

18, rather than being given a grace period of 4 or 5 more years where you will still be considered a juvenile if you shoot or maim somebody, but you will be considered an adult in terms of being responsible for your contracts.

Mr. Speaker, let us look at some of the other alternative punishments for young offenders age 22 or under. Technical training and support. That is a punishment? Correctional options such as community-based incarceration, weekend incarceration, or electronic monitoring of offenders. That means an offender never gets locked up for a considerable period of time and taken out of society.

Community service programs that provide work service placement for young offenders at nonprofit private organizations and community organizations. That is a punishment? It is under this bill. This is the fuzzy-minded approach to dealing with kids who are raising such Cain in our society that the people are rising up against.

This bill cannot be fixed by an appropriation. It cannot be fixed by an amendment reducing the age still further, to 18. It ought to be defeated altogether. We in Congress ought to send a message out to the young people in this country. It is that they have got to be responsible for their criminal actions, and they will be treated severely if a jury should find they are guilty.

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

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, I rise in strong support of H.R. 3351, providing a grant program for State and local governments to develop alternatives to traditional forms of incarceration as punishment for youthful offenders. Alternatives can include such punishments as boot camps, which 22 states now have, community-based incarceration, weekend incarceration, community service programs, and innovative methods to intercept youths who are starting down the path of no return in a lifetime of crime.

Neither the communities in which youthful offenders live—nor society as a whole—can afford to lose these young people to lives of crime. Once incarcerated with career criminals, youthful offenders often become hardened criminals themselves. They get graduate degrees in crime, and return to their communities with no further hope of becoming law-abiding, productive citizens.

All steps to turn young offenders around must be taken now before we lose another generation to this vicious cycle. H.R. 3351 is just one well-targeted attempt by the Federal Government to help the States and local governments achieve this crucial goal.

I thank the gentleman from New York [Mr. SCHUMER] and his subcommittee members for their leadership on this important issue, and would

urge my colleagues to support H.R. 3351.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 5 minutes to the gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, I would like to ask the chairman a question of clarification about this bill, if I could have the attention of the gentleman from Texas [Mr. BROOKS].

Mr. Speaker, it is my understanding that the bill has been modified from what we initially reported out of committee, that we now have the age down to 22 years of age or younger, and that we are excluding individuals with a prior conviction for a felony crime of violence, as well as first time offenders who are convicted of a crime involving sexual assault and the use of a firearm.

I would ask the gentleman, am I correct that that is in the bill?

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

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

Mr. SCHUMER. Mr. Speaker, the gentleman is correct.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman very much.

Mr. Speaker, this significantly improves the bill from what it was previously in committee, but I must say, Mr. Speaker, that the age still bothers me considerably. I think if we are going to target youthful offenders, they ought to be truly youthful. They should be 18 years of age or younger, as I expressed in the full committee. However, I appreciate very much the fact that the gentleman from New York [Mr. SCHUMER] and the gentleman from Texas [Mr. BROOKS] have worked to make these changes that do significantly improve this bill.

□ 1450

Overall, I have one major problem with the entire area where we are addressing today, but youthful offenders gives me an opportunity to make this point expressly because it is connected with the priorities we should be setting currently with the limited resources we have. I am all for eventually doing what I think should have been done a long time ago, and that is finding ways to rehabilitate those first-time youthful offenders who really have not committed the heinous, violent crimes that are spreading around this Nation.

But all too often many of the crimes being committed today are being committed by teenagers 12, 15 years old. They are the ones shooting the tourists, they are the ones committing the really violent crimes, and they are not just committing them as first offenders, but as third, fourth, and fifth time offenders, and many times more offend-

ers of crimes of a violent nature. That presents a serious problem. The problem is these are not people who are going to rehabilitate, and we should not be spending time doing that. We need to develop a whole program working in concert with the States to take these really violent criminals off the streets and weed them out of the program so that we can then get the resources and the time to devote to the seed programs that will make a difference in changing the social environment and in rehabilitation and so on that maybe would work.

But until we get the truly violent criminal, law enforcement in this country cannot breathe, the citizens of this country cannot get relief. And that is why we need to do the most fundamental things that are not out here today, that the chairman has suggested and that I hope we will see up here next year. One of the key elements of that is something that Republicans have proposed and strongly urged, but we still do not have a good sense though that those on the other side want to do it, and that is to go into partnership with the States of create a scheme of regional prisons to house just violent offenders who are convicted in the State courts where the overcrowding problem exists and the revolving door is the greatest. We need to go into this partnership. We suggest a 50/50 cost-sharing proposition that has a carrot with it, and it says that only those criminals that will be qualified to go into that prison and have committed violent crimes, or sexual abuse crimes of a certain described nature, and only from those States where the States have passed laws that require that those who are convicted of these crimes serve at least 85 percent of their sentences instead of getting back out on the street after serving a third or less of their sentences. And only the States where there are minimum mandatory sentences for those types of violent crimes.

In essence, we need to find a way from the Federal end to help the States where most of the crime is committed to get their violent criminals and their really bad criminals, including these youthful violators who are really the bad ones off of the streets, locked up, with the keys thrown away, not letting them out for years and years and years. Then we can begin to look at other programs.

The States say they need that. They need that kind of help. We proposed and we have discussed earlier how to find that with administrative cost cuts and other additional taxes.

We are also hearing from the States two other things. They need to have reform in the laws that involve appeals from death row inmates, because they recognize, as we do on this side of the aisle, that we need to put swiftness and certainty of punishment back into the

criminal justice system again. We do not have that. We cannot get deterrence. We need incapacitation, and we need deterrence. Those are the two bulwarks of the criminal justice system that used to exist out there that are missing now.

If we get those back, then we can start looking at rehabilitation. But until we get them back we are going to have this rampage and this crisis of violence out on the streets that we have now, and we will not be able to control it. And we will not be able to do the job that the American public rightfully is demanding of us. That involves things like ending the habeas corpus procedures that allow these delays to happen once you finish a regular appeal from a death row case, and you go back into court again saying you did not have an attorney that was satisfactory, or whatever else, appeal that, and then find another procedure and so on.

It also involves, they tell me, another need that they have, and that is to change the rules of evidence so that you can more easily get into evidence those things that come from searches and seizures. Those are the kinds of things we should be doing today, and not just worrying about this kind of a bill. As important as it may be, it is not nearly good enough.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. EDWARDS], chairman of the Subcommittee on Civil and Constitutional Rights.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I suggest that this is a historic moment in American history insofar as crime bills are concerned. For the first time we are addressing real crime and its problems and the way to resolve crimes.

These five bills go to the heart of our problems in the United States, which incidentally happens to be the crime capitol of the world. These bills address drugs, young people, gangs, and next week we will address guns. We will address for the first real time the fact that we have too many guns and that criminals should not be able to go into a store and buy guns. That will be next week.

The gentleman from New York, [Mr. SCHUMER], and the gentleman from Texas, [Mr. BROOKS] deserve a lot of credit for this bill, and for all five bills today, because they are a giant step in the right direction. But again, I say for the first time we are getting to the root of what is wrong in this country insofar as crime is concerned.

For the last 10, 12 or 15 years we have looked at it with a different approach: lock them up, throw away the keys, forget them, or hang them, electrocute

them, whatever it is. And what has happened? Crime has taken off like a skyrocket. We have more people in jail today proportionately than any country in the world. We just passed South Africa, thank you very much, insofar as people in jail.

In the Federal system, which is our responsibility, which was one the pride of the United States and the model for the world, we are nearly 200 percent over capacity. We have built 29 prisons since 1979, and there are between 30 and 35 new ones under construction or under rebuilding to house more prisoners.

So do not let anybody say that we are soft on putting people in jail in this country. These five bills are a mammoth step in the right direction, and I compliment us, and I compliment you, Mr. Chairman, Mr. SCHUMER, and you, Mr. SENSENBRENNER, too. You are a strong advocate, unlike so many of your colleagues on the other side of the aisle, of gun control.

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

Mr. EDWARDS of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Speaker, earlier in the debate today the chairman of the committee, the gentleman from Texas, [Mr. BROOKS] said that various controversial items such as the death penalty and habeas corpus have been referred to subcommittee for consideration. The subcommittee of which you are the chair has jurisdiction over these issues. We want to have a vote on these issues, and I think it is important for the American public to know how their Representatives stand on these issues.

Can the gentleman give us a commitment to report those bills out, and if so, by what date so that we know when we will be voting on them?

Mr. EDWARDS of California. Reclaiming my time, with regard to the portions of the Brooks bill that have just yesterday or today been referred to our subcommittee, every issue will be addressed in the subcommittee, and whatever portions of the bill are approved by the subcommittee will be brought to the full floor.

Mr. SENSENBRENNER. If the gentleman will yield further, that is a cop-out, because we all know how the votes are.

The SPEAKER pro tempore [Mr. HEFNER]. The time of the gentleman from California [Mr. EDWARDS] has expired.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, we know what the votes are there, and simply by burying those issues in the gentleman's subcommittee, the American people will be deprived of knowing how their representatives vote on the death penalty, habeas corpus reform, and exclusionary rule reform. And I would hope that this

Congress would be responsible enough to be accountable on issues like this.

I say to the gentleman from California [Mr. EDWARDS], he and I disagree on the death penalty. But I think that the constituents of everybody should know how all of the Representatives have voted so that we can reach a conclusion on it.

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

Mr. SENSENBRENNER. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I want to say to my friend he does an injustice to the gentleman from California [Mr. EDWARDS]. As chairman of the subcommittee, he has been very diligent in working on the matters assigned to that subcommittee. I feel positive that he will bring out those bills.

Mr. SENSENBRENNER. Reclaiming my time, the gentleman from Texas knows that I served as the ranking Republican member on the subcommittee that the gentleman from California [Mr. EDWARDS] chairs, and everybody knows that Mr. EDWARDS' subcommittee is one of the largest graveyards of legislation around here.

□ 1500

My point is that even if we are opposed to bills, we ought to have a vote on them so that the American public knows how Congress stands. And we were elected to lead and we were elected to have a record on issues: the frustration of gridlock that has been banded about the country comes largely because a lot of proposals that people are interested in get buried in subcommittee and never come up for a vote. And I hope that does not happen with issues like the death penalty and habeas corpus reform.

Mr. BROOKS. Mr. Speaker, I yield 30 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. I thank the gentleman for yielding this time to me.

Mr. Speaker, in response to the gentleman from Wisconsin [Mr. SENSENBRENNER], who served us admirably as the ranking Republican on the subcommittee for such a long time, last year we addressed every issue the gentleman refers to. They were addressed in subcommittee, in committee, in the full House of Representatives. They were comprehensive. A comprehensive omnibus crime bill was approved by the House of Representatives, by the Senate, by the conference, passed again by the House of Representatives, went to the Senate and was filibustered to death by a Republican Senator.

So, please, do not say that we do not address all the issues that are relevant.

Mr. BROOKS. Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey [Mr. HUGHES], the distinguished chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. I thank the chairman for yielding this time to me.

Mr. Speaker, I want to say to my colleagues on the Republican side, who are doing their own little bit of filibustering today because we do not have a comprehensive bill on the floor, that I am going to be working with them to try to bring out of committee some of the things that I too want. I want habeas corpus reform. We need it in this country.

I support the death penalty, as my colleagues on the Judiciary Committee know. It is my hope that we can have a bill that will reserve for the most egregious offenses capital punishment.

But the bill we are talking about today is the alternatives to institutionalization for youthful offenders. We could argue about whether or not 22 is the right age, or 18. I am sympathetic, as the gentleman from Florida, knows, I got it down to 22 from 28 in full committee. So I share his concern.

But make no mistake about the importance of this bill. I mean, my colleagues are almost minimizing the impact that this bill will have. I frankly think this bill will have as great of an impact as any of the six bills that we are considering today, for this reason: If we could do something about the youthful offenders between the age of 12 and, say, 25, we would solve 75 percent of the crime in this country. They are the ones who are committing the offenses.

We are seeing youthful offenders come into the system 10 and 15 times before judges are doing anything about it.

Now, you know that.

You know it, it is happening throughout the country. And it is wrong, it is a disgrace. They do not think they are going to get caught, No. 1; and, No. 2, if they are caught, they do not think they are going to be punished.

This bill will provide alternatives to institutionalization. It will give the judges more sentencing options.

Part of their problem is the young people they get in before them—I am talking about judges throughout the country—that they do not want to send to jail because they know they come out worse for the experience and they know if they send them back home, they are sending them back to a very bad environment. This provides sentencing judges with other alternatives for nonviolent offenders, those who do not carry weapons, that is. Those who do carry weapons, the violent offenders are the ones the States ought to be taking off the streets. And I agree with my colleague from Florida, that is another problem.

But let me tell you, the young people we are talking about that are going to be utilizing these types of alternatives are the adult offenders of tomorrow. They are the ones who commit rather

minor offenses for the first and second time, but they are the adult offenders, the violent offenders of tomorrow. We need to begin dealing with them in the various States.

We do not prosecute street crime, generally, at the Federal level; it is the States that have this responsibility. And this is a good grant program to encourage the States to develop a myriad of alternatives. And I think it is a good bill, and I would urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. Cox].

Mr. COX. Mr. Speaker, as Yacov Smirnof says, "What a country; only in America do we have lite beer, lite potato chips, we even have lite cheese." Today we have the lite crime bill.

It comprises five bite-size pieces, five mini-bills that are most certainly less filling.

Now, four of them will actually pass the House, not because they do much good but because generally they are innocuous. But the one that we are debating right now is not innocuous; it will not pass the House. Unlike the other four, it is actually a major step backward.

It is titled "a bill for the purpose of developing alternative methods of punishment for young offenders."

The bill defines "alternatives" as something, and I quote, "other than a traditional correctional facility." In plain English, a traditional correctional facility is jail.

It defines youthful offender as somebody who is 22 years old or younger. In plain English, that means an 18-year-old, 19-year-old, 20-year-old, 21-year-old, or a 22-year-old. These are people who can vote, serve in the Armed Forces, buy and drink alcohol and even serve in State legislatures. In other words, adults.

The reason the bill calls for alternatives to traditional correctional facilities for youthful offenders is that if they said it in plain English, No more jail for 22-year-olds, it would not sound very tough on crime.

Worse yet, this bill is a new Federal spending program; it will cost over \$500 million over the next 3 years, over \$500 million to study new ways to letting 22-year-old criminals avoid jail.

Just what does the bill have in mind for alternatives to jail for 22-year-old criminals? Let me quote more from the bill. Section 1901(b)(4) authorizes grants for innovative projects. That makes sense. Why send a criminal to jail when we can have something more innovative?

Section 1901(b)(8) provides in the case of gang-related offenses, we should counsel and treat 22-year-old gang members who are convicted of crimes rather than send them to jail.

Section 1901(B)(5) says, instead of jail we should give these same hoods weekend incarceration instead of jail.

Weekend incarceration? God forbid that a gang member would have to give up his Saturday night.

This bill is dangerous. At a time when gang warfare is sweeping our Nation, at a time when gangs, street gangs of dangerous young men can be found in more than 800 cities and towns in America, this bill sends the wrong message. It will give us more murder, more rape, more carjackings, and more drive-by shootings, because it would tell would-be babyfaced assassins, "Go ahead, pull the trigger, you might not get jail."

According to U.S.A. Today, 73 percent of Americans say juveniles who commit crimes should be treated the same as adults. Let me repeat that: 73 percent of Americans say juveniles who commit violent crimes should be treated the same as adults.

This bill does exactly the opposite. Frankly, I do not care if it is Beavis or Butthead or any other maladjusted young man who commits arson or murder, what they need is real punishment, hard jail time. Thank God this bill is going down to defeat.

Mr. Speaker, bring a real crime bill to this floor. America wants it, crime victims need it.

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the distinguished member of the committee, the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. I thank the gentleman for yielding this time to me.

Mr. Speaker, I want to commend the chairman of the committee, and I want to congratulate him and the gentleman from New York [Mr. SCHUMER] for their work in making progress on the crime bill.

Mr. Speaker, I have been advised, in contrast to what we are doing in making progress, I have been advised that in the other body they are now considering a filibuster of a motion to proceed with consideration of the omnibus crime bill, and therefore it is obvious they are not making much progress at all.

We have already passed legislation and are in the process of passing some more.

So, Mr. Speaker, I want to congratulate our chairman and the gentleman from New York [Mr. SCHUMER] for the progress that we are making on this bill, H.R. 3351, the alternatives to punishment bill. This will provide localities with funds that they need to provide innovative programs for youthful offenders which will not only punish but rehabilitate. This bill will empower our courts to impose sanctions between the slap-of-the-wrist and incarceration. Right now, it is incarceration or nothing. It will empower the courts to take the appropriate action on the first offense rather than waiting for the more serious subsequent offenses.

□ 1510

We have all heard of the juveniles who are arrested for serious offenses,

and we find it is their 10th offense. But what happened on the first offense?

We have to stop waiting for the more serious heinous crimes to be committed before we take action.

This bill will address the revolving door and will reduce crime by developing programs which will allow us to intervene early when it might make a difference before those heinous crimes are committed.

Mr. Speaker, H.R. 3351 is a major step in the right direction and I hope that we will support this bill.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, and Members of the House, I rise to oppose the bill, but for a strange set of reasons not before articulated in this debate.

The gentleman from California [Mr. COX] who just spoke is correct. The bills that we are considering, all of them, are tilted toward the convict. In one way or another they are tilted toward the person who has committed the crime, treatment, alternative methods of incarceration; no thought of the victim, no thought of the law enforcement officials.

Let me finish. I say to the gentleman from New York [Mr. SCHUMER] and I will give the gentleman ample time afterward.

Mr. Speaker, I grasp back my time.

In any event, the bills are tilted toward the convicts, while the bills that are held in the committee of the other gentleman from California [Mr. EDWARDS] are tilted toward the victims, law enforcement officials, law enforcement communities across the country, and the law enforcement system generally, habeas corpus reform, death penalty reform, and also the exclusionary rule reform.

But there is one element in this bill which I endorse, the one we are presently discussing, that is boot camp.

Why? First of all, I have seen it in operation and to the extent that I was able to trace the result of it, it does have some semblance of being able to do something about the criminal who commits drug offenses principally.

But in any event, the gentleman from New Jersey [Mr. HUGHES] and I once participated in a graduation ceremony at one of these boot camps. I tell you, the difference between boot camp and these other alternatives that are part of this piece of legislation is that it is a tough process and they stay in prison. They are segregated. They are given more discipline, tougher times than the others who are not part of the boot camp.

I endorse it, not only because it is a good alternative method of incarceration, but because in some senses it is tougher and does have a better chance of preventing recidivism.

So although I am in favor of some types of alternatives, I do not favor

those kinds in which we lose trace of the convict, we lose the identity of the juvenile who goes back into community service or weekend incarceration or some other high faluting type of alternative punishment, when with boot camp we know where he or she is. We can watch the movements and we can see the progress made.

Added to that the fact that this is unfunded and some illusory kind of proposal, I oppose the legislation.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes again to the distinguished gentleman from New York [Mr. SCHUMER].

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

First, let me say I think it is indicative of what is going on in the Senate and what is going on here. There, there is a comprehensive crime bill. Senator BIDEN has introduced it.

And what is happening as we speak? The Members from the other side of the aisle in that body are filibustering.

Mr. SENSENBRENNER. A point of order, Mr. Speaker. It is against the rules to refer to proceedings in the other body.

The SPEAKER pro tempore [Mr. Hefner]. The gentleman should refrain from referring to the other body.

Mr. SCHUMER. Mr. Speaker, I believe I said the other body. I did not use the "S" word.

The SPEAKER pro tempore. The gentleman will refrain from characterizing actions taking place in the other body.

Mr. SCHUMER. I see, Mr. Speaker. All right.

Let us say hypothetically that if the other body were filibustering the comprehensive crime bill that the Members on this side are so eager for, one would begin to think maybe they would rather do nothing, so they could have it as an issue.

Now, let me say on this bill—

Mr. SENSENBRENNER. Mr. Speaker, will my friend, the gentleman from New York, yield?

Mr. SCHUMER. No, I will not yield to the gentleman. The gentleman flapped. Maybe he will take off.

The SPEAKER pro tempore. Regular order.

Mr. SCHUMER. Mr. Speaker, I would say to the gentleman, he has not yielded to me while I have been making my remarks, or I would be happy to yield to the gentleman.

But let me say to the gentleman, anyone can put together his or her own crime bill. The difficulty that we have had in this body in the past is getting 218 votes.

I can put together my bill. It would not be that dissimilar from that of the gentleman. Our views are not that different. I believe in their regional prisons provision. I believe in their death penalty provision, although I do not agree with their habeas procedure. I think it goes too far.

But what I would say is this, that we want to pass something for once and not just have rhetoric. Last year we had the comprehensive crime bill. It went down.

Two years ago we had it. It went down.

So for the gentleman from California to say that it is light, I do not think cop on the beat is light. Come to my city. They want them.

I do not think mandatory drug treatment in the prisons is light. Come to my constituents. They are tired of people coming out of jail and committing new crimes.

Nor is this bill light. I defy anyone on the other side to say, where does this reduce prison terms? There is not a word in here that says the prison term shall be reduced, or that this shall be an alternative in place of prison.

This is a grant to the States for first-time nonviolent offenders. And guess what happens to them in almost every locality, including mine?

They do not get a year in prison. They do not get 6 months in prison. They do not get a week in prison. Most of them get no prison for a nonviolent, low-level, nondrug crime.

I have talked to Judge Keating, our administrative judge. He said, "Please, our jails are full," and I certainly support building more jails. I think the McCollum provision is a worthy provision. It is in the Biden bill. It was not here because some on this side did not agree with it. I do.

But for those who are not going to be put in prison, is it better, I would say to the gentleman from California who seems to have lost interest after he gave his speech, is it better to have them with electronic devices around their wrists so we know where they are, or have no penalty?

Is it better to have them locked up for weekends, or is it better to have no penalty?

Is it better for them to go to a boot camp, which the gentleman from Pennsylvania has said is good and worthy, or to have no penalty?

We do not tell the States, give this to people in place of prison. We say, if your prisons are full, as most prisons are, and you have lots of first-time, nonviolent offenders, and you need help to give them some penalty so that they know and feel that the criminal justice system is not toothless, then apply and build the boot camp and put the bracelet around their wrists and make them stay in jail for the weekend.

I would say to my colleagues, the State of Georgia pioneered this. They developed this system, and it worked. Georgia, hardly a bleeding heart State, not California or San Francisco, Georgia, and they developed this and it worked.

A judge in Quincy, MA, a first-time minor property offender had to work

all weekend scrubbing walls. You know that they were not going to jail for that. It worked.

We have done that now in New York City some, and it has worked.

So I say to my colleagues, we need alternatives, not in place of prison, but in place of no punishment at all.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the remaining minute.

Mr. Speaker, if up in New York there are offenders who are getting no jail time at all, then maybe you need some judges up in New York who will throw these offenders in jail so that they will be punished for their transgressions against their fellow citizens.

Second, in terms of the allegation that Members on this side of the aisle will not support a comprehensive crime bill, if you want to work with us on a bipartisan basis and put some of our ideas in a comprehensive crime bill, we will support it.

The problem is that you people have wanted to pass a bill on a party line vote, without incorporating our ideas in that. And why should we give you votes with no input?

□ 1520

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

Mr. BROOKS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington [Mrs. UNSOELD].

Mr. Speaker, the gentlewoman yield?

Mrs. UNSOELD. I yield to the gentleman from Texas.

Mr. BROOKS. Mr. Speaker, I would observe that the bill passed in the Committee on the Judiciary 34 to 1, all 5 of these bills. Republicans and Democrats alike, with the exception of one Republican, felt that they were worthwhile and helpful.

Mrs. UNSOELD. Mr. Speaker, violent, heinous crimes are occurring across this Nation with numbing regularity. This is not only a personal tragedy to the many victims, but a social tragedy, and symbol of our inability to deal effectively with the criminals. We need to reform our criminal justice system.

Mr. Speaker, I rise in support of this package of bills that begin the process of prevention and treatment. I commend our chairman, the gentleman from Texas [Mr. BROOKS], for his leadership. Today we are considering five bills that move us toward reform.

Mr. Speaker, these provisions authorize programs to put more police on the streets, send juvenile offenders to boot camps to help them become productive citizens, combat gangs and drug trafficking, and treat drug abusers in Federal and State prisons. I agree with all the goals behind these measures.

