mr. BALLENGER, Mr. HOBSON, Mr. SOLOMON, and Mr. HERGER of California.

H.R. 1961: Ms. BYRNE.

H.R. 1968: Mr. ANDREWS of Maine.

H.R. 1989: Mr. ZIMMER.

H.R. 1999: Mr. COMBEST and Mr. GREENWOOD.

H.R. 2013: Mr. MCKEON, Mr. CALVERT, Mr. EVANS, and Mr. ROMERO-BARCELÓ.

H.R. 2014: Mr. KLUG, Mr. BATEMAN, Mr. SCHAEFER, Mr. DARDEN, and Mr. GORDON.

H.R. 2022: Mr. HOUGHTON and Mr. SUNDQUIST.

H.R. 2023: Mr. HERGER of California and Mr. EWING.

H.R. 2032: Ms. FURSE and Mr. JEFFERSON.

H.R. 2035: Mrs. MALONEY.

H.R. 2036: Mrs. MALONEY.

H.R. 2037: Mr. SCHAEFER.

H.R. 2038: Mr. SCHAEFER.

H.R. 2043: Mr. KENNEDY and Mr. ZIMMER.

H.R. 2059: Mr. BACHUS of Alabama.

H.R. 2062: Mr. ACKERMAN and Ms. MOLINARI.

H.R. 2073: Mr. ZIMMER.

H.R. 2088: Mr. CLYBURN, Mr. EDWARDS of Texas, Mr. RAVENEL, and Mr. WELDON.

H.R. 2132: Mr. HILLIARD.

H.R. 2145: Mr. DEUTSCH and Mr. PASTOR.

H.R. 2159: Mr. SMITH of New Jersey.

H.R. 2171: Mr. BROWN of Ohio and Mr. GILMAN.

H.R. 2175: Mr. DOOLEY.

H.R. 2192: Mr. BACCHUS of Florida.

H.R. 2207: Mr. BARLOW, Mr. SMITH of Oregon, Mr. OXLEY, Mr. MURPHY, Mr. CLEMENT, and Mr. BACHUS of Alabama.

H.R. 2210: Mr. NADLER.

H.R. 2219: Mr. BACHUS of Alabama.

H.R. 2220: Mr. HERGER of California.

H.R. 2229: Ms. WOOLSEY, Mr. ANDREWS of Maine, Mr. GONZALEZ, Mr. SABO, Ms. PELOSI, Mr. NADLER, and Mr. MORAN.

H.R. 2238: Mrs. MALONEY.

H.R. 2292: Mr. UPTON and Mr. KLEIN.

H.R. 2308: Mr. TUCKER and Ms. VELAZQUEZ.

H.R. 2319: Mr. BONILLA, Mr. DIAZ-BALART, Mrs. FOWLER, Mr. FRANKS of New Jersey, Ms. FURSE, Mr. GRANDY, Mr. HOKE, Mr. KING, Mr. KNOLLENBERG, Mr. LEVY, Mr. MCCANDLESS, Mr. MCCOLLUM, Mr. MCDADE, Mr. PACKARD, and Mr. PORTMAN.

H.R. 2393: Mr. BACHUS of Alabama.

H.R. 2418: Mr. SMITH of Texas and Mr. FRANK of Massachusetts.

H.R. 2427: Mr. WISE.

H.R. 2429: Mr. GIBBONS, Ms. PRYCE of Ohio, Mr. TOWNS, and Mr. STOKES.

H.R. 2434: Mr. PORTMAN and Mr. SCHAEFER.

H.R. 2441: Mr. DELLUMS.

H.R. 2443: Mr. BROOKS, Mr. MCCURDY, Mr. HUFFINGTON, Mr. HORN of California, Mr. POMBO, Mr. COYNE, Mr. BEILENSON, Mr. CONYERS, Mr. ABERCROMBIE, Mr. EDWARDS of California, Mr. COX, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BYRNE, Mr. CONDIT, Mr. BECERRA, Mr. GORDON, Mr. SAXTON, Mr. ORTIZ, Mr. DREIER, Mr. BLILEY, Mr. TORRES, Mr. SMITH of Texas, Mr. TAYLOR of North Carolina, Mr. WHITTEN, Mr. MYERS of Indiana, Mrs. SCHROEDER, Mr. DELAY, Mr. BONILLA, Mr. ENGLISH of Oklahoma, Mr. PETRI, Mr. DUNCAN, Mr. MFUME, Ms. DELAURO, Mr. ARMEY, Mr. SWIFT, Mr. ROTH, Mr. RAMSTAD, Mr. KLECZKA, Mr. ROBERTS, Mr. WYNN, Mr. PORTER, Mr. GRAMS, Mr. LEHMAN, and Mr. SCOTT.

H.R. 2452: Mr. ANDREWS of New Jersey.

H.R. 2464: Mr. TORRES.

H.R. 2484: Mr. LIPINSKI and Mr. HYDE.

H.R. 2488: Mr. ANDREWS of Maine, Mr. LANTOS, and Mr. PALLONE.

H.R. 2525: Mr. CALLAHAN and Mr. BALLENGER.

H.R. 2526: Mr. SANDERS.

H.R. 2527: Mr. SANDERS.

H.R. 2541: Mr. COX.

H.R. 2543: Mr. HINCHEY.

H.R. 2572: Mr. WYNN.

H.R. 2600: Mr. FLAKE.

H.R. 2602: Mr. GILCHREST.

H.R. 2605: Mr. POMEROY.

H.R. 2617: Mr. FISH and Mr. HERGER of California.

H.R. 2638: Mr. ANDREWS of Maine and Mr. MORAN.

H.R. 2640: Mr. DELAY.

H.R. 2641: Mr. LAROCCO, Mr. BACCHUS of Florida, Mr. SANDERS, and Mr. DURBIN.

H.R. 2646: Mr. BACHUS of Alabama, Mr. JACOBS, Mr. LINDER, Mr. RAMSTAD, Mr. SCHAEFER, Mr. HOKE, Mr. ZIMMER, and Mr. GORDON.

H.R. 2649: Mr. RAMSTAD and Mr. HINCHEY.

H.R. 2662: Mr. JEFFERSON, Mr. ENGEL, Mr. TUCKER, Mr. WASHINGTON, Mr. GUTIERREZ, Mr. COYNE, Mr. CRAMER, Mr. UNDERWOOD, Mr. FALEOMAVAEGA, and Mr. WYNN.

H.R. 2671: Mr. ZIMMER.

H.R. 2676: Mr. FORD of Tennessee.

H.R. 2705: Mr. HOKE.

H.R. 2721: Mr. JACOBS and Mr. ENGEL.

H.R. 2728: Mr. DELLUMS, Mr. EVANS, and Mr. FISH.

H.R. 2736: Mr. VENTO, Mr. TRAFICANT, Ms. NORTON, and Ms. VELAZQUEZ.

H.R. 2738: Mr. TOWNS.

H.R. 2756: Mr. GORDON.

H.R. 2759: Ms. FURSE.

H.R. 2786: Mr. SLATTERY.

H.R. 2787: Mr. VENTO.

H.R. 2788: Mr. MARTINEZ.

H.R. 2790: Mr. BISHOP and Mr. ENGEL.

H.R. 2816: Mr. MILLER of Florida, Mr. CANADY, Mr. SMITH of New Jersey, and Mr. FISH.

H.R. 2826: Ms. KAPTUR, Mr. YATES, Mr. COBLE, Mr. FINGERHUT, Mr. INSLEE, Mr. WAXMAN, Mr. HOCHBRUECKNER, Mr. ROSE, Mr. JACOBS, Mr. DIXON, Mr. FORD of Michigan, Mr. KENNEDY, Mr. TORRES, Mr. MURPHY, Mr. LEVIN, Mr. JEFFERSON, Mr. SABO, Mr. SHAYS, Mr. DURBIN, Mr. OLVER, Mr. SCHIFF, Mr. MARKEY, Mr. HOLDEN, Mr. BILBRAY, Mr. APPLEGATE, Mr. PETERSON of Florida, Mr. REED, Mr. LEHMAN, Mr. SHEPHERD,, Mr. MATSUI, Mr. MILLER of California, Mr. RAVENEL, Mr. THOMAS of Wyoming, Mr. BATEMAN, Mr. LANTOS, Mr. WALSH, Mr. KING, Mr. PICKETT, Mr. HOAGLAND, Mr. EVANS, Ms. PRYCE of Ohio,, Mr. TAYLOR of North Carolina, Mr. STARK, Mr. JOHNSON of South Dakota, Mr. SWETT, Mr. BROWN of Ohio, Mr. REGULA, Mr. NADLER, Mr. DINGELL, Mr. KLEIN, Mr. SANDERS, Mr. HORN of California, Mr. LEVY, Mr. HOBSON, Mr. FAWELL, Mr. BLUTE, Mr. WOOLSEY, Ms. MARGOLIES-MEZVINSKY, Mr. WATT, Mr. SANTORUM, and Mr. CONDIT.

H.R. 2835: Mrs. JOHNSON of Connecticut.

H.R. 2848: Mr. BAESLER, Mr. KNOLLENBERG, Mr. THOMAS of Wyoming, Ms. LAMBERT, and Mr. MCDADE.

H.R. 2853: Mr. BAKER of California.

H.R. 2873: Mr. JEFFERSON, Mr. CLYBURN, Mr. DIAZ-BALART, and Mr. SWETT.

H.R. 2886: Mr. FISH, Mr. WALKER, Mr. CHAPMAN, Mr. BARCA of Wisconsin, Mr. PACKARD, and Mr. QUINN.

H.R. 2889: Mr. ABERCROMBIE, Mr. BARLOW, Mr. BOUCHER, Mr. COX, Mr. DICKEY, Mr. EVANS, Mr. EVERETT, Mr. FRANK of Massachusetts, Mr. GILLMOR, Mr. GORDON, Mr. GENE GREEN of Texas, Mr. HINCHEY, Mr. HOLDEN, Mr. INSLEE, Mr. KILDEE, Mrs. MORELLA, Mr. PAYNE of Virginia, Mr. PETRI, Mr. POSHARD, Ms. SHEPHERD, Mr. SANGMEISTER, Mr. SUNDQUIST, and Mr. TALENT.

H.R. 2898: Mr. NADLER.

H.R. 2912: Mr. FRANK of Massachusetts, Mr. EDWARDS of California, Mrs. LLOYD, Mr. FOGLIETTA, and Ms. FURSE.

H.R. 2918: Mr. HOCHBRUECKNER, Mr. KOPETSKI, Mr. SANGMEISTER, Ms. MCKINNEY, Mr. GENE GREEN of Texas, Mr. ROMERO-BARCELO, Mr. JOHNSON of South Dakota, and Mrs. MEEK.

H.R. 2923: Ms. VELAZQUEZ.

H.R. 2933: Mr. YATES, Mr. FROST, Mr. FRANK of Massachusetts, and Mrs. MINK.

H.R. 2957: Mr. CASTLE, Mr. ZELIFF, and Mr. BACHUS of Alabama.

H.R. 2962: Ms. WOOLSEY.

H.R. 2980: Mr. MARTINEZ, Mr. KOPETSKI, and Ms. PELOSI.

H.R. 3005: Mr. ARMEY and Mr. HERGER of California.

H.R. 3017: Mr. GINGRICH.

H.R. 3025: Ms. PELOSI, Mr. LEWIS of Georgia, Ms. SLAUGHTER, and Mr. ROMERO-BARCELÓ.

H.R. 3026: Mr. WAXMAN, Mr. MCDERMOTT, Ms. PELOSI, Mr. ROMERO-BARCELÓ, and Mr. WYNN.

H.R. 3030: Mr. HERGER of California.

H.R. 3031: Mr. HERGER of California.

H.R. 3039: Mr. MCKEON.

H.R. 3041: Mr. WYNN.

H.R. 3059: Mr. FROST, Mr. HUGHES, and Mr. NADLER.

H.R. 3065: Mr. PICKETT, Mr. PAYNE of Virginia, Mr. HANCOCK, Mr. PARKER, Mr. LAUGHLIN, Mr. EMERSON, Mr. ROWLAND, Mr. HALL of Texas, Mr. STUMP, Mrs. BENTLEY, Mr. ROBERTS, Mr. MYERS of Indiana, Mr. HOBSON, Mr. BALLENGER, Mr. COBLE, Mr. SPENCE, Mr. BAKER of California, Mr. GALLEGLY, Mr. ZELIFF, Mr. MCCOLLUM, Mr. ISTOOK, Mr. BLILEY, Mr. HERGER of California, Mr. ARMEY, Mr. SKEEN, Mr. DELAY, Mr. LINDER, Mr. GINGRICH, Mr. ROHRABACHER, Mr. WOLF, Mr. RAMSTAD, Mr. KASICH, Mr. CAMP, Mr. HUNTER, Mr. LIGHTFOOT, Mr. QUILLEN, Mr. KOLBE, Mr. HOUGHTON, and Mr. ALLARD.

H.R. 3075: Ms. MARGOLIES-MEZVINSKY, Mr. SAWYER, and Mr. GEJDENSON.

H.R. 3080: Mr. STEARNS, Mr. ZIMMER, and Mr. ROGERS.

H.R. 3086: Mr. PORTMAN, Mr. DOOLITTLE, Mr. RAMSTAD, Mr. LINDER, Mr. SCHAEFER, Mr. SCHIFF, Mr. HERGER of California, Mr. COX, and Mr. HOKE.

H.R. 3087: Ms. ESHOO, Ms. FURSE, and Mr. DIXON.

H.R. 3088: Mr. WYNN and Mr. BARCA of Wisconsin.

H.R. 3097: Ms. SHEPHERD.

H.R. 3102: Mr. BARRETT of Nebraska, Mr. BEILENSON, Mr. BREWSTER, Mr. CANADY, Mr. CHAPMAN, Mr. COLLINS of Georgia, Mr. FAWELL, Mr. FIELDS of Texas, Mr. FISH, Mr. GEJDENSON, Mr. GINGRICH, Mr. GUNDERSON, Mr. KNOLLENBERG, Mr. SCHAEFER, Mr. STUMP, and Mr. SWETT.

H.R. 3109: Mr. SANDERS.

H.R. 3125: Mr. ROYCE and Mr. BARCA of Wisconsin.

H.R. 3128: Mr. COPPERSMITH and Ms. PELOSI.

H.R. 3163: Mr. DARDEN, Mr. WYNN, Mr. ZELIFF, Mr. LAUGHLIN, Mr. BARCIA of Michigan, and Mr. ZIMMER.

H.R. 3182: Mr. ZELIFF.

H.R. 3183: Mr. UPTON and Mr. MACHTLEY.

H.R. 3205: Ms. LAMBERT, Mr. WYNN, and Mr. SWETT.

H.R. 3206: Mr. SANDERS.

H.R. 3222: Ms. ENGLISH of Arizona and Mr. CAMP.

H.R. 3224: Mr. DEUTSCH and Mr. TUCKER.

H.R. 3227: Mrs. MORELLA, Mr. SWETT, and Mr. MANZULLO.

H.R. 3250: Mr. ARMEY.

H.R. 3251: Mr. HERGER of California.

H.R. 3255: Mr. COMBEST, Mr. MCCRERY, Mr. CRANE, Mr. POMBO, Mr. BOEHNER, Mr. ARMEY, Mr. DOOLITTLE, Mr. DORNAN, Mr. SAM JOHNSON, and Mr. DELAY.

H.R. 3256: Mr. LANCASTER, and Mr. GENE GREEN of Texas.

H.R. 3266: Mr. LAZIO, Mr. SAXTON, Ms. MARGOLIES-MEZVINSKY, Mr. GINGRICH, Mr. WALKER, Mr. DELAY, Mr. MCMILLAN, Mr. ALLARD, Mr. BARRETT of Nebraska, Mr. CAMP, Mr. CUNNINGHAM, Mr. GILCHREST, Mr. HOBSON, Mr. SAM JOHNSON, Mr. KLUG, Mr. NUSSLE, Mr. SANTORUM, Mr. TAYLOR of North Carolina, Mr. GRANDY, Mr. RAVENEL, Mr. SMITH of Texas, Mr. UPTON, Mr. BALLENGER, Mr. BARTON of Texas, Mr. COBLE, Mr. LIGHTFOOT, Mr. MYERS of Indiana, Mr. HANCOCK, Ms. MOLINARI, Ms. ROS-LEHTINEN, Mr. HUNTER, Mr. MCCOLLUM, Mr. DREIER, Mr. MCCANDLESS, Mr. LIVINGSTON, Mrs. VUCANOVICH, Mr. WALSH, Mr. LEWIS of California, Mrs. THURMAN, Mr. DICKEY, Mr. SHUSTER, Mr. KOLBE, and Mr. BLILEY.

H.R. 3283: Mr. SANGMEISTER.

H.R. 3293: Mr. GENE GREEN of Texas and Mr. HASTINGS.

H.R. 3294: Mr. SANDERS.

H.R. 3296: Mr. FRANK of Massachusetts, Mr. OLVER, Mrs. KENNELLY, Mr. ANDREWS of Maine, Mr. HINCHEY, Ms. DELAURO, and Mr. SWETT.

H.R. 3328: Mr. TRAFICANT, Mr. MCINNIS, Mr. WELDON, Mr. BREWSTER, Mr. LEWIS of Florida, and Mr. DORNAN.

H.R. 3342: Ms. FURSE.

H.R. 3349: Mr. HALL of Ohio, Mr. TRAFICANT, Mr. SAWYER, and Ms. KAPTUR.

H.R. 3357: Mr. GENE GREEN of Texas and Mr. BEILENSON.

H.R. 3359: Mr. ARMEY.

H.R. 3363: Mr. VALENTINE and Mr. GILCHREST.

H.R. 3364: Mr. RANGEL, Mr. WATT, and Mr. SERRANO.

H.R. 3365: Mr. ANDREWS of Maine and Mr. WAXMAN.

H.R. 3366: Ms. FURSE.

H.R. 3367: Mr. SANTORUM.

H.R. 3372: Mr. DOOLEY, Mr. HEFNER, Mrs. THURMAN, Miss COLLINS of Michigan, Mr. LAUGHLIN, Mr. VOLKMER, Mr. GEJDENSON, Mr. SCHIFF, Ms. SLAUGHTER, Mr. LEVIN, Mr. HUGHES, Mr. BORSKI, Mr. HOAGLAND, Mr. HYDE, Mr. DINGELL, Mr. SKEEN, Mr. MYERS of Indiana, Mr. LIVINGSTON, Mr. RAVENEL, Mr. VALENTINE, and Mrs. MEYERS of Kansas.

H.R. 3373: Ms. FURSE and Mr. NADLER.

H.R. 3374: Ms. FURSE.

H.R. 3392: Mr. JOHNSON of Georgia, Mr. COLEMAN, Mr. STENHOLM, Mr. THOMAS of Wyoming, and Mr. PETE GEREN of Texas.

H.R. 3398: Mr. PORTER, Mr. LIPINSKI, and Mr. MILLER of California.

H.R. 3404: Mr. SANDERS.

H.R. 3421: Mr. ARMEY and Mr. HERGER of California.

H.R. 3429: Mr. KING.

H.R. 3434: Mr. CONYERS, Mr. JACOBS, Mr. JEFFERSON, and Mr. NADLER.

H.R. 3440: Mr. DEUTSCH.

H.R. 3442: Mr. HERGER of California.

H.R. 3446: Mr. ISTOOK.

H.R. 3458: Mr. HOEKSTRA, Mr. BALLENGER, Mr. JACOBS, and Mr. SANDERS.

H.R. 3470: Mr. KINGSTON.

H.R. 3475: Mr. FRANK of Massachusetts, Mr. DELLUMS, Mr. PALLONE, Mr. RAVENEL, Mr. MANTON, and Mr. BONIOR.

H.R. 3477: Ms. FURSE, Mr. RUSH, and Mr. SANDERS.

H.R. 3480: Mr. GONZALEZ, Mr. CASTLE, Mr. TEJEDA, Mr. SARPALIUS, Mrs. MEEK, Mr. KLEIN, Mr. WALSH, Mr. HUTTO, Mr. CANADY, and Mr. THORNTON.

H.R. 3483: Mr. SHAYS, Mr. HEFLEY, Mr. HOEKSTRA, and Mr. ZELIFF.

H.R. 3488: Mr. WELDON, Mr. KIM, Mr. SOLOMON, and Mr. GILLMOR.

H.R. 3490: Mr. JOHNSON of South Dakota, Mr. LIGHTFOOT, Mr. MCDADE, and Mr. WHITTEN.

H.R. 3492: Mr. HYDE, Mr. SMITH of Texas, Mr. DIXON, Mr. OWENS, Mr. GENE GREEN of Texas, Mr. WYNN, Mr. HINCHEY, and Mr. MCCOLLUM.

H.R. 3495: Mr. TRAFICANT and Mr. FRANK of Massachusetts.

H.R. 3497: Mr. DORNAN.

H.R. 3498: Mr. TOWNS and Mrs. MINK.

H.R. 3500: Mr. MYERS of Indiana.

H.R. 3519: Mr. HOCHBRUECKNER, Mr. LIPINSKI, Mr. HANSEN, Mr. BARCA of Wisconsin, and Mr. REGULA.

H.R. 3546: Mr. SOLOMON, Mr. BARLOW, Mr. VOLKMER, and Mr. BLUTE.

H.R. 3548: Mr. GOODLATTE.

H.R. 3552: Mr. PORTER.

H.R. 3567: Mr. YATES.

H.R. 3611: Mr. EDWARDS of California.

H.J. Res. 129: Mr. GILCHREST.

H.J. Res. 133: Mr. CLYBURN.

H.J. Res. 175: Mr. BROWN of Ohio, Mr. WATT, and Ms. MARGOLIES-MEZVINSKY.