I have some concerns, however, that we may be promising too much. We spin out statements about making peo-

ple's homes and neighborhoods safer and giving their children alternatives to gangs, and they begin to hope. But we all know that these are only the beginning.

Mr. Speaker, I am convinced that, if we are truly to heal our society, we must attack the root causes of violence directly. There is nothing more important to our Nation than how we rear our children and how we break this cycle of children who are unloved, neglected, and abandoned, mindlessly lashing out in their own form of self-hatred and destruction. To do this, Mr. Speaker, we have got to pool all the resources we can muster.

Programs such as Head Start must be improved and fully funded; DARE and other drug prevention programs must get to young children before they get into drugs. We need to provide more early childhood education and a nurturing environment for those children who lack a family and positive role models. We need to insure that foundational values necessary for civilized life are instilled in our children. We need to counter the glorification of violence. We need to provide economic opportunity and hope for all our children.

Many of us are tired of solutions that are measured only by their toughness, solutions that sound good but fall short. We need to acknowledge the real value of treatment and prevention and need to look beyond today's vote to the larger battles for our Nation's children and our Nation's future.

The SPEAKER pro tempore (Mr. HEFNER). All time has expired.

The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3351, as amended.

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

The question was taken; and on a division (demanded by Mr. SENSENBRENNER) there were—ayes 4, nays 3.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### GRANTS TO DEVELOP PROGRAMS TO REDUCE JUVENILE GANG PARTICIPATION AND JUVENILE DRUG TRAFFICKING

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3353) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking, as amended.

The Clerk read as follows:

H.R. 3353

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

#### SECTION 1. JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS.

(a) The Omnibus Crime Control and Safe Streets Act of 1968, is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following new part:

#### "PART Q—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS

##### "SEC. 1701. GRANT AUTHORIZATION.

"(a) IN GENERAL.—The Director is authorized to make grants to States and units of local government or combinations thereof to assist them in planning, establishing, operating, coordinating, and evaluating projects directly or through grants and contracts with public and private agencies for the development of more effective programs, including education, prevention, treatment and enforcement programs to reduce—

"(1) the formation or continuation of juvenile gangs; and

"(2) the use and sale of illegal drugs by juveniles.

"(b) USES OF FUNDS.—The grants made under this section may be used for any of the following specific purposes:

"(1) to reduce the participation of juveniles in drug related crimes (including drug trafficking and drug use), particularly in and around elementary and secondary schools;

"(2) to reduce juvenile involvement in organized crime, drug and gang-related activity, particularly activities that involve the distribution of drugs by or to juveniles;

"(3) to develop new and innovative means to address the problems of juveniles convicted of serious, drug-related and gang-related offenses;

"(4) to reduce juvenile drug and gang-related activity in public housing projects;

"(5) to provide technical assistance and training to personnel and agencies responsible for the adjudicatory and corrections components of the juvenile justice system to identify drug-dependent or gang-involved juvenile offenders and to provide appropriate counseling and treatment to such offenders;

"(6) to promote the involvement of all juveniles in lawful activities, including—

"(A) school programs that teach that drug and gang involvement are wrong;

"(B) programs such as youth sports and other activities, including girls and boys clubs, scout troops, and little leagues;

"(7) to facilitate Federal and State cooperation with local school officials to develop education, prevention and treatment programs for juveniles who are likely to participate in drug trafficking, drug use or gang-related activities;

"(8) to provide pre- and post-trial drug abuse treatment to juveniles in the juvenile justice system; with the highest possible priority to providing drug abuse treatment to drug-dependent pregnant juveniles and drug-dependent juvenile mothers;

"(9) to provide education and treatment programs for youth exposed to severe violence in their homes, schools, or neighborhoods;

"(10) to establish sports mentoring and coaching programs in which athletes serve as role models for youth to teach that athletic provide a positive alternative to drug and gang involvement;

"(11) to develop new programs that specifically address the unique crime, drug, and alcohol-related challenges faced by juveniles

living at or near International Ports of Entry and in other international border communities, including rural localities;

"(12) to identify promising new juvenile drug demand reduction and enforcement programs, to replicate and demonstrate these programs to serve as national, regional or local models that could be used, in whole or in part, by other public and private juvenile justice programs, and to provide technical assistance and training to public or private organizations to implement similar programs; and

"(13) to coordinate violence, gang, and juvenile drug prevention programs with other existing Federal programs that serve community youth to better address the comprehensive needs of such youth.

"(c) FEDERAL SHARE.—(1) The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in applications submitted under this section for the fiscal year for which the projects receive assistance under this part.

"(2) The Director may waive the 25 percent matching requirement under paragraph (1), upon making a determination that such waiver is equitable due to the financial circumstances affecting the ability of the applicant to meet such requirements.

**"SEC. 1702. APPLICATIONS.**

"A State or unit of local government applying for grants under this part shall submit an application to the Director in such form and containing such information as the Director shall reasonably require."

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking the matter relating to part Q and inserting the following:

**"PART Q—JUVENILE DRUG TRAFFICKING AND GANG PREVENTION GRANTS**

**"Sec. 1701. Grant authorization.**

**"Sec. 1702. Applications.**

**"PART R—TRANSITION—EFFECTIVE DATE—REPEALER**

**"Sec. 1801. Continuation of rules, authorities, and proceedings."**

**SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (10) the following:

"(11) There are authorized to be appropriated \$100,000,000 for each of the fiscal years 1994 and 1995 to carry out the projects under part Q."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

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

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

Mr. Speaker, I rise in support of H.R. 3353. H.R. 3353 creates a grant programs to assist States and local governments in developing more effective and innovative programs to reduce juvenile gangs, to reduce the use and sale of illegal drugs by juveniles, and to promote the involvement of juveniles in lawful activities. The bill authorizes \$100 million for each of fiscal years 1994 and 1995.

Gang violence is now a depressingly real fact of American life—and not just in New York City and Los Angeles. Gang activity has spread all across the United States, in small towns, in middle-sized towns, in about every urban and rural area. In a very real sense, gang activity is another form of organized crime, and it must be eradicated.

The program created in H.R. 3353 is just one more way—but, an important way—in which the Federal Government can help to reduce the suffering of law-abiding members of our communities. Our neighborhoods are being inundated by drugs and are being terrorized by gangs. We need to assist young people in resisting the temptations and pressures to join in such destructive activities.

H.R. 3353 will help to achieve this goal and I urge my colleagues to cast an "aye" vote.

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

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

Mr. Speaker, this is another one of those unfunded authorization bills. The chairman of the Committee on the Judiciary, the gentleman from Texas [Mr. BROOKS], talks about the hundred million dollars that Congress plans to spend for juvenile drug traffic and gang prevention grants to local units of government and community organizations. However, Mr. Speaker, there is not one penny that is appropriated to do any of that for fiscal year 1994. The appropriations bill has already been passed by the Congress and has been sent to the President for his signature, and until the Office of Management and Budget comes up with a supplemental appropriation or a rescission, once again the Congress will be making an empty promise. I think that if this bill were funded, with appropriate restrictions on the type of grants that are available, much good can be done. However, the authorization for the grants in this bill is really wide open, including grants to organizations such as Boys and Girls Clubs, Scout troops, and Little Leagues.

Mr. Speaker, I do not know of any Little League team, and my son plays on one, that wants Federal aid. Little Leagues are a very, very important thing to help young people keep out of trouble. It gives them a sense of pride, it gives them a sense of teamwork, and it gives them a sense of accomplishment. But do we really want to authorize a program of Federal aid to the Little Leagues? That is what this bill does.

Second, this bill authorizes Federal aid to Scout troops. I am wondering if anybody has talked to the Secretary of the Interior on that. After all, he would not let Scouts help in the Golden Gate Park in San Francisco because the Scouts have a policy of not allow-

ing gays as Scoutmasters, and yet Scout troops are authorized to receive grants. My guess is that, if they do receive grants, there will be all kinds of restrictions that will be involved, including the one that I just mentioned that is against the very tenets of this volunteer organization.

It seems to me that again we are making a promise, and we are opening up a Pandora's box. I think that this bill should have been thought out a little bit more thoroughly, but to make my point I would like to read another letter from the Congressional Budget Office to the gentleman from Texas [Mr. BROOKS] dated November 1 to show that this bill does not do one darn thing.

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, November 1, 1993.

Hon. JACK BROOKS

Chairman, Committee on the Judiciary,  
U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 3353, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants to develop more effective programs to reduce juvenile gang participation and juvenile drug trafficking.

Enactment of H.R. 3353 would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to the bill.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

ROBERT D. REISCHAUER.

□ 1530

Mr. BROOKS. Madam Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader.

Mr. GEPHARDT. Madam Speaker, coming from a city that now ranks third in the United States in murders, I am deeply concerned about the growing violence that pervades St. Louis and too many other communities around our country.

Two weekends ago we had 22 people shot in St. Louis, and 10 were killed. Most of the people were involved in gang violence.

Since the beginning of my public life as an alderman in St. Louis, I have talked to lots of police officials, judges, social workers, victims, and even criminals, in search of answers to these problems. Twenty years later we are faced with escalating crime of unfathomable dimensions.

In the face of this epidemic of violence, we must ask why our efforts to combat crime have not worked better. We can and we must continue to treat the symptoms, the obvious symptoms of violence. But it is my belief that until we squarely acknowledge and address the root cause of the problem, we will continue in a never-ending cycle of violence.

A great deal of the crime that plagues our society stems from gang

violence. Gangs are on the rise in every city. In Los Angeles there are 130,000 documented gang members; Chicago, 50,000; Denver, 5,000; Wichita, KS, a city of 300,000 there are 1,300 documented gang members. And the numbers everywhere just keep going up.

Sociologists will tell you that gangs have become the surrogate family for thousands of youngsters. As more children grow up in dysfunctional families, more teenagers turn to gangs for a sense of security, a sense of identity, and a sense of belonging.

The number of crimes increases exponentially as more young people commit more crimes, all to gain acceptance in the social organization that they have come to know as their family.

As one person told me, in the absence of love, hate and violence have become the dominant values of their group behavior.

For the most part, our efforts to curb crime have focused on the results of gang violence. I think it is time we try to rescue our children from the vice of gangs, where hate and violence are the standard and the norm.

This legislation authorizes \$200 million over the next 2 years to help figure out how to deter young people from joining gangs. These grants will enable State and local governments, as well as public and nonprofit organizations, to develop innovative, coordinated programs to reduce the number of juvenile gangs and to reduce the use and sale of drugs by juveniles.

The legislation funds a variety of initiatives, including education and treatment programs for young people that have been exposed to severe violence in their homes, schools, and neighborhoods.

All of us are fixated on the terror and sadness and heartbreak that occurs on a daily basis in every city in this country. But we cannot fall prey to our fears and retreat from the magnitude of the undertaking. As a French philosopher once said, "The journey of a thousand miles begins with a single step." Today we have the opportunity to take the first step toward saving a lot of our children, and, in so doing, saving ourselves and saving the future victims of these crimes.

Madam Speaker, I urge Members to support an important first step, H.R. 3353, and I congratulate the chairman and members of the committee for bringing this legislation forward to the floor of the House.

Mr. SENSENBRENNER. Madam Speaker, I yield 3½ minutes to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Madam Speaker, today we are dealing with what passes for the 1993 crime bill as reported from the House Judiciary Committee. Given the skyrocketing murder, rape, and assault rate around our country, the bill only nibbles around the edge of the

problem instead of striking at the heart of violent crime.

I voted for five of the bills which are simply volunteer grant programs designed to provide for community policing, more effective programs to reduce juvenile gang participation and drug trafficking, drug treatment for prison inmates, school initiatives for preventing crime, and drug treatment for prison inmates.

Localities can choose whether or not they want to implement and pay for these programs in their cities or counties.

However, I voted against H.R. 3351 which provides \$200 million for grants to States to develop "alternative methods of punishment for young offenders" instead of jail. Incredibly, this bill originally set the age of young offenders at 28 years old. I understand that it has now been determined to lower that age to 22. It is still too old.

Many of these so called young offenders are committing the most brutal crimes in our Nation and they should be put in jail just like any other common thug. And if these youthful offenders commit capital murder, they should receive the death penalty just like older murderers.

Meanwhile, the committee failed to mark up bills which really crack down on criminals. There are many good ideas to fight crime locked up in the Congress while many hardened criminals are not locked up in our prisons.

I supported legislation streamlining the use of the death penalty. Currently endless appeals cause a delay of 10 or even 15 years before the executions occur and this lessens the deterrence.

In addition, I support H.R. 2872 which is a cost-sharing agreement between the Federal Government and States to build regional prisons to house violent State criminals. To qualify for Federal funds, a State must require violent criminals to serve at least 85 percent of their sentences, although I would prefer to see the full sentence carried out in these cases. The bill also requires longer mandatory sentences for certain violent offenders.

This measure is desperately needed because currently violent criminals serve only 37 percent of their given sentences. When you consider that 7 percent of the criminals account for 80 percent of the violent crime, it's clear that the best way to stop violent crime is to not put murderers, rapists, drug dealers, and other hoodlums back on our streets and in our neighborhoods.

It costs about \$25,000 a year to incarcerate someone, but that cost pales in comparison to the average cost of over \$400,000 a year in property loss, damage, and medical bills incurred as the result of the average career criminal.

Innocent victims, American families, are tired of going to the funerals of loved ones, and they are sick of living in fear. All the while, our criminal jus-

tice system coddles criminals and looks out for their rights instead of their victims' rights. Let us change this backward system by bringing out a crime bill with real teeth.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Virginia [Mr. SCOTT], a member of the committee.

Mr. SCOTT. Madam Speaker, I thank the gentleman for yielding, because we are again addressing the root cause of crime. Drug use and drug dealing and gang participation have continued to plague our youth. It is with this heightened sense of purpose that I offer my support for H.R. 3353, grants to reduce juvenile gang participation and drug trafficking.

□ 1540

These grants will finally provide funds to address the root causes of juvenile delinquency instead of our present strategy of reacting to problems after they have occurred. We should not be surprised, when our young people have no organized recreational opportunities, no summer jobs, no school dropout prevention programs, no job prospects, no boys and girls clubs to go to, we cannot allow those conditions to occur and then be surprised that our young people are joining gangs.

I have long held that more crime is prevented by boys and girls clubs than by multimillion dollar prisons.

Madam Speaker, there is a Little League baseball league in our community that involves 1,000 young people, that costs \$75,000, the approximate cost of 3 years of incarceration. The Justice Department research, the American Psychological Association and a number of other experts have concluded that attacking the root causes of crime are our only chance of reducing crime. We already lock people up at rates unchallenged in the rest of the world and in some communities at a rate 10 times that found in the rest of the world.

The approach taken by H.R. 3353 is not only practical and effective, but it is also fiscally responsible.

Mr. SENSENBRENNER. Madam Speaker, I yield 5 minutes to the distinguished gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman for yielding time to me.

This reminds me of what we call "feel-good legislation." It sounds good and it is going to play well back home, but it is really not going to solve the problem.

I have a lot of problems with this. We nip around the edges when we try to deal with crime and our youth population that is turning more and more to street crime and drug crime. We say that if we do a little bit here and a little bit there, that is going to solve the problem. And I think the gentleman

from Missouri said a while ago, a journey of a thousand miles begins with but a single step.

I was sort of thinking back to when we started taking our programs down the wrong path a few years ago, many years ago. We took fathers out of the homes, if they were getting welfare benefits so there is no father figure in the home so kids then turn to street gangs. We took God out of the schools and in place we put condoms in the schools. And we wonder why kids have a different moral attitude than we had back in the 1950's and 1960's. And we had all kinds of crazy decisions made by the Supreme Court, the Miranda and Escabido decisions, which gave criminals rights that the person who was violated did not have. And we wonder why crime escalated and increased. Then we come up with a program today that we are talking about that is going to spend \$200,000 and give Federal aid to the Boy Scouts and the Little League. There are all kinds of mischief in that proposal. If we give Federal aid to the Boy Scouts, are they then going to come under Federal control and regulations? Are we going to have homosexuals becoming Boy Scout masters and solve the moral problems of the country by doing that? This is not the right approach, in my opinion.

I would like to point out one more thing. In the grants for developing alternative methods of punishment for young offenders that we talked about just a few minutes ago. \$200 million a year for the next 3 years. I had a bill in the committee of the gentleman from Texas [Mr. BROOKS] that would create boot camps by taking closed-down Federal military bases and allowing the States to use those for boot camps. It would not have cost the Federal Government anything. It would have transferred the property to the State. And if the gentleman's committee and the Committee on Armed Services had worked together on this, the States could have taken over this responsibility where it rightfully should be to take these kids and put them into a boot camp to try to solve the problem.

I was watching. I think last Friday, as I was getting ready to head into the office, the Montel Williams show. They had a boot camp group of young people who had been criminals and drug addicts and everything else that marched in. They were saying yes sir and no sir, and they had been through a very rigorous boot camp program in the northeast. And it is very, very effective. It is cost effective. It is not going to throw Federal tax dollars that we do not have at the program.

I ask the chairman of the committee, why was not my boot camp bill heard? It is a bill that will work. It is a bill that turns the responsibility back to the States. We already have the property, and the States would like to have it. They can set up their own boot camps.

Rather than spending \$200 million in Federal money that we do not have on a program like they are talking about in H.R. 3351, it seems to me that the boot camp bill should have at least had a hearing so we could use Federal facilities to turn over to States so they could handle the problem.

Mr. BROOKS. Madam Speaker, will the gentleman yield?

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

Mr. BROOKS. Madam Speaker, I am on the Committee on the Judiciary. The Committee on Armed Services has control of the military bases.

Mr. BURTON of Indiana. Madam Speaker, I understand that.

Mr. BROOKS. Madam Speaker, if the gentleman will continue to yield, that is not in my jurisdiction. I am willing to work with them and if any of the States, there are 22 now that have boot camp, if they wanted to use a military installation, all they had to do was ask their Members of Congress to talk to the Committee on Armed Services. I cannot control that. I would like to control it, the Committee on Armed Services and the Committee on Appropriations both, it would be wonderful. I would ask unanimous consent that that be done.

Mr. BURTON of Indiana. Madam Speaker, I believe that those committees have to work in concert.

I asked the chairman on the floor if he would give our bill a hearing. We did not get that. Instead, we had this \$200 million proposal come before this body. It is not cost-effective. It is not going to solve the problem, whereas the States, where we should be handling this problem, can solve it, if we give them the wherewithal to do it.

We are closing down these military bases. Those facilities can be used. As I said before, the Committee on Armed Services and the gentleman's committee are the committees of jurisdiction. If they would work together, we could get that done.

Mr. BROOKS. Madam Speaker, if the gentleman will continue to yield, I am delighted to work with the Committee on Armed Services. I have a high regard for them. I would be delighted to work with the gentleman on this. I am very sympathetic to the utilization of such bases for our boot camps or for full-class prisons, whatever they want to use them for.

Mr. BURTON of Indiana. Madam Speaker, I thank the gentleman.

Mr. BROOKS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. BECERRA], a member of the committee.

Mr. BECERRA. Madam Speaker, I thank the gentleman for making it possible for a number of us who are new Members to be able to vote on a series of crime bills that will deal not only with incarceration and remediation of a problem with crime but also with the preventative aspects.

A number of us were elected to Congress hoping that we would not deal just with the back end of things but at the front end, before it gets too bad, that we would find a way to try to stop young people, kids, adolescents from every becoming criminal offenders and youthful offenders. So I thank the chairman for giving us that chance.

Let me also recite just a few anecdotes that occurred recently.

Three days ago at my house there were some kids trick or treating. Towards the end of the evening, about 8 o'clock at night, there was a woman with about six children who came knocking at our door after having sat at our front steps for about 5 or 10 minutes. She said, "Would you mind if I came in and left these children here while I make a phone call to see if my husband will come pick us up? There appear to be a gang of young men who are out there throwing eggs at homes and harassing the kids. I would like to find out where my husband is."

So we let her make the call. Her husband did show up, but this was at 8 o'clock in the evening in what I would consider a decent neighborhood. I consider where I live to be fairly safe, but yet this was a woman who had to call her husband to come pick her up because she was afraid to be outside.

I recounted that to my staff and, at the same time, they pointed out to me what had occurred that evening as well. And that was there were three young boys in the city of Pasadena right next to Los Angeles who had been shot and killed just without any cause by unknown sources, some individuals, young men. It is unknown who they were. Yet they were gunned down pointblank. They are now gone. We have no reason to understand why, but they are gone.

I thought that was selfless, but then I turned to my staff and said, "This is what we have to try to stop."

One of my staff members recounted something that occurred to a friend of hers within the past few months. A friend of hers was parked with her boyfriend on the side of a road. Three individuals came up and told them they were being held up. My staff member told me that her friend and her friend's boyfriend were pulled from the car, were told to get in the trunk. They were told that they were to be taken to the beach and they were going to be killed. At some moment a car passed by. The woman had enough sense to yell, "Run." She escaped. Her boyfriend saw the same thing occurring while these three individuals stood and did nothing.

□ 1550

He ran off and they were fine. These were two individuals who probably were about to be killed, and they were very fortunate to escape.

The types of legislation we have before us today hopefully will help us

deal with what we see here, senseless crime. I am very pleased to say that a number of us were very supportive of this type of legislation. Whether it is community policing or trying to go after drug abuse, gang prevention, we should do it, and this is the time.

Mr. SENSENBRENNER. Madam Speaker, I yield 4 minutes to the distinguished gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Madam Speaker, I thank the gentleman for yielding time to me.

Madam Speaker, I rise today not to talk about the five grants that we are discussing, because some of them will have a minimal impact on crime as it affects our country, but they will not near eradicate the impact of what we have chosen not to discuss today.

It is my understanding by listening to the debate all morning and afternoon long that the issues were separated out on the basis of what was controversial and what was not controversial, so some issues would not get bogged down in politics and others would be allowed to be put into legislative initiatives. It was also my understanding that for a very significant portion of time the Committee on the Judiciary was working cooperatively, both sides, on provisions affecting one group of individuals in America. There was no controversy. We were in agreement. It just so happened that that group that would be affected is women.

The gentlewoman from Colorado [Mrs. SCHROEDER], the gentleman from Minnesota [Mr. RAMSTAD], along with the gentleman from Wisconsin [Mr. SENSENBRENNER], were working cooperatively on several important, non-controversial provisions to make life a little safer in the United States for women, provisions like extending and strengthening restitution, reimbursing victims for lost income and necessary child care expenses, for trying proceedings, creating new offenses punishable by up to 20 years imprisonment for interstate stalking, the full faith and credit of protective orders across State lines, a national study on campus sexual assault, a national task force to deal with violence against women, mandatory restitution for sex crimes, domestic violence and stalking offenses, the Violence Against Women Act, a Democrat bill, strengthening the rape victim shield law, and payment for testing HIV and sexually transmitted diseases for victims of sexual assault.

These were all agreed to in committee, as I understand it. These were not controversial. These are actions that cannot wait any longer. By addressing these issues today, Congress could be sending an important message to women and their potential attackers. Today, by failing to mention even one of them, we unfortunately send the message that we as a Congress do not think that they are important at all.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DE LA GARZA], the distinguished chairman of the Committee on Agriculture.

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

Madam Speaker, the local communities are doing, to the extent possible, what they can with the items that we discuss today: crime, burglary, robberies, gang warfare. In my area, which used to be a peaceful, law-abiding area, in the last few days they found a body, decomposed, with a bullet hole through the head, of a young man about 30.

A policeman was shot and killed as he tried to help a youngster being attacked by a rival gang. A young lady was raped, attacked, and died shortly after arriving at the hospital. The local police, as best they can, address this issue. They do not have the resources, do not have the manpower. There is yet the community effort that needs to be enhanced.

Last Saturday night I attended a session where the judges have a committee of volunteers who work with wayward youngsters. Later that evening we attended a session of what is called communities in schools, people who work with dropouts and potential dropouts. This series of bills that have been put out by the committee, I would like to commend the chairman and all the members of the committee for allowing us to address them from this level, for rightly or wrongly, the local communities now look to Washington for everything that happens in those communities.

The moral aspect of it, the family values, all of that is there. It just has to be motivated and mobilized. The mobilizing and motivating has to be done by local law enforcement, by the local political leaders. These bills are tools that help in that respect.