H.J. Res. 209: Mr. HOYER and Mr. SMITH of New Jersey.

H.J. Res. 229: Mr. DOOLITTLE, Mr. EWING, Mr. HASTERT, and Mr. SOLOMON.

H.J. Res. 234: Mr. HOYER.

H.J. Res. 246: Mr. DE LUGO, Mr. DIAZ-BALART, Ms. DUNN, Mr. MOLLOHAN, Mr. PAYNE of New Jersey, Mr. RICHARDSON, Mr. SCOTT, Mr. TANNER, Mr. VALENTINE, Mr. VOLKMER, and Mr. WATT.

H.J. Res. 252: Mr. ACKERMAN, Mr. ANDREWS of New Jersey, Mr. ARCHER, Mr. BACCHUS of Florida, Mr. BAESLER, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BARCIA of Michigan, Mr. BATEMAN, Mr. BEVILL, Mr. BILIRAKIS, Mr. BISHOP, Mr. BLACKWELL, Mr. BLUTE, Mr. BONIOR, Mr. BORSKI, Ms. BYRNE, Mr. BROWN of California, Mr. BUYER, Mr. CALLAHAN, Mr. CALVERT, Mr. CARR, Mr. CLAY, Mrs. CLAYTON, Mr. CLEMENT, Mr. CLINGER, Miss COLLINS of Michigan, Mr. CONYERS, Mr. COPPERSMITH, Mr. COYNE, Mr. CRAMER, Mr. EDWARDS of Texas, Mr. DARDEN, Mr. DEUTSCH, Ms. DELAURO, Mr. DE LUGO, Mr. DICKEY, Mr. DICKS, Mr. DOOLITTLE, Mr. DUNCAN, Mr. ENGEL, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FAWELL, Mr. FIELDS of Louisiana, Mr. FINGERHUT, Mr. FISH, Mr. FROST, Ms. FURSE, Mr. GALLEGLY, Mr. GEKAS, Mr. PETE GEREN of Texas, Mr. GILMAN, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GORDON, Mr. GUTIERREZ, Mr. HANSEN, Mr. HEFNER, Mr. HINCHEY, Mr. HILLIARD, Mr. HOBSON, Mr. HOAGLAND, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HUTTO, Mr. HYDE, Mr. INHOFE, Mr. INSLEE, Mr. JACOBS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of South Dakota, Mr. KANJORSKI, Mr. KASICH, Mr. KENNEDY, Mr. KILDEE, Mr. KING, Mr. KLEIN, Mr. KNOLLENBERG, Mr. KOPETSKI, Mr. KREIDLER, Mr. LAFALCE, Mr. LANCASTER, Mr. LANTOS, Mr. LEACH, Mr. LEVIN, Mr. LEVY, Mr. LIVINGSTON, Mr. MCDERMOTT, Mr. MCINNIS, Mr.

MCNULTY, Mrs. MALONEY, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MEEHAN, Mrs. MEEK, Mrs. MEYERS of Kansas, Mrs. MINK, Mr. MONTGOMERY, Mr. MOAKLEY, Mr. MENENDEZ, Mr. MINGE, Mr. MORAN, Mr. MOORHEAD, Mrs. MORELLA, Mr. MURPHY, Mr. MURTHA, Mr. NADLER, Mr. NATCHER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS, Mr. PALLONE, Mr. PARKER, Mr. PAYNE of Virginia, Ms. PELOSI, Mr. PETERSON of Florida, Mr. PORTER, Mr. POMEROY, Mr. POSHARD, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAVENEL, Mr. REED, Mr. REGULA, Mr. REYNOLDS, Mr. ROEMER, Ms. ROYBAL-ALLARD, Mr. SABO, Mr. SAWYER, Mr. SCHAEFER, Mr. SCHIFF, Mr. SERRANO, Mr. SHAYS, Mr. SKEEN, Mr. SLATTERY, Mr. SMITH of Texas, Mr. SPENCE, Mr. SPRATT, Mr. STARK, Mr. TANNER, Mr. TAUZIN, Mr. TAYLOR of North Carolina, Mr. TRAFICANT, Mr. TUCKER, Mr. VALENTINE, Ms. VELÁZQUEZ, Mr. VOLKMER, Mr. WALSH, Mr. WAXMAN, Mr. WOLF, Ms. WOOLSEY, Mr. WYNN, Mr. YOUNG of Alaska, and Mr. MCCOLLUM.

H.J. Res. 253: Mr. FISH, Mr. JOHNSON of South Dakota, and Mr. VALENTINE.

H.J. Res. 285: Mr. LIPINSKI, Mr. DEUTSCH, Ms. FURSE, Mr. MARTINEZ, and Mr. WALSH.

H. Con. Res. 20: Mr. GEJDENSON and Mr. WAXMAN.

H. Con. Res. 49: Mr. FRANK of Massachusetts.

H. Con. Res. 52: Mr. NEAL of Massachusetts.

H. Con. Res. 61: Mr. LANTOS, Mr. CONYERS, Mr. EVANS, Mr. BORSKI, Ms. NORTON, Mr. HINCHEY, Mr. NADLER, and Mr. GILMAN.

H. Con. Res. 91: Mr. APPLEGATE, Mr. VOLKMER, Mr. MFUME, Mr. SISISKY, Mr. DICKS, Mr. TAYLOR of Mississippi, Mr. MURPHY, Mr. STENHOLM, Mr. NADLER, Mr. COSTELLO, Mr. BEREUTER, Mr. CASTLE, Mr. GINGRICH, Mr. GOSS, Mr. GRAMS, Mr. KIM, Mr. MCDADE, Mr. WHEAT, Mr. JOHNSON of Georgia, Mrs. MEYERS of Kansas, Mr. MICHEL, Mr. POMBO, Mr. SCHIFF, Mr. SKEEN, Mr. SMITH of Oregon, Mr. TAYLOR of North Carolina, Mr. WALKER, Mr. ARCHER, Mr. STUPAK, and Mrs. MORELLA.

H. Con. Res. 98: Mr. BLUTE, Mr. TRAFICANT, and Mr. HALL of Texas.

H. Con. Res. 107: Mr. WYNN.

H. Con. Res. 110: Ms. FURSE, Ms. PELOSI, and Mr. BARCA of Wisconsin.

H. Con. Res. 126: Mr. NADLER.

H. Con. Res. 138: Ms. DELAURO, Mrs. MEEK, Mr. TEJEDA, Mr. EVANS, Mr. BARRETT of Wisconsin, Mr. FARR, and Mr. BARCA of Wisconsin.

H. Con. Res. 141: Mr. GILLMOR and Mr. BATEMAN.

H. Con. Res. 154: Mr. SCHIFF.

H. Con. Res. 159: Mr. SMITH of New Jersey and Mr. TORKILDSEN.

H. Con. Res. 166: Mr. SERRANO and Mr. MARTINEZ.

H. Con. Res. 176: Ms. MARGOLIES-MEZVINSKY.

H. Con. Res. 177: Mr. PORTER and Ms. FURSE.

H. Con. Res. 185: Mr. CASTLE and Mr. BATEMAN.

H. Res. 165: Mr. BROWDER, Mr. CALLAHAN, Ms. DUNN, and Ms. LONG.

H. Res. 166: Ms. SLAUGHTER and Mr. BORSKI.

H. Res. 236: Mr. COPPERSMITH, Mr. STUMP, Mr. HANSEN, Mr. DE LA GARZA, Mr. WALSH, Mr. PASTOR, Mr. OBERSTAR, Mrs. FOWLER, Mr. BUNNING, Mr. KASICH, Mr. JOHNSON of South Dakota, Ms. PRYCE of Ohio, Mr. BARLOW, Mr. DEUTSCH, Ms. BYRNE, Mr. FALEOMAVAEGA, Mr. SPENCE, Mr. MOORHEAD, Mr. POMEROY, Mr. NUSSLE, Mr. BAKER of California, Mr. SLATTERY, Mr. CALLAHAN, Mr. MANN, Mr. YATES, Mr. MENENDEZ, Mr. DICKEY, Mr. HALL of Ohio, Mr. COLLINS of Georgia, Mr. HYDE, Mr. CASTLE, Mr. SWETT, Mr. MORAN, Mr. ARCHER, Mr. RAHALL, Mr. TAYLOR of North Carolina, Mr. HUTCHINSON, Mr. MONTGOMERY, Mr. HUNTER, Mr. SUNDQUIST, Mr. SOLOMON, Mr. MICHEL, Mr. GONZALEZ, Mrs. MEEK, Mr. COOPER, Mr. KILDEE, Mr. SCHAEFER, Mr. MCDADE, Ms. BROWN of Florida, Mr. REYNOLDS, Mr. SKEEN, Mr. THOMAS of Wyoming, Mr. VALENTINE, Mr. BISHOP, Mr. HUTTO, Mr. BATEMAN, Mr. ROBERTS, Mr. EMERSON, Mr. LIPINSKI, Mr. GREENWOOD, Mr. SYNAR, Mr. BILIRAKIS, Mr. PETE GEREN of Texas, Mr. SMITH of New Jersey, Mr. TORRICELLI, Mr. UNDERWOOD, Mr. HILLIARD, Mr. JACOBS, Mr. SMITH of Texas, Mr. DE LUGO, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Mr. MCCOLLUM, Mr. RAMSTAD, Mr. FRANKS of Connecticut, Mr. SAXON, Mr. GOODLATTE, Mr. STENHOLM, Mr. SERRANO, Mr. VOLKMER, Mrs. CLAYTON, Mr. WYNN, Mr. DARDEN, Mr. MFUME, Mr. DIAZ-BALART, and Mr. GIBBONS.

H. Res. 237: Mr. BAKER of California, Mr. SHAW, and Mr. WELDON.

H. Res. 239: Mr. HERGER of California.

H. Res. 255: Mr. BOEHNER, Mr. JACOBS, Ms. PRYCE of Ohio, and Mr. MILLER of Florida.

H. Res. 266: Mr. ZIMMER.

H. Res. 277: Mr. BURTON of Indiana.

H. Res. 281: Mr. REGULA, Mr. TRAFICANT, Mr. PETERSON of Florida, Mr. NUSSLE, Mr. HEFNER, Mr. MICHEL, Mr. GRANDY, Mr. MCINNIS, Mr. BEREUTER, Mr. SKELTON, Mr. WHITTEN, Mr. MURTHA, Mr. VOLKMER, Mr. PETRI, Mr. COOPER, Mr. YOUNG of Florida, Mr. HOKE, Mr. BORSKI, Mr. HOBSON, and Mr. TAUZIN.

H. Res. 323: Mr. GILMAN and Mr. TORRICELLI.

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. 7: Mrs. MALONEY.
H.R. 526: Mr. MFUME.
H.R. 634: Mr. GORDON.
H.R. 937: Mr. GORDON.
H.R. 1078: Mr. GORDON.
H.R. 1151: Mr. MFUME.
H.R. 1200: Mr. MFUME.
H.R. 1246: Mr. MACHTLEY.
H.R. 1295: Mr. GORDON and Mr. MFUME.
H.R. 1699: Mr. MFUME.
H.R. 1705: Mr. FINGERHUT.
H.R. 3457: Mr. HANCOCK.

EXTENSIONS OF REMARKS

THE FORGOTTEN FLEET OF WORLD WAR II—COAST GUARD-MANNED GUNBOATS IN THE PACIFIC

HON. ROBERT K. DORNAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. DORNAN. Mr. Speaker, I insert today in the RECORD the inspiring story of Coast Guard-manned gunboats serving as part of the Navy's Seventh Fleet. These combat Coast Guardsmen were called the Seventh Amphibious Force under the command of Adm. Daniel E. Barbey and came to be known as MacArthur's Navy.

Please take a moment to read about the exploits of these brave Coast Guardsmen who continue to serve our Nation today as brave warriors of the sea.

[From Sea Classics, September 1993]

ASSAULT AGAINST NEW GUINEA

(By Frank A. Manson)

On a bright summer day in 1942, a weird and wonderful mechanical contrivance rumbled down 14th Street in Washington. It was indeed a hybrid thing, with the body of a barge and the wheel tracks of a tank. It behaved like an automobile, besides, when it came to traffic lights and stop signs. After crossing the Potomac, the nightmare thing slid into a lake with the nonchalance of a duck. Immediately, a man on the shore began to scream wildly and wave his hands at the "thing." When the ugly monster emerged from the water, all the occupants were put under arrest for invading a wild waterfowl sanctuary.

This was the first recorded action taken against an amphibious vehicle.

One of the occupants was a Navy captain named Daniel E. Barbey, who held the unique post of head of the Navy's Amphibious Warfare Section, thus placing himself well on the road to acquiring the nickname "Uncle Dan, the Amphibious Man."

When the Japanese dropped the first bomb on Pearl Harbor, amphibious warfare had not progressed much since the British went ashore in small boats from warships during the Battle of New Orleans. With the convenient use of pierheads denied to us by the enemy in this war, it was necessary to devise some method of getting troops and heavy equipment ashore and on the beaches.

One of the prototypes of the strange new family of ships, boats, and small craft that were to confuse even naval officers with their alphabetical designations was the "Alligator." It was in an Alligator that Barbey got into trouble with one of Secretary Ickes's bird watchers.

The Alligator was an invention of Donald Roebling, of the world-famous family of bridge builders. It was not conceived to be a naval craft, but as a carrier of cargoes and hunting parties through the weedy, sandbarred, log-snagged Florida bays and swamps. Something that could travel over any mixture of land and water.

It was not even an engineer, but a scholar with a ready hand for tools, who devised the unique propulsion gear of the Alligator, Noyes Collinson, house guest and lifelong friend of Roebling. With tape, cardboard, rubber bands, and an oblong wooden cream-cheese box he built a model whose caterpillar track was equipped with rubber flanges that would serve as elongated paddle wheels in water, on land as treads pliant to rocks or logs, and as self-cleansing grips in mud or quicksand. The first embryo Alligator triumphantly traversed the Roebling swimming pool, climbed its tiled edge and proceeded to give birth to a huge family of hybrid mechanical saurians at home in surf or jungle.

Into their evolution went the landing ramp, experimented with by our Navy and Marine Corps and used by the Japanese on shallow-draft small boats employed in the invasion of the East Indies, and the half-keeled invasion ships experimentally built by the British from Admiral Lord Keye's designs. Marine Corps and Navy expert contributed new ideas, or demands for performance which inspired new ideas, and in the midst of it all came General MacArthur's request for an amphibious admiral. The obvious man for the assignment was Dan Barbey, who not only had worked on the construction of the new fleet, but had also assisted in training the 1st Marine Division (later to land at Guadalcanal) and the 1st Army Division (used in the North African invasion) in the techniques of amphibious warfare.

On 15 December 1942, Barbey was nominated a rear admiral and ordered to Australia, as Commander Amphibious Force Southwest Pacific. At the time Admiral Barbey had only a paper fleet but it was to grow into the mighty Seventh Amphibious Force, which as part of the Seventh Fleet, was to take part in 56 amphibious landings, move more than a million men over the Eastern seas, and transport cities of supplies to the malaria-ridden jungles of New Guinea and to the shores of the liberated Philippines.

The Seventh Fleet was a far cry from the type of fleet that was later to pound a path across the Central Pacific. Lacking were the large heavy units that men think of as traditionally belonging to a fleet. There were no battleships, no aircraft carriers, and only a few cruisers, some of them Australian. True, these larger units were to be added in the future, but there were many long miles of New Guinea coast to mop up before the mighty landings in the Philippines saw the Seventh Fleet full-blown and strong enough to combat the remains of the Japanese Navy.

When men of the Pacific spoke of "MacArthur's Navy" they meant the Seventh Fleet. This was true from both an operational and an administrative standpoint. The primary function of the fleet was the support of land operations, and because of this the core of the fleet became the Amphibious Forces.

Admiral Barbey arrived in Australia in January 1943. The organization he proceeded forthwith to create was destined, except for two occasions, to lead all the major combined landing operations of our sweaty advance along the jungled coast of New Guinea and into the heart of the Philippines and Borneo. The story of his Amphibious Force is the history of the Seventh Fleet.

The problems of amphibious warfare were known to Barbey from his Atlantic days, but as this whole conception of warfare was new, rough, original ideas had to be painfully polished up by trial and error methods.

Without ships, however, the problems of amphibious warfare were academic, so Admiral Barbey with Brisbane as his base of operations, went out in search of shipping. Pickings were lean, to put it mildly, for other theaters of war had a priority on things that floated, but enough was scraped together for a beginning.

The *Henry T. Allen*, formerly the liner *President Jefferson* converted into an attack transport (APA), was acquired from the South Pacific in March 1943, for troop training. The Australian Government kicked in with three former passenger ships previously used as merchant cruisers. These, *Westralia*, *Manoora*, and *Kanimbla*, were converted into Landing Ships, Infantry (LSIs), the British equivalent of our APAs, and were put to immediate use. These four ships formed the slim beginnings of the Seventh Amphibious Force and were to serve with that force until the end of the war.

At Port Stephens, north of Sydney, The Royal Australian Navy had an amphibious training base known appropriately as HMAS *Assault*. The facilities were offered to Admiral Barbey, who immediately set up the Amphibious Training Command for the purpose of accustoming Australian and American soldiers to flying spray and bouncing boats.

The Amphibious Forces were ready for their first show in June 1943. The objectives were two islands in the western Solomon Sea off the coast of New Guinea—Woodlark and Kiriwina.

Admiral Barbey's flagship was the USS *Rigel*, a repair ship. The *Rigel* was so small that there were bunks for only a fraction of the Admiral's staff, and consequently the wardroom—the officers' dining room, recreation room, and library—became office, wardroom, or sleeping quarters according to the greatest need at the time. Off to Milne Bay she wallowed with an overload of humanity to prepare for the first operation. The Kiriwina invasion force was to stage, as best it could, out of Milne Bay; the Woodlark force used the better facilities of Townsville, Australia, for its preparation.

On 30 June 1943, while amphibious forces of Admiral Halsey's South Pacific Command were going ashore on Rendova and New Georgia, Admiral Barbey's hybrid fleet ground their virgin noses and keels on the sand and coral of Woodlark and Kiriwina. To some the instant plethora of mishaps and confusion seemed almost like something taken from a Mack Sennet comedy film. The invasion fleet itself was a motley mix of begged, borrowed and some claimed stolen vessels of every description. Few of the ships had worked as a team before, crews had been hastily assembled or transferred. Many aboard the new landing craft lacked sufficient seagoing experience and officers with any amphibious operational skills were at a precious premium.

Barbey's "borrowed" fleet came from a multitude of sources, all hastily assembled. In addition to the loaned Australian liners it consisted of four old flush-deck destroyers that had been converted to small assault transports (APDs). These had been wrestled from Halsey's Third Fleet along with six LSTs. Eleven other LSTs had newly arrived from the states. These were jointed by 20 LCIs, 20 LCTs, ten SC patrol boats, four YMS mine-sweepers and a civilian-manned salvage tug. Offensive Reconnaissance was provided by submarines and PT boats patrolling the northern end of Solomon Sea.

The absence of any Japanese opposition to the practice landings helped to keep the tragicomedy from becoming a major disaster. With many of the new landing craft snagged on jagged coral reefs or with props damaged by uncharted rocks much of the equipment had to be torturously unloaded by hand fifty to a hundred feet from the beach. But despite the initial confusion the landings proceeded and allowed the Army to soon carve out vitally needed airstrips on the two islands.

The landings at Kiriwina and Woodlark were a good drill for Barbey's neophyte Seventh Amphibious Force. Lessons learned there would hold them in good stead for the tough, often harrowing landings yet to come.

Meanwhile, the boys manning the PTs of the Seventh Fleet felt that their kin across the way in the Solomons were having all the fun. They had big game targets like Japanese cruisers and destroyers charging down the slot, whereas in New Guinea the hunting was mainly elusive enemy motor barges that were impossible to torpedo and difficult as corks to sink.

The first PT boats moved into the New Guinea area in December 1942, more than six months before the Seventh Amphibious Force made its amateurish bow in the empty theater of Woodlark and Kiriwina. The beginnings were small, only six boats and a tender, the converted yacht *Hilo*.

Commander Edgar T. Neale's chief problem as commander of motor torpedo boats in the Southwest Pacific area was to cut off supplies for the Japanese advanced forces, which were shipped down the coast on 80-foot-armed wooden power barges. It was a gunboat war, and a night war, the adversaries hiding in jungle-screened bays by day. One of the greatest dangers, besides the intense return fire from the barges, was uncharted reefs.

The first major action against enemy barges took place the night of 17 January 1943. The *PT 120* was on the prowl near Douglas Harbor when, across the calm water, she saw three Japanese barges heading south, as usual hugging the coast. Immediately, the PT went to full speed and headed in, all guns blazing. Simultaneously, the barges opened up with machine guns and 20mms, the long strings of greenish-blue tracer showing the surprised Japanese to be consistently firing too high. At top speed the PT circled the barges, raking them from stern, beam, and stem, from every angle, for 25 minutes.

Even ordnance can't work without rest, and the *120*'s guns were glowing hot as all but two jammed, and the action had to be broken off. But two of the barges had been sunk, and the third was ablaze. The PT had been hit twice; one 20mm shell pierced the wooden bow and exploded in the chain locker and another 20mm hit the aft 50-caliber gun mount. Chief Motor Machinist's Mate J.J. Master, Jr., was badly wounded and died ashore twelve hours later.

Not much of a battle, of course. It does not appear in history books as the Battle of Douglas Bay. But Masters was just as dead as any of the thousands who died in the big fleet engagements, his ten shipmates fought as gallantly against odds, and the small victory left some thousands of Japs short of food, ammunition, and medical supplies. A two-bit contribution to a ten-billion-dollar victory, maybe, but the one example of what the PT boys' chore was, night after night, along the New Guinea coast.