Madam Speaker, I feel very sincerely it can be done. I commend everyone that has worked on this endeavor, for these tools can be what makes us turn around.

Mr. SENSENBRENNER. Madam Speaker, may I inquire as to the time remaining on each side.

The SPEAKER pro tempore (Mrs. UNSOLD). The gentleman from Wisconsin [Mr. SENSENBRENNER] has 5½ minutes remaining, and the gentleman from Texas [Mr. BROOKS] has 7 minutes remaining.

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

Mr. BROOKS. Madam Speaker, I yield the balance of my time to my distinguished friend, the gentleman from New York [Mr. SCHUMER], the chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I thank the distinguished gentleman from Beaumont and Jasper, TX, and places in between, Galveston, TX, for yielding time to me. It reminds me of a song, which I will spare the body at the moment.

Mr. Speaker, we in Congress have heard for years about the emerging problem of urban youth gangs. Unfortunately, this problem is no longer emerging, it is right here. Youth gangs are now major players in America's epidemic of violent crime, and they threaten the future of an entire generation of Americans.

Mr. Speaker, because this is a problem, we have drafted and put together H.R. 3353, which is an important national response to the frightening trend of gangs. It authorizes the Bureau of Justice Assistance to provide grants to the cities and States to fight youth gang violence and drug trafficking. These grants will be used to thwart the birth of new gangs and weaken existing gangs. It goes along with the whole theme of what we are doing today, which is that prevention is important.

Somehow some of the people on the other side of the aisle seem to think that we cannot do both prevention and punishment. I assure my colleagues that there are many of us who believe strongly in both: tough sentences, jails, and the kind of punishment that is necessary, but prevention also. Let us stop kids from getting into gangs, and then, unfortunately, if they do, and do bad things, let us punish them.

This bill deals with the preventative end, not because the punishment end is controversial, but because in terms of drugs and guns we have basically done that in previous crime bills. I urge my colleagues to support this legislation.

Mrs. KENNELLY. Mr. Speaker, I rise today in strong support of the crime legislation before us today. Violent crime and its effects have always been unacceptable to Americans. Lately, however, the problem has worsened. Incidents of violent crime seem more frequent and the victims younger and more innocent each day.

In Connecticut, the level of crime has increased in recent years, as the State struggles to find ways to combat the problem. Local police in Connecticut are forced to deal with increasing criminal activity, including unprecedented levels of gang violence, committed by more heavily armed criminals. This is the difficulty faced by towns and cities all over the country: less money and manpower to deal with a growing rate of crime.

The legislation before us would provide important resources in the fight against crime. I would call special attention to H.R. 3353, which aims to reduce the number of juvenile gangs and H.R. 3351, which would allow the development of alternative methods of youthful offenders. Hopefully, by focusing these resources on young offenders, we can change their path before they settle in to a life of crime.

These measures will not erase our crime problem, but represent an important start. Fighting crime must become a bipartisan issue. We can no longer afford to argue over Democratic and Republican responses to this demoralizing problem. Congress, together with the Clinton administration and State and local governments, must put their differences aside and work together in making our streets safer.

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

The SPEAKER pro tempore (Mr. DE LA GARZA). The question is on the motion offered by the gentleman from Texas [Mr. Brooks] that the House suspend the rules and pass the bill, H.R. 3353, as amended.

The question was taken.

Mr. BROOKS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on the motion will be postponed.

#### SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3354) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to allow grants for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment, as amended.

The Clerk read as follows:

H.R. 3354

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

#### SECTION 1. RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS.

(a) RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part Q as part R;

(2) by redesignating section 1701 as section 1801; and

(3) by inserting after part P the following:

“PART Q—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS

“SEC. 1701. GRANT AUTHORIZATION.

“The Director of the Bureau of Justice Assistance (referred to in this part as the ‘Director’) may make grants under this part to States, for the use by States and units of local government for the purpose of developing and implementing residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

“SEC. 1702. STATE APPLICATIONS.

“(a) IN GENERAL.—(1) To request a grant under this part the chief executive of a State shall submit an application to the Director

in such form and containing such information as the Director may reasonably require.

“(2) Such application shall include assurances that Federal funds received under this part shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for activities funded under this part.

“(3) Such application shall coordinate the design and implementation of treatment programs between State correctional representatives and the State Alcohol and Drug Abuse agency (and, if appropriate, between representatives of local correctional agencies and representatives of either the State alcohol and drug abuse agency or any appropriate local alcohol and drug abuse agency).

“(b) SUBSTANCE ABUSE TESTING REQUIREMENT.—To be eligible to receive funds under this part, a State must agree to implement or continue to require urinalysis or similar testing of individuals in correctional residential substance abuse treatment programs. Such testing shall include individuals released from residential substance abuse treatment programs who remain in the custody of the State.

“(c) ELIGIBILITY FOR PREFERENCE WITH AFTER CARE COMPONENT.—

“(1) To be eligible for a preference under this part, a State must ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services.

“(2) State aftercare services must involve the coordination of the correctional facility treatment program with other human service and rehabilitation programs, such as educational and job training programs, parole supervision programs, half-way house programs, and participation in self-help and peer groups programs, that may aid in the rehabilitation of individuals in the substance abuse treatment program.

“(3) To qualify as an aftercare program, the head of the substance abuse treatment program, in conjunction with State and local authorities and organizations involved in substance abuse treatment, shall assist in placement of substance abuse treatment program participants with appropriate community substance abuse treatment facilities when such individuals leave the correctional facility at the end of a sentence or on parole.

“(d) STATE OFFICE.—The Office designated under section 507 of this title—

“(1) shall prepare the application as required under section 1702, and

“(2) shall administer grant funds received under this part, including review of spending, processing, progress, financial reporting, technical assistance, grant adjustments, accounting, auditing, and fund disbursement.

“SEC. 1703. REVIEW OF STATE APPLICATIONS.

“(a) IN GENERAL.—The Director shall make a grant under section 1701 to carry out the projects described in the application submitted under section 1702 upon determining that—

“(1) the application is consistent with the requirements of this part; and

“(2) before the approval of the application the Director has made an affirmative finding in writing that the proposed project has been reviewed in accordance with this part.

“(b) APPROVAL.—Each application submitted under section 1702 shall be considered approved, in whole or in part, by the Director not later than 45 days after first received unless the Director informs the applicant of specific reasons for disapproval.

“(c) RESTRICTION.—Grant funds received under this part shall not be used for land acquisition or construction projects.

“(d) DISAPPROVAL NOTICE AND RECONSIDERATION.—The Director shall not disapprove any application without first affording the applicant reasonable notice and an opportunity for reconsideration.

“SEC. 1704. ALLOCATION AND DISTRIBUTION OF FUNDS.

“(a) ALLOCATION.—Of the total amount appropriated under this part in any fiscal year—

“(1) 0.4 percent shall be allocated to each of the participating States; and

“(2) of the total funds remaining after the allocation under paragraph (1), there shall be allocated to each of the participating States an amount which bears the same ratio to the amount of remaining funds described in this paragraph as the State prison population of such State bears to the total prison population of all the participating States.

“(b) FEDERAL SHARE.—The Federal share of a grant made under this part may not exceed 75 percent of the total costs of the projects described in the application submitted under section 1702 for the fiscal year for which the projects receive assistance under this part.

“SEC. 1705. EVALUATION

“Each State that receives a grant under this part shall submit to the Director an evaluation not later than March 1 of each year in such form and containing such information as the Director may reasonably require.”

(b) CONFORMING AMENDMENT.—The table of contents of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), is amended by striking the matter relating to part Q and inserting the following:

“PART Q—RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR PRISONERS

“Sec. 1701. Grant authorization.

“Sec. 1702. State applications.

“Sec. 1703. Review of State applications.

“Sec. 1704. Allocation and distribution of funds.

“Sec. 1705. Evaluation.

“PART R—TRANSITION—EFFECTIVE DATE—REPEALER

“Sec. 1801. Continuation of rules, authorities, and proceedings.”

(c) DEFINITIONS.—Section 901(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3791(a)) is amended by adding after paragraph (23) the following:

“(24) The term ‘residential substance abuse treatment program’ means a course of individual and group activities, lasting between 9 and 12 months, in residential treatment facilities set apart from the general prison population—

“(A) directed at the substance abuse problems of the prisoner; and

“(B) intended to develop the prisoner’s cognitive, behavioral, social, vocational, and other skills so as to solve the prisoner’s substance abuse and related problems.”

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793), is amended by adding after paragraph (10) the following:

“(11) There are authorized to be appropriated \$100,000,000 for each of the fiscal years 1994, 1995, and 1996 to carry out the projects under part Q.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. Brooks] will be recognized for 20 minutes, and the gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 20 minutes.

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

□ 1600

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

Mr. Speaker, I rise in support of H.R. 3354. This bill amends the Omnibus Crime Control and Safe Streets Act of 1968 to allow Federal grants for residential substance abuse treatment programs within State correctional facilities, as well as within local correctional facilities in which inmates are incarcerated for a period of time sufficient to permit substance abuse treatment.

To be eligible for program funds, participating States must have a drug testing component. In responding to the fact that States have ever-dwindling resources, this eligibility requirement does not mean testing of every single prisoner. If a State determines that another way of handling drug-testing is a better way to go, its eligibility will not be affected.

H.R. 3354 is another attempt to assist States and local governments to break the vicious cycle of crime fed by drug addiction, and it is a worthwhile program. The program moneys in H.R. 3354 will be money well spent. I salute Congressman SCHUMER and others in his subcommittee, and Republicans and Democrats in the full committee who have actively pushed this needed program forward. I urge my colleagues to support this proposal.

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

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

Mr. Speaker, this is another unfunded authorization bill, \$300 million worth of promises and not one penny of delivery.

In my opinion, there is nothing wrong with encouraging States to have drug treatment programs for people who are incarcerated, and this bill would be noncontroversial if it were funded. But it is not. It is going to dangle a carrot in front of the nose of the States that there will be money available to try to detoxify criminals before they are released from prison, and the Congress will continue moving the carrot further and further away from the rabbit so that the rabbit will never get it. And that is what is wrong with what the majority party has proposed here today.

There were a number of elections around the country yesterday, and crime was a critical issue in the campaigns in Virginia, and in New Jersey, and in New York City. The voters in each of those jurisdictions rejected the approach to crime that has been talked about today, that we can resolve the problem of crime by throwing money at it, and they want more action. We are not even throwing money at the

problem today. We are promising money sometime in the future and telling our State and local governments and the constituents that all of us represent that the check will be in the mail sometime later when we find the money to do it.

I think it is significant that the majority party has moved these bills to the floor today without waiting for the rescission bill that is being promised by the Clinton administration. I do not think we are going to see a penny of appropriations in these programs until the next fiscal year, which begins on October 1 of 1994. And there will be doubtless thousands of our citizens lying in the grave while Congress decides to find the money to fight crime. We should have done it before sending these bills to the floor.

We should get the message that the American people do not want promises anymore but want action.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Georgia [Mr. GINGRICH], the Republican whip.

Mr. GINGRICH. Mr. Speaker, let me say first of all that I regard today's activities as a great disappointment. The Democratic leadership had an opportunity to bring a serious, comprehensive crime bill to the floor. The Democratic leadership had an opportunity to schedule a debate and a vote, preferably with an open rule to allow Members to do something about violent crime, about rape, about crimes against women, about drug dealing, about all of the things that need to be dealt with in America today. Instead, for reasons I do not fully understand, the Democratic leadership decided to bring out a series of tiny little bills, trotting to the floor each without any money attached to it, each designed to provide a press release, one or two of them doing things that frankly are moderately useful. They are not harmful, but compared to the scale of the problem we face in America today, today's efforts by the Democratic leadership represent a disastrous failure of leadership. It represents an abandonment of the victims of crime. It represents a walking away from the problems of crime.

Now I must say it is ironic that the Democratic leadership decided to fail on the issue of crime the day after the country voted, because the message from yesterday was clear. Who won in New York City? The former prosecutor who promised to make New York safer, who has a track record of putting criminals in jail. What was the issue in Virginia? It was whether or not we would have a Governor in George Allen who is prepared to be tough on violent criminals. What was the only thing which preserved Florio's governorship and made him in contention? The fact that he had been very tough on crime.

What happened in Washington State, normally considered a fairly liberal

State? When a bill was brought up in Washington State where they had the initiative, and the voters can go past the professional politicians, and the voters can demand a vote, by 3 to 1 the people of the State of Washington passed an initiative which said if you are a three-time violent criminal, you are locked up for life. We are not going to put you back on the street. We are not going to trust you, and we are going to protect innocent Americans from violent criminals. And that is in a State that is normally regarded as the bellwether of liberal States.

The day after citizens across the country said they were tired of violent crimes, they were tired of drug dealers, they were tired of being afraid, we have this spectacle. No comprehensive crime bill, no effort to deal with an effective, believable death penalty, no effort to ensure that there are enough prisons, no effort to provide the money necessary to hire the policemen. Not just a press release, not just yes, it is a good idea, but here is how we are going to pay for the 50,000 policemen.

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

Mr. GINGRICH. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, is the gentleman aware of the rescission bill that has been drafted and will be on the House floor in the next few weeks?

Mr. GINGRICH. Yes, I am.

Mr. SCHUMER. Is the gentleman aware that is that bill is \$3.4 billion, the total amount necessary for funding the cop on the beat program?

Mr. GINGRICH. I am not aware of that.

Mr. SCHUMER. I bring that to the gentleman's attention.

Mr. GINGRICH. And you are going to vote for the rescission bill which provides the \$3.4 billion?

Mr. SCHUMER. I expect that I will. I have to read the details, but I expect to.

Mr. GINGRICH. That is helpful. But it is not attached to today's bill, am I right?

Mr. SCHUMER. If the gentleman would continue to yield, the gentleman knows darn well that we do authorizations on this bill in this committee, and that to then get the kind of cuts necessary, we cannot do it in the Judiciary Committee. It would slow down the bill, et cetera.

If this bill, the cops on the beat provision, is not funded within the next several months, the President has endeavored, unlike President Bush and President Reagan, to fund a program he believes in.

Mr. GINGRICH. Wait a second now, hold it. Let me just ask my friend from New York, is it not true that in the Clinton budget that was sent up, and in the Clinton preparation for next year's budget that in fact they are cutting law enforcement, that the only area

they dramatically cut in the White House was the Office of Drug Enforcement? Is it not true that there is less money for prisons in the Clinton program, and that they cut money out of the prison program?

Mr. SCHUMER. Will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from New York.

Mr. SCHUMER. The one that the gentleman mentioned, cuts in the Office of Drug Enforcement, those are the very same bureaucrats that the Republican bill wants to cut 5 percent. Those are not FBI agents, those are not DEA agents, those are not corrections officers. Those are the bureaucrats that 10 minutes ago or half an hour ago the gentleman who is well represented by his colleagues from Florida and Virginia said that is where the cuts ought to be made. And yet when the President makes them, they are no good.

Mr. GINGRICH. Let me say the President did not cut 5 percent. He wiped out.

Let me say second, I want to come back, is it not true in preparing for next year's budget the FBI and the prison program have both been told to expect serious cuts?

Mr. SCHUMER. If that happens, it would be fought. I have not heard that. So the gentleman must have better sources into the White House than I do.

Mr. GINGRICH. I have absolutely been told that is true, and those documents are in Justice right now, and they are being told by the Office of Management and Budget to expect cuts. And I believe it was back in the spring, I think the historic fact is that it was back in the spring that Clinton cut the prison program.

□ 1610

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

Mr. GINGRICH. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman.

Also, last year, when President Bush was in office, I seem to recall that the Democratic budget which was passed by this House, cut \$140 million out of the law enforcement function and reallocated it elsewhere in the Federal budget.

Mr. GINGRICH. Let me make sure I understand my friend from Wisconsin. Last year, the Democrats in this House cut \$140 million out of law enforcement, is that correct?

Mr. SENSENBRENNER. As requested by President Bush; that is correct.

Mr. GINGRICH. That is, below President Bush's request.

Mr. SENSENBRENNER. That is correct.

Mr. GINGRICH. The President, President Bush was trying to spend \$140 million more on law enforcement than the Democrats in the House were willing to spend. Is that correct?

Mr. SENSENBRENNER. That is correct.

Mr. GINGRICH. Surely my good friend from New York [Mr. SCHUMER] did not vote for that.

Mr. SENSENBRENNER. I believe he did. But he can speak for himself.

Mr. GINGRICH. Did the gentleman vote for that?

Mr. SCHUMER. If the gentleman would yield, I do not know what bill the gentleman is referring to.

Mr. GINGRICH. I yield to the gentleman from Wisconsin for a reply.

Mr. SENSENBRENNER. The budget resolution last year.

Mr. SCHUMER. The budget resolution, if the gentleman will admit, had more money for law enforcement than the previous year. And that is why I voted for it. Let me just finish, if I may.

Mr. GINGRICH. I yield to my friend from Wisconsin for just a moment.

Mr. SENSENBRENNER. It was my time which I yielded to the gentleman from Georgia.

This was the budget resolution that the President sent to Congress in 1992. The Democrats cut \$140 million out of law enforcement and spent it elsewhere. Now, with this rescission bill, you know, I have been around here long enough, as has the gentleman from Georgia, to know that you do not pass one bill on the requirement that another bill passes.

I will be very surprised if this rescission bill to free up money for cops on the beat is on the President's desk by the time we adjourn prior to Thanksgiving, that is literally "the check is in the mail," and the people are sick of it.

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

Mr. GINGRICH. I yield to my friend from Florida.

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

Mr. Speaker, it is my understanding from former Attorney General Barr, who came before our Republican committee hearing on this issue just this last Friday that the current budget cuts 10 percent out of law enforcement, that we are now operating under, and next year's budget will cut, it is anticipated, another 10 percent from the Clinton administration of the FBI, the DEA, et cetera. And I think that is a very accurate portrayal of what it does—10 percent this year, 10 percent next year, I do not know what is going to happen in the third year.

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

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

Mr. SCHUMER. I thank the gentleman for yielding.

Two things: I have not heard a thing, and I think I will know when they are in pretty good shape to determine it. So, Attorney General Barr, the former Attorney General, as much as I respect

him, his speculation I do not think has a place here. What amazes me—what amazes me is here we have a President making a real endeavor to add \$3.4 billion for cops on the beat, and what do we hear from the other side? Not joining with us to end the gridlock, to get something real done; but rather, "Well, last year while President Bush was President, it didn't go up enough, it should have gone up another \$140 million," 3 percent of this \$3.4 billion. And what do we hear? We hear that here you have people on both sides of the aisle, very conservative Members, complaining that this \$3.4 billion should go to deficit reduction and not to cops on the beat, and the President is making a fight over it. And finally, what we hear from this side of the aisle is complaining about doing these kinds of things. Instead of saying, "Yes, these are good things, we will join you in getting an appropriation," because that is how the process works, instead of in the Senate saying, "Let's get that crime bill on the floor," they are filibustering. I would say to the good gentlemen here it seems to me, and it would seem to most observers that these folks are petrified that we are finally going to do something on crime and take the issue away.

Mr. GINGRICH. Let me reclaim my time.

Mr. SCHUMER. May I finish?

The SPEAKER pro tempore (Mr. DE LA GARZA). The gentleman from Wisconsin [Mr. SENSENBRENNER] controls the time; he has yielded as much time as the gentleman may consume to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. So that I may currently, temporarily, control the time.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. GINGRICH] is consuming the time as allotted.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield to me?

Mr. GINGRICH. I yield to the gentleman from Wisconsin briefly.

Mr. SENSENBRENNER. I thank the gentleman for yielding.

Mr. Speaker, Vice President GORE's National Performance Review suggested that we save \$189 million in administrative expense by combining the FBI, the DEA, and the Bureau of Alcohol, Tobacco and Firearms. Attorney General Reno has rejected that.

So here is \$189 million that we could have spent on these programs that are basically being used to continue to finance duplication of services.

So we hear all kinds of things from the administration on the majority side; it would be helpful if they spoke out of one voice.

Mr. GINGRICH. Let me say unequivocally to my friend from New York [Mr. SCHUMER], and then I want to give other people a chance to talk, but I want to respond to the gentleman on a couple of points.

First, this is November 3. The bureaucracy is currently preparing the budget for next year. Somebody in the bureaucracy has told former Attorney General Barr what they are being asked to do by the Office of Management and Budget. I am inclined, based on the track record of the Clinton administration, to believe that the Office of Management and Budget has asked for a 10-percent cut in law enforcement because this administration is long on public relations and short on law enforcement.

Second, and I am surprised the gentleman has not been told by his staff, and if he checks, I am sure that Mr. Panetta would be glad to tell him what their current planning is for cutting the spending on FBI and on prisons and on drug enforcement.

Second, what we are trying to suggest to you, and I know this is a radical thought, that when most Americans—

Mr. SCHUMER. Would the gentleman yield for just a fact? I have just gotten some information.

Mr. GINGRICH. Let me just continue.

Mr. SCHUMER. The gentleman does not want to hear facts, just the rhetoric?

Mr. GINGRICH. I have been more than generous in yielding.

Let me just say, second, the point we are trying to drive home is that the American people would like to have an enforceable, believable death penalty. The American people would like to have violent juveniles treated as adults. When you have a bill coming up today, H.R. 3351, which moves the status of youthful offender in exactly the wrong direction, you now have 22-year-olds and I believe in your committee mark it was 26- or 28-year-olds who were going to be considered youthful. Now, I will tell you, a woman who has been the victim of a rape, the storekeeper who has been the victim of a shooting, the person who has been the victim of a mugging, the family who has survived their loved one getting killed, do not regard 22-year-olds and 26-year-olds and 28-year-olds as youthful. They regard them as dangerous.

I think it is exactly the wrong direction to keep extending the age of youth upward, instead of being much more tough on violent criminals.

Now, let me go further: We are suggesting—and the gentleman has plenty of time on his side, and he will get yielded to—we are suggesting to the Democratic leadership that the message from the American people is to bring a comprehensive serious crime bill to the floor. Let me give you just one example that I know is hard for some Democrats to understand. It does not do you any good to have more police if you do not build more prisons; and where Mr. McCOLLUM has suggested real leadership in suggesting re-

gional Federal prisons in an effort to collaborate with the States. It does not help to have more police pick up the same felon for the ninth time in a year so they can be run through the mill to be dropped out the back door of the prison, to go back on the street to do the same thing. We are trying on the Republican side to put all of it together, an enforceable, believable death penalty, treating all violent offenders as though they are dangerous, making sure we have enough prisons to lock up everybody who is violent, doing it in one package, along with more police on the streets, so that the system works. And we have had now stonewalling by the Democratic leadership, who shocked us a week ago when they dropped their plan to have a comprehensive crime bill and went with these series of sort of pygmy bills running across here, each of them tiny, interesting, and nice public relations gestures, but none of them big enough, strong enough, and serious enough to deal with violent criminals.

Let me yield to my friend—  
Mr. SCHUMER. Will the gentleman yield?

Mr. GINGRICH. No.  
Mr. WALKER. Mr. Speaker, can we have regular order?

The SPEAKER pro tempore. The time of the gentleman from Wisconsin [Mr. SENSENBRENNER] has expired.

Mr. BROOKS. Mr. Speaker, how much time do I have left?

The PRESIDENT pro tempore. The gentleman from Texas [Mr. BROOKS] has 18 minutes remaining.

Mr. BROOKS. Mr. Speaker, I yield 3 minutes to my distinguished friend, the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, might I address the minority whip? I have just heard from the White House. It is, once again, the minority whip is throwing facts around. This year's budget, according to Mr. Panetta, has an 8-percent increase in law enforcement and the \$3.4 billion for the baseline for cops on the beat.

I would add that, if you add those two things together, it is a greater increase in law enforcement than we have had in the last 4 years. Does the President, if that is true, deserve some plaudits for that?

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

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

Mr. GINGRICH. I thank the gentleman for yielding.

Mr. Speaker, if it turns out the President has an 8 percent increase in Federal law enforcement and \$3.4 billion on cops on the street, I would be glad to hold a joint press conference with the gentleman and praise the President when he brings the budget up for having done something good, and that would be a good thing to do for America.

□ 1620

Mr. SCHUMER. I would say to the gentleman, Mr. Speaker, I will see him in the Gallery.

Let me just make a couple of other points, if I might, and I do not need too much time for them.

Again, and I would say this to the gentleman from Georgia, if he would look at the bill, the bill he was talking about—does the gentleman from Georgia want to learn what is in the bill he was talking about?

The bill he was talking about, which we just finished debating, deals not with reducing sentences on first-time nonviolent offenders. There is not a line in the bill that deals with that. If the gentleman thinks there is, let him read it and show it to me.

What it deals with is much of the problem, and it is not just in New York. It is in his city of Atlanta, where first-time offenders get no punishment now.

This is a grant program, assuming that the prisons are filled up, to help provide some kind of punishment other than a slap on the wrist.

I would say to the gentleman in the spirit in which he applauded the President before, if the facts we have given him are true, and I have every reason to believe they are true, he should be supporting this.

Now, I agree with the gentleman that we have much more to do.

My subcommittee will take up a death penalty bill next year, as the gentleman knows. We have done that in the past. We will try to get—I certainly will try to get more money for prisons, because as I said to the other side while they were here, we believe in both prevention and punishment.

Prevention can be tough. It can be the Brady bill to stop criminals from getting guns. It can be Cop On The Beat, and it can be drug treatment.

If the gentleman would see to it next year with his power and his position on his side of the aisle that the habeas corpus issue does not hold us up, as it has in the past, I think we can get all of that done.

I would say to the gentleman that perhaps we can begin together working on that, but I will tell the gentleman one thing.

The SPEAKER pro tempore (Mrs. UNSOELD). The time of the gentleman from New York [Mr. SCHUMER] has expired.

Mr. BROOKS. Madam Speaker, I yield 3 additional minutes to the gentleman from New York.

Mr. SCHUMER. Madam Speaker, I am not going to allow five programs or six programs, which the gentleman concedes are meritorious. Ask Mr. Juliani, who he mentioned, what he thinks of Cops On The Beat, drug treatment in the prisons, early incarceration, and this bill we are debating. He likes them all. He has talked about

them, to see those held up until we can come to agreement on the rest.

Mr. GINGRICH. Madam Speaker, will the gentleman yield?

Mr. SCHUMER. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. On page 9 of the gentleman's bill, which I did look at, I believe in the original version they extended young offender to 28 years. Now it is extended to 22.

I am simply suggesting that is not what most Americans, and particularly victims, think of as young offenders. I think that is the wrong direction.

Mr. SCHUMER. Reclaiming my time, Madam Chairman, what I would say to the gentleman is that is not a reduction in jail time, and only these offenders, whether they be 18 or 15 or 13 or 19 or 22, if they commit a violent crime, if they commit a serious crime, their State laws will not put them in this program. This deals with the kid who breaks a window.

If the gentleman would like to be educated on this issue, this deals with when a kid breaks a window. This deals with when a kid commits a minor low-level crime, and right now gets no punishment at all.

It is a grant program. It does not reduce the sentence, because that is State law.

If the gentleman thinks that the whole reason not to have these programs is so they will deal only with 17-year-olds who commit these, rather than 19-year-olds, who have a disagreement.

Mr. GINGRICH. Madam Speaker, will the gentleman yield further?

Mr. SCHUMER. I am happy to yield to the gentleman from Georgia.

Mr. GINGRICH. I just want to make two points. On page 2 of the gentleman's bill, it says, "Alternative methods to punishment to traditional forms of incarceration."

Mr. SCHUMER. And probation.

Mr. GINGRICH. And second, everywhere in America people plea bargain for violent crimes down to misdemeanors, and this allows a person who has plea bargained for a violent crime to have an alternative to incarceration at 22 years of age. We just disagree about whether that is a good idea.

Mr. SCHUMER. Madam Speaker, reclaiming my time, \* \* \* Listen on the television there.

Mr. WALKER. Madam Speaker, I demand the gentleman's words be taken down.

The SPEAKER pro tempore (Mrs. UNSOELD). The gentleman will suspend.

Does the gentleman ask unanimous consent to proceed?

Mr. SCHUMER. Madam Speaker, I ask unanimous consent to proceed.

Mr. WALKER. Madam Speaker, I object. I asked that the gentleman's words be taken down.

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

Mr. SCHUMER. Madam Speaker, I will withdraw the words that the gentleman left for the Cloakroom. I will withdraw those words.

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

Mr. WALKER. Madam Speaker, that does not fully cover what the problem is in terms of the words.

Madam Speaker, the Clerk will report the words.

Mr. SCHUMER. Madam Speaker, I withdraw all objectionable words. I would like to debate the issue here and not again get into procedural sidetrack.

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

Mr. CUNNINGHAM. Reserving the right to object, Madam Speaker, the idea is that the gentleman impugned the integrity of our minority leader.

Mr. SCHUMER. Madam Speaker, I had no intention to impugn the integrity of the gentleman.

Mr. WALKER. Madam Speaker, what are we doing here? I demanded that the words be taken down. I do not understand. There cannot be debate after that.

The SPEAKER pro tempore. The Chair had understood the gentleman to have made a unanimous consent request.

Mr. WALKER. Well, I did not hear the unanimous consent request.

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

Mr. SCHUMER. If I may proceed, Madam Speaker.

The SPEAKER pro tempore. No.

Mr. WALKER. The gentleman cannot proceed.

The SPEAKER pro tempore. The gentleman will suspend.

The Clerk will report the words.

□ 1630

The SPEAKER pro tempore (Mrs. UNSOELD). The Clerk will report the words.

The Clerk read as follows:

"Once again the gentleman states something fallacious and then rushes away. The gentleman is in the Cloakroom."

The SPEAKER pro tempore. Does the gentleman from New York [Mr. SCHUMER] ask unanimous consent to withdraw the words?

Mr. SCHUMER. I do, Madam Speaker.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York [Mr. SCHUMER], may proceed.

Mr. SCHUMER. Madam Speaker, I appreciate the courtesy of the other side so we can continue the debate.

The point I was making is a very simple one, that there is nothing in

this bill that reduces sentencing. What it simply does, very simply, is in cities like the gentleman from Georgia's in Atlanta and like mine where the system is overloaded—

The SPEAKER pro tempore. The time of the gentleman from New York [Mr. SCHUMER] has expired.

Does the gentleman from Texas [Mr. BROOKS] yield an additional 30 seconds to the gentleman from New York?

Mr. BROOKS. Yes, Madam Speaker.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. So, what I am saying, Madam Speaker, very simply is in those cities, rather than have no punishment at all, these punishments are appropriate, and in places like Georgia and like Quincy, MA, they have worked. We ought to begin to use them.

Mr. BROOKS. Madam Speaker, I yield 3 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. Madam Speaker, I just hope we can reduce the rhetoric and move on because I realize there is a certain amount of disappointment that we do not have a comprehensive crime bill. I want to tell my colleagues that it does not break my heart that we do not have a comprehensive crime control bill because I have seen good measures go down the tube because of comprehensive crime control bills. As my colleagues know, this practice started about a decade ago when the Senate, the other body, put together a whole host of their bills and tacked on four or five of our bills, and we called it comprehensive. Well, the danger with that is that one controversial provision like habeas corpus will take down the drain every other provision of the bill.

As my colleagues know, we had 200-plus pages of crime legislation in the last Congress. What happened to it? Well, some Republican in the other body filibustered it to death, and every provision in that bill, many of which we worked long and hard to put in the bill, went down the drain. So, here we are over a year later, and we still do not have those measures that were noncontroversial as a matter of law.

So, Madam Speaker, now what we need to do is work together. My colleagues have made their point that we do not have a comprehensive crime control bill. But we have individual provisions which, when put together, will be a mosaic of a comprehensive crime control bill. Now what we need to do is work to get them out of subcommittee, and to full committee, to the floor, and that is what this Member wants to do, and I presume, I say to my colleagues, "That's what you want to do unless you want to talk it to death for the balance of this evening."

Mr. CUNNINGHAM. Madam Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from California.

Mr. CUNNINGHAM. Madam Speaker, I think our point is that the items that were brought up today, there is probably very seldom that I would vote along with the gentlewoman from Colorado [Mrs. SCHROEDER] but such things as the woman's crime and some of the more controversial stuff was not brought up today, and the things that we talked about today do not have that much substance.

Mr. HUGHES. Madam Speaker, I say to my distinguished colleague, the gentleman from California [Mr. CUNNINGHAM] I am very disappointed there are a lot of provisions in this that I worked very hard for in the last Congress that are not in these five bills we are debating tonight, but look. They have been sent to subcommittee. It is because we could not get the votes for a comprehensive crime control bill. But we can get the votes for the bills individually, move them out of the Congress, and that is what we are trying to do.

There were dozens and dozens of bills, and I suspect my colleague, the gentleman from California, would support them. There are dozens and dozens of provisions that I am sure the House will work their will and pass. But unfortunately the distinguished chairman of the committee could not get the votes. He took the better part of, and here it is November, the better part of the year attempting to put it together. It was not there. So now we are trying to move the provisions individually.

Madam Speaker, I suspect my colleague from California supports the bills we are debating.

Mr. CUNNINGHAM. Madam Speaker, will the gentleman yield briefly?

Mr. HUGHES. I yield to the gentleman from California.

Mr. CUNNINGHAM. Madam Speaker, I am not here to debate the future bills, but what we are looking at here today, and that was my only point, that I think we could have brought up some more things—

Mr. HUGHES. Reclaiming my time, Madam Speaker, I suspect my colleague from California, even though he is debating the issue, is going to vote for every one of them.

Mr. CUNNINGHAM. Not necessarily.

Mr. HUGHES. Well, I want to tell my colleague that I will be very surprised if my colleague from California does not register an aye vote for every one of these bills, and so will most Members on that side of the aisle.

So, let us get on with the business at hand.

Mr. BROOKS. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Austin, TX [Mr. PICKLE] a member of the Committee on Ways and Means.

Mr. PICKLE. Madam Speaker, I rise to support this legislation to provide for safer streets and neighborhoods for our citizens. I want to thank Chairman BROOKS and the committee for doing yeoman's work on moving this important bill forward.

Madam Speaker, the first responsibility of government is to safeguard the lives and property of the citizenry. That's the No. 1 job. If a person doesn't feel that he or she or his or her children are safe in their home or in their car or in their neighborhood, no other part of that person's life will be truly happy or satisfying.

There was a time a short while ago that my hometown of Austin was a quiet, little university town. Those days are gone. Now, scarcely a week goes by where we don't read about a gang-related drive-by shooting or a drug deal gone sour that results in a homicide.

Virtually every criminologist, prosecutor, or beat cop will tell you that the No. 1 thing driving our violent crime problem in this Nation is drugs. In my home State of Texas, 80 percent of every inmate in the State prison system are there on drug-related charges or were under the influence of drugs when arrested.

Like most Members, I have strongly supported building more prisons and in fact our State is in the middle of a huge prison building program. Just yesterday, in Texas, we passed another billion dollar bond issue to build more jail facilities.

But we in Texas are trying to truly solve the problem. We have developed a comprehensive program of drug treatment while in prison to cut off the vicious cycle of crime and drug use. Just south of my district in Kyle, TX, we have a program that has been hailed by law enforcement professionals, crime victim organizations, psychologists, news organizations and others all over the country for its effectiveness. It forces prison inmates who have a substance abuse problem to undergo tough, long-term drug treatment before they are released.

So far, the results are phenomenal, and there is almost no incidence of people who have gone through the system falling back into their criminal ways. Our State is currently spending more on this than any other State in the Nation, but we need help. This program works, but it needs more resources. That is why I urge my colleagues to support the measure before us today, H.R. 3354.

We all pay a lot of lip service to wanting to do something to really fight crime. We talk the talk, now it is time to walk the walk.

Mr. BROOKS. Madam Speaker, how much time is remaining?

The SPEAKER pro tempore. The gentleman from Texas [Mr. BROOKS] has 6 minutes remaining, and the gentleman

from Wisconsin [Mr. SENSENBRENNER] has no time remaining.

Ms. LAMBERT. Madam Speaker, I rise today in strong support of the tremendous efforts by the Judiciary Committee, Chairman BROOKS, Chairman SCHUMER, and others in regards to the collective anticrime bills that are before us today. I am especially pleased that the committee reached compromises on these bills that will help ensure safety for rural America.

The idyllic picture of rural America that depicts the little white house surrounded by a white picket fence and children happy at play is soon to be a picture of the past if we do not take immediate action. FBI crime figures indicate that the violent crime rate in America between 1991 and 1992 grew faster in rural areas at a rate of plus 7.2 percent than in urban areas at a rate of plus 2.2 percent. Small towns are now having to face the problems of weapons in schools, the increased amount of drug use, and the continued presence of gangs that have spread from urban to rural areas.

We, as legislators, have a duty to ensure the safety and protection of all Americans. Therefore, in order to address the growing amount of violent crime in our Nation, I respectfully ask my colleagues to join in the effort to fight violent crime in our Nation by paying attention to the truly worthwhile anticrime legislation before us today.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3354.

The question was taken.

Mr. BROOKS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CIVIL RULES AMENDMENTS ACT OF 1993

Mr. BROOKS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2814) to permit the taking effect of certain proposed rules of civil procedure, with modifications.

The clerk read as follows:

H.R. 2814

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

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Civil Rules Amendments Act of 1993".

#### SEC. 2. MODIFICATION OF PROPOSED AMENDMENTS.

The proposed amendments to the Federal Rules of Civil Procedure which are embraced by an order entered by the Supreme Court of the United States on April 22, 1993, shall take effect on December 1, 1993, as otherwise provided by law, but with the following amendments:

(1) RULE 25.—

(A) IN GENERAL.—Proposed rule 26(a) is amended so that paragraph (1) reads as follows:

"(1) INSURANCE AGREEMENTS.—A party may obtain discovery of the existence and contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment. Information concerning the insurance agreement is not by reason of disclosure admissible in evidence at trial. For purposes of this paragraph, an application for insurance shall not be treated as part of an insurance agreement."

(2) CONFORMING AMENDMENTS.—(A) Proposed rule 26(a)(2) is amended by striking "In addition to the disclosures required by paragraph (1), a" and inserting "A".

(B) Proposed rule 26(a)(3) is amended by striking "the preceding paragraphs" and inserting "paragraph (2)".

(C) Proposed rule 26(a)(4) is amended by striking "(1) through" and inserting "(2) and".

(D) Proposed rule 26(f) is amended by striking "to make or arrange for the disclosures required by subdivision (a)(1)."

(E) Proposed rule 26(g)(1) is amended by striking "subdivision (a)(1) or".

(3) RULE 30.—

(A) IN GENERAL.—Proposed rule 30(b)(2) is amended by striking "Unless the court orders otherwise, it may be recorded by sound, sound-and-visual, or stenographic means, and the" and inserting "Unless the court upon motion orders, or the parties agree in writing to use, sound or sound-and-visual means, the deposition shall be recorded by stenographic means. The".

(B) CONFORMING AMENDMENT.—Proposed rule 30(b) is amended by striking paragraph (3).

(4) FORM 35.—Proposed form 35 is amended—

(A) by striking paragraph (2); and  
(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3).

□ 1640

The SPEAKER pro tempore (Mrs. UNSOELD). Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from North Carolina [Mr. COBLE] will be recognized for 20 minutes.

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

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

Madam Speaker, H.R. 2814 amends changes to the Federal Rules of Civil Procedure as transmitted to the Congress by the Supreme Court on April 22, 1993. The Supreme Court also transmitted amendments to Federal rules relating to evidence, bankruptcy procedure, criminal procedure, and appellate procedure. All of these changes were considered through the Courts' advisory process beginning in 1991.

Congress has the responsibility under the Rules Enabling Act to scrutinize carefully all rules changes proposed by the judicial conference and transmitted to us by the Supreme Court—and to make modifications or deletions when appropriate. This year, the Supreme Court transmitted changes to 40 Fed-

eral Rules of Civil Procedure. H.R. 2814—which amends two of them—reflects limited but important alterations in the proposed rules. The bill eliminates the provision requiring mandatory disclosure of documents and witnesses and maintains the existing rule providing for stenographic depositions in the normal course. The legislation thus maintains the current core structure of discovery—while allowing experimentation at the local level.

I am concerned, however, about the addition in the proposed rules of presumptive numerical limits on depositions and interrogatories in civil cases. I do not believe that an arbitrary number which applies across the board—from a simple negligence action to a complex antitrust suit—effectively furthers the interests of justice. It may in fact increase the level of judicial resources expended in a case by requiring a hearing on whether the 11th or 12th or 13th deposition will be permitted. Nevertheless, with a December 1 statutory deadline for enactment looming, we are moving the legislation ahead today as reported. If the other body decides to address this issue in a different manner, I hope the House will seriously consider following suit.

I appreciate the outstanding work of Congressman BILL HUGHES, chairman of the Subcommittee on Intellectual Property and Judicial Administration, and Congressman CARLOS MOORHEAD of California, the ranking subcommittee member, for their cooperation in processing this legislation promptly so that the Congress can meet the December 1 statutory deadline for enactment.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of H.R. 2814, a bill to prevent certain changes from taking effect regarding the Federal Rules of Civil Procedure.

Madam Speaker, I yield such time as he may consume to the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Madam Speaker, I rise in support of H.R. 2814, a bill to prevent certain changes from taking effect regarding the Federal Rules of Civil Procedure. I would like to commend the Judiciary Committee chairman, the gentleman from Texas [Mr. BROOKS] and the ranking member, the gentleman from New York [Mr. FISH] and the subcommittee chairman, the gentleman from New Jersey [Mr. HUGHES] for the prompt processing of H.R. 2814.

As has been pointed out, the changes recommended in rule 26(A)(1), the rule governing the use of discovery, would amount to a very substantial change in present law and practice. So much so, that almost every lawyer and trade association in the country strongly opposed these changes, but the one thing

that stood out in my mind was the fact that the Judiciary Committee processed the Civil Justice Reform Act of 1990 which required Federal district courts around the country to draft plans to experiment with new ideas to try to reduce the costs and delays associated with civil litigation. These plans have to be completed by December of this year. Forty-one districts have their plans in place and 23 districts plans include some form of discovery experiment. And in December 1995 they will report back to Congress the results of these experiments. I believe that before we impose any major change in the use of discovery we first review the findings of these district courts.

In conclusion Mr. Speaker, in a perfect world, what we would hope for is a fair and inexpensive determination to every legal dispute. We presently have delay, caused by rising caseloads and insufficient support services. We have spiraling costs caused by litigation expenses and attorneys fees. We have inconsistent decisions, caused by pressures placed on judges who must cope with the torrent of litigation.

These conditions may sound hopeless but they are not. The Judiciary Committee has been working on these problems for some time and I believe by the end of this decade we will have turned these conditions around.

I urge a favorable vote on H.R. 2814.

Mr. BROOKS. Madam Speaker, I yield 8 minutes to the distinguished gentleman from New Jersey [Mr. HUGHES], the chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. Madam Speaker, I rise in support of the Civil Rules Amendments Act of 1993. I believe my colleagues know that the cost of obtaining legal assistance in our society is often beyond the means of many of our constituents. Reducing the cost of litigation should be a priority of all of us.

The Supreme Court, as part of its responsibility for constructive change under the Rules Enabling Act, transmitted certain amendments to the Federal Rules of Civil Procedure to the Congress on April 22, 1993. Under the mechanism established by the Congress in the Rules Enabling Act, these proposed amendments will become law on December 1, 1993, unless the Congress acts to change them.

Initially, I would like to applaud this monumental effort and compliment those in the judiciary, the academic community, and the bar who participated in the long and arduous process which preceded the Supreme Court's action.

I do not—and let me emphasize this—I do not want to in any way limit future innovation by the Judicial Conference by what we may do here today. Instead, Congress, by proposing minimal modifications to these proposed rules changes, will be following our recent precedent of only occasionally

interjecting ourselves in the rule-making process, and then in a limited fashion.

However, after reviewing the extensive record of these proposed rules and our hearing on June 16, 1993, I believe we should make some changes to proposed rule XXVI(a)(1) dealing with the disclosure process, and to that part of rule XXX, which provides the means of taking depositions. These changes are incorporated in H.R. 2814.

#### RULE XXVI (a)(1)

Rule XXVI governs most of the Federal discovery process, and the present system has been the target of widespread criticism. I agree with much of this criticism. The U.S. Judicial Conference, in an attempt to streamline the discovery process, has proposed new rule XXVI(a)(1), which calls for mandatory disclosure of matters "pleaded with particularity." Champions of the proposed rule believe that it will avoid the unnecessary expenses that are the hallmark of the discovery process as it stands today.

Opponents, however, including the vast majority of those who have commented on this section, feel that mandatory disclosure is anathema to the adversarial process and will compromise the attorney-client privilege. They also feel that the standard; that is, pleaded with particularity, is too vague and will only increase the discovery burdens of the system instead of reducing them. They feel that a change of this nature should be taken with extreme caution. I and the Committee on the Judiciary believe these objections have merit.

We also believe that during the period of local experimentation mandated under the Civil Justice Reform Act of 1990, it would be premature to change the Federal Rules of Civil Procedure to establish any particular procedure for mandatory, early disclosure. Whether such procedures should be implemented on a local basis should be left to each district court.

H.R. 2814 deletes most of rule XXVI(a)(1), and we will look to the future for more empirical data on these procedures as provided for in the Civil Justice Reform Act of 1990.

#### RULE XXX

Since 1970, rule XXX has permitted depositions to be recorded by nonstenographic means, but only upon court order or with the written stipulation of the parties. The proposed changes in rule XXX(b) would alter that procedure by eliminating the requirement of a court order or stipulation and affording each party the right to arrange for recording of a deposition by nonstenographic means.

Testimony at our hearing raised concerns about the reliability and durability of video or audio tape alternatives to stenographic depositions. There also was information submitted suggesting that technological improvements in

stenographic recording should make the stenographic method more cost-effective for years to come. Depositions recorded stenographically historically have provided an accurate record of testimony which can conveniently be used by both trial and appellate courts. In addition, the certification of accuracy by an independent and unbiased third party is an important component of the present policy on depositions.

The case has not been made yet for unilateral decisions on the use of non-stenographic recording of depositions. H.R. 2814 retains the rule that non-stenographic recording of depositions is authorized only when permitted by court order or stipulation of the parties.

In this limited fashion, H.R. 2814 will make these appropriate changes to the proposed rules changes.

I also would like to speak briefly on Chairman BROOK's concerns on the proposed limitations on interrogatories and depositions.

Mr. Speaker, initially I will admit that I also questioned whether the presumptive limits on the number of depositions and interrogatories contained in proposed rule XXX(a)(2)(A) and XXXI(a)(2)(A)—10 depositions—and XXXIII(a)—25 interrogatories—would be appropriate if we deleted rule XXVI(a)(1).

After studying this matter closely, however, and discussing it with representatives of the U.S. Judicial Conference, I believe these are appropriate changes when read in context with the provisions allowing for local rules changes under rule XXVI(b)(2) and rule XXVI(f), which requires an early meeting of the parties on discovery issues.

There is no question in my mind that the discovery process is being abused in some cases, and I believe that the parties' agreement under XXVI(f) and the court's early involvement in the process under rule XVI is crucial to cost savings and good court management.

The basic objective of this rules change is to emphasize that all counsel have a professional obligation to develop a mutual cost-effective plan for discovery in such cases. Consideration of all these factors should be given early at the planning meeting of the parties under rule XXVI(f) and at the time of a scheduling conference under rule 16(b).

I would also state that experience in over half of the district courts has indicated that limitations on the number of interrogatories are useful and manageable. A study by the Federal Judicial Center of those courts indicates that 73 percent of the attorneys who responded to a poll in these districts state that limiting interrogatories, " \* \* \* exerts worthwhile control on \* \* \* discovery." I would also say that there are similar limitations in many State court systems, for example, in the State courts of Texas.

In my contacts with the U.S. Judicial Conference, they state that:

First, in the majority of cases the presumptive limits are not exceeded; and

Second, in other cases, the amendments will require an attorney to stop and think whether additional interrogatories or depositions are really necessary. At that time, the attorney is required to articulate the reason to a judge unless the parties stipulate.

I would also say that the Department of Justice favors the presumptive limits on discovery proposed in these rules.

I believe these presumptive limits will in most cases not be a hindrance, and in the complicated cases these limits will bring the parties together in order to make a constructive, early disposition of the discovery process.

I urge my colleagues to support H.R. 2814.