BATTLE OF THE BISMARCK SEA

By the end of January the Australian 7th Division, after slugging its way across the Owen Stanley Mountains, and the US 32nd Division had mopped up the last Jap in the Buna-Sanananda area, and began pushing slowly up the fever-haunted coast.

The Japanese had no choice but to reinforce the Lae-Salamaua area with troops from their great base at Rabaul on New Britian. On the last day of February a convoy of six transports, ranging from 2,700 to 6,900 tons, two small freighters of about 500 tons apiece, set out across the Bismarck Sea escorted by eight destroyers. On the evening of the next day, 1 March 1943, the convoy was sighted by a patrolling B-24. Word was flashed back to headquarters at Port Moresby, but it was too late to strike that day.

All that night the convoy was shadowed by the Navy's "Black Cats," black-bodied Catalina Flying Boats whose night patrols became famous throughout the South Pacific. The Navy fliers kept Port Moresby informed of the ships' course and speed. The next morning dawned clear and the bombers came back for the kill, guided by the Black Cats' over-the-spot directions. The convoy was now only 60 miles east of its destination, Salamaua, but it was never to arrive there.

Throughout the day Allied fighters and bombers shuttled over the Owen Stanley Mountains between Port Moresby and the convoy—Beaufighters, Flying Fortresses, Havocs, Mitchells, Lightnings, Kittyhawks, Airacobras—gassing up, rearming, and dumping death and destruction. At one time there were more than 109 planes over the convoy, or what was left of it by then. By nightfall only four destroyers and two cargo ships were reported to be afloat, and both cargo ships were burning.

To finish the work of the bombers eight PTs were sent out that night, and two of them, the *143* and *150*, polished off the only Japanese ship of the convoy left afloat. The surviving destroyers had fled.

The now-famous Battle of the Bismarck Sea was over and the Japanese had lost all of the eight ships in convoy, four of the escorting destroyers, and the special service vessel. *Loss of life was high among the troops of the* 51st Japanese Division. About 2,900 men were drowned. Japanese destroyers and submarines picked 2,734 survivors out of the water.

The Battle of the Bismarck Sea convinced the Japanese that sea routes from Rabaul to Lae and Finschhafen were unhealthy for any ship as large as a destroyer. No more could *the positions around Lae and Salamaua be* reinforced by cargo ships and fast destroyer transports. Supplies had to be muscled overland through swamps, toted in handfuls by submarine, or brought in on barges sneaking along the coast from Wewak. It was in the strangulation of this barge traffic that the PT boats were use toilsomely to demonstrate their hell-raising potentialities. The doughty little giants were not to find heftier game again until the Leyte operation.

Two months after the dress rehearsal at Kiriwina and Woodlark, Admiral Barbey's Seventh Amphibious Force was ready for the Japanese. The picked point of contact was on the rugged Huon Peninsula, 14 miles east of Lae. Here it was planned to put the 9th Australian Division ashore for a drive as the Japanese stronghold, 14 miles through mangrove forest and other stinking, miry river deltas. Of the 56,000 enemy troops estimated *to be in New Guinea, 12,000 were believed to* be in the Lae-Salamaua area.

The Lae Task Force formed up in the Milne Bay area and headed up the coast.

Before dawn on 4 September, the destroyer *Conyngham* eased in toward the dark low coast. The mountains that rise abruptly from the flat, wooded coastal plain could not be seen in the darkness. Landing beaches were hard to identify. Aboard the *Conyngham* Admiral Barbey studied a chart with an Australian naval lieutenant, who before the war had been part owner of a plantation near the beach area. Before sunrise the two sandy strips had been found, and the APDs, LSTs, and LCIs were drawn up ready to empty their troops.

For almost three weeks prior to the Lae operation Allied planes hammered at the enemy's airfields in Wewak, Hansa Bay, Alexishafen, and Madang. At Wewak, alone, over 200 planes were destroyed on the ground and 64 in the air by American and Anzac Army fliers. Japanese air support was pushed back 300 miles to Hollandia.

The morning of the landing, however, there was still grave danger of air attack from Rabaul. The destroyer *Reid took position off* Cape Cretin to sweep the eastern horizon with radar and to direct our fighters to enemy planes that might head from that direction.

As the first waves of boats started in from the APDs, the destroyers *Lamson* and *Flusser* began to rake Yellow Beach with 5-inch fire while *Perkins, Smith* and *Mahan* gave Red Beach *the same treatment.* But, the enemy made no response.

But if the Japs were not on hand to greet us from the shore, he was quick to leap on us from the air. At 0705, little over half an hour after the first boat had snubbed its nose on the beach, seven Mitsubishi bombers and three Zeros came diving down from the mountains, undetectable by radar.

At that time the *LCI 339* was approaching the beach, dropping her stern anchor and in no position to maneuver. A shout of warning, a few seconds to swing the AA guns on the target, and then three Zeros ripped her bow to stern with their bullets.

Close behind came the bombers. Two "paint-scrapers" exploded in the water to port and to starboard, staggering the little ship and then, in a perfect bracket, a third bomb bore into the deck amidships, blasting a jagged hole seven feet across, buckling decks, rupturing bulkheads, and riddling the superstructure with large holes. The doctor's quarters were smashed and the pilothouse wrecked beyond recognition. Listing badly to port the LCI made a dying lunge onto the beach and settled in the shallow water.

On the blasted decks Australian and American blood flowed together. Twenty Australian soldiers had been killed and just as many wounded. Eight Americans were wounded, among them the ship's doctor, Lieutenant (jg) Fay B. Begor, who lay with both thighs shattered by shrapnel. He died a few days later aboard the *LST 464* the converted landing ship that had been fitted out as a firstline hospital ship of the Seventh Amphibious Corps. (The LST hospital ship was not protected by the rules of the Geneva convention. She looked the same as her

fighting sisters and bristled with as many guns.)

The troop-filled *LCI 341* was caught in the same attack. A near miss blasted a gaping hole in her port side, starting numerous fires. Lieutenant (jg) Robert W. Rolf calmly ordered the troops to starboard to counteract the port list, and, like a battle-wise veteran (which he wasn't), skillfully brought his craft into the beach, firmly snubbing her upon the sand. When the troops were unloaded, Rolf personally lead a fire-fighting party and soon the flames were smothered. The craft was so badly hurt that the crew had to be assigned to other duties. But Rolf stayed with his ship, sure that it could be salvaged.

On 6 September he was still checking damage when a flight of Japanese bombers came in over the western mountains. It happened very quickly. One explosion bathed the *341* with a hot shower of shrapnel, and Rolf was deeply wounded in the right thigh. His ship—for which he had risked his life—would fight again, but not he. Forty-five minutes later Rolf died on the operating table. Beside him, tight-lipped, stood the Army colonel whose men he had landed safely on the beach.

On the first day of the Lae landings over 7,800 fully equipped troops had been put ashore, quickly so as not to overexpose the almost defenseless landing craft to avoidable air attacks. When Jap planes struck at the landing beaches the afternoon of 4 September they found only the two injured LCIs and one of those tough little bulldogs of the Navy, the tug *Sonoma*. But more men and more supplies were on the way.

In the wheelhouse of the *LST 473* stood Johnnie Hutchins, Seaman 1st Class. The ship was at General Quarters and his station was lee helmsman. He peered over the shoulder of the man at the wheel, watching the gyro click back and forth to either side of 132, the course being steered. Soon it would be time for him to relieve the man at the helm. Meanwhile he wished he could smoke.

Then—"Bogies on the port bow!"

Nine of them, all enemy, dive bombers and fighters. Simultaneously twin-engined torpedo planes slanted out of the sun on the port beam. The *LST 473*, under attack for the first time in its career, was blanketed with four bombs, all of which seemed to explode together. Two were near misses, but two hit all too true. One demolished the commanding officer's station and blew up a 20mm gun, including the ammunition, killing six and wounding 13. The other ripped through to the bottom of the ship and exploded near the keel amidships, bulging the deck four feet out of true.

In the smoke and debris of the wheelhouse the helmsman lay dead, and beside him lay Johnnie Hutchins, bleeding badly, both feet a pulp of shattered bone and flesh. But he wasn't dead. He could see—and he saw the helm untended. He could hear—and from what seemed to be miles away he heard the order from the officer of the deck: "Right full rudder!"

Torpedo planes were coming in fast at masthead height.

Through the puzzling blackness that fogged his eyes, Johnnie reached for the wheel and twisted it to the right with his last ounce of strength.

As the ship swung right, the straight white wake of a torpedo passed 20-feet astern. Johnnie's turn had saved the ship.

After the attack, the boy's dead fingers had to be pried loose from the wheel. Johnnie David Hutchins, age 21, had given his life for his shipmates, and had earned the Congressional Medal of Honor. The next year, at a shipyard in Orange, Texas, his mother christened a sleek, new destroyer escort—the USS *Johnnie Hutchins*.

Other ships of the convoy were being attacked at the same time the *LST 473* was absorbing so much punishment. Evidently mistaking the mine sweepers for destroyers, several dive bombers peeled off for the attack but succeeded in scoring only near misses. The *LST 471* (Lieutenant George L. Cory) also was receiving the one-two punch of dive bomber and torpedo plane, but a damage control party led by Lieutenant Albert E. Craig, the executive officer, kept her afloat.

The casualties were relatively heavy. We counted six of our men dead, one missing, five injured. The Australian dead numbered 45, with two missing and 17 wounded. The Japanese lost two planes out of the attacking dozen.

The two crippled LSTs were taken in tow to Morobe, where, next day, the dead were buried ashore.

The Japanese in the Lae-Salamaua sector now found themselves caught in a master squeeze play. The day after the landings on Red and Yellow Beaches, units of the 7th Australian Division were dropped by parachute in the Markham River valley, the first use of the airborne troops in the Southwest Pacific.

There was no escape for the trapped Japanese. Retreat overland was cut off. Withdrawal in barges or submarines across the Huon Gulf was made disastrously unhealthy by our PT boats and destroyers.

The enemy retaliated with air attacks on our convoys that kept the vital supplies pouring onto the beaches east of Lae. The destroyer *Conyngham*, with Admiral Barbey aboard, fought off a swarm of bombers while returning from the initial landings. On 12 September, by which time the Seventh Amphibious had landed over 16,500 troops on Red and Yellow, bombers attacked our advanced base at Morobe and damaged the *LST 455*, but the fire was put out with the aid of that veteran tug, the *Sonoma*, who, having undergone three intense air attacks in one week, felt as if she were fighting a single-handed war against the Japanese. Two of her men, unable to stand the strain, broke down with hysteria, as truly wounded as if by bullets.

On the morning of 16 September, troops of the 7th Australian Division, after fighting their way down the Markham Valley, entered Lae, still smoldering from the attacks of Allied heavy bombers. The Japanese who remained offered only slight resistance before they fled into the brush.

With the capture of Lae, the last serious threat to southeastern New Guinea and the possible threat to Australia were removed. The Allies now had control of Huon Gulf, with all its strategic advantages, and Vitiaz Strait was not wide open for Allied aerial and surface patrols against enemy barge traffic between New Guinea and New Britain.

Things had gone well at Lae. So well, in fact, that the schedule of attack in New Guinea could be stepped up considerably.

The assault date for Finschhafen was moved up three and a half weeks to 22 September. Plans were literally still being made for the operation as the first echelon moved toward the beaches.

Just before midnight on D-minus-2 day, six LSTs pulled away from Buna and headed for George Beach, east of Lae, escorted by four destroyers and the omnipresent tug *Sonoma*. The following morning 16 LCIs shoved off from Buna. With them were four destroyers of the bombardment group plus the *Henley*.

Admiral Barbey, his flag again on the *Conyngham*, preceded the group.

The beach selected, "Scarlet," was on a small bay six miles north of Finschhafen, flanked at either end by steep cliffs. Not much was known about the area. Photographic coverage had been inadequate, and the party of ten scouts, landed the night of 11 September from PT boats, had not obtained all the information they were after because Japanese activity kept them lying low.

The time selected for the landing was a compromise. The Navy, at this stage of the war having in mind the continuous menace of aircraft, preferred night landings. The Army, on the other hand, wanted a dawn landing so that their troops could see what they were doing. The compromise hour was 0445, permitting a landing in darkness and at the same time giving the troops good light shortly after they had hit the beach.

The stage was now set. Before midnight the heterogeneous fleet weighed anchor and headed east, some of the ships trailing canvas in bridal-veil fashion to conceal their phosphorescent wakes from night-flying Japanese.

First blood was drawn by the PTs *133* and *191* on patrol north of Finschhafen when they sighted a 120-ton coastal trawler scouting near Fortification Point. Like a dog after a thrown stick the two boats went to flank speed and closed, blowing the scout out of the water and breaking its keel.

Precisely on schedule, at 0433, four destroyers, commenced the beach bombardment. While the destroyers were still sending their whistling 5-inch shells through the darkness, the first wave of boats from the destroyer transports started in toward the beach. Our troops found the beach defenses fully manned.

Machine gun and mortar fire was intense. Sniper fire also was heavy, and in an effort to silence it, several of the ships opened up at the treetops.

Landing in the darkness caused some confusion. Two LCIs, one leaving and one approaching the beach, collided. One LCI had its port ramp carried away when it attempted to land troops in deep water. Operations all along the line were delayed when the LCMs and LCVs carrying units of the 2nd Engineering Special Brigade lost their way.

But in spite of all, by 0935, the last LST had unloaded and another beachhead was firmly established on the Road to Tokyo.

The first air attack—ten torpedo planes—that broke through the tight umbrella that the Army fighters capped over the area, came a little after noon when the last three LSTs, the *Sonoma*, and the destroyers *Perkins*, *Smith*, *Reid*, *Mahan*, *Henley* and *Conyngham* were retiring south. Captain Jesse H. Carter, in command of the escorting destroyers, immediately signaled the prearranged maneuver against aircraft attack. The destroyers rang up full speed and started circling the convoy in a counterclockwise movement while the tug and LSTs kept course and formation, wiggling right and left like agitated polliwogs.

Two of the planes were hit at long range by the destroyers' 5-inch fire and were down before they could loose torpedoes. A third, hit at long range, dropped its torpedo 90 degrees from its proper course.

Wakes of seven torpedoes crisscrossed the water, but none hit. By the time the P–38s arrived to take charge of the situation our ships had knocked out eight of the attackers, and the two others were heading for Rabaul. Added to the 37 planes that the

Army fighter-cover had knocked down over the beach that day, the total bag left the sky empty of Japanese planes.

After cleaning out Japanese mortar batteries and machine gun implacements on Scarlet Beach, Allied troops advanced rapidly southward along the coastal plain. Another Allied force moving eastward along the coast cut off the southern escape route of the Japanese. Again, the PTs and Allied patrol planes made withdrawal across Vitaiz Strait in barges to New Britain extremely dangerous for the bottled Japanese. On 2 October, within ten days following the initial landings, Finschhafen fell after hard fighting to elements of the Australian 9th Division.

But the sweet taste of victory was bittered by the next day by the loss of one of the desperately few combatant ships the Seventh Amphibious Force possessed. At six in the evening the destroyers *Reid, Smith* and *Henley* were in a loose column formation about to commence an anti-submarine sweep off Finschhafen, when suddenly the *Smith* sheered out of column to starboard. Four torpedo wakes wrote the reason in the water. As the *Henley* came left, increasing speed to 25 knots in pursuit, the commanding officer, Commander Carlton R. Adams, saw two torpedoes approaching his ship from the port side—one heading for the bow, one for the stern.

"Hard left rudder!"

The slim ship seemed to pivot around her mast, heeling to the turn. One torpedo passed clear of the bow by about 30 yards and another skittered ten yards astern on the surface. It looked as if the ship had avoided certain death, but five seconds later a third torpedo tore in, heading straight for the ship's belly. It hit the port side amidships and dug into the fire room before exploding, destroying the boilers and snapping the keel. Within three minutes, with the main deck awash, Commander Adams gave the order that tears at the heart of Navy skippers: "Abandon ship!"

The *Smith* and *Reid* immediately jumped after the submarine, but after a number of attacks lost contact and were not able to regain it. That night the seas were carefully combed for *Henley* survivors floating in rafts. When the last oil-coated man was hauled aboard, only one officer and 14 enlisted men were missing.

With the capture of Finschhafen the first phase of the New Guinea campaign was over. During the next few months the main Allied effort was devoted to the neutralization of the great Japanese bases at Rabaul and Kavieng. Once this was accomplished, "MacArthur's Navy" would be in a position to commence the 1200 miles of leapfrogging the troops up the northern New Guinea coast to poise for the long jump to the Philippines.

HONORING PASTOR ELIAS MINOR

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. ENGEL. Mr. Speaker, I am pleased to join with the United Christian Baptist Church of the northeast Bronx in saluting Pastor Elias Miner for 33 years of service to the community.

On May 15, 1996, Pastor Miner organized the United Christian Baptist Church after serving for 12 years with the late Jasper Reaves at the Community Baptist Church. Since that time, the church has grown in size as well as in stature within the community. The fact that so many people rely on the United Christian Baptist Church for support and inspiration is a credit to the dedication of Pastor Miner.

Beyond his work in the church, Pastor Miner has also contributed to the successes of many other organizations, including the Baptist Ministers of New York State, the Williamsbridge branch of the NAACP, and the 47th Precinct Clergy Coalition. These and other affiliations show that Pastor Miner is deeply involved in working toward a more just and secure society.

On behalf of all my constituents who have been touched by the efforts of Pastor Miner, I congratulate him for 33 years of devoted and inspiring work, and I wish him many more years of good health and success.

TRIBUTE TO BENJAMIN TODD DESAULNIER

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. GEJDENSON. Mr. Speaker, I rise today to express my sympathy and regret at the passing of Benjamin Todd Desaulnier, a remarkable young man from Danielson, CT. Far exceeding his 17 years in maturity, Benjamin touched many people through his citizenship and scholarship. He was the quintessential leader, outstanding athlete and all-around good citizen.

I would like to submit for the CONGRESSIONAL RECORD remarks delivered by John Fulco and David Sweet, two of Benjamin's teachers, who have eloquently expressed what made Benjamin so special, and the sadness felt by all in his death.

KILLINGLY HIGH SCHOOL,
Danielson, CT, October 8, 1993.

Mr. and Mrs. EDWARD DESAULNIER,
Danielson, CT.

DEAR ED AND MARY LOU: Carpe Diem! Seize the day. For the past nine months, the Renaissance Program at K.H.S. has recognized students for academic accomplishment and perfect attendance. Another facet of this program strives to recognize students for good deeds and accomplishments. I thought you should know that I caught Ben doing good deeds. There are few opportunities in the day to day operation of a school to witness what I saw last Friday. Generally, students go through their days being tolerant of each other and interacting on a very superficial level. Rarely do you see students giving of themselves as I saw Ben doing last week.

During one of the lunch waves, a special education student was having great difficulty with his lunch. While carrying his bagged lunch, he had inadvertently shaken his soda to the point of explosion. When he opened it, it sprayed all over the floor and table, soaking his lunch and his clothing. Many students would have laughed, but Ben came to his rescue. He assisted in the clean-up of the soda, wiping off the table and even the floor. At this point you would think his job was done. Ben wasn't finished. He then sat down and ate lunch with Jamie and appeared to have a great time. Jamie loves to talk about sports and the WWF. I'm sure Ben enjoyed his time during that lunch.

Ben has a keen humanitarian sense and I am very proud of him. Not just for this one kind act, but for all he does. He is becoming a real leader at Killingly High School. You can be very proud of Ben. he is a fine young man.

It is a great pleasure to write a letter like this to parents. I sincerely thank you for sending such a great guy like Ben to Killingly High School.

Sincerely,

DAVID A. SWEET,
K.H.S. Renaissance Committee.

A TRIBUTE TO BEN

(By John J. Julio)

School began in late August in the year 1992. My classroom had been decorated and organized, and I awaited the arrival of the new students. Each year began with the expectations of new promise, new hope and new lessons of life. Little did I know the lessons that would be taught to me over the next year.

Ben Desaulnier was a member of my College English 3 class. He stood out among the twenty-four students that I had in that class that year. I remember his seat in the classroom, row 1 seat 3, next to the window with the white birch tree growing outside. Surrounding him sat Ron "Joe" Barbeau, Big Dave Irish, Julie Golaski, Tammy Larkin, Michael Boledovic, and Angela Lemoine. Ben, the student, ever attentive, ever thoughtful, ever questing to understand. Ben, the student, never fearful to say, "Mr. Fulco, I don't understand," or, "I don't see it that way." Ben, the student, who would leave the classroom with a smile on his face shaking his head and saying, "That was one great class, Mr. Fulco."

Ben was willing to take chances in the classroom. He was willing to try and see life in a different way. One day, Ben stood on the top of my desk and looked out over his classmates. He encouraged his classmates like Michael Boledovic and Angela Lemoine to stand with him and see the world from another perspective.

When a student in the class had difficulty with a drinking problem, and when other students would make crass comments, it was Ben who came after class, concerned about the welfare of the boy.

So very often, it was I who played the actor in the class. I played the Devil's advocate and challenged the students to expand their horizons of thought. It was I who entertained the students while making them question their own values. It was I who attempted to put the foundations under their feet so they would grow tall and strong. It was Ben, however, that received the applause from the class on one particular day. Ben came into the classroom dressed in a minister's white collar and black suit. He stood before his peers, fearful with knees shaking. He became a persona, Rev. Leumel Wiley, a character from Spoon River Anthology by Edgar Lee Masters. It was Ben who recited.

I preached four thousand sermons,
I conducted forty revivals,
And baptized many converts.
Yet no deed of mine
Shines brighter in the memory of the world,
And none is treasured more by me:
Look how I saved the Blisses from divorce,
And kept the children free from disgrace,
To grow up into moral men and women,
Happy themselves, a credit to the village.