□ 1650

Mr. MOORHEAD. Madam Speaker, I yield such time as he may consume to the gentleman from New York [Mr. FISH].

Mr. FISH. Madam Speaker, I rise in support of H.R. 2814, and want to commend my colleagues and the leadership of the committee for scheduling this legislation.

Madam Speaker, I rise in support of H.R. 2814. I too would like to commend the chairman of the Judiciary Committee and the chairman of the subcommittee for their prompt scheduling of this legislation. I also would like to recognize their hard work and leadership and that of the gentleman from California, [Mr. MOORHEAD] a cosponsor of H.R. 2814.

The gentleman from California mentioned the Civil Justice Reform Act of 1990. I was an original cosponsor of that legislation along with the gentleman from Texas [Mr. BROOKS]. The goals of that new law are to cut cost and delay in civil litigation by experimenting with new ideas and then reporting back to Congress in 1995 the results of those experiments.

I believe the committee is correct in waiting to see how some of these experiments turn out before we make major changes such as have been recommended by the Judicial Conference regarding the use of discovery.

Given the pressures that a litigious society such as ours continues to place on the administration of justice in the Federal courts, it's important that Congress recognizes the pressing need for procedural reform. Our system of justice, albeit the best in the world, costs too much and it takes too long. We need to find new ways to reduce cost and delay; we need an inexpensive, expedited discovery process. We need firm trial dates, and in my opinion we need to expand the use of alternative dispute resolution mechanisms. I believe the Civil Justice Reform Act of 1990 will play a major part in accomplishing these goals.

Madam Speaker, H.R. 2814 is consistent with that legislation; I too urge a favorable vote, and yield back the balance of my time.

Mr. HYDE. Madam Speaker, rule XXX(b) of the Federal Rules of Civil Procedure requires

a stipulation by the parties or an order of the court to take a deposition by nonstenographic methods.

The Supreme Court proposed changing rule XXX(b) of the Federal Rules of Civil Procedure to allow parties to record deposition testimony by nonstenographic means without having to obtain permission of the court or agreement from other counsel. The rule change was proposed after extensive testimony and exhaustive discussion of the merits of electronic recording.

The Judiciary Subcommittee on Intellectual Property and the Administration of Justice held a hearing on the proposed changes to the Rules of Civil Procedure. Unfortunately, they only heard individuals who were opposed to the rule change. At that time, they were unable to locate witnesses in support of the rule.

Consequently, the bill before us deletes the suggested change, instead keeping to the current rule that "unless the court upon motion orders, or the parties agree in writing to use, sound or sound-and-visual means, the deposition shall be recorded by stenographic means."

The Advisory Committee recognized that "sound" and "sound-and-visual" technologies are already in use in courtrooms and for administrative agency hearings throughout the United States to provide the official record of proceedings. Of the 1,200 Federal courtrooms, including Federal magistrate, bankruptcy and district courts, over 500 currently use electronic audio recording. Additionally, they felt, as do I, that significant cost savings could result from the proposed change to rule XXX(b).

The next time the Supreme Court proposes changing rule XXX(b), I would hope that this issue will be examined in a more balanced manner and in greater detail.

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

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

The SPEAKER pro tempore (Mrs. UNSOELD). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 2814.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. BROOKS. Madam Speaker, I ask unanimous consent that all Members shall have 5 legislative days in which to revise and extend their remarks on the several crime bills just considered or passed.

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

There was no objection.

#### RE-REFERRAL OF S. 1284, THE DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 1993

Mr. DINGELL. Madam Speaker, I have a unanimous consent request that has been cleared by the chairman of the Committee on Education and Labor and by the minority.

Madam Speaker, I ask unanimous consent that the Senate bill, S. 1284, the Developmental Disabilities Assistance and Bill of Rights Act of 1993, be referred from the Committee on Education and Labor to the Committee on Energy and Commerce.

The SPEAKER pro tempore (Mrs. UNSOELD). Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### PROVIDING FOR CONSIDERATION OF H.R. 2151, MARITIME SECURITY AND COMPETITIVENESS ACT OF 1993

Mr. MOAKLEY. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 289 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 289

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet program, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Merchant Marine and Fisheries now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Madam Speaker, for the purpose of debate only, I yield 30

minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 289 is an open rule providing for the consideration of the Maritime Security and Competitiveness Act. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Merchant Marine and Fisheries Committee.

The rule also waives clause 5(a) of rule XXI against the committee substitute printed in the bill as original text.

This waiver is necessary because of a provision contained in section 408 of the bill which concerns the transfer of funds from the Operating Differential Subsidy Program when it expires.

Madam Speaker, this legislation is the result of hard work and close coordination between Chairman STUDDS and the ranking minority member of the committee, the gentleman from Texas [Mr. FIELDS].

I would like to commend their hard work together in crafting this legislation which is so important to our country's maritime industry.

Madam Speaker, it is no secret to any Member of this House that America's maritime presence in the world has been in decline for some time. But Mr. Speaker, we must not let this decline continue.

We need a strong U.S.-flagged merchant marine for military support in times of war and for support of U.S. trade in times of peace. This legislation is an important first step toward restoring America's maritime presence.

The programs established by the enactment of H.R. 2151 will allow U.S. merchant ship operators to once again be competitive in the international maritime industry. This bill reflects the reality that real change is needed now in order to save the U.S. merchant fleet from extinction.

Finally, Madam Speaker, I would like to point out that under this open rule any Member who has a germane amendment to the bill may offer it.

I urge adoption of this rule and adoption of the bill.

Madam Speaker, I reserve the balance of my time.

□ 1700

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

Madam Speaker, as the distinguished chairman of the Committee on Rules, Mr. MOAKLEY, has explained, this is an open rule and I urge its adoption.

This open rule will allow Members to fully participate in the amendment process and will permit H.R. 2151 to

have a full and fair debate. I am impressed with the bipartisan spirit of cooperation which exists on the Merchant Marine Committee. I know that this bill is the product of the work of both the majority and minority Members of that committee, and I commend the committee for bringing this bill to the floor.

The debate on maritime reform legislation is long overdue. I have thoroughly reviewed H.R. 2151, the Maritime Security and Competitiveness Act, and I will vote for that bill. I will also vote against any amendments to the bill not endorsed by the leadership of the Merchant Marine and Fisheries Committee.

What does H.R. 2151 seek to accomplish? It is an authorization bill designed to give government support to a privately owned commercial fleet of militarily useful vessels flying the American flag. Section 401 of the bill reads:

The Secretary of Transportation shall establish a fleet of active commercial vessels to enhance seafight capabilities and maintain a presence in international commercial shipping of United States documented vessels.

The bill provides the ships and the men to serve as a naval auxiliary in time of war or national emergency. We cannot permit our national security to be placed at the mercy of foreign seamen on foreign-owned, foreign-flagged vessels. Even with near unanimous global support, the crews of some foreign flag vessels refused to carry war material into the Persian Gulf during the war.

This measure will provide employment for American merchant mariners—civilians who have proven their dedication and patriotism by their actions in every war which has threatened the well-being of the United States. Contrary to recent ill-informed statements, there is no recorded instance of any American merchant mariner refusing duty on a vessel during the gulf war.

The bill prevents the U.S. from becoming dependent on foreign flag vessels manned by foreign nationals for our imports and exports. This will protect American consumers and producers from foreign shipping dominance of our international trade.

H.R. 2151 improves the operating efficiency of the maritime security fleet

by removing outmoded trade route restrictions, and it improves upon the current system of the ship mortgage and vessel financing system. The measure also stimulates a modest shipbuilding program by authorizing payments to American shipyards engaged in the construction of similar types of vessels. The U.S. must maintain a pool of skilled and experienced shipyard workers.

Madam Speaker, this bill seeks to amend and improve upon the Merchant Marine Act of 1936. That act expanded the U.S.-flag merchant marine and strengthened the shipbuilding capacity of the United States.

It is not an exaggeration to say—and I have said it before on many occasions—that without the ships built and the merchant mariners trained with government support provided by the Merchant Marine Act of 1936, the Western democracies would have lost World War II.

Those Members from districts along the Atlantic coast from Florida to Maine should know of the terrible battle fought during that war just offshore by the German U-boats against our merchant marine. Hundreds of vessels and thousands of lives were lost. President Roosevelt understood, as did the Axis Powers, that if our merchant marine was destroyed, we would be unable to protect our allies and serve as the great arsenal of democracy.

Madam Speaker, we are fortunate. With minor but tragic exceptions, this country is not engaged in major military operations anywhere in the world. 1993 was—and I hope 1994 will be—a year of general peace. Regrettably, I hear the same arguments today that were used against the 1936 act—that the United States didn't need a merchant marine; that we could save money by transporting goods on foreign flag vessels; that we could rely upon foreign flag ships when we need them. If the Members of Congress in 1936 had listened to the critics of the merchant marine, we would not have had the ships and the men to secure victory in World War II.

What will happen to our allies if the ethnic and religious persuasion of crewmembers of foreign flag vessels carrying military cargo causes the crewmembers to refuse to work?

I am sure we will hear the same tired old arguments to do away with the ship American provisions of the 1936 act that we have heard before. I caution the younger Members of this House to read their history before they vote to reduce the modest amount of cargo which the law requires to be carried on U.S. flag vessels. Also, a new note has been sounded that merchant mariners are not as patriotic as other Americans. There is no factual support for that statement.

Earlier this year the House unanimously passed H.R. 1109, the Merchant Seaman's Reemployment Act. This bill permits former merchant seamen who still retain their skills to serve in the merchant marine during times of war or national emergency—the same rights other reservists have.

Madam Speaker, we are at peace, but the world is a dangerous place. I urge my colleagues on both sides of the aisle to vote yes on this rule, to vote yes on H.R. 2151 and to reject any and all amendments not sanctioned or offered by the bipartisan leadership of the Merchant Marine and Fisheries Committee.

Madam Speaker, I include for the RECORD charts reflecting open versus restrictive rules in the House of Representatives:

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted <sup>1</sup>	Open rules		Restrictive rules	
		Number	Percent <sup>2</sup>	Number	Percent <sup>3</sup>
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	168	78	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-89)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102nd (1991-92)	109	37	34	72	66
103d (1993-94)	43	12	28	31	72

<sup>1</sup>Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

<sup>2</sup>Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

<sup>3</sup>Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rules, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong., "Notices of Action Taken," Committee on Rules, 103d Cong., through Nov. 2, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103d Cong.

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (0-5; R-25)	3 (0-0; R-3)	PQ. 246-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (0-1; R-18)	1 (0-0; R-1)	PQ. 248-171. A: 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (0-2; R-5)	0 (0-0; R-0)	PQ. 243-172. A: 237-178. (Feb. 26, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 28: Hatch Act amendments	9 (0-1; R-8)	3 (0-0; R-3)	PQ. 248-166. A: 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Reauthorization Act of 1993	13 (0-4; R-9)	8 (0-3; R-5)	PQ. 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental appropriations	37 (0-8; R-29)	(not submitted) (D-1; R-0)	A: 240-165. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (0-2; R-12)	4 (0 not submitted) (D-2; R-2)	PQ. 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (0-8; R-12)	9 (0-4; R-5)	PQ. 252-164. A: 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase public debt limit	0 (0-1; R-0)	0 (0-0; R-0)	PQ. 244-168. A: 242-170. (Mar. 1, 1993).
H. Res. 149, Apr. 1, 1993	MC	H.R. 1578: Expanded Recession Act of 1993	14 (0-2; R-12)	3 (0-1; R-2)	A: 212-108. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 870: Hat Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 167, May 11, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 303-172. A: 237-178. (May 20, 1993).
H. Res. 173, May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (0-1; R-5)	6 (0-1; R-5)	A: Voice Vote (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (0-19; R-32)	8 (0-7; R-1)	PQ. 252-178. A: 236-194. (May 27, 1993).

OPEN VERSUS RESTRICTIVE RULES: 103d Cong.—Continued

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 197, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (0-5, R-44)	5 (0-3, R-3)	PQ. 240-177. A: 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Stroker replacement	7 (0-4, R-3)	2 (0-1, R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department, H.R. 2404: Foreign aid	53 (0-20, R-33)	27 (0-12, R-15)	A: 294-129. (June 16, 1993).
H. Res. 193, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (0-11, R-22)	5 (0-1, R-4)	A: 263-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 205, June 22, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401-0. (July 20, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261-164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994-95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (0-8, R-6)	2 (0-2, R-0)	PQ. 245-178. F: 205-216. (July 22, 1993).
H. Res. 226, July 21, 1993	C	H.R. 2160: Disaster assistance supplemental	15 (0-8, R-7)	2 (0-2, R-0)	A: 224-205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 5, 1993	MO	H.R. 2401: National Defense authority	149 (0-109, R-40)	NA	A: 246-172. (Sept. 9, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National defense authorization	12 (0-3, R-9)	1 (0-1, R-0)	PQ. 237-169. A: 224-169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	NA	NA	A: 213-191-1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authorization	NA	91 (0-67, R-24)	A: 241-182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238-183. (10/0/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 3167: Unemployment compensation amendments	7 (0-4, R-3)	2 (0-2, R-0)	PQ. 240-185. A: 225-195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (0-1, R-2)	2 (0-1, R-1)	A: 239-150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (0-1, R-2)	2 (0-1, R-1)	PQ. 235-187. F: 149-254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (0-7, R-7, 1-1)	10 (0-7, R-3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	O	H.R. 334: Lumber Recognition Act	N/A	N/A	A: Voice Vote. (Oct. 28, 1993).
H. Res. 287, Oct. 27, 1993	C	H.R. 283: Continuing appropriations resolution	1 (0-0, R-0)	0	A: Voice Vote. (Oct. 28, 1993).
H. Res. 289, Oct. 29, 1993	O	H.R. 2114: Maritime Security Act of 1993	N/A	N/A	A: 252-170. (Oct. 28, 1993).

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ. Previous question; A-Adopted; F-Failed.

Madam Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON] the ranking member of the Committee on Rules.

Mr. SOLOMON. Madam Speaker, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993.

The current state of our merchant marine is deplorable, Madam Speaker, and H.R. 2151 aims to fix that.

Our maritime industry has been devastated in recent years by unfair foreign competition and unwise government policy.

In the last several decades, America has lost her once preeminent role in the maritime industry, and we have now reached the intolerable situation where fully 96 percent—I say again, 96 percent—of our cargo is being carried on foreign vessels.

Needless to say, tens of thousands of jobs have been destroyed as a result of this and tens of thousands more at stake if we don't act now.

H.R. 2151 will help reverse this disastrous decline, Madam Speaker.

The bill streamlines and eliminates many of the burdensome regulations which have been impairing efficiency in the industry.

It will significantly increase the operational flexibility for U.S. vessels, by eliminating such restrictions as the requirement that vessels operate only on government-approved trade routes.

H.R. 2151 also authorizes the creation of a maritime security fleet, which would enhance our seafit capability, so important in the event of a military crisis overseas, which our good chairman emeritus, the gentleman from Tennessee [Mr. QUILLEN] has just spoken about.

Importantly, Madam Speaker, this bill in no way mandates the expenditure of any Federal funds.

It simply institutes a new regulatory framework for our merchant marine to enhance its competitiveness.

In fact, this bill actually reduces the cost to the government by limiting the amount of subsidy for each vessel.

Madam Speaker, it is time to restore our merchant marine to its once proud status.

We have been ignoring this critical aspect of our economy and national security apparatus for too long. I urge a yes vote on H.R. 2151.

□ 1710

Mr. QUILLEN. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. GOSS], a valuable member of the Committee on Rules.

Mr. GOSS. Madam Speaker, I thank the distinguished chairman emeritus, the gentleman from Tennessee [Mr. QUILLEN], for yielding me this time.

Madam Speaker, as a cosponsor of the Maritime Security and Competitiveness Act, I am pleased to rise in support of this open rule.

I join with the bipartisan leadership of the Merchant Marine and Fisheries Committee in supporting H.R. 2151. This legislation is a major hope for America's maritime industry; in the past 50 years, our Nation's merchant marine fleet has declined 80 percent, and our ship building industry is on the brink of extinction. Without help, we will lose what little is left.

This is a cause for real concern; the elimination of the American merchant marine would be damaging to our economy, to our national security, and to the safety of our ports. The great rush to reregister cargo ships under "flags of convenience" has contributed to the economic stagnation of our coastal regions, led to the decline of safety standards of ships trading in U.S. ports, and, made the United States de-

pendent on foreign vessels in times of war.

This last problem has been dismissed in some circles. However, during the Persian Gulf war a German-registered ship refused to fulfill its contract to transport military cargo through the gulf, causing unnecessary delays. Even during the Grenada operation, we had problems with Britain and securing a transport ship. If the United States has these problems dealing with our close allies, who are also experiencing sharp declines in their merchant marine, how can we expect to meet our needs using ships flying other nations' flags.

It is clear to me that these trends must be reversed. By passing H.R. 2151, this House can begin to stem the tide.

Specifically we will be providing incentives to replace the expiring operating differential subsidies contracts; eliminating anticompetitive trade-route requirements; and easing other burdensome regulations.

I understand that some Members oppose the cargo-preference laws that are a part of this bill, and under the rule, we will be able to debate this issue openly and completely.

Madam Speaker, I thank the gentleman for his time, and again urge support for the rule and the bill.

On a personal note, I would like to say what a pleasure it is to be able to stand here and recommend a rule as a member of the Rules Committee.

Mr. MOAKLEY. Madam Speaker, I yield 3 minutes to the distinguished gentleman from Missouri [Mr. CLAY] chairman of the Committee on Post Office and Civil Service.

Mr. CLAY. Madam Speaker, I thank the gentleman for yielding the time. I rise in support of this rule and urge my colleagues to support the rule and the bill.

Madam Speaker, often overlooked in the debate over maritime policy is

what it means to average citizens who despite low interest rates are hesitant to buy a new car or a home. They all know someone, a relative or a friend, who recently lost a job, and they are afraid that next time it will be their turn. With the economic recovery sluggish at best, Members need to ask themselves whether we can afford to lose yet another major industry.

We will lose it if we fail to act. Already, U.S.-flag operators are poised to register their vessels offshore. Shipyards, which have become dependent on the shrinking Defense budget, are closing their doors. An entire generation of skilled labor is being lost, perhaps forever.

What is going to happen to the port communities along our thousands of miles of coastline and inland waters? What are we going to do with the tens of thousands of workers who will be cast aside by a disappearing maritime industry?

While we quibble about the cost of a new maritime program, we ignore the enormous social cost of inaction. I for one would prefer to keep shipboard and shipyard workers actively employed, rather than incur the revenue losses and welfare costs of giving them a pink slip.

Yes, by all means, let us support maritime reform for its role in national defense. But let us not forget that the jobs of our constituents also hang in the balance. A vote cast for H.R. 2151 is a vote for them.

Mr. QUILLEN. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Madam Speaker, I rise in support of this open rule and in support of H.R. 2151, the Maritime Security and Competitiveness Act.

In 1950, our Nation had over 4,000 U.S. merchant marine ships. Today, we have just one-tenth of that number, or only about 400 U.S. ships.

This enormous decline has been brought on mainly by unfair and unrestricted foreign competition.

Our foreign competitors have controlled commercial vessel construction and operation primarily because of the many burdensome requirements placed on American shipping companies.

This legislation seeks to do away with many of these unnecessary conditions and restrictions.

One large corporation here in the United States, United States-owned, recently announced that it is seeking a deal with the Soviet Union, trading American grain for Russian-flag ships.

This particular company now charters close to 100 foreign-flag ships to transport 35 million tons of agricultural commodities. In other words, an American company using foreign-flag ships primarily because it sees enormous economic benefit to trying to get around all of these American merchant marine laws.

It is unfortunate that some of the largest corporations here in our Nation have to seek foreign-flagged shipping operations to move U.S. cargo because our vessels are not available or are not cost effective primarily because of the status of our laws at this time. We place requirements on our own ships that we do not place on foreign-flag ships which move U.S. goods.

Moreover, with forthcoming reductions in our naval budget, we must redouble our efforts to ensure that our Nation has an adequate fleet of supply ships that our merchant mariners can depend upon in times of national emergencies.

This is truly a national security measure which will strengthen our defense of this country to have a strong merchant marine as a backup to our U.S. Navy.

We have the opportunity here today, by passing this legislation, to promote U.S. jobs, U.S. shipbuilding, and encouraging U.S.-flag vessel owners to stay under the U.S. flag.

I join my colleague, the dean of the delegation, the gentleman from Tennessee [Mr. QUILLEN], in supporting this very worthwhile legislation, and I urge my colleagues to support the rule and to support H.R. 2151.

Mr. QUILLEN. Madam Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Speaker, I rise in strong support of this rule. I would like to commend both the chairman and minority leader of the Committee on Merchant Marine and Fisheries and the Committee on Rules. As Members can see, the gentleman from Massachusetts [Mr. STUDDS], and the gentleman from Texas [Mr. FIELDS], run a very bipartisan committee.

□ 1720

This allows the Rules Committee to offer an open rule, for which we thank them. I would ask my colleagues to oppose any of the amendments that would reduce or weaken this bill.

There has been a lot of debate within the committee itself; the chairman and the minority leader have both had open rules on the committee, as well. I thank them for that.

There have been all kinds of hearings on that.

I would ask to oppose anything that weakens it.

Mr. QUILLEN. Madam Speaker, to close debate, I yield 3 minutes to the distinguished gentleman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I want to thank the gentleman from Tennessee [Mr. QUILLEN], who is handling this time on our side on this very important bill, for yielding the time.

Madam Speaker, I rise in strong support of this bipartisan rule, which affects one of the most important basic

industries of the world and a very vital basic industry of the United States.

This is the first time since 1970 that a real effort has been made in the U.S. Congress to do more than provide a band-aid to a hemorrhaging fleet.

Previous speakers have related the need for American flagships both for national security and our balance of trade. I want to expand on a point made by our distinguished colleague, the gentleman from Missouri [Mr. CLAY], regarding employment and jobs.

Madam Speaker, one of the reasons we are having difficulty in turning around the economy in our urban areas is the loss of job availabilities such as those in our shipyards. There are no places for these people who are retrained to go for work. We need the work in the shipyards. We need the work on American flagships.

I also want to join in the words of the gentleman from California [Mr. CUNNINGHAM] in urging everybody to reject the amendments that may be put up. We need this bill to go through, we need a clean bill that will come out and will truly help an industry that needs our assistance now.

Mr. QUILLEN. Madam Speaker, I urge a "yes" vote on the rule and a "yes" vote on the bill.

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

Mr. MOAKLEY. Madam Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### ANNOUNCEMENT REGARDING SUBMISSION OF AMENDMENTS TO H.R. 796, THE FREEDOM OF ACCESS TO CLINIC ENTRANCES ACT OF 1993

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

Mr. MOAKLEY. Mr. Speaker, I rise to inform the House of a change in the Rules Committee's plans regarding H.R. 796, the Freedom of Access to Clinic Entrances Act of 1993.

The Rules Committee is now planning to meet on this legislation sometime during the week of November 15. In order to provide for an orderly process in the consideration of this matter, the Rules Committee is requesting that Members submit 55 copies of their amendments to the bill, together with a brief explanation of the amendment, to the Rules Committee office at H-312, the Capitol, by 5 p.m., Wednesday, November 10, 1993.