Ben was a leader in the classroom. In class projects on the Joy Luck Club, or doing

Video presentations, Ben would take the lead to insure that everyone got a good grade, and that everyone in his group did the best that the group could do. It was Ben who made sure that the project was neat and eye-appealing, and it was Ben who would be chosen to come and speak to me if, for some reason, the project could not be finished within the allotted time. It was Ben who helped to set the calendar for due assignments, and it was he who worked around the sporting, recreational and school functions to try and meet everyone's needs.

Ben was a natural. In his term paper he wrote about Roy Hobbs, a character from Bernard Malamud's novel, The Natural. Many of the heroic attributes found in Roy Hobbs, could so easily be found in Ben himself. Ben wrote, "As a boy, Roy Hobbs (Ben Desaulnier) grew up with good values. Due to his outstanding baseball ability and talent, he became an instant hero with almost everyone. He entered manhood 'with a child-like innocence'".

In describing other traits of the hero, Ben continued, "Another one of Roy's (Ben's) more impressive qualities is his willingness to sacrifice himself for others. He made it a point, since their funds were low, not to ask for anything at all."

Roy Hobbs (Ben Desaulnier), as a heroic figure, proved himself to his peers. Hobbs (Desaulnier) had outstanding baseball talent and a bright future ahead of him in the game of baseball. Members of the crowd thought of him as a hero. One bystander echoed the feelings of many of Ben's admirers when she said, "My hero, let me kiss your hand".

Unlike the character about who Ben wrote, Ben never lost his values, nor did he allow his ego to swell where he might lose perspective of his role in life. Instead, I like to remember Ben as the young, impressionable, idealistic boy who believed that he could make a difference. Ben wonderfully spoke about these qualities when he wrote a story entitled "Team Spirit."

"I was at bat, and the tying run for our team was on second base. There was one out, and I was facing the most ferocious, yet talented, pitcher in the tournament. He stood on a raised dirt mound sixty feet away from me. As my calm stare met the pitcher's eye. I knew that I was ready to meet his challenge. My knees, secretly shaking beneath my leggings, gave no hint of the anxiety I felt. I took the signals from my third base coach. I stepped into the box and the pressure built tremendously.

"The first pitch flew past me, and the umpire shouted, 'Strike one!' Everyone in the park made a comment by either booing or cheering the umpire's call. I checked my spirit, and then I prepared myself for the next pitch.

"Like a meteor speeding through space, the ball was hurled toward me, landing high and outside its mark.

'Ball one!'

"With the count one and one, I knew that the next pitch would probably be a fast ball. I eyed the pitcher carefully as he reared back and fired the ball. I ripped out at the spiralling sphere as hard as I had ever swung a bat in my life. The ball fouled off the tip of my bat and landed in the left field bleachers.

"The umpire yelled, 'Foul ball. Strike two!'

"With the count now standing at one ball and two strikes, I was filled with apprehension. My teammates hollered their support over the shouts of the crowd. Their team spirit made me rise to the occasion.

I believed that the following pitch was going to be a curve ball which I could unload and knock into the next county. I could be the hero of the game. I could be lifted onto the shoulders of my buddies and carried across the field. Honor would be bestowed upon me."

While I believe that Ben held the ideals of baseball and the belief in the goodness of all human beings highly in his life, he also knew the pain of falling short of his own hopes and desires. He beautifully wrote about failure and disappointment, and yet, his character, like Ben himself, was able to rise above the situation, and lend a helping hand to support his friend in time of triumph. Ben wrote,

"As the pitcher began his wind-up, I shifted my stance, cocked back my arms, and focused upon the oncoming ball. I took a huge, home-run cut. The ball resounded like thunder into the catcher's mitt. I had struck out.

The world collapsed around me. I had choked! My spirit was devastated.

I walked into the dugout, and sat with my head between my knees, experiencing a state of total dejection. The entire season had been a waste. We'd never win this "big" game. Spirit or not, I had failed my team. I had never felt such anguish and despair in my life.

Our final hope, the last ember of spirit, approached the plate. I lifted my head to see my teammate, Sean O'Leary, take a killer swing as the ball cracked off the bat. The ball flew over the fence. The flame of victory filled my heart, as I watched Sean trot around the bases and cross home plate. Our bench emptied, as I led my teammates to congratulate Sean. All of my feelings of despair were gone, I was no longer a loser. I was part of a team, and I was sharing in the team spirit. We were the champions.

The excitement of celebration, cheering and back slapping, rose to a level of acclamation. Being first in line, I was able to help lift Sean to my shoulders, and with the help of the team, we carried him around the field.

The fans in the park absolutely wild. The reporters were frantically writing in their notebooks. We had come from behind, and we had won the championship. An air of superiority was thrust upon us. We were the champs, and that feeling could never be taken away from us. Our team spirit continued to rise as we carried Sean back to home plate and into the locker room.

That evening when the fans, vendors, and reporters had left, I returned to the park. There in the stillness of a warm summer night, I relived that one moment of victorious glory, when team spirit congealed with the ideals of a young baseball team, and I was given an experience that I would always remember."

Ben has given everyone so many experiences to remember. We have been blessed in just knowing the boy. He has been able to touch the hearts, souls and minds of peers, and the people with whom he worked. His kindness, generosity, and well-being to all people will always be remembered. Ben Desaulnier was Student Government President, Homecoming King, Homecoming Prince, Junior Prom King, basketball player, baseball catcher, golfer. Ben was loved.

Ben was unable to attend the performance of "Arsenic and Old Lace" which I appeared in at the Bradley Playhouse during the month of October. On the night of one of the shows, Mr. Desaulnier, his father, was asked to appear as one of the thirteen men buried in the cellar of the Brewster household. When Mr. Desaulnier came through the backstage doorway, he saw me sitting in my Reverend Dr. Harper costume. He came over to me and said, "Ben wanted me to tell you, 'Break a leg.'"

Ben was cast as the Eagle in the senior play, "Alice in America Land". Here is a role that I assigned to Ben that will never be fulfilled. Last Wednesday, October 27, 1993, Ben stood on the stage and told me that he hadn't found his voice for the Eagle. I told him that we had time, and that we would be able to work on the voice on another day. Instead, we worked on the Eagle's dance. Amy Strandson, Ben and I laughed as we danced to our made-up tango. Ben tripped over his feet as he tried to execute a turn on the stage. He tried repeatedly to get his footing right. The last time that Ben was on the stage, he danced forwards and backwards, linked arms with Amy and turned her around. Ben made it back to his designated spot on the stage without tripping or falling. He stood tall and proud and flapped his arms like an eagle ready to take flight. In my eye, the Eagle flew.

I am deeply saddened at the death of Ben. He had such wonderful potential and he accomplished so much. He did so much good, and he asked for so little in return. I believe that his parents have accomplished the greatest goal in life. They helped to form Ben into a person of whom we all can be proud. Their son, Ben, made a difference in the world, and for a short while there was again light at the castle in Camelot.

We can never know the direction that life is going to take us, but there are those people, like Ben, who believe that there is a purpose and a direction that we must all follow. Ben probably put it best when he wrote, "God leads the birds in a pattern to their final resting place. Just as He guided William Cullen Bryant on the lonely road to his new job, so God would insure that the birds would never be lost." Just as the birds would find their way to their final resting place, so with God's guidance, will Ben find his peace in his final resting place.

Ben Desaulnier came to me a year and two months ago just another student. He became my leader, my student, my Eagle. With love, I set him free.

IN HONOR OF UNIVERSITY HOSPITAL, AUGUSTA, GA

HON. DON JOHNSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. JOHNSON of Georgia. Mr. Speaker, I rise today to pay tribute to a remarkable medical facility located in the 10th District of Georgia. On Saturday, September 11, University Hospital celebrated 175 years of service to Augusta, GA, and the surrounding area.

What began as the 10-bed, 2-story City Hospital in 1818 has grown into Georgia's second-largest hospital, with 700 beds and a staff of 3,000. It continues today a tradition of exemplary medical care and devotion to the teaching of medical practices. I want to share with you some of the history of this institution.

In 1829, just 11 years after City Hospital was founded, Dr. Milton Antony established Georgia's first medical school on the premises. In 1833, the City of Augusta provided $5,000 for the construction of a new medical college building, and the tradition of fine medical instruction in Augusta had begun.

Drs. Henry and Robert Campbell opened a surgical infirmary for the city's black community in 1854 and operated that facility until the

Freedman's Hospital was opened after the Civil War. In 1891, the Medical College of Georgia named a woman, Ella Thomas, to serve as chief executive officer. Her appointment and the opening of the infirmary for the area's black community demonstrate the hospital's devotion to serving all humanity and recognizing the talents of both men and women at a time when such recognition was unusual.

City Hospital battled smallpox for two decades beginning in 1851. It sent aid to those in need by horse-drawn ambulance and served as a medical center for Confederate soldiers. That proud tradition of service and excellent medical care has been passed down through these 175 year to University Hospital.

Mr. Speaker, I am proud to have such a facility in my district and I am proud to join the entire central Savannah River area in congratulating University Hospital on its 175th anniversary.

INTRODUCTION OF H.R. 3586, DEFENSE ACQUISITION REFORM ACT OF 1993

HON. JAMES H. BILBRAY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. BILBRAY. Mr. Speaker, after months of development and discussions, I would like to inform my colleagues, that as chairman of the Subcommittee on Procurement, Taxation and Tourism of the Committee on Small Business I have introduced H.R. 3586, the Defense Acquisition Reform Act of 1993.

Over the last several months, my subcommittee staff has been involved in a number of discussions with the staffs of the full Committees on Small Business, Armed Services, and Government Operations. These discussions have been particularly fruitful due to their bipartisan nature as they have included the staffs of Chairman DELLUMS, Chairman CONYERS, Chairman LAFALCE, ranking member CLINGER, ranking member MEYERS, Congressman WELDON, Congressman MFUME, and the ranking member of my subcommittee, Congressman BAKER of Louisiana. Our goal has been nothing less than legislation to reinvent the U.S. Government's procurement system and to bring it into the 21st century.

To this end, our discussions have centered around a number of proposals that have been put forth by my colleagues, Members of the other body and the administration. These have included the Department of Defense's section 800 panel, Chairman CONYER's H.R. 2238, the Senate's S. 1587 and the work of the Vice President's National Performance Review. Our goal has been and will remain to afford the maximum protection and competition for America's small businesses as we revamp the antiquated and complicated Government procurement system.

The bill includes a number of far-reaching reforms including the institution of commercial items, increasing the small purchase threshold to $100,000, the implementation of governmentwide electronic commerce, and the reform of contract administration and contract protest procedures.

As the President and Vice President stated on October 26 to Chairman DELLUMS, Chairman CONYERS and myself, procurement reform is a cornerstone of the White House's efforts to reinvent government and has received their highest priority. To this end, I maintain my commitment to the administration to pass acquisition reform legislation with all due diligence.

It is my subcommittee's intention to hold hearings on this legislation in late January. In the meantime, I am aware of a number of issues and questions that remain unanswered. H.R. 3586 remains an open document, open to suggestion and negotiation. I would encourage the private sector, the administration and any of my colleagues who have questions or concerns regarding this legislation, to contact myself or my subcommittee staff.

It is my hope that we will have taken the time over the recess to craft and perfect the best procurement reform proposals that we can, and by early spring, we will have enacted legislation with substance, not merely promises or an empty shell. I hope that these discussions will truly lead to reform that will modernize and improve our procurement system while maintaining small business protections and increasing competition within our system .

HONORING JOHN F. ALLARD, INTERNATIONAL REPRESENTATIVE, UNITED AUTO WORKERS, RETIRED

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. TORRES. Mr. Speaker, I rise today to recognize John F. Allard, as he is honored at a special dinner on December 15, 1993, for his 56 years of service and dedication to the working men and women of the International Union, United Auto Aerospace Workers [UAW].

John's life is like a page from the "Grapes of Wrath." Born and raised on a farm in Soldier, KS, watching his parents till the land, only to see them lose it in the wake of the droughts and dust bowl conditions that prevailed during the Great Depression. He had his mother stitch his savings, two $20 dollar bills, into his shorts as he traveled west to California. Settling in Bell Garden, then Billy Goat Acres, he promised his parents and blind brother that he would send for them and he took a job at the Chrysler plant in nearby Maywood. The work was backbreaking at the plant docks and on the line; the bosses were tough and the workers had accumulated grievances. Unionism was on the rise, John and others applied for a union charter from the AFL for local 230 of the United Automobile Workers of America [UAWA]. Sitdown strikes from Detroit to Los Angeles fueled the recognition of local 230 under the leadership of John and others such as Bill Goldmann, Noah Tauscher, Ken Gillie, and Sim Huff.

The forces of antilabor set about to destroy the momentum of union membership and targeted the local 230 leadership to make an example of them by charging them with conspiracy. The county district attorney had them arrested and brought to trial. The trial went on for 90 days with great sacrifice by the defendants and their families. The result was a hung jury.

A second trial was ordered and again lasted 90 days. Were it not for the solidarity of the workers to sustain the men on trial and their destitute families, the back of the union would have been broken. In the end they were acquitted. John and his wife Irene played a crucial role in the support of the workers families. Without question, John Allard had displayed great skill at leadership and in 1939 was elected recording secretary of local 230.

In 1942, under the guidance and organization of President Roosevelt, John served on the War Manpower Commission and the Southern California Aircraft Committee of the War Labor Board.

On the very day President Roosevelt died in 1945, John was inducted into the U.S. Army. He served his country with distinction as an infantryman and later as a sergeant in charge of personnel matters at Camp Butner, NC. It was during his Army service that he met Doug Fraser, a Chrysler worker, who would later become the president of the international union, UAW. Returning to civilian life and Chrysler, John was elected as president of local 230 and under his leadership, the local established itself as the leader in a precedent-setting strike at Chrysler in 1950 that won workers pension fund benefits.

From 1950 to 1955, John was appointed as an international representative serving as coordinator of the National Aircraft Department. As coordinator, John successfully headed negotiations in all three of the major aircraft companies on the west coast: McDonnell-Douglas, North American, and Ryan.

From 1955 to 1958, John worked with UAW Vice President Norman Matthews in the technical, office and professional [TOP] department. Organizing white collar workers at Ryan Corp., John met Bruce Lee who would later join the region 6 organizing staff. From 1958 to 1966, as John became coordinator for the west coast organizing staff under UAW Vice President Pat Greathouse, he was assigned two new organizers to supervise: they were Bruce Lee, local president from Ryan, and myself, a chief steward from local 230. Under John's direction, we brought many new members to the UAW.

In 1967, John worked on the servicing staff and later, 1970, transferred to the UAW retired workers department. Mr. Speaker, I have had the high honor and personal privilege of having known and worked with John Allard for 40 years. He has been an unquestionably sage mentor and counsel to me in many areas of national concern. While we may be in disagreement on some matters of national policy, nonetheless, I am grateful for his friendship and support.

Mr. Speaker, John Allard is being honored by the UAW, his family, friends and civic leaders for his exemplary contribution to working men and women of the Los Angeles community and the Nation as a whole. I ask my colleagues assembled in the House to join me in thanking and saluting him for his outstanding record of service.

TO SUPPORT THE DIETARY SUPPLEMENTS HEALTH AND EDUCATION ACT OF 1993, H.R. 1709

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. MANZULLO. Mr. Speaker, I have received hundreds of letters from constituents in my district who are users of legal dietary supplements. They are afraid that they may soon be denied access to products that help keep them healthy if the Congress does not act soon.

The 1-year moratorium on the Federal Drug Administration [FDA] rules on dietary supplements proposals will soon expire. This will leave the FDA open to impose their proposed regulations on the vitamin industry and take safe products off the shelves. The FDA has proposed three troublesome regulations.

First, the FDA will view single amino acids and mixtures of amino acids as equal to prescription drugs.

Second, the FDA will arbitrarily remove most supplements—including herbs from the market by citing them as unsafe food additives.

Finally, the FDA will prohibit the use of health claims for dietary and health food supplements, with the sole exception of the nutrient/disease link between calcium and osteoporosis.

I am a proud cosponsor of H.R. 1709 the Dietary Supplements Health and Education Act of 1993 introduced by my colleague from New Mexico Representative BILL RICHARDSON. This legislation represents a reasonable, rational, and fair approach for Congress to provide urgently needed direction to the FDA. There are currently 183 cosponsors of this legislation. H.R. 1709 includes these provisions.

First, it establishes that dietary supplements are not drugs or food additives.

Second, H.R. 1709 would prohibit the FDA from seizing safe and legal products from the market. Under this legislation substantiated health claims would be allowed.

Finally, the potency limits on dietary supplements that the FDA seeks to impose would not be mandated.

My colleagues may be surprised to learn that 100 million Americans use dietary supplements on a regular basis. Eight out of ten doctors in a recent survey said they took vitamin E to protect against heart disease. Scientific evidence has convincingly demonstrated that vitamins and minerals protect against a number of disease conditions, including cancer, osteoporosis, heart problems, cataracts, and neural tube birth defects.

The current health care reform initiatives emphasizing the importance of prevention should provide added impetus for stopping these proposed onerous regulations by the FDA and replace them with the commonsense provisions contained in H.R. 1709. Optimal use of dietary supplements costing only pennies per day can save billions of dollars in health care costs. It's preventative health care in the best sense of the word.

I urge my colleagues to cosponsor H.R. 1709 and move this legislation to the floor of the House. It makes good health sense and just asks the Government not to interfere.

FEE SCHEDULE FOR TOWER SITE USE

HON. LARRY LaROCCO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. LAROCCO. Mr. Speaker, I rise today to introduce legislation which resolves the issue of fees paid by broadcasters for the use of tower sites that are located on Federal land managed by the Forest Service and the Bureau of Land Management.

Government agencies and the broadcast industry have been struggling with this issue for years. While it is reasonable for broadcasters to expect fee increases over time, some actual proposals for increases of over 1,000 percent have been put forth by the Forest Service and the Bureau of Land Management. These proposals have been so far out of line with fair market values associated with the sites in question, that the Appropriations Committee has repeatedly rejected the fee increases proposed by the agencies and has imposed moratoriums in response.

To finally resolve this longstanding problem, Congress established an advisory committee to study this issue, develop an acceptable and equitable fee schedule, and report those findings back to Congress. The Committee completed its task and developed a fee schedule which contains reasonable fee increases that ranged from 200 to 900 percent for broadcasters with tower sites located on Federal lands. The legislation I am introducing today will simply codify those recommendations.

The time has come to settle this issue. We had an opportunity during budget reconciliation, but it slipped away from us at a critical moment. But while it is disappointing to return to this subject yet again, continually placing moratoriums on site fee increases makes no sense and costs us money every year. This legislation will put an end to the question, and establish a stable process for future decisionmaking by the agencies and the broadcasters.

I appreciate the support of those Members who have joined with me as original cosponsors, and I look forward to working with the other members of the Natural Resources Committee next year to pass this legislation.

IN HONOR OF JACK E. WILSON

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. DARDEN. Mr. Speaker, I rise today to ask my colleagues in the House to join me in paying tribute to a man of great service and dedication: Jack E. Wilson of Marietta, GA. Jack, a successful businessman and devoted community volunteer, was recently recognized for his service to the citizens of Marietta, GA, when he was named Marietta Citizen of the Year this past Friday.

Mr. Speaker, without a doubt, Jack Wilson has made many outstanding contributions, too numerous to mention, to the people of Marietta and the citizens of all of Cobb County. However, I would like to note just a few of the ways he has made our community a better place to live.

Jack has been instrumental in encouraging economic growth for the community through his service as director and vice president of the Cobb County Chamber of Commerce. He is responsible for starting the first leadership Cobb class, which is still going strong after 10 years. In addition, Jack Wilson founded the honorary commanders, which matches community leaders with the area's military leaders to give both a better understanding of each other's role in Marietta.

A devoted father and grandfather, Jack looks to the future with experience from the past. As a successful insurance executive, he has seen and helped Cobb County grow from a sleepy, rural community to a dynamic, suburban area. Jack also has a sense of adventure. He surprised and impressed many of his friends earlier this year as a participant in the annual running of the bulls in Pamplona, Spain.

Jack Wilson is a visionary leader, a steadfast worker, and a great and loyal friend to many people. His legacy of service is something all of us should strive to emulate.

EDNA SPENCER: CHARLES COUNTY'S "MOST BEAUTIFUL PERSON"

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. HOYER. Mr. Speaker, I rise today to congratulate Mrs. Edna Spencer, a resident of Potomac Heights, MD, who was recently named Charles County's "Most Beautiful Person." This annual event is sponsored by "Maryland, You Are Beautiful," and recognizes outstanding volunteers for their generosity.

Mrs. Spencer was one of 17 nominees from Charles County and was nominated by the Potomac Heights Leisure Club, of which she is an active member. Edna Spencer is most deserving of this award, Mr. Speaker. She delivers food for the Charles County's Meals on Wheels Program, transports cancer patients to clinics and hospitals, and serves as an adopted grandmother to an unwed mother.

I would like to share with my colleagues an article which appeared in the Maryland Independent which tells of Edna's outstanding contributions to her community. I urge my colleagues to join me in recognizing Edna Spencer, Charles County's "Most Beautiful Person."

[From Maryland Independent, Oct. 29, 1993]

YOU CAN DEPEND ON EDNA—SPENCER SELECTED CHARLES COUNTY'S "MOST BEAUTIFUL"

(By James Hettinger)

Edna Spencer has never forgotten what life was like without a car.

When Spencer and her husband Kenneth were married in 1943, World War II was on.

money was scarce, her husband was in the Navy and she was home alone with no transportation.

"You would depend on your neighbors and friends," Spencer recalled, noting that it was at times a lonely feeling. "It's a rough time when you're trying to get groceries and do things with no car."

That feeling stayed with her, and prompted Spencer to adopt helping people get around as one of her objectives in life.

Spencer, 68, of Potomac Heights, drives cancer patients to clinics and hospitals for treatments, and delivers hot meals to the elderly and handicapped through Charles County's "Meals on Wheels" program.

She also transports elderly people to grocery stores and the hairdresser, takes flowers to patients at the Fort Washington Nursing Home and serves as the adopted grandmother to an unwed mother and her child by buying the food, clothing and small gifts.

"(If) anybody needs transportation, if there's any way possible, I try to give it to them," Spencer said.

Spencer's good deeds are typically known only to the recipients of her kindness, and that's fine with her. "I'm not a person that likes to be in the spotlight," she said. "I like to be in the background."

Tuesday afternoon, though, the spotlight found Spencer, when she was named Charles County's "Most Beautiful" person in a "Maryland You Are Beautiful" awards ceremony at the Charles County Government Building in La Plata. She will represent Charles County in a statewide "Maryland's Most Beautiful People" ceremony next month in Annapolis.

When her name was announced Tuesday as the "most beautiful" of the 17 nominees, Spencer's hand came up to cover her mouth in surprise, and for a moment she couldn't stand up.

"You've heard that commercial, 'I'm down and I can't get up'? That's what I felt like," Spencer said Wednesday afternoon at her home in Potomac Heights.

Despite being nominated for the award—by the Potomac Heights Leisure Club, a seniors' group—Spencer was "some kind of surprised" to win. "On my way over there, I kept naming the people I thought would get it," she recalled.

Spencer questions whether she deserves to be called the "most beautiful" volunteer in Charles County. "I'm sure there are a lot of people who deserve it more than I do," she said. "There are so many people who volunteer and do things that people don't know about."

But she has no doubts about the value of her volunteer work. She has volunteered for more than 20 years, and served as a "Meals on Wheels" driver since the program started about five year ago.

Spencer and her partner, Marian Robey, deliver meals to about 15 people. "It gives you a lot of satisfaction to know you'll be taking a hot meal to these people," Spencer said. Most of the recipients live alone, and Spencer and Robey take time to visit with them. "Sometimes, (we) might be the only people they see during the day," Spencer said.

She and Robey often wonder what their meal recipients eat on days when there are no Meals on Wheels.

A former cancer patient herself, Spencer added that her driving patients to and from medical services "means a lot to someone with no transportation."

Spencer's cancer occurred five years ago. She and her husband—Virginia natives who came to Charles County in 1959—recently celebrated their 50th wedding anniversary. The couple has one daughter, Ann Spencer of Waldorf.

Looking to the future, "I hope I'll always be able to do things for other people. I think what you do for others, it comes back to you," Spencer said. "There are a lot of people who need help. . . . There's a lot more we can do. I'm sure there's a lot more I can do."

NATURAL FAMILY PLANNING

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. SMITH of New Jersey. Mr. Speaker, natural family planning is often scoffed at as "the old rhythm method." However, the September 18, 1993 issue of the British Medical Journal carries a report which concludes that natural family planning, particularly the Billings method, can be as effective as artificial means of contraception. "Natural family planning is cheap, effective, without side effects, and may be particularly acceptable to and efficacious among people in areas of poverty," the author states.

Dr. R.E.J. Ryder reports on a World Health Organization [WHO] multinational study of the ovulation method of natural family planning. He notes that the study found a pregnancy rate approaching zero among 19,843 poor women in India. I believe that all who have concern about population issues, as well as the health of women, will find this study of special interest.

The British Medical Journal report follows:

NATURAL FAMILY PLANNING: EFFECTIVE BIRTH CONTROL SUPPORTED BY THE CATHOLIC CHURCH

(R.E.J. Ryder, consultant physician, Department of Endocrinology, Dudley Road Hospital, Birmingham B18 7QH

During 20–22 September Manchester is to host the 1993 follow up to last year's "earth summit" in Rio de Janeiro. At that summit the threat posed by world overpopulation received considerable attention. Catholicism was perceived as opposed to birth control and therefore as a particular threat. This was based on the notion that the only method of birth control approved by the church—natural family planning—is unreliable, unacceptable, and ineffective.

In the 20 years since E L Billings and colleagues first described the cervical mucus symptoms associated with ovulation natural family planning has incorporated these symptoms and advanced considerably. Ultrasonography shows that the symptoms identify ovulation precisely. According to the World Health Organisation, 93% of women everywhere can identify the symptoms, which distinguish adequately between the fertile and infertile phases of the menstrual cycle. Most pregnancies during trials of natural family planning occur after intercourse at times recognised by couples as fertile. Thus pregnancy rates have depended on the motivation of couples. Increasingly studies show that rates equivalent to those with other contraceptive methods are readily achieved in the developed and developing worlds. Indeed, a study of 19,843 poor women in India had a pregnancy rate approaching zero. Natural family planning is cheap, effective, without side effects, and may be particularly acceptable to and efficacious among people in areas of poverty.

The 1993 follow up to last year's "earth summit" in Rio de Janeiro is to take place in Manchester during 20–22 September and is entitled "Partnerships for change." The Rio earth summit focused considerable attention on the expanding population of the world as an important issue in relation to resources, environment, and poverty. In the media the "opposition of the Catholic Church to birth control" was discussed (BBC Radio 4, *Today Programme*, 18 May 1992) and considered to be an important factor with the many millions of Catholics in the world, particularly the Third World, such as Brazil. In the medical press the "Pope's continuing opposition to birth control" was condemned[1] and powerful Vatican opposition was considered likely to wreck hope of useful progress at the earth summit with regard to global overpopulation as a most urgent ecological hazard.[2]

The widespread beliefs that the Catholic Church is opposed to birth control,[1] that the urgent provision of artificial contraception within the Third World is the only answer to overpopulation, and that the Catholic Church is opposed to this[2] all stem from the perception that the so called "natural methods of family planning," which are approved by the Catholic Church, are unreliable, unacceptable, and ineffective. Historically, this perception is based on the unreliability of the rhythm method of contraception ("Roman roulette"), which attempt to identify the fertile phase of the woman's cycle by calendar calculations. Is this perception as accurate today as it may have been in the past?

The ovum has a life span of not more than 24 hours and is fertilisable for only part of that time[3]. The life span of the sperm may be measured in hours under adverse conditions: Under optimum conditions, however, sperms may remain viable for four or five days, and a life span of up to seven days has been postulated.[3] Thus a woman is potentially fertile for no more than six to eight days of her cycle, probably less in most cases. To what extent can these potentially fertile days be accurately identified and avoided by most women as a method of birth control?

CYCLICAL CHANGES IN CERVICAL MUCUS SECRETION

In 1972 Billings *et al* reported the characteristic changes in cervical mucus secretion which occur during the menstrual cycle.[4] After menstruation there are a variable number of "dry" days with little or no mucus secretion and a feeling of dryness in the vaginal area. Then, as ovulation approaches under the influence of increasing oestrogen concentrations'[3,5] the dry feeling ends and there is increasing secretion of cervical mucus, which at the time of ovulation becomes an abundant discharge of substance like the raw white of an egg. After ovulation the first secretion of progesterone abruptly reverses the effect of oestrogen on cervical mucus and causes it to become thick and rubbery forming a plug in the cervix.[3,5] The fertile-type, "raw egg white" cervical mucus is of low viscosity and high threadability (spinnbarkeit) with glycoprotein fibrils in a micelle-like structure which aids sperm migration. It contains sugars and trace elements necessary for sperm survival, capacitation, and transport and it can maintain by sperm cable of fertilisation for several days.[3,5,6] By contrast, the thick, white, non-

Footnotes at end of article.

stretch mucus which occurs at other times in the cycle is impenetrable by sperm and hostile to its survival.

Other symptoms have been described in association with ovulation, in particular periovulatory pain and the progesterone induced postovulatory rise in basal body temperature. Hormonal studies have confirmed the close relation of the various symptoms with ovulation,[4 7] and more recently ovarian ultrasonography has suggested that the day of most abundant secretion of fertile-type egg white mucus identifies the day of ovulation as precisely as does the luteinising hormone peak.[8] Other symptoms associated with the cyclical changes in oestrogen and progesterone concentrations include changes in the cervix, breast tissue, skin, hair, libido, and moods.[3 5]

PREGNANCY AND CONTRACEPTION

Reported pregnancy rates (pregnancies per 100 woman years; Pearl index) in well motivated couples using the condom, diaphragm, intrauterine device, and progestogen only and combined oestrogenprogestogen oral contraception are 3-6, 1-9, 1-4, 1-2, and 0-18 respectively.[9] Much higher rates have been recorded, particularly among less motivated couples—for example, pregnancy rates of 21 and 22 in condom users[10] and 23 in diaphragm users.[10] Pregnancy rates of 23 and 28 have also been reported in users of oral contraceptives in the developing world.[11] As shown in Oxford, even the contraceptive pill may fail if the woman forgets to take it, runs out of tablets, or has diarrhea and vomiting or other illness.[12]

Early trials of birth control based on symptom observation[13-17] yielded pregnancy rates of 6-0[17] to 25.4.[13] Most conceptions occurred because of intercourse on days designated by the family planning method as fertile. Controversy therefore ensued[18-21] between those who thought that all pregnancies occurring in trials should be considered as failures of the particular method[19-21] and those who thought that the method could not be blamed if couples had intercourse during a phase which they knew to be fertile.[18 20] It was also possible that initial scepticism about natural family planning methods led to a casual approach by couples.[13]

WHO STUDY

Given a natural pregnancy rate—that is, the Pearl index without any birth control—estimated as 80,[22] the cheapness of natural family planning, and the acceptability of natural family planning to many cultures and religions, the World Health Organization undertook an international study.[23-27] A total of 869 women of proved fertility and widely varying cultural, educational, and economic backgrounds were studied in five centres (Auckland, Bangalore, Dublin, Manila, and San Miguel, El Salvador). Regardless of culture and education, 93% of the women recorded an interpretable ovulatory mucus pattern. Of the El Salvador women, 48-1% were illiterate and yet recognized the mucus symptoms.[23]

Detailed analysis in the WHO study confirmed the potential effectiveness of mucus symptom observation as a means of family planning. The probability of conception from intercourse outside the period of fertility cervical mucus observation was 0-004.[24] Intercourse on days designated as fertile by cervical mucus observation resulted in conception with increasing frequency the nearer to ovulation that intercourse occurred, intercourse on the peak day of cervical mucus secretion resulting in a probability of conception of 0-667.[25] Thus it is clear that women of all cultures and educational backgrounds can learn to recognize when they ovulate and when they are potentially fertile and that if intercourse is avoided on potentially fertile days pregnancies will not occur.

INCREASED CONFIDENCE IN NATURAL CONTRACEPTION

After the early studies,[13-17] increased confidence in and experience with natural family planning methods tended to lead to progressively lower overall pregnancy rates. The rates, however, remain variable, depending on the standard of teaching and the motivation to avoid pregnancy.[24 28-39] A study in Chile confirmed the importance of good initial natural family planning teaching, experienced teachers achieving a pregnancy rate of 4•7, inexperienced teachers achieving a rate of 16•8.[28] Studies have underlined the importance of motivation, one international study finding a pregnancy rate of 4•13 in couples wishing to limit their families but a rate of 14•56 in couples wishing only to space their families.[29] Studies suggest that methods combining several indicators of ovulation yield lower pregnancy rates.[3] The cost issue has been addressed, studies from Liberia and Zambia showing pregnancy rate of 4•3 and 8•9 and user costs of $40 and $30 respectively.[39] A study of natural family planning in general practice in the United Kingdom also found it to be by far the cheapest method.[39]

The largest natural family planning study combined effective teaching with high motivation and showed the natural family planning can be extremely effective in the Third World.[33] The study was of 19,843 predominantly poor women in Calcutta, 52% Hindu, 27% Muslim, and 21% Christian. Because of poverty motivation was high both among the users and among the well trained teachers of natural family planning. The failure rate was similar to that with the combined contraceptive pill—0•2 pregnancy/100 women users yearly.[33] The result suggests that poverty as the motivation can greatly improve the effectiveness of natural family planning. A similar result, however, was achieved in Germany in a study with a pregnancy rate of 0•8.[34]

An Italian study found an overall pregnancy rate of 3•6, all the pregnancies occurring in couples wishing to space but not limit their families. The pregnancy rate was zero in couples who wanted no more children.[30] With other German studies finding pregnancy rates of 1•8[31] and 2•3,[36] a study in general practice in the United Kingdom finding a rate of 2•7,[39] and a study among 3003 illiterate and semiliterate women in India yielding a pregnancy rate of 2•04[37] the accumulating data confirm that natural family planning can be as effective as any method of family planning.

IMPLICATIONS FOR THE THIRD WORLD

In the WHO study most couples in the three developing countries who practised natural family planning were satisfied with the frequency of intercourse, whereas in the two developed countries one-third of subjects and half of their partners who practised the method would have preferred more frequent intercourse.[27] It might be argued that natural family planning being cheap, effective, without side effects, and potentially particularly effective and acceptable in areas of poverty may be the family planning method of choice for the Third World. The case for and against this may be argued and debated, but whatever the standpoint there is no doubt that it would be more efficient for the ongoing world debate on overpopulation, resources, environment, poverty, and health to be conducted against a background of truth rather than fallacy. It is therefore important that the misconception that Catholicism is synonymous with ineffective birth control[1 2] is laid to rest.

Understanding the simple facts about the signs of fertility confers considerable power to couples to control their fertility, for achieving as well as preventing conception. The widespread dissemination of these simple facts would be useful everywhere but might be of particular value in the Third World.

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TRIBUTE TO PRESIDENT KENNEDY

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. LAZIO. Mr. Speaker, I was 5 years old and watching "As the World Turns" with my mother when Walter Cronkite broke in with a news bulletin. I was too young to know anything other than something tragic had happened. It was 30 years ago today.

In the years since John Kennedy's life and promise were taken from us—through the Vietnam war and Watergate—the American people have grown increasingly cynical of, and negative toward, its elected officials.

Perhaps the reason is that people get what they expect as much as who they elect. My theory is that elected representatives tend to rise to levels consistent with the expectations of their constituents. If people expect their elected representative to be a bum, they will be fortunate to do better. But if they expect a statesman, a genuine legislator, then they have a better chance of getting one.

Mr. Speaker, as we think about that fateful day 30 years ago, perhaps we should look in the mirror and ask if we are living up to the expectations of those who elected us to represent them and act accordingly. Perhaps then our constituents would reciprocate by raising their expectations of us. That would be a fitting tribute to John F. Kennedy.

HELP THE HOMELESS WEEK

HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. WYNN. Mr. Speaker, in the Washington Metropolitan area, it is often easy to walk by the homeless on our streets. On November 20, 1993, the employees of 63 Washington-area companies walked for the homeless. This Help the Homeless walkathon was the culmination of a weeklong fundraising and educational campaign and their goal is to raise $500,000 to support nonprofit groups that provide a range of services for homeless families and individuals in Maryland, Washington, and Northern Virginia.

In 1988, in response to employees' concerns about the homeless, Fannie Mae, the Federal National Mortgage Association, initiated the Help the Homeless Program. The week prior to Thanksgiving was chosen for Help the Homeless Week because of its symbolic significance. Since 1988, the Help the Homeless campaign has raised more than $1 million and has grown into a collaborative effort of local community and religious organizations, schools, and businesses. Employees from each of the sponsoring organizations raise money during the weeklong campaign through activities such as bake sales, silent auctions, raffles, and basketball and volleyball challenges.

This annual campaign has motivated and inspired Washington area employees to increase their efforts on behalf of the area's homeless each year. As the Help the Homeless Program has grown, additional benefits beyond raising money have been realized—a greater awareness of the problems of the homeless and appreciation for the services offered by nonprofit organizations. More than anything else, however, is the recognition that individuals working together can have a significant impact on their communities.

I would like to take this opportunity to commend the companies and their employees who are taking a part in this effort. I especially would like to recognize the employees of Fannie Mae who, 6 years ago, responded to the needs of our area's homeless individuals and families by creating the Help the Homeless Program.

DRINK BOX RECYCLING TOPS 2 MILLION HOUSEHOLDS—MORE THAN 1,700 SCHOOLS ALSO RECYCLING ASEPTIC PACKAGING

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. BRYANT. Mr. Speaker, I would like to bring to my colleagues' attention a new and innovative type of recycling program that is underway throughout the country: namely, recycling of drink boxes and milk cartons.

A little over 2 years ago, programs to collect and recycle drink boxes and milk cartons were virtually nonexistent. Today, thanks to the efforts of the Aseptic Packaging Council, a trade association comprised of the makers of the drink box, substantial progress has been made toward collection and recycling of polycoated paperboard materials. Drink boxes and milk cartons are being collected and recycled from nearly 1,700 schools and nearly 1.8 million homes in 22 States. The high quality paper fiber recovered from these containers is being recycled into a variety of consumer products, including writing paper, paper towels, and napkins. Over 5 million Americans have had this recycling program made available to them in just 2 years.

In my own State of Texas recycling programs have begun in schools in the Denton Independent School District. The Texas Legislature this year recognized the importance of recycling new materials and passed legislation to encourage school districts, universities, and other State institutions to separate from the waste stream, collect, and recycle drink boxes and milk cartons. This is important recognition of the fact that there are many materials beyond the traditional glass, aluminum, and newsprint which can and should be recovered from the waste stream.

According to a recent article in Waste Age, there are several reasons why recycling these nontraditional materials has been a successful endeavor and is expanding around the country. First, the paper fiber used in drink boxes and milk cartons is the highest quality postconsumer paper fiber available. It is high quality fiber in the first instance, does not require expensive deinking since all printing is done on the plastic coating and not on paper itself, and is easily recovered using a well known process called hydrapulping. Paper mills want this type of high value fiber to meet the new and growing demand for post-consumer recycled content in paper products.

I am encouraged by the realization in some parts of the business community that good environmental practices are also good business. I also believe the drink box recycling programs throughout the country are an excellent example of joint public and private partnerships needed in recycling. As former Speaker Tip O'Neill used to say, "all politics is local." The same is true for recycling. Recycling programs vary from municipality to municipality and they work best when government, industry and local citizens work together.

One good example of a successful public/private partnership is the National Recycling in the Schools program sponsored by the U.S. Conference of Mayors and the Aseptic Packaging Council. Through this program, children of all ages are provided first hand lessons in environmental stewardship. According to Mr. David Gatton, senior environmental advisor at the Conference of Mayors, "Schools are the training ground of the future. By creating partnerships with cities, schools districts, and communities, we can expand the recycling of milk cartons and drink boxes in a way that ensures we teach our kids good environmental habits right from the start."

Mr. Speaker, I commend the Aseptic Packaging Council for its voluntary efforts in the area of recycling and encourage it to keep working on this most important issue. Commitment to and progress in this effort can and should be a guide for us as we consider legislation at the Federal level designed to address the Nation's solid waste problems.

FORMER MEMBERS OF CONGRESS VIEW THE ROLE OF POLITICAL PARTIES

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. THOMAS of California. Mr. Speaker, I wish to share with my colleagues the exceptionally interesting findings of a survey of former Members of Congress conducted by the Center for Party Development, a nonprofit research and educational organization associated with The Catholic University of America. I have the pleasure of serving the advisory board of the center and was fascinated by the information gathered by the study. The report is entitled "Former Members of Congress View the Role of Political Parties in the U.S. Congress", Essay 93–1. Complete copies may be obtained by addressing the center at the department of politics, Catholic University, Washington, DC 20064. The excerpts that I quote are from the foreword and the conclusion sections of the report.

Political parties are the managers of legislative business in most of the parliaments and congresses of the world. When the 102d Congress of the United States established an Ad Hoc Joint Committee on the Organization of Congress, the Joint Committee was directed to make a full and complete study of the organization and operation of the Congress and to recommend to the 103d Congress improvements in that organization and operation with a view toward strengthening the effectiveness of Congress, simplifying its operations, improving its relationships with, and oversight of, other branches of the government, and improving the orderly consideration of legislation. The authorizing resolution, House Concurrent Resolution 192, mentioned political parties only in passing. From the perspective of the Center for Party Development, this seemed to be one more reflection of the low esteem in which the political parties of the United States are held by many in the Nation's leadership and citizenry.

While the membership of the sitting 103d Congress is able to express its views on party management of congressional business directly to the Joint Committee, views that are likely to be somewhat influenced by current headlines, another experienced and much more detached group of experts on this subject, namely, the former Members of Congress, was less likely to be heard. Believing that former Members may have useful insights into the role of the parties in congressional management, the Center for Party Development embarked upon this survey as a contribution to the public interest and the deliberations of the Ad Hoc Joint Committee on the Organization of the Congress.

The questions raised by the survey focus on the role of political parties in the management of the membership and the work of the Congress. The questionnaire was brief. The specific survey populations were: First, the membership of the U.S. Association of Former Members of Congress; and second, in a somewhat less systematic way, those incumbents retiring from the 102d Congress in 1993. As a group of oft-forgotten experts on the workings of Congress, former Members of Congress are in a special position to make assessments from experience and with detachment. The center's staff concluded that these expert views should be heard in as systematic a way as possible.

[NOTE.—Ninety-six former Members responded to the mail questionnaire, four of whom wrote extended comments.]

In sum, those former Members of Congress who responded to this survey did so thoughtfully and explicitly. Several broad conclusions may be drawn from their responses to questions about specific subjects. On the matter of the general management of the work of Congress by the parties, two-fifths considered the parties' role adequate, but as many as a third believed the role to be insufficient. Four-fifths were satisfied with the way the parties selected their leaders, but only three-fifths were satisfied with the agenda-setting function performed by the parties. As for the issue of divided government so much lamented by pundits and political scientists, three-fifths of the former Members dismissed this as an issue.