In addition Mr. Speaker, those Members who filed amendments with the Rules Committee under the original



[Roll No. 540]  
YEAS—373

Abercrombie Filner Leach  
Ackerman Fingerhut Lehman  
Andrews (ME) Fish Levin  
Andrews (NJ) Flake Lewis (CA)  
Andrews (TX) Foglietta Lewis (FL)  
Applegate Ford (MI) Lewis (GA)  
Bacchus (FL) Ford (TN) Linder  
Baesler Fowler  
Baker (CA) Frank (MA)  
Barca Franks (CT)  
Barca Franks (NJ)  
Barlow Frost  
Barrett (NE) Furse Lowry  
Barrett (WI) Gallegly Maloney  
Barton Mann Gallo  
Bateman Goldenson  
Becerra Gephardt Manton  
Bentley Geren Manzullo  
Bereuter Gibbons Mezvinsky  
Bevill Gilchrist Markay  
Billray Gilman Martinez  
Billrakis Gilman Matsul  
Bishop Gingrich Mazzoli  
Blackwell Glickman McCandless  
Bliley Gonzalez McCloskey  
Blute Goodlatte  
Boehert Goodling  
Boehner Hamburg McCrory  
Bonilla Grandy McHardy  
Bonior Green McDade  
Borski Green McDermott  
Boucher Greenwood McHale  
Brewster Gunderson McInnis  
Brooks Hall (OH) McKeon  
Browder Hall (TX) McKinney  
Brown (CA) Hamburg McMillan  
Brown (FL) Hamilton McNulty  
Brown (OH) Hansen Meehan  
Bryant Harman Meek  
Bunning Hastert Menendez  
Buyer Hastings Mfume  
Byrne Miller (CA)  
Calvert Hefner Miller (FL)  
Camp Hilliard Mineta  
Canady Hinchey Minge  
Cantwell Hoagland Mink  
Cardin Hobson Moakley  
Castle Hochbruckner Mollinari  
Chapman Hoekstra Mollohan  
Clay Hoke Montgomery  
Clayton Holden Moorhead  
Clement Horn Moran  
Clinger Houghton Morella  
Clyburn Hoyer Murphy  
Coble Huffington Murtha  
Coleman Hughes Myers  
Collins (IL) Hutchinson Nadler  
Collins (MI) Hutto Natcher  
Condit Ingalls Neal (MA)  
Conyers Inhofe Neal (NC)  
Cooper Insee Oberstar  
Coppersmith Istook Obey  
Costello Jacobs Oliver  
Coyne Jefferson Ortiz  
Cramer Johnson (CT) Orton  
Danner Johnson (GA) Owens  
Darden Johnson (SD) Oxley  
de la Garza Johnson, E.B. Pallone  
Deal Johnston Parker  
DeFazio Kanjorski Pastor  
DeLauro Kaptur Payne (NJ)  
Dellums Kastich Payne (VA)  
Derrick Kennedy Pelosi  
Deutsch Kennelly Penny  
Diaz-Balart Kilde Peterson (FL)  
Dicks Dickey Peterson (MN)  
Dicks King Petri  
Dingell Kleczka Pickett  
Dixon Klein Pickle  
Dunn Klitck Pomeroy  
Durlin Klug Porter  
Edwards (CA) Knollenberg Portman  
Edwards (TX) Kofe Posner  
Emerson King Rostenkowski  
Engel Kreidler Schemick  
English (AZ) Kyl Pryce (OH)  
English (OK) LaFalce Quillen  
Eshoo Lambert Quinn  
Evans Lancaster Rahall  
Ewing Hangel Ramstad  
Farr Laffero Rangel  
Fazio Laughlin Barenfel  
Fields (LA) Lazio Reed  
Regula

Reynolds Skaggs Torres  
Richardson Skeen Torricelli  
Ridge Skelton Towns  
Roberts Stattery Traficant  
Roemer Slaughter Tucker  
Rogers Smith (IA) Unsoeld  
Ros-Lehtinen Smith (MD) Upton  
Rose Smith (NJ) Valentine  
Rostenkowski Smith (OR) Vento  
Roth Smith (TX) Visclosky  
Rowland Solomon Volkmer  
Roybal-Allard Spence Vucanovich  
Rush Spratt Walsh  
Sabo Stark Washington  
Long Stenholm Waters  
Santorum Stokes Watt  
Sarpaluis Strickland Waxman  
Studds Weldon  
Stupak Wheat  
Sundquist Whitton  
Sawyer Swett Williams  
Schaefer Swift Wilson  
Schiff Schiffrin Bontor  
Schroeder Synar Wolf  
Taubin Taylor (MS) Woollsey  
Taylor (MS) Tejeda Wyden  
Thomas (CA) Serrano Wynn  
Thomas (WV) Sharp Yates  
Thompson Shaw Young (AK)  
Thornton Shays Young (NC)  
Thurman Shepherd Thurman  
Torkildsen Siskiy Young (FL)

NAYS—54

Allard Dreier Michel  
Archer Duncan Nussle  
Everett Packard  
Fawell Paxon  
Fields (TX) Pombo  
Cekas Rohrabacher  
Oss Roukema  
Grams Royce  
Hancock Sensenbrenner  
Hefley Shuster  
Herger Hunter  
Cox Hyde  
Crane Johnson, Sam  
Crapo King  
Cunningham Kingston  
DeLay Lightfoot  
Doolittle Meyers  
Dornan Mica

NOT VOTING—6

Bellenson Carr Machtley  
Berman Dooley Velazquez

□ 1757

Messrs. BARTLETT of Maryland, BAKER of Louisiana, and FIELDS of Texas, and Mrs. MEYERS of Kansas changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### GRANTS FOR DEVELOPING ALTERNATIVE METHODS OF PUNISHMENT FOR YOUNG OFFENDERS

The SPEAKER pro tempore (Ms. BYRNE). The pending business is the question of suspending the rules and passing the bill, H.R. 3351, as amended. The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3351, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 235, nays 192, answered, not voting 6, as follows:

[Roll No. 541]  
YEAS—235

Abercrombie Gordon Oberstar  
Ackerman Green Obey  
Andrews (ME) Gutierrez Oliver  
Andrews (NJ) Hall (OH) Owens  
Andrews (TX) Hamburg Pallone  
Bacchus (FL) Harman Hamilton Parker  
Baesler Hastings Pastor  
Baker (CA) Barrett (WI) Hefner  
Barca Becerra Hilliard  
Barca Franks (CT) Bereuter Hinojosa Pelosi  
Barca Franks (NJ) Bevill Hoagland Peterson (FL)  
Barca Franks (TX) Bishop Hochbruckner Peterson (MN)  
Barlow Brooks Holden  
Barrett (NE) Brown (CA) Hoyer  
Barrett (WI) Brown (FL) Huffington  
Barton Brown (OH) Insee  
Bateman Brown (SD) Jacobs  
Becerra Brown (VA) Jefferson  
Bentley Bryant Johnson (GA)  
Bereuter Byrne Johnson (SD)  
Bevill Cantwell Kapur  
Billray Cardin Kennedy  
Billrakis Carr Kelleny  
Bishop Chapman Klidae  
Blackwell Clay Kleczka  
Bliley Clayton Klein  
Blute Clement Klitck  
Boehert Clyburn Klug  
Boehner Coleman Kopetski  
Bonilla Collins (IL) Kreidler  
Bonior Collins (MI) Lambert  
Borski Conyers Lancaster  
Boucher Cooper Lantos  
Brewster Coppersmith LaRocco  
Brooks Costello Laughlin  
Browder Coyne Lehman  
Brown (CA) Cramer Levin  
Brown (FL) Danner Lewis (GA)  
Brown (OH) Darden Lofgren  
Bryant de la Garza Loya  
Bunning DeFazio Long  
Buyer DeLauro Lowey  
Byrne Dellums Maloney  
Calvert Deutsch Mann  
Camp Dicks Manton  
Canady Dingell Margolis  
Cantwell Dixon Mezvinsky  
Cardin Durbin Markey  
Castle Edwards (CA) Martinez  
Chapman Edwards (TX) Matsui  
Clay Engel Mazzoli  
Clayton English (AZ) McCandless  
Clement Eshoo McCloskey  
Clinger Evans McCrory  
Clyburn Farr McDermott  
Coble Fazio McHale  
Coleman Fields (LA) McKinney  
Collins (IL) Filner Trafficant  
Collins (MI) Fingerhut Tucker  
Condit Flake Unsoeld  
Conyers Foglietta Vento  
Cooper Ford (MI) Visclosky  
Coppersmith Ford (TN) Waters  
Costello Ford (TX) Watt  
Coyne Fowler Frank (MA)  
Cramer Frank (MA) Franks (NJ)  
Danner Franks (NJ) Frost  
Darden Furse Mollohan  
de la Garza Gephardt Moran  
Deal Gibbons Murtha  
DeFazio Glickman Nadler  
DeLauro Gonzalez Natcher  
Dellums Gozding Neal (MA)  
Derrick Kennedy Neal (NC)  
Deutsch Kennelly Penny  
Diaz-Balart Kilde Peterson (FL)  
Dicks Dickey Peterson (MN)  
Dicks King Petri  
Dingell Kleczka Pickett  
Dixon Klein Pickle  
Dunn Klitck Pomeroy  
Durlin Klug Porter  
Edwards (CA) Knollenberg Portman  
Edwards (TX) Kofe Posner  
Emerson King Rostenkowski  
Engel Kreidler Schemick  
English (AZ) Kyl Pryce (OH)  
English (OK) LaFalce Quillen  
Eshoo Lambert Quinn  
Evans Lancaster Rahall  
Ewing Hangel Ramstad  
Farr Laffero Rangel  
Fazio Laughlin Barenfel  
Fields (LA) Lazio Reed  
Regula

NAYS—192

Allard Baker (LA) Bentley  
Andrews (TX) Ballenger Billray  
Applegate Barca Billrakis  
Archer Barrett (NE) Bliley  
Armey Bartlett Blute  
Bachus (AL) Barton Boehlert  
Baker (CA) Bateman Boehner

Bonilla Hoeckstra  
 Bunning Hoke  
 Burton Horn  
 Buyer Houghton  
 Callahan Hunter  
 Calvert Hutchinson  
 Camp Hutto  
 Canady Hyde  
 Castle Inglis  
 Clinger Inhofe  
 Coble Istook  
 Collins (GA) Johnson (CT)  
 Combest Johnson, Sam  
 Cox Kasich  
 Crane King  
 Crapo King  
 Cunningham Kington  
 Deal Knollenberg  
 DeLay Kolbe  
 Derrick Kyl  
 Diaz-Balart LaFalce  
 Dieky Lazio  
 Doolittle Leach  
 Dornan Levy  
 Dreier Lewis (CA)  
 Duncan Lewis (FL)  
 Dunn Lightfoot  
 Emerson Linder  
 English (OK) Livingston  
 Everett Manzullo  
 Ewing McCollum  
 Fawell McCrery  
 Fields (TX) McDade  
 Fish McHugh  
 Franks (CT) McInnis  
 Gallegly McKeon  
 Gallo McMillan  
 Gekas Meyers  
 Geren Mica  
 Gilchrest Michel  
 Gillmor Miller (FL)  
 Gilman Molinari  
 Gingrich Montgomery  
 Goodlatte Moorhead  
 Goss Morella  
 Grams Murphy  
 Grandy Myers  
 Greenwood Nussle  
 Gunderson Ortiz  
 Hall (TX) Orton  
 Hancock Oley  
 Hansen Packard  
 Hastert Paxon  
 Hayes Petri  
 Hefley Pomo  
 Herger Porter  
 Hobson Portman

the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3353, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.  
 The vote was taken by electronic device, and there were—yeas 413, nays 12, not voting 8, as follows:

[Roll No. 542]

YEAS—413

Ackerman Derriek  
 Andrews (ME) Deutsch  
 Andrews (NJ) Diaz-Balart  
 Andrews (TX) Dickey  
 Applegate Dicks  
 Archer Dingell  
 Bacchus (FL) Dixon  
 Bachus (AL) Doolittle  
 Baesler Dornan  
 Baker (CA) Dreier  
 Baker (MT) Duncan  
 Hallenger Dunn  
 Barca Durbin  
 Barcia Edwards (CA)  
 Barlow Edwards (TX)  
 Barrett (NE) Emerson  
 Engel Barrett (WI)  
 Bartlett English (AZ)  
 Barton English (OK)  
 Becerra Eshoo  
 Benray Bentley  
 Brewer Everett  
 Bevil Ewing  
 Billray Farr  
 Billrakis Fawell  
 Bishop Fazio  
 Blackwell Fields (LA)  
 Bliley Fields (TX)  
 Blute Flint  
 Boehlert Fingerhut  
 Boehner Fish  
 Bonilla Flake  
 Bonior Foglietta  
 Borski Ford (MI)  
 Boucher Ford (TN)  
 Brewster Fowles  
 Brooks Frank (MA)  
 Browder Franks (CT)  
 Brown (CA) Franks (NJ)  
 Frost Frost  
 Furse Gallely  
 Bryant Gallo  
 Bunning Galt  
 Byrne Gekas  
 Callahan Gephardt  
 Calvert Geren  
 Camp Gibbons  
 Canady Gilchrest  
 Cantwell Gillmor  
 Cardin Gilman  
 Carr Gingrich  
 Castle Clickman  
 Chapman Gonzalez  
 Clay Goodlatte  
 Clayton Goodling  
 Clement Gordon  
 Clinger Goss  
 Clyburn Grams  
 Coble Green  
 Coleman Green  
 Collins (GA) Greenwood  
 Collins (IL) Collins (MI)  
 Collins (MI) Gutierrez  
 Condit Hall (OH)  
 Conyers Hall (TX)  
 Cooper Hamburg  
 Copersmith Harshbarger  
 Costello Hansen  
 Cox Harman  
 Cramer Hastert  
 Crapo Hastings  
 Cunningham Hayes  
 Danner Hefley  
 Darden Herger  
 de la Garza Hilliard  
 Deal Hinchey  
 DeFazio Hoagland  
 DeLauro Hobson  
 Dellums Hochbraeuckner

McInnis Quillen  
 McKeon Stark  
 McKinney Rahall  
 McMillan Ramstad  
 McNulty Rangel  
 Meacham Rovenm  
 Meek Reed  
 Menendez Regula  
 Meyers Reynolds  
 Mfume Richardson  
 Mica Ridge  
 Michel Roberts  
 Miller (CA) Roemer  
 Miller (FL) Rogers  
 Mineta Rohrabacher  
 Minge Tingle  
 Moakley Rose  
 Holden Rostenkowski  
 Molinaro Roth  
 Mollohan Roukema  
 Montgomery Rowland  
 Moorhead Roybal-Allard  
 Moran Royce  
 Morella Thurman  
 Murphy Rush  
 Murtha Sabo  
 Myers Sanders  
 Nadler Sangmeister  
 Hyde Santorum  
 Inhofe Sargallus  
 Neale (MA) Neale (CA)  
 Neal (NC) Sawyer  
 Oberstar Saxton  
 Obey Schaefer  
 Oliver Schenk  
 Ortiz Schiff  
 Johnson (GA) Johnson (SD)  
 Johnson (SD) Orton  
 Johnson, E.B. Owens  
 Johnson, Sam Oxley  
 Johnston Packard  
 Farr Kanjorski  
 Fawell Kaptur  
 Bishop Pastor  
 Kennedy Paxon  
 Kennelly Payne (NJ)  
 Kling Poyne (VA)  
 Kim Pelosi  
 King Peterson (FL)  
 Kingston Peterson (MN)  
 Kleczka Petri  
 Klein Pickett  
 Klink Smith (IA)  
 Lancaster Kluge  
 Knollenberg Knoll  
 Kolbe Porter  
 Kopetski Portman  
 Krellider Poshard  
 Kyl Price (NC)  
 LaFalce Price (OH)  
 Lambert Pryce (NH)  
 Lancaster  
 Lantos  
 LaRocco  
 Laughlin  
 Lazio  
 Leach  
 Lehman  
 Levin  
 Levy  
 Lewis (CA)  
 Lewis (FL)  
 Lewis (GA)  
 Lightfoot  
 Linder  
 Lipinski  
 Livingston  
 Lloyd  
 Long  
 Lowey  
 Maloney  
 Mann  
 Manton  
 Manzullo  
 Margolis  
 Mezzinsky  
 Markey  
 Martinez  
 Matsui  
 Mazzoli  
 McCandless  
 McCloskey  
 McCollum  
 McCrery  
 McCurdy  
 McDade  
 McDermott  
 McHale  
 McHugh

Spratt  
 Stark  
 Stearns  
 Stenholm  
 Stokes  
 Strickland  
 Studds  
 Stupak  
 Sundquist  
 Sweet  
 Swift  
 Sytar  
 Roemer  
 Tanner  
 Tauzin  
 Taylor (MS)  
 Taylor (NC)  
 Tejada  
 Thomas (CA)  
 Thomas (WY)  
 Thompson  
 Thornton  
 Thurman  
 Rush  
 Sabo  
 Sanders  
 Sangmeister  
 Santorum  
 Sargallus  
 Sawyer  
 Saxton  
 Schaefer  
 Schenk  
 Schiff  
 Schroeder  
 Owens  
 Scott  
 Serrano  
 Sharp  
 Shaw  
 Shays  
 Shepherd  
 Shuster  
 Siskitsky  
 Skaggs  
 Skeen  
 Skelton  
 Slattery  
 Slaughter  
 Smith (IA)  
 Smith (MI)  
 Smith (NJ)  
 Smith (OR)  
 Smith (TX)  
 Snow  
 Solomon  
 Spence

NAYS—12

NOT VOTING—8

NOT VOTING—6  
 Bellenson Condit  
 Berman Dooley

□ 1807

The clerk announced the following pair:

On this vote:

Mr. BELLENSON and BERMAN for, with Mr. MACHTLEY against.

Messrs. BILBRAY, SPRATT, AND VOLKMER changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

**GRANTS TO DEVELOP PROGRAMS TO REDUCE JUVENILE GANG PARTICIPATION AND JUVENILE DRUG TRAFFICKING**

The SPEAKER pro tempore (Ms. BYRNE). The pending business is the question of suspending the rules and passing the bill, H.R. 3353, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

NOT VOTING—8  
 Abercrombie Berman  
 Bateman Dooley  
 Bellenson Machtley

□ 1815

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

**SUBSTANCE ABUSE TREATMENT FOR STATE PRISONERS**

The SPEAKER pro tempore (Ms. BYRNE). The pending business is the question of suspending the rules and passing the bill, H.R. 3354, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 3354, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote. The vote was taken by electronic device, and there were—yeas 394, nays 32, not voting 7, as follows:

[Roll No. 543]  
YEAS—394

Abercromble Dicks Hunter  
Ackerman Dingell Hutchinson  
Andrews (ME) Dixon Hutto  
Andrews (NJ) Dornan Hyde  
Andrews (TX) Dreier Inhofe  
Apligate Duncan Insale  
Bacchus (FL) Dunn Istook  
Baesler Durbin Jacobs  
Baker (CA) Edwards (CA) Jefferson  
Baker (LA) Edwards (TX) Johnson (CT)  
Barca Emerson Johnson (GA)  
Barlow Engel Johnson (SD)  
Barrett (NE) English (AZ) Johnson, E.B.  
Barrett (WI) English (OK) Johnston  
Barton Eshoo Kanjorski  
Bateman Evans Kaptur  
Becerra Everett Kaslich  
Bentley Ewing Kennedy  
Bereuter Farr Kennelly  
Bevill Fawell Kildee  
Billray Kim Koollenberg  
Billrakis Flelds (LA) King  
Bishop Filner Kingstons  
Blackwell Fingerhut Kleczka  
Billy Fish Klein  
Blute Flahe Klinsk  
Boehert Foglietta Klug  
Boehner Ford (MI) Koollenberg  
Bonilla Ford (TX) Kolbe  
Bonior Fowler Kopelski  
Borski Frank (MA) Kreidler  
Boucher Franks (CT) Kyl  
Brewster Franks (NY) LaFalce  
Brooks Frost Lambert  
Browder Furse Lancaster  
Brown (GA) Callaghy Lantos  
Brown (FL) Gallo LaRocco  
Brown (OH) Gejdenson Laughlin  
Bryant Cekas Lazlo  
Bunning Gephardt Leach  
Buyer Geren Lehman  
Byrne Gibbons Levin  
Calvert Gilchrest Levy  
Camp Gilroy Lewis (CA)  
Canady Climan Burton  
Cantwell Cingrich Lewis (GA)  
Cardin Clitckman Lightfoot  
Carr Gonzalez Linder  
Castle Goodlatte Lipinski  
Chapman Goodling Livingston  
Clay Gordon Lloyd  
Clayton Coss Long  
Clement Grams Lowey  
Clinger Grandy Maloney  
Clyburn Green Mann  
Coble Greenwood Manton  
Coleman Gunderson Manzullo  
Collins (GA) Gutierrez Margolles  
Collins (IL) Hall (OH) Mezvinsky  
Collins (MI) Hall (TX) Markey  
Condit Hamburg Martinez  
Conyers Hamilton Matsui  
Cooper Harman Mazzoli  
Coppersmith Hastert McCandless  
Costello Hastings McCloskey  
Cox Hayes McCollum  
Coyne Hefner McChery  
Cramer Hergert McCurdy  
Crapo Hilliard McDade  
Cunningham Hinchey McDermott  
Danner Hoagland McHale  
Darden Hobson McHugh  
de la Garza Hochbrueckner McInnis  
Deal Hoekstra MCKoen  
DeFazio Hoke McKinney  
DeLaure Holden McMillan  
Dellums Horn McNulty  
Derrick Houghton Meehan  
Deutsch Hoyer Meek  
Diaz-Balart Huffington Menendez  
Dickey Hughes Meyers

Mfume Rangel Stenholm  
Mica Ravenel Stokes  
Michel Reul Strickland  
Miller (CA) Regula Studds  
Miller (FL) Reynolds Stupak  
Mintea Richardson Tjeldi  
Minge Swell Tondak  
Mink Roberts Swift  
Moakley Roemer Synar  
Molinaro Rogers Tanner  
Mollohan Ros-Lehtinen Tauzin  
Montgomery Rose Taylor (MS)  
Moorhead Rothenkowski Tejada  
Moran Roth Thomas (CA)  
Morella Roukema Thomas (WY)  
Murphy Rowland Thompson  
Murtha Roybal-Allard Thornton  
Myers Rush Thurman  
Nadler Sabo Torkildsen  
Natcher Sanders Torres  
Neal (MA) Sankofsky Trott  
Neal (NC) Santorum Towns  
Oberstar Sarpalilus Trafficant  
Obey Sawyer Tucker  
Oliver Saxton Unsold  
Ortiz Schaefer Upton  
Orton Schenk Vento  
Owens Schiff Visclosky  
Oxley Schroeder Volkmer  
Pallone Schumer Vucaovich  
Parker Scott Walsh  
Kaslich Pastor Washington  
Paxon Sharp Waters  
Payne (NJ) Shaw Watt  
Payne (VA) Shays Waxman  
Pelosi Shepherd Waxman  
Peterson (FL) Siskis Wheat  
Peterson (MN) Skaggs Whitten  
Petri Skeen Williams  
Pickett Skelton Wilson  
Pickle Slattery Wise  
Pomeroy Slaughter Wolf  
Porter Smith (IA) Woolsey  
Portman Smith (NJ) Wyden  
Poshard Smith (OR) Wynn  
Price (NC) Smith (TX) Yates  
Pryce (OH) Snowe Young (AK)  
Quillen Solomon Young (FL)  
Quinn Spence Zelliff  
Rahall Spratt Zimmer  
Ramstad Stark

NAYS—32

Allard Doolittle Royce  
Archer Fields (TX) Sensenbrenner  
Armey Hancock Shuster  
Bachus (AL) Hefley Smith (MI)  
Balienger Inglis Stearns  
Burton Johnson, Sam Stump  
Lewis (FL) Nussle Talent  
Callahan Packard Taylor (NC)  
Combest Penny Valentine  
Crane Pombo Walker  
Delay Rohrabacher

NOT VOTING—7

Lloyd Dooley Velazquez  
Borlenson Hansen  
Berman Macthley

□ 1824

Mr. DUNCAN changed his vote from "nay" to "yea."  
So (two-thirds having voted in favor thereof) the rules were suspended and the bill as amended, was passed.  
The result of the vote was announced as above recorded.  
A motion to reconsider was laid on the table.

MARITIME SECURITY AND COMPETITIVENESS ACT OF 1993  
The SPEAKER pro tempore (Mr. KILLBEE). Pursuant to House Resolution 289, and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2151.

□ 1827  
IN THE COMMITTEE OF THE WHOLE  
Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, with Ms. BYRNE in the chair.

The Clerk read the title of the bill.  
The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.  
Under the rule, the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes, and the gentleman from Texas [Mr. FIELDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].  
Mr. STUDDS. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me advise Members who may not know that there will be no further votes tonight. We are going to proceed to conclude general debate, and at the beginning of the reading of the bill under the 5-minute rule we shall rise and resume tomorrow with the amendment process.

Madam Chairman, today, this House will decide if American flags will continue to fly from vessels carrying this Nation's commerce.

Today, this House will decide if American shipyards will ever build another commercial vessel.

Today, this House will decide if American service men and women, sent to distant corners of the globe, will have the certainty they need that ammunition, medical supplies, and rations, will follow.