With respect to the recruitment function of the parties, more than half of the former Members thought that the parties should play a greater role, although less than a fourth experienced important party involvement in their own candidacies. Nearly one-half of the respondents anticipated that party influence in recruitment would increase if term limits were adopted. As self-recruiters themselves, two-fifths strongly disagreed with the suggestion that petition requirements to get on the ballot be made more stringent. On the controversial issue of term limits, the expectations were that term limitation would make Members more representative, create difficulties in their acquiring expertise, increase the influence of congressional staff, and increase the influence of the parties in the recruitment of candidates.

Who should enunciate their parties' program? The President, if their party holds that office, otherwise, a titular leader—an office of parliamentary systems. Very few picked the Speaker, majority or minority leaders, or the caucuses for this job.

If nothing else, parties are presumed to be campaign organizations. Yet, nearly 51 percent of the former Members said that their party was very little involved in their own campaigns. What they found valuable, however, was the legitimacy lent their candidacy by the party name and the occasional ability of their party to provide volunteers for the campaign. Only about one-fourth thought that the party should provide financial support.

Differences appeared on questions dealing with finances. There was a 42–42 split on whether disclosure requirements are now adequate or should be more strict. Asked about the effectiveness of statutory limits on campaign contributions, a plurality believe that the present limits are effective in the case of individual contributors, less so for contributions from party committees, and hardly at all for interest groups. Asked if public funds should be used to maintain specific units of party organization, three-fourths said "Never." However, Democrats were clearly more inclined to favor public funds in support of the campaigns of duly nominated candidates. The views of former Members of Congress are the views of men and women who have served and who continue to feel concern for their country and its political system. The findings reveal diversity of attitudes, commentary, and recommendations on the difficult subject of the institutional relationship between the party system and the Congress. Their views are important data for those seeking to facilitate the work of Congress, rationalize the Nation's policy process, make the political parties more responsible and accountable, and give the citizenry a greater influence upon those who manage its government.

These objectives are hardly attainable in a system that fragments the units of political power to a degree that far exceeds the separation of power concept of the Founding Fathers. From an institutional perspective, the U.S. party system and the legislative process in Congress create an every-person-for-him-or-her-self world. The search for the Holy Grail is simpler than the search for consensus in such circumstances. The good news is that anyone aspiring to establish a dictatorship in this country would give up the game very quickly for all the reasons noted here. However, those Americans who wish merely to avoid gridlock, discourage greed, promote accountability, and maintain a rational and vigorous system of policy making can see in these findings the dimensions of their task.

SUPPORT VIOLENCE AGAINST WOMEN ACT

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. QUINN. Mr. Speaker, I rise today in strong support of H.R. 1133, the Violence Against Women Act.

It is shameful that so many women fear for their personal safety. I am sad to say, Mr. Speaker, that no community is safe.

H.R. 1133 would provide invaluable assistance and protection to women who have been the victim of sexual assault and other physical violence both in the street or on the domestic front.

H.R. 1133 will provide grants to States and localities for law enforcement, rape and sexual assault prevention, and education. New penalties for these crimes will be created and victims will have new restitutions and remedies available to them.

Mr. Speaker, as the incidence of violence and crimes against women rises at an alarming rate, we can not stand by idly.

Women are becoming increasingly frightened for their safety. It is particularly disheartening that this fear often occurs in their own home. Violence—in any form—is intolerable.

I am proud to support this effort. The perpetrators of rape and other violent acts against women are committing heinous crimes.

We must get tough on crime and let criminals know that we will not tolerate their actions.

THE CHILD SUPPORT FAIRNESS ACT OF 1993

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. STRICKLAND. Mr. Speaker, today I am pleased to join forces with the distinguished senior Senator from Ohio, Senator JOHN GLENN, by introducing the House companion measure to S. 1747, the Child Support Fairness Act of 1993.

Our legislation would allow the Federal Government to satisfy a valid State court judgement against federally forfeited assets of individuals who are delinquent in payment of child support.

As in the case of many legislative proposals, this issue was brought to our attention by a constituent who experienced frustration with the current system of collecting State court-ordered child support payments. The former husband of a woman from Warren County, OH was arrested in Hawaii. At the time of his arrest, the former husband was carrying over $50,000 in cash, yet he declared to U.S. Customs that he was only carrying $20,000. Customs officials seized the amount in excess of $20,000. Even though the former wife obtained a valid State court judgement for $7,660.26 for back child support, she was unable to receive any of the funds that were seized by Customs. Under current law, the Federal Government cannot honor State court judgments unless they are against an agency employee.

Mr. Speaker, we need to ensure that in the future, any assets that are seized and forfeited by the Federal Government will be subject to valid State court judgments for the payment of delinquent child support. It is time we put the interests of children first, particularly when their supporting parent fails to do so.

I look forward to working with Senator GLENN and my colleagues in the House toward enactment of this measure which will put the needs of children before the neglect of delinquent parents.

A SOLUTION TO A TAXING PROBLEM

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. DUNCAN. Mr. Speaker, people all over this Nation today are fed up with Government. Our Government has become so arrogant, wasteful, and inefficient that it is almost unbelievable.

The problem is that no real pressure on Government employees compared to that found in the private sector. Government employees, in most instances, are paid, rewarded, and even promoted, no matter how poorly they perform or how little they do.

This situation has been highlighted in an interesting way by Steve Twomey, in a column in today's Washington Post. I would like to call this column to the attention of my colleagues and other readers of the RECORD.

A SOLUTION TO A TAXING PROBLEM

(By Steve Twomey)

Before getting to my plea for immediate privatization of government at all levels, let me state that I have absolutely no idea what my county's property tax rate is. Maybe that's just me, but somehow I doubt it.

Nor do I know the specific levies for having my leaves sucked up, my bottles recycled or my fires put out, nor what I'm assessed as penance for being a white male, oppressor of millions.

When the annual notice listing all those taxes arrives, I simply check the bottom—down where it says *kazillions*—and proceed to pawn another piece of furniture or my wife, who, incidentally, should be out of hock any day now.

In other words, I don't curl up by the fire to dissect my tax bill. This makes me a less-than-conscientious American, as you shall see.

One day, Joan Robison was curled up with *her* tax notice. In her family room overlooking the Patuxent River, she was checking the rates because there was a debate in her town, Laurel, about whether the tax burden was greater if you lived in the city or outside it, in Prince George's County proper.

The issue was of more than passing interest to Joan, because she happened to live with one of the chief debaters, the mayor of Laurel, the honorable Joseph R. Robison.

Actually, on that day, Joan was looking at two tax notices, one for their home and one for a condo they own in another part of Laurel. If she hadn't been looking at the two together, she might never have caught the mistake.

Among the tax rates listed was one for the Maryland-National Capital Park and Planning Commission, which handles park and planning duties for Montgomery and Prince George's counties. For the Robison condo, the rate was listed as 25.4 cents per $100 of assessed value. But for their house, it was listed as 14.1 cents.

Same town, same county, same taxing agency, different tax rates.

Joan swung into action, family finances being her turf, not Joe's.

"I run the millions," the mayor says, "she runs the pennies."

Nobody Joan reached could figure out what was wrong, not MNCPPC (pure joy, that acronym), which spends the money; not Prince George's County, which collects it for MNCPPC; not the state of Maryland, which sends out the bills for all taxes.

Joe did, though.

Because the city of Laurel does its own planning, its residents aren't required to pay the planning part of MNCPBlah-blah's rates. But Joe found that about 2,300 Laurel properties—including their condo—were being assessed the full MNCPWhatever rate and had been for a while.

Like, since the Carter administration.

The overtaxation was not much per household—$30, $40 a year—but during the last 15 years, hundreds of thousands of dollars had been wrongly squeezed out of the people of Laurel. Not one of them had caught the error because all of them had had something better to do than scrutinize their tax bills, such as have a life.

MNCPPC swiftly acknowledged a mistake had been made.

"Took about a year," Joe Robison says.

The commission also acknowledged a similar mistake involving 2,000 homes in Montgomery County and agreed that residents in both counties were due a refund.

Three years' worth.

We'll keep the other 12 years of overpayments, the commission said, because the law provides for a three-year statute of limitation on our screw-ups. After that, we're home free. You taxpayers should have been more vigilant.

There you have it. It's our duty to know every tax rate, every tax policy and every municipal, county and state bureaucracy—and apparently every name of every government employee and their favorite colors—all so we can catch the incompetence before the three-year Wheel-of-Misfortune clock expires.

I say privatize.

Government has no incentive to act sanely because we can't fire it. It has no competitors. But if MNCPPC were turned over to Ford, for example, and Ford then refused to reimburse 4,300 wrongfully taxed households, we could give it 30 days' notice and hire GM.

Lest you think this is an extreme response to one small matter, let's look at last week's headlines about government performance.

The police chief in the District said crime would be cut if shopkeepers closed earlier. By staying open into the evening, he said, they're merely asking for it, sort of like a woman who innocently smiles at a drooling guy. The chief's statement suggests a question: Don't shopkeepers pay taxes so there are police to protect them, so they can stay open and earn a decent living? If the police are unable to do that, maybe we should give the job to a major defense contractor. Community policing, brought to you by General Dynamics.

A dean at the University of Maryland awarded himself a $12,000 pay raise after being told not to do so. He remains employed. Try giving yourself a raise and see if you remain employed. But if that dean had been an employee of TRW, to whom we had awarded the contract to run the school, he'd be history now because company officials would have wanted to preserve their lucrative deal with us.

Seventeen current or former employees at the Lorton Correctional Complex were accused of taking bribes and supplying drugs to prisoners, suggesting the city might be having problems with its procedures for checking the backgrounds of potential hires. This screening problem would evaporate if Walt Disney Co. had a contract to run Lorton. Not only would the correctional officers become models of wholesomeness, but Disney might even turn Lorton into a profitable fantasyland, the fantasy being that its prisoners would be unable to get drugs, sex or money.

I could go on and on about the beauties of privatizing government, but I see that it's time for my tax-rate study group. Today, we're memorizing storm drainage assessments.

HONORING WESLEYAN UNIVERSITY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. GEJDENSON. Mr. Speaker, I would like to take this opportunity to commend Wesleyan University for its creation of the Wesleyan Challenge—an innovative public service program which encourages students to become involved in their communities. Each year three high school sophomores or juniors, from across the United States, will be selected by a review board including Mr. Eli Segal, President Clinton's Director of National Service, to participate in this worthy program.

Wesleyan University's administration has successfully encouraged its own students to become interested in community projects in and around the Middletown, CT area and I am pleased that the institution has designed a program to advocate this activity in our Nation's high school students as well. I believe this program promotes the important concepts of social responsibility and community service in a fun and educational manner.

Students must design a summer service project complete with goals, cost estimates, and supporting organizations in their communities. Wesleyan Challenge participants will receive a grant of $2,000 to implement the venture. In addition, they will be awarded $3,000 for use toward college tuition at the institution of their choice. I am enthusiastic that not only does this program encourage young people to find ways to help their communities, it also provides a foundation for these students to pursue higher education.

I strongly urge all high school students to investigate this worthwhile program and I again commend Wesleyan University for introducing the Wesleyan Challenge.

LEGISLATION INTRODUCED URGING INCREASED RELIANCE ON ENERGY CONSERVATION AND RENEWABLE ENERGY

HON. PHILIP R. SHARP

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. SHARP. Mr. Speaker, I am pleased today to introduce legislation which calls for sharply increased reliance by the U.S. on energy conservation and renewable energy over the next 15 years. To do this, it urges a major budget shift—a major reallocation of DOE energy R&D and commercialization funding toward efficiency and renewable energy.

Among the benefits of this new direction are less energy-related pollution, added jobs in efficiency and renewable technologies, more results from limited Federal dollars, and enhanced U.S. international competitiveness.

The three basic purposes of the resolution are to:

First, increase U.S. energy efficiency and reduce energy use by 30 percent by the year 2010.

Second, have renewable energy technologies account for 20 percent of the overall national energy mix by 2010.

Third, achieve these goals by shifting $1 billion to efficiency, conservation, and renewable energy programs from other DOE programs over the next few years, consistent with reducing the overall Federal deficit.

Mr. Speaker, since 1973, Americans have saved more energy through improved efficiency than all the increases in production of traditional sources of energy put together. This is why Congress made energy efficiency the centerpiece of the 1992 Energy Policy Act [EPAct]. It is also why the Clinton administration is already giving a strong new emphasis to energy conservation and renewable energy.

Funding efficiency measures and renewable energy, as the resolution urges, will also yield these benefits:

Save consumers and businesses money, by limiting wasted energy.

Reduce our dependency on foreign oil imports, and reduce the U.S. trade deficit which is partially caused by these imports.

Spur technological advances in energy efficient equipment and renewable energy, which can increase existing markets and create new high-tech markets over the next 20 years, as well as high-paying U.S. jobs to supply them.

Help meet the President's Climate Change Action Plan [CCAP], which seeks to reduce global warming potential by stabilizing greenhouse gas emissions at their 1990 levels.

For too long, cost-effective efficiency and renewable energy initiatives have taken a funding back seat, while other energy options received most of the attention. Shifting priorities, as the resolution urges, will give long overdue consideration to a wide variety of different renewable and efficiency programs.

Here are some examples:

A 30-percent renewable energy goal for *alternative fuel cars, running for example on* ethanol or ethers from biomass, is set by the EPAct. A variety of new conversion processes now under study could provide greater volumes of these replacement fuels at lower prices, to help meet this goal.

The Green Lights Program, an EPA program to install energy efficient lighting wherever it is profitable and only where it maintains or improves the quality of light, can help meet our global warming commitments. If every organization participated in the Green Lights Program, the resulting CO_2 emission reductions would be the equivalent of taking 43 million cars off the road.

Upgrading appliance efficiency and building codes established under the EPAct, with technical assistance and incentive funding as a carrot to go with the stick of the new requirements, will add to previous savings. The original appliance standards passed by Congress are expected to save the equivalent of the output of 28 large, 1,000 megawatt powerplants.

New and innovative wind energy technologies have been proven technically feasible and cost-effective. Industry cost-shared programs can help commercialize wind energy as a large-scale source of electric generation and can minimize the expenditure of Federal dollars, thus providing a good return to the taxpayer.

The Federal Energy Management Program [FEMP], a program to increase cost-effective energy efficiency in buildings and facilities of the Federal Government, could save about a quarter of annual Federal energy spending on buildings.

Nonprofit consortia can be formed to deploy clean photovoltaic [PV] power in cost-effective *utility applications. PV technology has shown* itself to be cost-competitive for a variety of stand-alone applications, and commercialization efforts are needed to make it cost-competitive with conventional forms of utility electric power generation.

The United States, through a DOE industry partnership program, is the geothermal industry leader in the world in technology, resource *development, and electric-power generation.* Advances and commercialization of geothermal technology can further increase exports to the Pacific rim and Central America. One project now planned for the Philippines will account for over 400 megawatts of clean power by 1997.

Many ventures have already been formed to develop technologies needed for clean cars, *more fuel-efficient cars, and electric vehicles.* These can reduce our oil import dependency and will be needed in any event to satisfy tough new air pollution rules coming into effect over the next few years.

Mr. Speaker, my resolution has been lauded by the Clean Energy Campaign, an effort supported by numerous groups which seek to realign DOE budget priorities to more effectively *support renewable energy and energy conservation* technologies. I appreciate their efforts to seek cosponsors for the resolutions, and also commend the support and work of my cosponsors on this measure, Mr. SWETT, Mrs. MORELLA, Ms. LAMBERT, and Mr. BOEHLERT.

I want to stress that funding for our new budget priorities will not simply come from *other energy areas. In fact, funding can and* should be shifted from all DOE programs, especially including defense programs.

Finally, I urge my colleagues on the Hill and in the administration to consider supporting these new budget priorities in the coming months by their cosponsorship, their actions and their votes on the various budget resolutions, appropriations bills, and authorizing legislation we will have before us, in order to achieve our goals.

TV RESPONSIBLE FOR FEAR AND LOATHING OF NAFTA

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. OXLEY. Mr. Speaker, I would like to call your attention to and submit into the RECORD an article in the November 22 edition of the Washington Post, entitled: "TV Has A Lot To Do With Fear and Loathing of NAFTA." It is an excellent analysis of the distortion of reality and cynicism which shades broadcast television's coverage of current events.

[From the Washington Post, Nov. 22, 1993]

TV HAS A LOT TO DO WITH FEAR AND LOATHING OF NAFTA

(By James K. Glassman)

The source of NAFTA's close call this week was a kind of national economic paranoia, which, recent research suggests, may have its roots in network television.

The thrust of NAFTA is to bring Mexico's higher tariffs down to the level of our own (i.e., about zero). Since the engine that's been driving the U.S. economy for the past decade is exports, to kill a border-opening deal like NAFTA would be to kill the goose that's laying lots of golden eggs.

But, if you believe—as millions of Americans do—that this country is on the edge of economic disaster, opening borders can be frightening. The overblown fears of these Americans provided fertile ground for Ross Perot and for union leaders with a distinct aversion to competition.

But in the face of hard facts that show the U.S. economy looking solid, how did Americans get so scared?

One compelling answer lies in the pathetic inadequacy of network television reporting on money matters. An article in MediaCritic, a new publication of the business magazine Forbes, concludes from two studies of more than 17,000 TV stories that "the three networks consistently do a poor job of reporting economic developments." That may be putting it mildly.

One of the authors, Ted J. Smith of Virginia Commonwealth University, says that television news is responsible for "a sort of hysteria about jobs that is totally out of touch with reality."

In fact, many Americans will be surprised to learn that, since the election of Bill Clinton a year ago, the United States has scored a net gain of more than 2 million jobs.

But such facts don't make good television, a medium that's strong on drama but weak on numbers. Smith and his coauthor, Robert Lichter of the Center for Media and Public Affairs, found in their research that "only about half of all economic stories [on the networks] contain statistical information."

Worse, they write, TV treats minor fluctuations in economic data "as harbingers of doom, and actual economic problems are described in terms of crisis and catastrophe."

And, whether the economic news is good or bad, TV coverage is relentlessly negative. Holmes Brown, whose Institute for Applied Economics conducted a study in 1983 (a year in which the economy grew by 4 percent), described a typical piece:

The Labor Department releases figures showing that unemployment is down, but the anchorman warns that pockets of joblessness still exist. Then, a reporter follows with "a depressing feature on some forlorn guy in Ohio who was about to commit suicide because he couldn't find work. By the time viewers got through watching it they forgot all about the fact that the unemployment rate went down instead of up."

While the groups that back these studies are often linked to conservative or pro-business causes, their conclusions appear sound to practically anyone who watches television and follows economic data.

"I don't have any problem with those findings," says William Adams, a professor of public administration at George Washington University who also monitors the media.

"If Dan Rather had been around on the day Ben Franklin discovered electricity," Adams says, "he would have started his broadcast by saying, 'Horrible news today for America's candlemakers. . . .'"

Newspapers do a far better job covering the economy than the three networks, and CNN and PBS both have excellent 30-minute nightly business programs. But the audiences for these media tend to be well-educated, well-off and relatively small.

Lichter points out that surveys show that NAFTA attitudes are "stratified by class," and NAFTA foes "are most likely to rely on [network] TV for their news, not on the New York Times or the Washington Post."

TV watchers have been getting a steady dose of doom and gloom. Smith's study for the Media Institute found that from 1982 to 1987, a total of 4,500 stories out of 5,300 had a negative tone. Lichter's research found that from October 1990 to May 1993, of the 2,100 speakers who evaluated the economy on evening newscasts, 86 percent were naysayers.

And TV appears to be nonpartisan in its pessimism. This spring, with Clinton in the White House, TV evaluations of the economy were 92 percent negative, say the authors.

TV defenders reply that news, almost by definition, is the bad stuff—or, as Irving R. Levine of NBC put it: "For producers and reporters, bad news is good news." But the result of negative reporting is a lopsided, inaccurate view of the economy—a view that, as we saw in the NAFTA debate, can affect public policy.

Besides, sportscasters don't give the score only when the home team loses, and the weather report isn't broadcast only when rain is due.

No wonder so many Americans think their economy stinks. The facts, however, are quite different, particularly when you look at the rest of the world:

Growth in the United States for the year is higher than in any large industrial nation except Australia. Our gross domestic product is up 2.8 percent while Japan's is down 0.5 percent. The GDP of Germany is off 2.4 percent, France 1.5 percent, Sweden 4.2 percent.

The U.S. unemployment rate is 6.8 percent—still too high, but down from 7.4 percent a year ago. In every European country, as well as in Japan, unemployment has risen over the past year. The rate in Britain is 10.3 percent, Germany 8.8 percent, Italy 11.2 percent, France 11.8 percent.

I just returned from France, and there unlike in the United States, economic paranoia is fully justified. Industrial production has dropped 2.9 percent (in the United States, it's up 4.5 percent), and the French auto industry, with sales down 17 percent, is suffering its worst year since the oil crisis of the mid-1970s.

Bernard Kaplan, writing recently in the Hearst newspapers, quoted a French economist as saying, "Americans have received a grossly distorted picture of their economic condition."

And television is the culprit, along with politicians who exploit its images.

The truth is that, compared with Europe and Japan, we've got it pretty good right now, and one big reason is that we've finally come to understand that our internal market is no longer enough, especially as the world—yes, including Mexico!—is getting richer.

Over the past seven years, the volume of U.S. sales to foreigners has risen an astounding 85 percent—more than any other major industrial country. In 1992, for example, we exported $39 billion in aircraft, $38 billion in cars and trucks, $18 billion in power generators, $6 billion in tobacco products and $3 billion in fish.

And there's a lot more business where that came from. Trillons more.

PENSION BENEFIT GUARANTY CORPORATION [PBGC] REFORM LEGISLATION

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mrs. ROUKEMA. Mr. Speaker, the funding problems of our Nation's pension system, and the Pension Benefit Guaranty Corporation [PBGC] in particular, are growing and require immediate attention. In addition to the interest taken by the Ways and Means Committee on this issue, my subcommittee on Labor-Management Relations of the Committee on Education and Labor has held a number of hearings to examine the nature of PBGC's problem, the extent of the problem, and the remedies needed to fix that problem.

The hearings by the subcommittee on Labor-Management Relations adequately apprised us of pension plan underfunding, projected PBGC deficits, hidden pension liabilities, and the decline in the number of defined benefit plans. In the words of the PBGC Executive Director, Mr. Martin Slate, the PBGC deficit will grow and grow if no action is taken to address the chronic underfunding of a significant and concentrated minority of defined benefit pension plans. With PBGC's single-employer fund at a deficit of about $2.7 billion, legislative action is urgently needed. Otherwise, the problem will become worse and the solution will only become more difficult.

On Thursday, October 28, the administration introduced the Retirement Protection Act of 1993, H.R. 3396, to reform the PBGC and our Nation's defined benefit system. I want to commend the administration for recognizing the urgency of the problem, for bringing all types of pension experts together to examine the problems, from the Department of Labor, Department of Commerce, Department of Treasury, and the Office of Management and Budget, and for creating a framework that can help the Congress fashion a permanent solution that will put the PBGC on solid financial ground while securing the pensions of the American worker.

In our subcommittee, we heard witnesses from every persuasion urging the Congress to take deliberate steps that will achieve a careful balancing of the need to shore up the PBGC while still encouraging the continuation of the defined benefit pension system. I believe what's at stake here is the health of the voluntary pension system and, in particular, the support in this Congress for defined benefit pension plans.

As we proceed to fashion an appropriate legislative solution, it might be said that we are engaging in a very delicate operation. Certainly we want to assure the Federal taxpayer that the PBGC program will never require their assistance like the saving and loans did.

Also, we need to exercise caution regarding any increase in the premiums on well-funded pension plans, or we risk the continuance of the very plans we need to keep the PBGC on a self-financing basis. By avoiding any increase in the flat rate premium, the administration bill recognizes this principle.

There are other facets to this complex problem that we will have to address in crafting a

solution that will withstand the test of time. Of critical importance, the administration's PBGC reform legislation recognizes the severe problem of chronic pension plan underfunding, and thus requires underfunded plans to be funded faster.

Retirees and taxpayers are at risk if our Nation's pension system is left unchanged. If legislative action is not taken, the risks and losses will increase. For this reason, I urge my colleagues to focus on this important issue and examine the administration's PBGC reform proposal so that remedial legislation can be enacted in a timely fashion.

CLINTON HEALTH PLAN WILL HURT SMALL BUSINESS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. EWING. Mr. Speaker, I would like to bring to the attention of my colleagues a letter I received from my constituents, Brandon and Susan Griffing, regarding the impact of the President's health care reform and the impact it would have on small businesses. We need to realize that small businesses produce 9 out of 10 new jobs in America and keep this in mind during the health care debate.

PAGES FOR, ALL AGES BOOKSTORE,
Champaign, IL.

DEAR CONGRESSMAN EWING: I am writing this letter to you because I am a small business owner who is very concerned about the proposed health-care legislation. My wife and I own a bookstore in Champaign, Illinois. We currently employ 43 people. We work at the store daily bringing the total to 45. I am distressed that no discussion has even mentioned average or "normal" industry profit margins as a factor in deciding how much a business should contribute. Our industry is dominated by chain operations. The average profit margin in our industry is hovering around 1.4% (before income taxes; please see documentation from the American Booksellers Association). People scream bloody murder when their CD rates are earning below 4%, yet we are supposed to try to compete with a rate of return that is half that amount. We are competing against large chain operations that receive all kinds of margin enhancing benefits that we as independents do not receive. Any kind of meaningful dialogue and legislation that results from it must include industry standard next margins as a major component. As independent booksellers, we do not list extravagant luxuries as part of our financial statements. No independent bookstore owner ever bought a professional sports team or private jet with revenue earned from her or his store. We are just trying to pay the bills and compete with the chain operations. With 1.4% as our average margin, we have no room for any additional expenses. Our products are priced for us by the publishers, with the retail price being printed on the book jacket. Our industry is also very labor intensive. There is no practical way to automate the receiving and stocking of books. So, the combination of high labor costs and low margins means that taking a percentage of our biggest expense item would be devastating to us.

I also believe that any dialogue and eventual legislation relating to health-care reform must include a remedy for excessive worker's compensation insurance premiums. As a low risk retail operation, we pay $7,500 per year. We have had zero claims in 5 years. This area seems like it must be a "cash cow" for insurance companies. I realize that there are dangerous occupations, but bookselling is not included in that category.

Currently, we pay 50% of our full-time associates' health care premiums. We insure through Fortis Benefits. We chose a higher deductible plan that offers a $10.00 co-payment for office visits. Our share of this bill is $15,600 and our associates pay the equivalent amount. Under the proposals I have seen recently, we would be paying $28,646 or 84% more than we pay now!

As I stated earlier, we don't have much at the end of the year anyway. Where is this additional revenue supposed to come from? Small business is responsible for most of the stimulus behind our modest economic growth. If "smalls" are put out of business because of health-care legislation, are we to turn to firms like IBM for jobs? As you know large companies are cutting payrolls every single day. We need the precious little we earn to pay off loans, to pay income tax and if there is any left, to reinvest in equipment and inventory.

My wife and I quit our corporate jobs 6 years ago to open our store. We have invested a lot of money and time into our business. We have two children who depend on us to make a living. Our staff depends on us to live. We love what we do, and most days we look forward to getting to the store to begin each day. However, what we don't need are more government regulations and a huge financial burden heaped upon us by our government. I want legislators who are throwing around percentages of payroll to sit down with a real life P&L and show me how I can make it work. We already pay $55,406 in payroll taxes, and $7,500 in worker's compensation insurance. We cannot keep paying for more and more and more. There is a very real limit to what we as a retail business can pay and survive. That limit is staring us in the face.

I understand that cost shifting and the massive amount of waste in our health care system are problems that must be rectified, but, for heaven's sake, please don't eliminate an entire retail industry. Interestingly enough, I used to sell surgical supplies in my former vocation. I was always amazed at the wealth of people like Leon Hirsch of U.S. Surgical Co., one of the wealthiest men in America. Every business, if run efficiently, should be able to earn a reasonable rate of return on investment, but maybe the excess of these companies would be a place to start in the overhaul of health-care costs.

I am pleading with you to come up with responsible legislation. Families and individual's livelihoods are in your hands.

TRIBUTE TO PAT KEEBLE

HON. WILLIAM P. BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. BAKER of California. Mr. Speaker, I rise today to enter into the RECORD, the last column by legendary Contra Costa columnist Pat Keeble. She is hanging up her press pass and entering a new career.

Pat has been a friend for over 20 years, covering county and local politics, telling it like it is.

It has been a pleasure to work with and to know Pat, and I wish her the best of luck in her newest adventure.

A QUARTER CENTURY OF POLITICS

(By Pat Keeble)

My first day of employment with Lesher newspapers March 13, 1967, I was assigned to report on the Concord City Council meeting for the old Concord Daily Transcript. That's when I first met then-Mayor Dan Boatright.

The same Dan Boatright, who went from there to the Assembly and the state Senate, is the only politician I have covered who has been active my entire career. Many others have come and gone, but I was covering politics for Lesher newspapers before any of the others came on the scene.

I covered Concord city politics until I transferred to Martinez to cover the county. Other reporters on the Times and Transcript covered the big-time politics, the Democrats and Republicans, the state legislators and congressmen.

Then I drew the short straw to work on New Year's Day 1969. That usually amounted to a quick check of the Sheriff's Office and police department, a couple of small stories and you could go home. But at about 1:45 that morning, State Senator George Miller, Jr. had died of a heart attack at his Alhambra Valley home. I was assigned to cover the story. The next day I told the editor there was a lot of talk already about who might replace him. I figured more experienced reporters who had been there long would glom into the assignment. But suddenly all those who had been covering politics had gone, and no one else wanted to do it. Did I want to do it, I was asked.

Did I! What does anyone go into journalism for but to cover politics? The subsequent campaign was one of the wildest I've ever covered. District Attorney John Nejedly immediately announced he would seek the Republican nomination. There was another Republican, a Peace and Freedom Party candidate, an American Independent Party candidate, an independent and 10, count 'em, 10, Democrats.

The Miller Democrats, headed by Bert Coffey, had tried to get Miller's widow Dorothy to run but she wasn't having any of it. The next in line was George III, then 23 years old and a law student. He agreed to run and was challenged by Supervisor Tom Coll, who was supported by Rep. Jerry Waldie of Antioch, who had never gotten along with the Miller-Coffey crowd. Banker Pete Stark, then of Danville, finished third in his first race for a congressional seat.

My most vivid memory of that campaign was of a young, somewhat forlorn George Miller at Sunvalley mall, standing at the end of an escalator trying to get people coming off it to take his literature. He wasn't having much luck.

He won the nomination, but got creamed by Nejedly in the runoff. No one figured he was finished in politics, however. When Waldie left his seat five years later, Miller was an obvious candidate and he won handily.

During the early 1970s, a young, skinny guy with big glasses became executive director of the Contra Costa Taxpayers Association, which had its offices across the street from ours on Main Street in Martinez. Bill Baker loved to talk politics, so it was natural that he struck up a friendship with the press and a number of us frequently dined together at the old Amatos. So he wasn't unknown to us when he ran for and won his Assembly seat in 1980.

The Board of Supervisors in those days was a Good Ol' Boy board. In 1976, when environmentalist Nancy Fahden got mad enough not to take it anymore and ran against Al Dias, I didn't think she could overcome the politics-as-usual campaigning. With her Martinez Women for the Waterfront and a West County environmental coalition, she became the first woman on the board.

Then there's Sunne McPeak. I told her she couldn't beat Warren Boggess in 1978, that "the establishment" would give him all the money he needed. She forced a run-off with a true grassroots campaign using people instead of money, and the rest, as they say, is history.

It was a time when the whole of local politics was changing, with younger, activist candidates wanting to get rid of the Old Boy network and force government to change. They did that. Now, they are the Old Boys and Girls, burning out perhaps, certainly being challenged by a new generation.

The Board of Supervisors got two new members last year and will get at least one new one in 1994. Bill Baker went up a step to Washington, with Dick Rainey taking his seat and looking toward the state Senate in 1996, when most of the rest of our legislators must find new jobs, thanks to term limits. As we head for the big 2000, all sorts of changes are in store.

Why the nostalgia now? Because this writer is making a change, also. This is my last column for the Times. I'm moving on to other challenges.

During all this time trying to keep up with the politicians, what has made it more than worthwhile has been by readers. I've very much enjoyed the feedback, which let me know I passed on a little bit of knowledge here and there they might not have gotten otherwise. Thanks to all of you. Keep passing on our motto: If you don't vote, you can't complain.

KEY DOCUMENTS PROVE INNOCENCE OF JOSEPH OCCHIPINTI

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. TRAFICANT. Mr. Speaker, as part of my continuing efforts to bring to light all the facts in the case of former Immigration and Naturalization Service agent Joseph Occhipinti, I submit into the RECORD additional key evidence in this case.

OWL INVESTIGATIONS, INC.,
Bowling Green, KY, August 4, 1992.

Re voice identification, aural and spectrographic examination of client supplied known and unknown tapes.

RAY HAGEMANN,
Attorney at Law, City of New York, Borough Hall, Staten Island, NY.

Tapes: Realistic MC90 #52101 AM; Maxell XLII 90 #E3015383; Sony MC60 #A1517221 UNK.

Summary: Mr. Hagemann's office supplied tapes of a known suspect which were recorded by an informant. These were labeled Control 1 and Control 2. I was asked to compare a voice on Control 1 and Control 2 to each other, to see if they were the same voice and then compare that voice to a voice on the Unknown tape.

Examination: The examination consisted of critical listening, spectrographic analysis, and aural identification.

Conclusions: The targeted voice on Control 1 & Control 2 appears to be the same. There are similarities in pitch, quality, rate of speech, mannerisms, amplitude, accent, and other unique factors. The voice on the Unknown tape is speaking in a slow, affected manner and is somewhat slurred. (In my opinion, this is possibly due to the influence of drugs or alcohol.) By digitally speeding up the voice while maintaining its proper pitch, I was able to better match the rate of speech of Control 1 & 2 as demonstrated by the enclosed audio tape.

Similarities do exist between the voice on the unknown tape and the voices on Control 1 & 2. Pitch, quality, mannerisms and accent are similar.

I would need to take a Voice exemplar of the person on the unknown tape saying the exact words that were said on the unknown tape. A comparison then could be made to provide a determination of identification or elimination.

Respectfully Submitted

TOM OWEN.

CI: Hey Jose how are You? Where have you been? I've been around looking for you. You haven't been around any of the restaurants. What's your last name?

Prado: Prado, Jose Prado.

CI: I've been having problems here with a couple of police officers, asking questions and I was wondering if you can help me. I want to know about the Inspector from Immigration.

Prado: He gave us money to carry false information against Occhipinti. They only paid me $35,000.

CI: Now you went to court and made false accusations and so they kicked all of you out for giving false statements?

Prado: Yeah we gave false statements and they — because none of it was true. OK now, you've asked me that question too many times and your asking too many questions. Elias gave you all that info already

CI: What else happened, explain to me? When you went to court to give false statements, who was there?

Prado: Elias, Altagracia, Rhadame Liberato, and a few others.

CI: Damm shit, he fell into the trap, the federal agent and then he got fired.

Prado: There was proof that it was all false statements in the testimony, but you see we were to many witnesses and everything was done for money.

CI: You know I forgot to ask you who was the one who paid you money to testify in the court?

Prado: You know, Jose Liberato?

CI: He's the head honcho?

Prado: Yes, he's the one that's in charge.

CL: Goodbye!

STATEMENT OF MICHAEL CAPASSO TAKEN ON JULY 9, 1992

I am currently an agent with the U.S. Drug Enforcement Administration (DEA). Prior to my employment with DEA, I was an Agent with U.S. Immigration & Naturalization Service, also as a Special Agent, from June 1988 to April 1990. I worked under the supervision of Supervisory Special Agent Joseph Occhipinti. Through my service of employment I, along with Joseph Occhipinti and others, conducted upward of 50 consensual searches and at no time was a search of a home or business made prior to the consent of search being properly signed. Several of these searches were part of Project Bodega. In approximately two years of working with Mr. Occhipinti I personally had seen only him twice brandish his weapon and those were joint investigations with the Drug Enforcement Administration. I also recall a conversation with Special Agent Richard Lauria of the Immigration Service in which Mr. Lauria conveyed to me the understanding that Special Agent Stafford Williams had made false statements during his testimony at the trial of Joseph Occhipinti.

MICHAEL CAPASSO.

State of New York, County of Orange.

John M. Hickey, being duly sworn, deposes and says:

1. I was formerly employed by the New York City Police Department. I retired in October 1989.

2. At the time, I was employed as a detective, assigned to the Manhattan North Homicide Squad. I was assigned to the Buczek homicide and related drug investigations.

3. During the performance of my duties, I became acquainted with Joseph Occhipinti.

4. Mr. Occhipinti's actions in visiting various bodegas arose from the Buczek homicide/Freddy Then drug cartel investigations.

5. Mr. Occhipinti went to these bodegas with the full knowledge and concurrence of the New York City Police Department.

6. In fact, in doing so, Mr. Occhipinti was pursuing leads and information provided to him by the Police Department. Another detective, Detective Hildebrandt, gave him a list of bodegas, which Mr. Occhipinti ultimately visited.

7. We believed that many of these bodegas were owned and/or controlled by Freddy Then and that they were havens for illegal activity.

8. Mr. Occhipinti's visits to these bodegas were not unilateral acts on his part; but were undertaken with the full knowledge and concurrence of the New York City Police Department.

JOHN M. HICKEY.

QUESTIONS TO ASK ABOUT THE PRESIDENT'S HEALTH PLAN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. CRANE. Mr. Speaker, the Ways and Means Committee, of which I am a member, has held a series of hearings this fall to try to sort out the details of President Clinton's immense health care reform plan. At hearing after hearing, however, it has been very difficult to get complete answers to questions about the intricacies of the President's package. In an article from the November 4, 1993 issue of the Chicago Tribune, Joan Beck poses a number of such unanswered questions that challenge the ability of the President's plan to achieve its stated goals. I urge my colleagues to read and consider these questions and to support alternatives that would strengthen the private sector's ability to expand coverage and contain costs.

CLINTON HEALTH PLAN RAISES QUESTIONS, OFFERS FEW ANSWERS

With its 1,342 pages of legislative legalese, President Clinton's new "Health Security Act" may be the most complicated bill ever introduced in Congress.

Even so, it leaves a slew of questions unanswered about what it will do to our lives, our health, our taxes, our economy and our national debt.

For starters, here's a sampling:

1. Can a 1,342-page law be understandable not only to members of Congress who must pass it, but to the bureaucrats who must administer it and to the public whose lives will depend on it? Or is the administration creating a new IRS-type monstrosity that will make today's health care mess look like Tiddlywinks?

2. Conventional wisdom holds that runaway health care costs are due in large part to economic incentives for physicians and hospitals to treat patients more than necessary. But isn't there a danger the cost-containing incentives in the Clinton plan will make it profitable to undertreat patients—with some dangerous consequences?

3. How can taxpayers believe the cost estimates in the Clinton plan are reasonably correct? The Federal government, after all, has been horrendously wrong in costing out other health care plans. For example, the End-Stage Renal Disease program that pays for kidney dialysis was projected to cost $250 million annually in 1977, five years after its start-up; in 1991, the bill came to $6.6 billion.

4. What confidence can we have in Clinton's assertions that more efficient administration will cut costs enough to pay for much of the expanded coverage? As Vice President Al Gore pointed out several weeks ago, federal regulations generate tons of expensive, unnecessary paperwork. Will the health plan do better, even if it is run by the states? Medicaid—at least in Illinois—is so poorly managed that cheating, over-billing, unnecessary care and other abuses are rampant and unlikely to be weeded out.

5. Won't the requirement that employers provide health insurance for workers carry built-in incentives for small businesses to reduce their payrolls and hesitate to take on new hires—even with the subsidies the Clinton plan promises? Since small businesses generate a majority of new jobs, won't this increase the rate of unemployment?

6. If a big majority of Americans are satisfied with their current health care, why should they take on the risks and complications of the Clinton plan, especially when 40 percent of people will be paying more (some will get lower deductibles) and 15 percent will pay more and get less coverage?

7. How can using $140 billion in cuts in future Medicare spending to finance the health care plan be justified when Medicare reimbursements are already so low that some elderly people have trouble getting care? Why should those over 65 have to stay in Medicare when it will provide fewer benefits than health plans for younger people?

8. Who is going to pay for health care for the nation's 3.2 illegal immigrants, for whom the Clinton plan provides only an inadequate $1 billion a year for emergency treatment? What will happen to public health if large numbers of undocumented people can't get care for contagious diseases, pregnancy and other medical problems?

9. Despite the lip service the Clinton administration—yielding to pressures and criticism—now gives to plans allowing people to choose their doctors and hospitals and pay on a fee-for-service basis, is there any certainty such freedom can be preserved? Many analysts predict most doctors will be forced out of private practice and that choice will be priced out of existence and will soon disappear.

10. What Clinton is proposing is actually a gigantic, new entitlement program, like those that now make it impossible to control the federal budget, the deficit or the national debt. Shouldn't Clinton—and critics such as Ross Perot—be more concerned about the deficit dangers of the health care plan or the new taxes it may require?

11. How will cost controls on insurance premiums, fee schedules, budget caps and global budget requirements actually work? What the administration is now proposing—after backing down some under fire—is essentially price controls. And price controls are ineffective in the long-term, create shortages and could lead to rationing.

12. What will be the effect of the squeeze on high drug prices the Clinton plan calls for? Will what are essentially price controls cut into the ability of pharmaceutical companies to carry on research and development new medications that could reduce the cost and improve the outcome of treating many illnesses?

13. Isn't it unrealistic—and dangerous—to try to hold health care to the rate of inflation, as Clinton proposes, when the aging population with their increased needs for care is growing rapidly, when new technology can help cure illnesses and relieve suffering and demands are escalating for better treatments for such diseases as breast cancer and AIDS?

14. How can we be sure the heavy hand of government won't stifle and do harm to what is now the best medical care in the world and that medical innovation and discovery will still flourish?

15. Is there really an emergency in health care that justifies such a sweeping new power grab by the federal government and such incalculable risks to the nation's economy? Can't problems in the current system be fixed by clearly targeted, evolutionary improvements?

Congress is expected to debate for at least several months about the Clinton plan, as it should with legislation that will affect all of us so intimately and will be so disruptive of a major economic sector. At the very least, voters should insist on credible answers to questions like these.

EAGLE SCOUT JEFFREY D. PETERS

HON. DAVID MANN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. MANN. Mr. Speaker, I rise today to recognize Jeffrey D. Peters for earning the Boy Scouts of America's rank of Eagle Scout. Very few Scouts reach this goal. The award will be bestowed at a special Court of Honor Ceremony on December 5, 1993.

Jeff started scouting as a Cub Scout with Pack 40, where he earned the Arrow of Light. He transferred into the Boy Scouts and joined Troop 83. As Jeff has grown and matured, he has held several leadership positions, from assistant patrol leader to junior assistant scoutmaster. Jeff was tapped as a member of a select group of honor campers called the Order of the Arrow.

Jeff has volunteered countless hours of his time to such projects as the annual Scout-O-Rama, to civic efforts such as cleanup and beautification projects in Mount Airy, and to trail maintenance in Mount Airy Forest. Jeff has also remembered those less fortunate than himself by assisting with food and clothing drives.