Today, this House will decide if the skills of working men and women of this Nation who build ships, and who are trained to run them, will be lost to us.

And finally, Madam Chairman, today, this House will decide if our Nation, the only remaining superpower on the planet, will be a maritime power or will simply and dangerously rely on the kindness of strangers to move our goods to market.

Our votes today will determine a new course for the national defense and economic security of the United States.

When this House approves H.R. 2151, the Maritime Competitiveness and Security Act—which I fervently trust that we will do—we will have set a course that not only rescues our maritime industries, but will make them fully competitive in international commerce.

While I cannot stand here and tell Members that American maritime programs of the past have been perfect, I will stand here until my last breath arguing that the new course we set in H.R. 2151 is necessary.

Those, who for years, have derided arguments that the United States

needs a merchant fleet to support our troops in time of war, had their eyes opened during the Persian Gulf war. This country had to charter foreign-flag ships to carry our military supplies to our troops.

What if we had not been fighting an enemy so roundly scorned by the world?

What if other nations had not allowed their ships to carry our cargoes?

What if—as indeed did occur—ships carrying critical supplies refused to enter the war zone?

We should never send young American men and women into battle with only the promise that we will try to deliver what they need to survive.

But America needs a strong merchant marine not just in times of war. We need one today, and we will need one tomorrow, to keep the American market free and independent.

With the end of the cold war, America's battles more and more will be fought on the economic bottom line, rather than the front line.

As the richest nation with the richest market on Earth, our trade cannot be held hostage to the whims of foreign competitors.

American goods must have the option of being carried to foreign markets on American ships. Without that option, those goods may never leave our shores. A foreign competitor, with an interest or influence in shipping, could easily eliminate competition by simply being unavailable or too expensive to ship U.S. products.

How many in this Chamber remember gas lines? How many remember the oil embargo? As an oil-consuming nation, the United States cannot be without the wherewithal to bring petroleum, or for that matter, any other critical import, to our consumers.

With U.S. flags flying from U.S. commercial ships, this will never happen.

The legislation that we bring you today—legislation that is the product of the bipartisan cooperation we unfailingly enjoy on our committee—will turn our existing maritime programs around, make them more cost-effective, and give this Nation the American ships and shipbuilding capacity that we must, let me repeat, that we must retain.

This bill reverses the downward trend in our maritime industry by establishing two new programs: the Maritime Security Fleet [MSF] Program for the U.S.-flag international fleet, and the Series Transition Payment [STP] Program for U.S. shipyards.

Ships in the Maritime Security Fleet Program will receive annual payments for 10 years, beginning in fiscal year 1995, to compensate American operators for the higher cost of doing business under the U.S. flag. These higher costs are a result of Federal requirements—such as the hiring of only U.S. citizen crews and higher safety and environmental standards.

If we do not compensate them for these higher costs and for making their vessels available when called upon by the Pentagon, then they are likely to flag their ships in a foreign nation. And who can blame them!

The Maritime Administration recently documented the extensive subsidies provided by 57 nations to their own shipbuilding and ship operating companies. In a perfect world, no nation would subsidize its companies, but this is not a perfect world. And, until it is, or until we have negotiated agreements with these countries to end subsidies, it is only fair that we ensure a level playing field for our maritime industry.

The bill does not specify the number of vessels that may be enrolled in the Maritime Security Fleet Program because we are working with the administration to make every dollar stretch as far as possible. We want as many ships in the program as we can get, to provide the maximum number of seagoing jobs and retain the cadre of trained merchant mariners needed to activate and sail our Ready Reserve Force in time of war or national emergency.

It should also be noted that to be eligible for the MSF Program, ships must be militarily useful, such as roll-on-roll-off vessels, containers, small tankers, or barge-carrying ships. Representative FIELDS and I will offer a committee amendment to provide an overall 10-year authorization level of \$1.2 billion, which is the level of funding supported by the President. If this figure does not permit all willing and eligible U.S.-flag vessels to participate, the bill allows U.S. carriers to operate other ships in their fleet under a foreign flag.

The bill also significantly deregulates the U.S. maritime industry to help it compete internationally. For example, under the current system, a U.S.-flag carrier must obtain permission from the Secretary of Transportation before moving a vessel to a new trading area or placing a larger vessel in a particular service. These types of Government approvals promote inefficiencies and hinder the ability of our operators to respond to changing markets.

This bill will also help U.S. shipyards move from building vessels for the Navy, to building vessels for domestic and foreign commercial customers. American shipyards have spent 10 years focusing on naval construction and have fallen behind the curve on commercial building, a market they must crack to survive.

Until the U.S. Trade Representative is able to negotiate a comprehensive agreement ending foreign shipyard subsidies, U.S. shipyards need our help to overcome the advantage foreign shipyards have gained from a virtual monopoly in commercial construction.

To compete, American yards must build ships in a series, that is, building

a number of ships of the same or similar design. That is what the competition does, and that is what our bill encourages U.S. shipyards to do, by making up the difference between the U.S. and foreign price. This program will be terminated once our yards can produce a competitive ship, a result that we believe can be accomplished over a 5- or 6-year period.

Although funds for the series transition program in all likelihood will not be available this year, it is important to get this program enacted now so that our shipyards can begin negotiations with new customers. In the coming months we expect to work with all interested parties to find sources of new revenue to pay for the STP Program.

Finally, Madam Chairman, we have cargo preference. I am the first to acknowledge that some reforms are needed, and this bill makes some of the changes necessary to make this program run more efficiently by making it run on commercial not Government terms.

Madam Chairman, the Merchant Marine and Fisheries Committee has worked long and hard to bring before the House a bill that will not only keep the U.S. maritime industry afloat but put the wind back in its sails.

I have met personally with the President and we continue to work closely with him on our proposal. I can tell Members, unequivocally, that he shares our commitment to maritime reform.

This is the right bill, this is the right time, and this is the right place to do the right thing, for not only the U.S. maritime industries, but for our Nation's economic and national security.

□ 1830

Madam Chairman, let me close my opening remarks by a bow to the ranking Member and to the Members on both sides of the aisle. I trust this House will be refreshed and surprised by the broad bipartisan support which will characterize this piece of legislation. It is absolutely essential. It is in the national interest, and for once I think we will see Members in this normally disparate and divided House speaking with one voice.

Madam Chairman, I reserve the balance of my time.

Mr. FIELDS of Texas. I yield myself such time as I may consume.

Madam Chairman, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993—a bill that could mean the difference between life and death for America's maritime heritage.

The Merchant Marine and Fisheries Committee has held countless hearings on maritime reform over the last decade. During this time we heard predictions that the U.S.-flag merchant fleet would be doomed unless we leveled the playing field by reforming our

outdated maritime laws. Some people called those predictions empty threats.

Those who doubted that the American merchant marine was in serious trouble certainly must have a new perspective now. In 1960, the United States ranked fourth in the world with over 1,000 ships. Today, with only 394 privately-owned vessels, we are ranked 16th behind such countries as Cyprus, Liberia, Panama, Malta, and China. Things are so bad that two of our most successful companies, Sea-Land and American President Lines, recently announced that they intend to reflag a number of their vessels. If these, or any other American ships, were to leave our fleet it would mean the loss of several thousand American seagoing jobs. The ships and the jobs would be gone forever. We must not let the United States, the most powerful Nation in the world and the largest maritime trading force in the world, to become a nation without its own merchant fleet.

The other arm of our maritime industry is shipbuilding. Those statistics are equally bleak and depressing. Between 1984 and 1990, U.S. shipbuilders received no new commercial orders for ships 1,000 gross tons and over. During this time, commercial orders in the international market were steadily increasing. As of September 1, 1993, there was only one privately owned vessel of over 1,000 gross tons under construction in a U.S. shipyard. In terms of the number of American jobs, the American shipbuilding industry has a major impact on both the national economy and regional employment. It has been estimated that unless there is a major effort to preserve the American shipbuilding industry, within a decade over 180,000 American jobs could be lost.

The demise of the maritime industry will also mean the loss of thousands of U.S. jobs. It will mean the depletion of a vital pool of trained seamen who man our Ready Reserve Force ships in times of international emergencies. We simply cannot depend on crews from Bangladesh, Pakistan, or any other foreign country to protect our national security. During the Persian Gulf war, more than 70 U.S.-flag vessels were used to transport badly needed military supplies to our troops. We were fortunate to have them because a number of foreign-flag vessels flying the flags of Germany, Japan, and the United Arab Emirates refused to enter the Persian Gulf. We should not have been surprised, though, because we had similar experiences during both the Vietnam war and the 1973 Arab-Israeli conflict, when foreign-flag ships routinely refused to carry American military cargoes.

We must not allow our national security to depend on the political whims and threats of other foreign nations. We must have a U.S.-flag fleet operated by skillful mariners. The men and women who operate our U.S.-flag ships

are hard working, dedicated, patriotic, taxpaying American citizens. They are well-trained individuals, among the best seafarers in the world. By law, they are required to maintain their licenses or other documents, and many of them routinely take Coast Guard examinations to upgrade their documents. They spend nearly half of the year at sea, and during that time they work 10 to 12 hours a day, 7 days a week performing their duties. They sail in treacherous weather risking their lives every day; they spend holidays and birthdays at sea; and the average annual wage, before taxes, for a typical able-bodied seaman is \$33,000. And if this is not enough, they have to listen to people say they make too much money.

Madam Chairman, there is no doubt that U.S.-flag vessels are more expensive to operate than so-called Third World flag-of-convenience ships. The reason for this cost differential is simple—the United States imposes significantly higher standards on our operators and our vessels than are imposed on our foreign competition. A foreign crew of 36 from a Third World country can be hired for \$650 per day, including benefits. That works out to about \$18 per worker per day. We have it on good information that working conditions aboard many flag-of-convenience vessels are sickening. We hear reports that denial of medical treatment, beatings, and inadequate safety equipment are the disgraceful norm rather than the exception.

We could bring our costs down if we eliminate our higher standards and water down worker protections, but these requirements are precious to us—they ensure that Americans have an adequate income, safe working conditions, and compensation in the event of injury. We could bring our costs down, but who among us is ready to exempt American operators from the requirements of the National Labor Relations Act, the Fair Labor Standards Act, insurance and liability laws, and U.S. Coast Guard regulations?

H.R. 2151 would eliminate many burdensome outdated requirements but not at the expense of fairness, and safety, and security for the American worker. This legislation seeks to eliminate restrictions that were placed upon American shipping companies in 1936—restrictions that had a purpose in their time, but now contribute to operational inefficiencies and higher costs. For example, U.S. operators are currently required to operate on strict, preestablished trade routes even though other routes would offer the prospect of additional cargoes, and, therefore, more revenue for their companies. This bill would abolish those trade route requirements.

H.R. 2151 would also establish two new promotional programs for the U.S. maritime industry—the Maritime Se-

curity Fleet [MSF] Program and the Series Transition Payment [STP] Program.

The MSF program offset offsets the higher cost of operating U.S. vessels essential for our economic and military security. It provides about \$200 million a year for 10 years to U.S. operators, which is about \$100 million a year less than the current operating-differential subsidy [ODS] program. With this reduced amount of operating support, coupled with the fact that H.R. 2151 places a cap on the amount of money any one vessel can receive in a given year, vessel owners would have major incentives to negotiate new labor agreements to reduce manning costs. Under the current ODS program there is no incentive to reduce cost because the Federal Government simply pays the vessel owner whatever the negotiated labor contract requires.

H.R. 2151 would also benefit the U.S. shipbuilding industry by helping it convert from construction of military vessels to the construction of world-class commercial vessels. The STP Program would serve to promote the series construction of vessels—a concept that Japan proved to be enormously profitable long ago. Under this program American shipyards would receive funding, on a declining scale, for the construction of two or more commercial vessels of the same type. Although the initial cost is envisioned to be around \$200 million per year, this program is designed to be transitional, and costs are expected to be reduced over time. Funds could appropriately come from re-allocated Department of Transportation or Defense Programs.

However, the key point is that this STP Program would ensure that the United States has a viable shipbuilding industry capable of building and repairing ships for international commerce and the U.S. Navy. Once a shipyard and its work force of highly skilled employees are gone, it is very unlikely that it will ever open its doors again.

While there is a cost attached to this legislation, in my judgment, it is a justified expense; it is a critical investment in an infrastructure essential to our Nation's economic and national security. H.R. 2151 is a finely crafted bill—the product of many years of careful deliberation—that is supported by every Republican member of our committee. Most of us will readily concede that this is not perfect bill, nor is it the last word on maritime reform. But it is a beginning.

For the past 200 years, our Nation's merchant marine has delivered troops and vital war supplies to every world conflict from Guadalcanal to the Persian Gulf. Our success in winning these conflicts is owed in no small part to the invaluable contributions of these mariners. Unless H.R. 2151 is approved, I have grave doubts that this fourth arm of defense will be available in the future.

It is our best, if not last, hope of saving the U.S. maritime industry. Without this bipartisan legislation, the U.S. maritime industry will largely disappear, and the most powerful Nation on earth—the United States of America—will become totally dependent upon foreign shipping interests. We must not let U.S.-flag vessels and American merchant seamen become forgotten memories of the past.

□ 1840

Madam Chairman, I urge all Members, but particularly Republican Members, to support this legislation, to vote aye on final passage.

In closing, I want to pay special tribute to our chairman, the gentleman from Massachusetts [Mr. STUDDS] who I think has maneuvered this legislation and given us a very delicate balance in a simple way and brought this to the floor in a bipartisan manner.

I also want to pay tribute to the chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries, the gentleman from Illinois [Mr. LIPINSKI], and also the ranking Republican member, the gentleman from Virginia [Mr. BATEMAN], because this is an essential piece of legislation brought to the floor in what I think is an expeditious manner.

Again, Madam Chairman, I encourage all Members to support its passage, and particularly our Republican Members.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the distinguished chairman of the Subcommittee on Merchant Marine of the Committee on Merchant Marine and Fisheries, the gentleman from Illinois [Mr. LIPINSKI].

□ 1850

Mr. LIPINSKI. Madam Chairman, as the world's largest trading Nation, the United States must have a strong commercial fleet. Allowing our maritime industry to die would be a tragedy. Losing our merchant marine would threaten our economic viability and national security. We must act now.

The leadership of the Merchant Marine and Fisheries Committee introduced H.R. 2151 to revitalize our maritime industry. H.R. 2151 would establish a comprehensive maritime policy. The bill ensures that ships are built in the United States and fly the U.S. flag.

H.R. 2151 authorizes the Secretary of Transportation to pay a subsidy to U.S.-flag vessel owners and operators that compete in international trade. The subsidy would replace the Operating Differential Subsidy Program.

To stimulate U.S. commercial shipbuilding, H.R. 2151 establishes the Series Transition Payment Program. Foreign subsidized shipyards have a competitive advantage over U.S. shipyards. Our program would encourage U.S. shipyards to engage in the series construction of ships and make our ship-

building industry competitive in the world market.

Madam Chairman, I assure you that our maritime industry, which employs thousands of American workers and pays millions of dollars in U.S. taxes, is worthy of our earnest consideration of this revitalization package.

In closing, I would like to take this opportunity to thank my colleagues, the gentleman from Massachusetts [Mr. STUDDS], the gentleman from Texas [Mr. FIELDS], and the gentleman from Virginia [Mr. BATEMAN], for all the time and hard work they put into this legislation.

Mr. FIELDS of Texas. Madam Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], a quiet and demure Representative.

Mr. YOUNG of Alaska. Madam Chairman, I rise in strong support of H.R. 2151, and the chairman and ranking member, and, I am sure, the gentleman from Virginia [Mr. BATEMAN] will, and the gentleman from Illinois [Mr. LIPINSKI], have said it all, but I want the people that might vote against this legislation to consider one thing.

In 1945, Madam Chairman, America was No. 1 in the merchant marine fleet. Today we are 16th. This is the last chance for this Congress to bring forth to the people of this Nation a bill to maintain and build on our merchant marine fleet.

I can tell my colleagues, as the only person in this room, I believe, who is actually licensed to be a captain, that it is crucially important that we have American-crewed ships, captains and mates, and ships built here, American bottom ships, so we can take and move our troops and move our supplies. But it has disturbed me a great deal over the years when I hear people say we are just subsidizing the industry, and I challenge anyone who says that. Most all industry somewhere or another has been subsidized by this Congress, be it the farmer, the trucker, whoever it may be. They are involved in some type of subsidy. But we have forgotten the merchant marine fleet, and I think it is a travesty that we are one of the largest, if not the largest, importing countries in the world, and we are the largest exporting country in the world, and we are now ranked 16th.

Madam Chairman, that means that most goods that are brought into this country are brought in by foreign fleets, foreign crewed, terrible conditions, and most are shipped out of this country by foreign crews and foreign bottoms in terrible conditions. I think it is time that this Congress speaks out loud and clear, and they can do so with H.R. 2151.

This is bipartisan legislation. It is supported strongly by the committee. We have worked out the differences, and, as amendments come to this floor outside of the committee, I hope the Members consider what it will do to this legislation.

Madam Chairman, it is time that we have a good merchant marine again in America.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. PICKETT].

Mr. PICKETT. Madam Chairman, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993, and I want to thank the chairmen of both the committee and the subcommittee, and also the ranking members, for the fine work that they have done in bringing this bill to the floor, and I do hope that the Members will support it in the form that the committee has reported it.

Madam Chairman, this legislation is needed and it is needed now. If we as a nation are to have a viable American flag merchant marine, concerted action this year by the President and Congress is essential.

The two largest American liner operators have stated that the economics of operating their vessels under the American flag will compel them to withdraw their vessels from the U.S.-flag fleet starting in 1995 unless reforms are implemented to help U.S.-flag operators compete in world markets. If this does happen the Maritime Administration projects that the loss of these two carriers could result in a U.S. container fleet in the year 2005 of only 18 ships.

This Nation has neglected its merchant marine for too long. The fact that privately owned U.S.-flag commercial ships now carry less than 5 percent of this country's overseas trade should, in itself, be cause for alarm.

The precipitous decline in our merchant fleet is easily measured. In 1945 there were about 3,500 ships in the privately owned U.S.-flag fleet. That number fell to 1,082 in 1950; to 945 in 1960; to 770 in 1970; to 527 in 1980; to 467 in 1990 and, if Marad's projection is correct, could fall to fewer than 100 by the year 2000.

Today, we are the only major maritime nation in the world that depends almost entirely on the ships and crews of other nations for the carriage of our exports and imports. The shipping cost of transporting U.S. exports and imports exceeds \$20 billion per year and adds significantly to America's trade deficit.

The decline of the U.S.-flag merchant marine has been accompanied by a decline in all related U.S. maritime industries, including shipbuilding and ship repair. Our national security is threatened if we are unable to sustain a shipbuilding and ship repair capability to meet the essential needs of the U.S. Navy.

H.R. 2151 provides this administration and this Congress with a coherent maritime plan today that is acceptable to all components of the maritime industry. This plan, if enacted by Congress and signed by the President, will

serve to help preserve the U.S.-flag merchant marine and allow this country to continue to be counted as a maritime nation.

This bill represents the very minimum that must be done to begin the job of revitalizing our merchant fleet. It is a product of substantial negotiations and careful drafting that has wide support among the components of our maritime industries. It is essential for our Nation and I urge all Members to support it.

Mr. FIELDS of Texas. Madam Chairman, I yield 9 minutes to the gentleman from Virginia [Mr. BATEMAN], the ranking member of the Committee on Merchant Marine and Fisheries.

Mr. BATEMAN. Madam Chairman, I will not repeat those points made by my predecessors. However, I do wish to publicly thank once again Chairman LIPINSKI for his persistence and hard work.

It has been, perhaps, the most bipartisan effort I can remember. And that is saying something given the length, complexity, and controversy surrounding this particular piece of legislation. This is really a culmination of some 6 years of hard work by this committee.

I would be remiss if I did not also express my appreciation to the gentleman from Massachusetts [Mr. STUDDS] and our ranking Republican, the gentleman from Texas [Mr. FIELDS] for their leadership on this most important piece of legislation.

Compromise has been a key ingredient and as a result, I really believe that we have developed a proposal which both maritime labor, the operators and yes, the shipyards can, in fact, endorse.

For me, enactment of a series transition program is critically important and I am indeed pleased that it is part of this package. Certainly there are those who believe that all U.S.-flag vessels should be built in U.S. shipyards. I am one of those Members—but I also recognize that holding the operator segment hostage is not the answer.

Madam Chairman, the subcommittee added provisions which I believe offer a viable, yet reasonable opportunity to build ODS-eligible vessels in U.S. shipyards. Simply stated, if our series transition program is funded, then our shipyards can and will be competitive players in the world shipbuilding market. The provisions in H.R. 2401, the fiscal year 1994 DOD authorization bill, will also help. But to prevent a Sea-Land, or an APL or a Lykes from ever having an opportunity to fly the U.S. flag with U.S. crews serves no one's interests.

The Series Transition Payment Program is terribly important to those members who have shipyards in their districts. With minimal commercial construction in U.S. shipyards and the decrease in U.S. Navy contracts, it has been estimated, if we in the Congress

do nothing, that over 180,000 skilled jobs will be lost in U.S. shipbuilding, ship repair, and marine equipment manufacturing industries within the next 6 years.

Let me take a few minutes to explain the elements of the Series Transition Payment Program. In simple terms, this program authorizes the Secretary of Transportation to pay for the difference in cost between building a vessel which is one of a series, in a U.S. shipyard and building that same vessel in a foreign shipyard. A similar construction program in the 1970-80 timeframe resulted in a tremendous number of ships being built in U.S. shipyards. With the defense buildup in the earlier 1980's, our shipyards were essentially converted to naval shipyards. These naval ships were often one of a kind, and highly sophisticated both in terms of design and weaponry.

While our shipyards were committed to a naval building program, our foreign competitors were building commercial vessels. These commercial vessels were not one of a kind but instead were of similar design and specifications. This is a critical difference, because in shipbuilding, as in any heavy industrial production process, efficiencies are obtained by producing the same item over and over again. Not only will the labor force become more efficient, but the infrastructure, that is assembly line, robotics, et cetera, will remain the same. The need for the costly retooling of your assembly line is virtually eliminated—and, in fact, is amortized over a greater number of vessels.

Our foreign competitors have, in effect, been building commercial vessels in series for the last 10 years. Typically, the learning curve cost savings over the first four to five ships in a series before it flattens out, is in the 20-25 percent range. The savings in man-hours between the first ship in a series and later ships is well documented. A well-known naval architect, Dr. Lloyd Bergeson, analyzed man-hour data compiled from 15 shipyards that were dedicated to the construction of Liberty ships in World War II.

The average man-hours per ship for all 15 shipyards for the first ship in the series was 1,120,000. The fourth ship in the series averaged 725,000 man-hours and the eighth ship averaged 590,000 man-hours.

In another study comparing United States and Japanese shipyards, the author, Dr. Howard Bunch concluded that the Japanese comparative performance advantage was:

\*\*\* traceable to the fact the Japanese yards have developed concepts of standardization and modularization that permit a large portion of the design and engineering activities to be essentially the retrieval of the documentation from files.

Standardization of designs and overcoming the learning curve are the twin goals of the STP Program.

Let me comment on two other points concerning the current STP proposal. First, as drafted, priority for award of contracts is given to those shipyards that can reach the world market price with the fewest number of vessels in the series and with the smallest contribution from the Federal Government. Thus unlike the old Construction-Differential Subsidy Program [CDS], the STP Program establishes intra U.S. shipyard competition. Second, a U.S. shipyard that seeks a transition payment must have two contracts in hand before applying for aid and must demonstrate that upon completion of the vessels in the series that it will be capable of constructing additional vessels of the same type at the world market price and without assistance.

Now with respect to labor rates, our shipyards are, in fact, competitive now. For instance, the average per hour wage level in Germany is \$26.50. In Italy, the average hourly wage in 1990 was \$19.22. In Japan, the wage level was \$15.80 per hour, in the United States the wage level was \$15.50 per hour. Wages are no more a problem than they are for BMW or Mercedes who are relocating their plants to South Carolina and Alabama, respectively.

If we can, in fact, overcome the learning curve through the STP Program, then I am personally convinced we can once again become a major shipbuilding power.

Finally, I do not want to mislead anyone here today. The STP Program will not, without more congressional action, suddenly end our foreign competitors 10-year monopoly of commercial shipbuilding.