Jeff Peters has not neglected his academic efforts while he has pursued his other interests. He has received the American Revolution Award and a biology academic award. In addition, Jeff has been an honor student at LaSalle High School for 12 out of 13 academic quarters.

I am proud to salute Eagle Scout Jeffrey Peters and congratulate him, his parents, and his scout leaders on his accomplishment.

PRESIDENT CLINTON'S HEALTH SECURITY ACT

HON. AL SWIFT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. SWIFT. Mr. Speaker, a few months ago President Clinton came before the Congress and the American people to share his very serious concerns with our Nation's health care system. A few weeks ago the President unveiled his specific plan on how he hopes to cure what ails our current system. Today the distinguished majority leader from Missouri, Mr. GEPHARDT, will officially introduce President Clinton's Health Security Act and I am pleased to be an original cosponsor.

I and many of my colleagues have been troubled by the tremendous problems that plague our health system. First, it costs too much. It costs too much for individuals, families, business, and government. We are spending more on health care than any other industrialized country in the world and unless the Congress takes action, it will continue to cost too much. For example, it is estimated that by the year 2000, almost $1 out of every $5 earned by Americans will go to health care spending. And if current spending trends continue, health care costs will consume 19 percent of our country's gross domestic product by the turn of the century.

As costs continue to spiral out of control, people—families—are losing access to our health care system. They are losing access because their health insurance premiums have risen 30 percent in the last year. They are losing access because the advances in medical technology are enormously expensive. They are losing access because of a pre-existing condition which prevents folks from changing jobs or even getting health insurance in the first place. Right now, in my home State of Washington, 40,000 people are losing their health care benefits each month. There are simply too many people in this country who are just one illness away from losing what coverage they currently have. It is clear, the cost of doing nothing will ultimately put all Americans at risk.

Fortunately, President Clinton is not content to stay with the status quo and let costs skyrocket and have families continue to lose access to health care coverage. He has put before us a very bold, innovative plan to address this burgeoning crisis in health care. With this plan all Americans can look forward to knowing that they will always have health security—for themselves and their families. The President's model for reform would control costs and provide universal access to health care

for all Americans. It is a plan which builds on the health care delivery system that we already have in place and seeks to maintain the high quality and maximum choice that many Americans value in our current health system. It preserves what is right with our system and fixes what's broken.

As one who has been supportive of the single-payer approach, I am particularly pleased that the President's plan embraces some of the key principles of a single-payer system—universal access, strong cost containment, administrative simplification.

The committees in both the House and Senate have already begun to examine the various aspects of the Health Security Act. For example, how will the plan affect senior citizens, families and children, large and small businesses, and biomedical research? Will the plan simplify the overwhelming paperwork associated with our current system and will it encourage new physicians to practice primary care?

The Health Security Act makes sure that all Americans—the young and the old—are covered. It will make it easier for both large and small employers including the self-employed to buy and maintain health care coverage. The academic health centers established under the act and other research initiatives will ensure that we have an adequate supply of primary caregivers and that we continue our efforts to find new treatments and cures for the health problems that Americans encounter whether they are as common as the cold or as difficult as cancer. And finally the Health Security Act will simplify health care administration for both providers, insurers and consumers by using a single form for health care claims.

It is terribly important that we work together to come up with comprehensive reform. That will mean compromises from every quarter. I have often said that it is not the opponents of health care reform that will kill this proposal but rather the proponents will doom any chance of reform if we are not willing to keep an open mind to different approaches to solve the problem. I look forward to working with my colleagues on the Energy and Commerce Committee and the entire House to make sure that all Americans have health care that they can count on.

The bottom line is that the health care system in our country is sick. The President has prescribed the medicine. Now is the time for Congress to fill the prescription.

IN HONOR OF ADDIE KELLER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Ms. ESHOO. Mr. Speaker, I rise today to recognize Addie Keller, an extraordinary citizen of San Mateo County, CA, and a member of the San Mateo County General Hospital Foundation Board of Directors. The foundation was initiated to provide support to one of California's financially strapped public health and hospital systems. Mrs. Keller recognized the mission of the foundation as both a special challenge and a noble undertaking and stepped up to it.

Within months, Mrs. Keller had found a unique way to make the public aware of County General. She decided to bring the colorful tradition of the wild west to San Mateo—the bed race. With the able assistance of her son, Barry Keller, who had staged races in other parts of California, Mrs. Keller brought the community coalition together. She drew support from small businesses, other hospitals, chambers of commerce, unions, physicians, firefighters, and elected officials who entered beds in the race and made significant donations. The Great Bed Race was previewed at a Gala Bed Race Dinner the evening before and proceeded on a sunny Sunday morning by a parade through downtown San Mateo. Nearly 30 beds were raced, and television stations from the bay area covered the wild antics, including four doctors racing an iron lung.

Addie Keller succeeded in making people aware of SMC General hospital and raised nearly $50,000 with the tremendous help of her husband George, their son Barry, and his wife Lynda. The staff and community of County General are truly grateful to Addie Keller. I urge my colleagues to join me in saluting Addie Keller and her inspiring achievements. She is indeed a national treasure.

THE MOTOR CARRIER SAFETY ACT OF 1993

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mrs. MORELLA. Mr. Speaker, today I am introducing the Motor Carrier Safety Act of 1993. This bill would set a minimum penalty and increase the maximum penalty amounts for civil violations of Federal motor carrier safety regulations. It would also improve information provided to motor carriers about past safety performance of drivers and improve supporting documentation records of duty status.

On August 6, 1993, a "Beltway summit" was convened at the U.S. Department of Transportation to plan safety improvements for the Washington Beltway. On the same day, there were three accidents involving motor carriers on the beltway in Montgomery County, MD. In a space of 12 days last summer, 7 people were killed in a series of beltway accidents; trucks were involved in four of these accidents. There are many responsible trucking companies and drivers, but when one large truck, which has not been maintained or whose driver falls asleep at the wheel, is involved in an accident, death often results.

Mr. Speaker, I urge my colleagues to reduce truck accidents on the beltway and across the Nation and cosponsor the Motor Carrier Safety Act of 1993.

Five years ago, a regional effort was launched by Federal, State, and local officials to improve safety on the Capital Beltway. I believe that this interjurisdictional work has been effective in reducing major accidents and massive traffic congestion on the beltway. In addition, the Intermodal Surface Transportation Efficiency Act of 1991 [ISTEA] contained important motor carrier safety provisions, which I sponsored in the House, to reduce truck violations and to improve safety on interstate highways.

In August, my colleague FRANK WOLF initiated the "Beltway summit" to which I referred earlier. As a result of that meeting, Federal Highway Administrator Rodney E. Slater appointed three committees, whose work will be published soon, to continue the work of previous working groups to improve beltway safety.

Mr. Speaker, the provisions in the Motor Carrier Safety Act of 1993, which I and Congresswoman BYRNE introduce today support and enhance the efforts of these working groups. The legislation will also send the message to the motor carrier industry that violations of the Federal motor carrier safety regulations are significantly more serious than traffic violations. We have improved truck safety on our interstates. More needs to be done and done quickly.

OPENING OUR BORDERS TO STATE-INSPECTED MEAT: AN EXERCISE IN EQUITY

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. GUNDERSON. Mr. Speaker, last Wednesday, we participated in a historic occasion as the House of Representatives gave its approval to the implementing legislation for the North American Free-Trade Agreement. At that time we stood up as a country and said that we would be a player in the global economy of the 21st century and, further, that we would not let artificial boundaries called borders stand in our way.

Now that we have made that decisive statement concerning our international borders, Mr. Speaker, I believe that we must turn our attention inward and look at some of our internal policies that restrict interstate trade among the several States. The most glaring example of an artificial barrier to interstate trade is the restriction against State-inspected meat and poultry products traveling in interstate commerce.

Twenty-five years ago, Congress passed the Wholesome Meat Act of 1967. At that time, there were over 15,000 nonfederally inspected meat and poultry processing plants producing about 15 percent of all of our carcass meat and 35 percent of all of our processed meat. Indeed, there was no uniformity or consistency in the various State laws regulating these processors.

Accordingly, the 1967 Wholesome Meat Act introduced a new Federal requirement that any State meat and poultry inspection law must provide standards which were "at least equal to" those of its Federal counterpart. If a State inspection law failed to meet those Federal standards, the Secretary would designate that State for Federal inspection.

Unfortunately, Mr. Speaker, even though the 1967 act required State inspection laws to be at least equal to Federal inspection standards, it did not permit State-inspected meat that met those standards to travel in interstate commerce. As such, for 25 years we have had an

inequitable situation in our country where foreign meat and poultry products which meet Federal inspection standards may enter the country and travel in interstate commerce, but State-inspected products meeting those same standards cannot.

Are we talking about a great quantity of State-inspected meat and poultry products? No. While 40 percent of all American meat and poultry processors are State inspected, State-inspected operations slaughter and process only about 5 percent of the total American meat supply. What does this tell us about these businesses? Simply that they are small mom and pop operations who, like all small businesses, are in a day-to-day struggle to find new markets and keep their doors open.

From this perspective, the current prohibition against State-inspected meat traveling in interstate commerce works a particular hardship on those family meat and poultry operations close to a State border since they cannot market their product across that boundary line. That's why we are losing about 5 percent of these businesses every year. In fact, we barely have more than 3,000 State-inspected meat and poultry processors left in our country—only 20 percent of what we had 25 years ago.

Simply stated, Mr. Speaker, its time to rid ourselves of this meaningless distinction in the law which has become nothing more than an artificial barrier to free and fair trade within our own American borders. That's why I'm introducing the Meat and Poultry Products Inspection Amendments of 1993 today—to ensure that we truly promote the free flow of commerce in the United States by allowing all meat and poultry products which meet Federal inspection standards to travel in interstate commerce.

Indeed, now that we have opened our borders to allow meat and poultry products from our North American neighbors which meet our inspection standards to enter the country and travel in interstate commerce, we should provide the same opportunities to our domestic meat processors and their State-inspected meat and poultry products. Our American traditions of equity, fairness, and justice require nothing less.

TRIBUTE TO JOHN MIDDLEMORE

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. STUMP. Mr. Speaker, I rise today to pay tribute to John Middlemore, a senior at Prescott High School and resident of the Third Congressional District in Arizona. John won 24th place honors in the Voice of Democracy script writing contest sponsored each year by the Veterans of Foreign Wars of the United States and its Ladies Auxiliary.

This year more than 136,000 high school students entered the contest competing for 29 national scholarships totaling $87,500. This year's contest theme was "My Voice in America's Future."

John is the son of David and Winifred and the youngest of 10 children. John was nominated by my office to attend the U.S. Air Force Academy and accepted an appointment.

I would like to submit John's award winning speech for publication in the CONGRESSIONAL RECORD:

MY VOICE IN AMERICA'S FUTURE

(By John Middlemore)

At birth I was given a priceless gift. A gift that would guarantee me life, liberty and the pursuit of happiness. These gifts are a part of a greater legacy. Our forefathers left us a free government which is a miracle of faith—strong, durable, and marvelously workable. Yet it can remain so only as long as we understand it, believe in it, devote ourselves to it, and when necessary fight for it. Our forefathers established for us the chance to know freedom, to love freedom, and to do our full share to assure its continuance. There is no freedom without responsibility.

Freedom is not inherited. It is up to each of us to keep our house of freedom in good repair with our voices, yours and mine.

Those Americans who gathered at Independence Hall, were touched with idealism, but they were not dreamers. Their great vision was rooted in wisdom and common sense. It was in an atmosphere of hope and faith that our blueprint for freedom, the Constitution of the United States, was born. Their voices spoke through their pens, my voice must now preserve their words for America's future.

Today, that blueprint is our most treasured inheritance, this document which belongs to each of us, will continue to be the effective guardian of our rights only as long as each American recognizes his responsibilities.

The future of America lies in my voice. We live in a land where the right of dissent and of free speech is jealously guarded—where the ballot box is the sword and the people its welder. We live in a country that allows us to stand up and question our leaders.

Freedom is not a legacy. We inherit only the chance to realize it. Each generation—each individual must re-earn it. Freedom is like a warming fire, while newcomers to the circle can warm themselves, the fire must be fed with new fuel. That fuel is my voice. I must be ready to defend our rights be it with my voice, my pen, or my sword.

Jacklyn Lucas was my age, seventeen, when he was involved in the battle of Iwo Jima. He threw himself on two grenades saving several men. He fed the fire of freedom with courage. His act of courage was his voice speaking for America's future.

My voice will have to be as strong as those men who have fought and died for freedom. I must speak out against injustice, whether it be in the classroom, the city, or the government.

This thing we call Democracy is so precious that it needs to be guarded. I mut act upon the defense of our freedom.

My voice will join others to keep America strong and free. My voice will be America's future. I will use my voice to be the keeper of the flame, to fulfill our destiny.

For those that much is given, much is expected.

H.R. 3, THE HOUSE CAMPAIGN SPENDING LIMIT AND ELECTION REFORM ACT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Ms. VELÁZQUEZ. Mr. Speaker, today I rise in support of H.R. 3, the Congressional Campaign Spending Limit and Election Reform Act. Last year, we all watched as citizens across the country cast their votes for the candidates of their choice, sending to Washington a historic number of minorities and women. However, despite the wonderful and important results of last year's elections, there is still a high degree of voter dissatisfaction with the way congressional campaigns are financed and run. The playing field is not level. Those individuals who are wealthy and those incumbents who have amassed the largest war chests are in the best position to run effective primary and general election campaigns. Moreover, candidates who receive massive amounts of funds from PAC's and corporate donors have a clear advantage over newcomers who are also worthy candidates but who are not linked to those funds.

Mr. Speaker, as Members of Congress, we are quick to remind our sisters and brothers that we are sent here to represent our districts in a government of the people, by the people and for the people, yet we do not yet have a fair, efficient set of campaign financing rules which would move to level the playing field for potential candidates. All too often, our government at all levels seems to be of the privileged, by the privileged, and for the privileged.

H.R. 3 would address this problem of unfair campaign financing laws by establishing a system of voluntary campaign spending limits for House candidates and providing communication vouchers as incentives to follow the campaign spending limits. The bill makes the system fairer by extending the spending limit for those candidates who face opponents which do not abide by the voluntary limits. H.R. 3 also places absolute limits on each candidate of $200,000 in political action committee contributions per election cycle and $200,000 for large individual contributions over $200. Additionally, the measure prohibits bundling of funds by an intermediate agent but exempts groups which do not lobby from the bundling restriction.

One of the most important aspects of H.R. 3 is the provision for communication vouchers. Candidates who abide by the voluntary spending limits would receive communication vouchers to match up to the first $200 of each individual contribution. These communication vouchers would be used to pay for radio and television broadcasts, print advertising, postage, and campaign material such as brochures, bumper stickers, handbills, pins, posters, and yard signs. H.R. 3 envisions financing this provision through the Make Democracy Work fund and suspends the implementation of the bill until separate revenue legislation is enacted. Congress had committed to implementing the second step of this two-step funding process next year.

It is true that it takes a great deal of money to run an effective campaign for Federal office.

Many viable potential candidates—women, minorities, teachers, factory workers, and even small business owners—many times do not have the resources to seek political office. These are the Americans who are often not wealthy, who do not come from affluent districts, and who do not have large donor networks and the contracts to raise the much needed war chest for modern day campaigns. H.R. 3 provides limits on campaign spending that moves in the direction where worthy Americans may have the opportunity to run for an elective office.

Further, recent allegations of the use of walking around money to suppress the African-American vote in the New Jersey gubernatorial election speak directly to the need for there to be a level playing field. These tactics are certainly not restricted to gubernatorial races. Acts of this nature can have a potentially devastating effect on elections involving minority candidates. I have recently investigated possible legislative vehicles to address this issue of vote suppression and payoffs, only to find that these actions are already criminal acts. In this regard, I urge my colleagues to focus their attention on this issue to ensure that dishonest tactics are not used to falsely elect a candidate. America will rue the day when she casts a blind eye toward the wholesale purchasing of elections through vote suppression.

For the above reasons I would have supported a more ambitious Federal campaign financing measure containing higher degree of public financing—the only way to provide true fairness and openness. However, despite my advocacy of stronger legislation, I remain a supporter of H.R. 3.

Mr. Speaker, we have taken the first important step toward ensuring a true participatory democracy this year by enacting H.R. 2, the National voter Registration Act. Let us take the next important step by supporting H.R. 3 to begin to level the playing field so that our Nation's teachers, homemakers, factory workers—our average citizens—can have a chance to run for political office. I urge my colleagues to vote "yes" on H.R. 3, and to move toward strengthening the public financing provision.

LENDING ENHANCEMENT THROUGH NECESSARY DUE PROCESS ACT—DIRECTOR AND OFFICER BILL

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, November 22, 1993

Mr. MCCOLLUM. Mr. Speaker, today, I introduced the Lending Enhancement Through Necessary Due Process Act.

In the aftermath of the savings and loan crisis, Congress empowered the RTC, the FDIC, and other Federal agencies to prosecute the S&L crooks and pursue other wrongdoers through civil suits to collect damage awards to lessen the taxpayer costs of the thrift debacle.

To date, the Government's efforts have been very successful. Almost 1,000 criminal convictions have been obtained and more than 2,000 civil suits have been initiated; $825 million in fines and restitution have been collected.

However, in carrying out Congress' mandate, Government agencies have launched a zealous civil litigation campaign against anyone even remotely connected to a failed bank or thrift. Litigation against marginal defendants and the use of highly paid outside counsel have aggravated the credit crunch. Directors and officers in financial institutions are reluctant to make character loans or business loans with any element of risk for fear that they could be accused of negligence by the regulators if the loan ever failed. Currently, banks and thrifts are finding it difficult to attract qualified directors and officers because of the campaign of fear brought on by the regulators.

Taxpayer funds are being wasted and the lives of reputations of countless individuals are being ruined. In their fervor to squeeze every last dollar out of S&L and bank professionals, the RTC and the FDIC are spending an inordinate amount of time and money pursuing marginal cases in which the culpability of the defendants is highly questionable. Faced with an enormous pool of potential individuals to sue, the RTC and the FDIC have contracted most of the legal work to outside counsel.The RTC and the FDIC employ over 2,400 law firms, paying them over $504 million in 1992 alone. The current caseload is over 60,000 lawsuits. These law firms have little incentive to reduce taxpayer costs and every incentive to bill thousands of hours in the pursuit of former directors and officers, regardless of their culpability. Defending these suits is a costly, demeaning, and time consuming enterprise. Many defendants have agreed to settlements in order to avoid bankruptcy.

Examples of regulatory excesses are legion. I will describe a few here for my colleagues to show why this legislation is necessary.

First, the National Bank of Washington [NBW] failed in 1990. In July 1992, the FDIC, as receiver, brought suit against 11 defendents—10 NBW directors and 1 officer. On February 17 this year, after 8 months of costly, pretrial litigation, the Federal district judge dismissed all counts against nine of the defendants citing the "apparent baselessness of most of the charges" and the FDIC's "vague, ill-defined conspiracy theory." The court took the unusual step of imposing rule 11 sanctions on the FDIC and the Justice Department, requiring that they pay the legal costs of the defendants whose cases were dismissed. Unfortunately, because rule 11 sanctions were designed to chastise irresponsible private litigants, the sanctions in this case will have little or no effect because the taxpayers will end up footing the bill.

Second, the former associate general counsel for the RTC recently stated publicly that 90 percent of the civil cases against former directors are of doubtful merit. They are nonetheless filed because RTC officials fear being summoned before congressional committees and asked to explain why certain cases were not brought. They believe that if as many cases as possible are brought, they will not be criticized. This mindset is bringing down the economy and wrecking people's lives.

Third, Dr. James Fisher, former president of Towson State University, was an outside director for Baltimore Federal Savings & Loan for 16 years. The S&L failed in 1988, and Fisher is being sued for $32 million. He is not charged with dishonesty, fraud, or insider dealing. He is charged with negligence, despite duly attending meetings, reading documents, and listening to officers and outside experts. He is defending himself because, at age 61, he is living on partial disability and the legal fees would have cost him $600,000 to date.

Fourth, Mr. Young Kim invested his life savings in a failing institution and turned it around. This was the only Vietnamese/Korean savings bank in the United States. The OTS seized the bank despite its profitability and adequate capital. OTS alleged technical violations dealing with bookkeeping. The OTS froze Kim's assets causing him to not be able to pay his mortgage or his child's tuition. An administrative law judge found that the OTS actions were wrong. The acting director of the OTS overruled the judge's decision and banned Kim from banking for life.

Fifth, Richard Blair, 69, was an outside director for McLean Savings & Loan. In 1988, the FDIC closed McLean and sued all officers and directors, alleging breach of fiduciary duty and negligence. Blair was amazed that he had been sued. For most of the time the allegedly negligent lending was taking place, he was lying comatose in a hospital bed. Three Federal magistrates presiding in this case have criticized the FDIC for improper conduct. One magistrate ordered the FDIC to pay $6,600 in court costs. The FDIC presses on.

This bill will remedy these types of abuses and still let the regulators pursue culpable individuals.

First, accused directors and officers will be allowed to assert defenses to overreaching accusations. One example is the business judgment defense. The courts in all of the States recognize the business judgment rule either by case law or by statute. This bill will establish defenses for business judgment, regulatory actions, and unforeseen economic conditions.

Second, regulators must have good cause to obtain the financial records of potential defendants. The current practice is to ask for the financial records of all parties and then sue the richest, regardless of culpability. The bill requires that the regulators must show a violation of law and the likelihood that the individual will dissipate assets.

Third, more due process protections are given to individuals to prevent the freezing of their assets without good cause.

Fourth, the standard for director and officer liability is clarified by stating that the standard is gross negligence and not simple negligence. This will prevent many frivolous suits. This is also in line with the recent decision in the U.S. Court of Appeals for the Seventh Circuit.