You should also note that our committee has not requested a specific funding level for the Series Transition Program. This is a conscious decision on our part. First, because negotiations are currently taking place in Europe between the United States and the European Community concerning shipbuilding, we did not want to tie the hands of the President in those negotiations. In simple terms, the appropriation level requested in the President's budget for fiscal year 1995 will be dependent on the outcome of these negotiations. If the negotiations are successful, then we will need to fund a smaller sum of money to overcome the learning curve phenomenon. If, however, our competitors continue their sub rosa subsidies, then we will need to look at a higher number.

The actual funding levels for the STP Program will not come until fiscal year 1995 and, of course, will be subject to additional debate and additional votes.

Many of you hear in statement after statement that we have effected a delicate balance—and that we cannot change this section or that section—or the whole bill will become unraveled.

With respect to the current U.S. shipbuilding requirements in H.R. 2151, I

sincerely believe we have a true compromise that deserves a chance to work. I know the vast majority of our U.S. shipyards are willing to make these provisions work. I think most of the operators can work within this framework. I just hope that my colleagues and the administration will give it a chance.

□ 1900

Mr. STUDDS. Madam Chairman, may I inquire how much time each side has remaining?

The CHAIRMAN. The gentleman from Massachusetts [Mr. STUDDS] has 16 minutes remaining, and the gentleman from Texas [Mr. FIELDS] has 9½ minutes remaining.

Mr. STUDDS. Madam Chairman, I yield 2 minutes to the gentleman from Texas [Mr. ORTIZ].

Mr. ORTIZ. Madam Chairman, I rise today in strong support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993.

I particularly want to recognize Chairman STUDDS and the ranking member, Mr. FIELDS, for their foresight on this matter and their dedication and commitment to our maritime industry.

I would also like to commend the chairman and ranking member of the subcommittee, Mr. LIPINSKI and Mr. BATEMAN, for their efforts in this regard.

This maritime reform and revitalization program is vital to the future of our U.S.-flag merchant fleet and shipbuilding industry.

The Maritime Security Fleet Program will increase the ability of our commercial fleet to compete internationally, and just as importantly, will ensure that our nation has available an adequate defense sealift capability should it be needed.

The Series Transition Payment program will promote the transition of our shipyards from military to commercial vessel construction by providing short-term declining payments for series construction to help U.S. shipyards learn how to compete internationally in commercial vessel construction.

Finally, the bill eliminates a number of regulatory provisions that decrease the competitiveness of our U.S. fleet and calls for a number of administrative reforms to the cargo preference program designed to improve its efficiency and reduce its cost.

If you care for the future of our maritime industries and for the preservation and creation of American maritime jobs, I urge my colleagues to support passage of this bill and to oppose any amendments which may be offered that would hurt the effectiveness and integrity of this legislation.

Mr. STUDDS. Madam Chairman, I yield such time as she may consume to the gentlewoman from Washington [Ms. CANTWELL].

Ms. CANTWELL. Madam Chairman, I rise in support of H.R. 2151.

Madam Chairman, I rise today in support of H.R. 2151, the Maritime Security and Competitiveness Act of 1993. Madam Chairman, America must have maritime reform. What is at stake is nothing less than the survival of the U.S. merchant marine and shipbuilding industries and America's national security.

If America loses its merchant fleet, we will be at the mercy of foreign governments. We will be trading our national security for national vulnerability.

Madam Chairman, we do not have far to go before we could face such a calamity.

Between 1965 and 1993, the number of American jobs on large, privately owned oceangoing U.S.-flag vessels decreased from about 51,000 to just over 9,000. The number of oceangoing U.S.-flag vessels operating in foreign trades dropped from about 620 ships to a mere 151. These losses are the result of competition from heavily subsidized foreign vessels. This bill will give our U.S. maritime fleet the opportunity to compete on a more even playing field and give them a fighting chance against foreign competition.

Because the United States failed to help U.S. shipyards remain competitive as foreign governments began instituting generous subsidies for their shipyards, orders for commercial vessels in U.S. shipyards virtually disappeared during the past 11 years. The loss of commercial business has caused approximately 50 U.S. shipyards to close their doors since 1982, a loss of 40,000 American jobs. On the West Coast, 11 shipyards have closed their doors since 1982 with the loss of 14,500 American jobs.

If we fail to support this bill and institute maritime reform, it is estimated that we will lose another 180,000 jobs during the next 6 years—a loss that may permanently cripple or destroy the U.S. merchant marine and shipbuilding industries.

H.R. 2151 will provide a comprehensive program of support to help strengthen the U.S. merchant marine and U.S. shipbuilding industries. That support is essential, not only to help U.S. shipyards and U.S. companies that employ U.S. crew members and operate U.S.-flag ships remain competitive with foreign shipping and shipbuilding companies, but also to survive.

I understand the importance of a vital maritime industry. Washington State is the most trade reliable State in the Nation, leading the Nation in per-capita exports. With less than 2 percent of the U.S. population, Washington state produces approximately 8 percent of all U.S. exports—more than \$74 billion worth each year—and handles more than 7 percent of all U.S. imports. Do we want a future where all those exports are transported on foreign vessels? Would we tolerate U.S. airpassengers flying only on foreign carriers? Why would we settle for U.S. products traveling only on foreign carriers.

Madam Chairman, I want to commend the leadership and commitment demonstrated by Chairman STUDDS and ranking minority member FIELDS of the full committee and Chairman LIPINSKI and ranking minority member BATEMAN of the subcommittee on this issue. It is because of their efforts that we have before us

a measure which has the enthusiastic, bipartisan support of the Merchant Marine and Fisheries Committee. I urge my colleagues to take a vote today in support of U.S. jobs, in support of U.S. industry and in support of U.S. competition in the world marketplace. I urge my colleagues to vote in support of H.R. 2151.

Mr. FIELDS of Texas. Madam Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Madam Chairman, today, the House has a unique opportunity to save an important industry, one that has seen many sunsets in its day and one that has provided our Nation an invaluable service for many years. The U.S. maritime industry is vital to the economic stability and defense of our country. Unfortunately, if this maritime reform bill, H.R. 2151, does not survive, the Sun will set on this industry for a long, long time.

Therefore, I rise in strong support of the Maritime Security and Competitiveness Act of 1993.

I want to commend the leadership of the Merchant Marine and Fisheries Committee for their hard work in developing this bipartisan endeavor which, hopefully, will head to the rebuilding of our maritime industries.

Madam Chairman, the centerpiece of H.R. 2151 is the creation of a maritime security fleet program, which will replace and improve upon the existing operating-differential subsidy situation. Ultimately, this will reduce the cost to the Federal Government and offer U.S. vessel operators incentives to improve efficiencies and lower their costs.

Madam Chairman, H.R. 2151 is the most important piece of maritime legislation to be voted on in the Congress in more than a decade. Therefore, I strongly urge my colleagues to support and vote for it.

□ 1910

Mr. STUDDS. Madam Chairman, I yield 1 minute to the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS. Madam Chairman, I rise today to express my strong support for H.R. 2151, the Maritime Security and Competitiveness Act.

H.R. 2151 was introduced by the bipartisan leadership of the Merchant Marine and Fisheries Committee and reported to the House with unanimous consent. This legislation will ultimately benefit American business, American labor, and the economic and military interests of our country. In recent years we have abandoned many maritime policies and consequently are paying for these decisions. We cannot allow for any further depletion of our U.S.-flag merchant fleet.

Our great Nation was founded on the strengths of a superior merchant marine and this legislation will add new vessels to our aging fleet. Furthermore, we cannot ignore the fact that

under current U.S. maritime policy. U.S. flag carriers are grossly disadvantaged against our foreign competitors because of costs levied by our own Government. H.R. 2151 addresses these important problems and offers a comprehensive resolution to serve the best interests of our country.

Mr. FIELDS of Texas. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Madam Chairman, I rise in strong support of H.R. 2151, the Maritime Security and Competitiveness Act. The U.S. maritime industry is in crisis. Foreign competition is subsidized, and the number of ships flying the U.S. flag is rapidly declining. As American shipyards are closing, people are losing jobs. H.R. 2151 will help stop the decline, and allow the U.S. maritime industry to compete.

Why should we preserve our American-flagged fleet? Aside from the economic benefits to those who make their living in American shipyards, H.R. 2151 is essential to our national defense. The military has long depended on merchant marine vessels for transport during war, supplying our men and women overseas. While the military threat is greatly reduced with the demise of the Soviet Union, there is still a very real threat to United States security, as the invasion of Kuwait and the resulting Persian Gulf war demonstrated.

One of the lessons learned from the Persian Gulf war is that we cannot rely on foreign vessels to carry our military supplies during wartime. Of all the ships chartered by the Department of Defense to carry food, weapons, and supplies to our soldiers fighting in Kuwait, over half flew foreign flags. While world opinion in condemning the invasion of Kuwait allowed us to support our troops with mostly foreign-flagged vessels, it would be foolish for us to believe this will always be the case. In history, there are many examples in which foreign vessels, under contract with the Department of Defense to carry U.S. military supplies, simply refused to enter a war zone. In a conflict that does not have near unanimous international support, a strong U.S. domestic fleet of transport ships will be essential to supply our men and women in uniform.

The U.S. merchant marine fleet has served our country well from World War II to Desert Storm. In our own interest, we must support an industry that is vital to our national security. I urge all my colleagues to support this commonsense legislation.

Mr. STUDDS. Madam Chairman, I yield 3 minutes to the gentlewoman from California [Ms. SCHENK].

Ms. SCHENK. Madam Chairman, I thank the gentleman for yielding time to me.

I rise in very strong support of the Maritime Security and Competitive-

ness Act. The gentleman from Massachusetts [Mr. STUDDS], the gentleman from Texas [Mr. FIELDS], the gentleman from Illinois [Mr. LIPINSKI], and the gentleman from Virginia [Mr. BATEMAN] are owed a huge vote of thanks from all of us for their hard work and their bipartisan, and let me emphasize bipartisan, leadership in bringing this important legislation to the floor.

Madam Chairman, the subject under debate here is whether or not the United States will have a maritime industry to call its own or whether we become totally dependent on foreign-owned, foreign-built, and foreign-crewed vessels to ply our international trade.

I cannot conceive of the United States without a merchant marine fleet, but we are certainly headed in that direction unless this Congress adopts a policy of supporting U.S. shippers and shipbuilders.

It is a mystery to many Americans, and especially to this American, why we have allowed the United States to lose its maritime primacy and supremacy—a position it has maintained for most of this century.

Early in the 1980's, at a time when other nations were expanding their subsidy programs, President Reagan and the Congress eliminated the subsidy which had helped U.S. shipyards provide the ships necessary to sustain a U.S.-owned, U.S.-built maritime fleet. The dream of a 600 ship Navy provided work for some American shipyards, but many others closed or retrenched—with the loss of over 100,000 jobs. As of September of this year, only one cargo ship was under construction in a U.S. shipyard—only one.

Madam Chairman, I do not understand why anyone would think it good public policy to allow an industry as vital to commerce as shipping and shipbuilding to be shipped offshore, but that is what we do if we fail to adopt a national maritime policy.

H.R. 2151 will assist the U.S. shipbuilding industry to reenter the commercial market and build vessels for the United States and the international markets at competitive prices.

H.R. 2151 is good for this country. It is necessary for this country, and I urge all of my colleagues to support this measure.

Mr. FIELDS of Texas. Madam Chairman, I yield 2½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Madam Chairman, I rise in strong support of H.R. 2151.

Madam Chairman, I could count on one hand the number of bills that have set aside political agenda for the good of Americans. This is one of those bills. Thanks to the gentleman from Massachusetts [Mr. STUDDS] and the gen-

tleman from Texas [Mr. FIELDS] for their leadership and the bipartisan environment that they allow us to operate in that committee.

I would, however, like to address section 5 of H.R. 2151, entitled "Elimination of Construction Differential Subsidy," titled CDS.

This section would change current law to release certain vessels from the restrictions agreed to by their owners as a condition of receiving Government construction subsidy. What does this really mean?

Among those restrictions is a requirement that subsidized vessels operate exclusively in foreign trade. This restriction is intended to protect both the operators of unsubsidized vessels in the protected domestic trades and our domestic shipyards that have exclusive right to supply vessels for domestic trades.

Section 5 would change this requirement for liner vessels, that is, the general cargo vessels that are now operated on regular routes between the United States and foreign countries, when they reach the age of 25 years. Section 5 would allow such overage vessels to operate without restriction in the domestic trades.

At markup, I offered, and then withdrew at the request of the committee leadership, an amendment to delete section 5. I had considered offering the same amendment at this time, but decided not to do so after reviewing carefully the committee's understanding of section 5 as reflected in the committee report.

That is, that section 5 is strictly limited to liner vessels; that its enactment does not affect the application of the domestic trading restrictions for other vessels; and that the affected domestic operators have agreed to the section because of the protection provided to them in other parts of the bill.

This leaves to the Department of Transportation and, perhaps, ultimately, the courts, the proper application of domestic trading restrictions.

□ 1920

The continued application of the domestic trading restrictions is extremely important to our domestic shipyard base, as those shipyards undergo the difficult transition from primarily military construction to building for the commercial market. One bright spot for the shipyards, for example, is the expected new construction of double-hulled vessels that will soon be required under OPA '90. Allowing tankers built with Government subsidy for exclusive use of foreign trades to gain unrestricted access to the domestic trades would not only jeopardize the main hope for saving our shipyards, but would also undermine the goals of OPA '90.

Mr. STUDDS. Madam Chairman, I yield 2½ minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GREEN of Texas. Madam Chairman, our Nation is in vital need of a reaffirmation of maritime policy. As we embark on an era of more global trade we must realize that our maritime fleet will provide the means by which much of our future trade will be conducted.

During the 1980's we watched as one program after another which were designed to promote a U.S.-flag maritime industry were either not funded, underfunded, or just ignored. No new programs were enacted in their place. In my district in Houston, our seafarers are worried that a major shipline, Sealand, will be forced to reflag their vessels foreign unless major changes in U.S. policies are made. H.R. 2151 will keep Sealand ships coming into Houston and keep our American seamen working.

H.R. 2151 will also encourage the development of a modern fleet under the U.S. flag that will respond to U.S. national security and contribute to the Nation's economy. During Desert Storm the Port of Houston, which I represent, handled more tonnage than any other port. This tonnage was being shipped out on American ships. If we do not pass H.R. 2151 we will be forced to use foreign flag vessels for our Nation's security and we will put American seamen out of work.

H.R. 2151 will benefit the Port of Houston tremendously. The Port of Houston is the fourth largest port in the Nation. Having a strong U.S.-flag fleet will create competition necessary in the international marketplace. H.R. 2151 will create a healthier climate for international trade thereby strengthening the competitiveness of the Port of Houston.

There are over 60 other nations that have programs in place to maintain a fleet under their flag according to a September 1993 report of the Maritime Administration. These nations provide direct assistance to vessels under their flag which ensures that they remain competitive in international markets.

Every major maritime nation gives some type of assistance to their fleets. Many developing nations look at a merchant fleet as a means of earning quick revenues. It would be foolish for this Nation not to respond to the maritime practices of other countries. As the world's largest trading nation, every fleet throughout the world wants a piece of our action. I do not blame them; in fact, I believe it is good for our overall trade picture. The American-flag fleet should also have piece of the American action. Reaffirmation of maritime policy through the passage of H.R. 2151 will encourage a U.S.-flag presence. It is sound maritime policy, sound national policy and I urge its adoption.

Mr. FIELDS of Texas. Madam Chairman, I yield the balance of my time to close debate on this side to the

gentlewoman from Maryland [Mrs. BENTLEY].

Mr. STUDDS. Madam Chairman, I yield 3½ minutes to the gentlewoman from Maryland [Mrs. BENTLEY].

The CHAIRMAN. The gentlewoman from Maryland [Mrs. BENTLEY] is recognized for 7 minutes.

Mrs. BENTLEY. Madam Chairman, I rise in strong support of the bill.

First, I want to take this opportunity to commend and applaud Mr. STUDDS, the distinguished chairman of the Merchant Marine and Fisheries Committee, for his outstanding leadership in bringing this legislation to the floor today.

I also want to commend my special friend, the gentleman from Texas [Mr. FIELDS], the ranking Republican on the full House Merchant Marine and Fisheries Committee, my good friend from Chicago, Mr. LIPINSKI, chairman of the Merchant Marine Subcommittee, and my dear friend, the gentleman from Virginia [Mr. BATEMAN], the ranking minority member on the subcommittee, for their hard work.

Collectively, and I want to emphasize in a bipartisan fashion, the leadership of the Merchant Marine and Fisheries Committee has dedicated their energies to develop a comprehensive piece of legislation designed to save, preserve and, hopefully, rebuild our maritime industries. They have succeeded in H.R. 2151, the Maritime Security and Competitiveness Act, which we will be voting on shortly.

Madam Chairman, too often, particularly in peacetime, the private, commercial U.S. merchant marine is the forgotten arm of our military; and its contributions in bringing price stability and competitiveness to our international trades is rarely recognized.

With the age of space travel just over the horizon and the ability of instant communications ever shrinking the world in which we live, the romance of the sea is seldom seen or expressed. To most people, the sea is reruns of the Love Boat television series, which, I hasten to add, particularly for my dear friend from Iowa, continues to be an excellent show. The true significance of the U.S. Merchant Marine, Madam Chairman, is lost, even on many of our colleagues; lost that is until the United States finds itself—as it did in the Persian Gulf—embroiled in a large military operation.

Everyone prides themselves on the success of the Persian Gulf war—the 100 hours ground war. It was a textbook war. A Hollywood scriptwriter could not have written a better screenplay. Everything—like in the movies—went right.

What everyone overlooks, even ignores, is the luck that was involved in the ultimate outcome of Operation Desert Storm; luck that Saddam Hussein, after invading Kuwait, patiently waited for the United States to develop

a coalition of support in the United Nations; waited patiently for the United States to coddle and sometimes bully Middle East nations into joining that delicate coalition; and, most importantly, in terms of bloodshed and precious life, waited patiently while the United States completed a military buildup of forces, ordnance, and supplies in such size and scope that had not been since World War II.

That buildup gave the United States and its coalition of forces the ability to complete the herculean military operation that is unprecedented in U.S. history.

But that military victory—which has blinded all of us of the need to rebuild our merchant marine—would have been impossible, without the loss of thousands of U.S. lives, if the United States merchant marine had been forced to go it alone.

That military buildup would have been impossible because the United States does not now have a sufficient number of ships, either in the commercial fleet, the reserve fleet or in the Government-chartered fleet to carry that volume of cargo, nor does the United States have a sufficient number of seamen to man the number of vessels required for such an operation—that is, unless Saddam Hussein had been willing to sit in the Kuwait desert until 1999 or some other, equally absurd length of time.

There may be some debate, but there is little question that the United States did not need the military assistance of the coalition of nations to fight and win the war; and there absolutely is no question that the United States critically needed the more than 215 foreign flag ships the Navy's Military Sealift Command was forced to charter during Operations Desert Shield and Desert Storm.

Madam Chairman, it is fitting that H.R. 2151, a major piece of legislation, is brought forth near the end of the 20th century, for it was in the 20th century, during the 1940's, that the United States saved the world from the Nazi-fascist axis by producing 6,000 ocean going ships—liberties, victorys, T-2 tankers; C-3's and C-4's in 4 short years.

And as a result this country proved that an ongoing industrial base made it possible—and provided good jobs for skilled and unskilled men and women in this country.

The ships that slid down the ways proudly waved the Stars and Stripes, all that because of the Merchant Marine Act of 1936.

The next time a real effort was made to infuse real blood into the fleet was the Merchant Marine Act of 1970. During the 1970's, the industrial base hummed once more and Americans had important shoreside and seagoing jobs available to them.

That was the second effort, and it worked.

Now we have H.R. 2151, the third Maritime Security and Competitiveness Act of the 20th century, which will carry this country proudly into the 21st century on the high seas, and in our Nation's seaports we will be able to view the Stars and Stripes proudly flying again on modern ships built in American yards by American workers.

There will be important jobs in the urban shipyard-oriented cities for the skilled and unskilled as our industrial base makes a vital comeback.

As I said earlier today this is the first bill in a quarter of a century that provides more than a Band-Aid to a hemorrhaging fleet. It is real; it is what America needs.

What anticargo preference advocates would have us believe, what the Navy and its Military Sealift Command, with its growing fleet of reserve and active vessels would have this Chamber believe, is that the Coalition that was so successful during the Persian Gulf war always will be there.

The opponents want you to believe, Madam Chairman, that the United States should and must place the future of our Nation, the future of children, into the hands of foreign governments—that our concerns and causes always will be their concerns and causes.

Madam Chairman, history has taught me to place my trust and faith into the hands of God and the American flag—not in the hands of foreign governments or foreign seamen, whose lack, and total absence of loyalty to the United States, already is well documented in every war in which they have been employed.

The United States continues to need a private fleet of merchant ships to support our Armed Forces; in fact, we need a merchant fleet now more than ever. Today, there are regional conflicts which, tomorrow, could involve our young men and women in uniform.

I want to encourage my colleagues to support America by voting for the Maritime Security and Competitiveness Act and to oppose all amendments that may be offered, except, of course, one technical amendment to be offered by Chairman STUDDS and Mr. FIELDS.

Mr. STUDDS. Madam Chairman, I salute the gentlewoman from Maryland [Mrs. BENTLEY] for her tireless and very longstanding fight in this effort.

Madam Chairman, I yield 3 minutes to the gentleman from Mississippi [Mr. TAYLOR].

Mr. TAYLOR of Mississippi. Madam Chairman, I want to thank the gentleman from Massachusetts [Mr. STUDDS] for yielding time to me.

For the people of America who are watching this debate tonight, they are probably being dumbfounded by statistics, and more than anything, dumbfounded by how much this great Nation has lost its maritime base.

□ 1930

On the day that I was born we were the world's greatest maritime power. Last year this great Nation did not build one merchant ship.

The Croatians, in the middle of a war, built 30. The nation of Malta built 4, the nation of Vietnam built 1. The Japanese built over a third of all of the ships built in the world, but this Nation did not build one.

I want to commend Chairman STUDDS for the vitality he has brought back to this community, and I want to thank the ranking minority member, and the subcommittee chairman, Mr. LIFINSKI.

But this bill has got a flaw, a flaw that I hope my colleagues will help me address tomorrow, which is the fact that we will take American taxpayer dollars from the 180,000 people who work in this Nation as either shipbuilders or people in shipbuilding-related industries and use that to subsidize 4,000 jobs on operating differential subsidy ships that were built overseas. Let me see if we have this straight. We are going to take American taxpayer money and use it to subsidize the crew of a ship that was built by one of our foreign competitors.

Folks, the great nations of this world have had two things in common since the time of Christ. They have been great manufacturers and they have been great maritime powers. If we want to remain a great nation we have to get our manufacturing back and we have to get our maritime back.

As we speak, the House Armed Services Committee is in conference with the Senate Armed Services Committee on a \$200 million loan guarantee program that will create anywhere from \$2 to \$4 billion of loans for people who will build their ships here. But how can we provide those people who will build their ships here with any incentive if we tell them it is OK to go buy a cheaper foreign ship and we will pay the cost of your crew. That is not fair. It is not to the advantage of the American citizens. It is certainly not fair to those American shipyard workers, and it is a bum deal for our country.

I support the chairman trying to revitalize the American maritime industry. But let us fix it, and let us fix it right.

Mr. STUDDS. Madam Chairman, I yield myself such time as I may consume to close by thanking the distinguished ranking member, the gentleman from Texas, and the gentleman from Illinois, the subcommittee chairman, the gentleman from Virginia, the ranking member of the subcommittee, and our longstanding ally in this effort, the gentlewoman from Maryland. As I said this morning at a committee caucus, I am grateful that she is on our side.

We are on the verge, I think, of some genuinely historic legislation, and it is

my hope that when the dust settles tomorrow, or whenever we conclude this, that we can all walk out of this Chamber, Republicans and Democrats alike, for once very proud of what we have done. I commend those who have worked so hard.

Mr. HOCHBRUECKNER. Madam Chairman, I rise today to express my support for President Clinton's commitment to revitalizing the maritime industry. I join the President in recognizing the need for a comprehensive maritime policy reform package.

The U.S. maritime industry is in jeopardy. In 1992, the U.S. merchant fleet totaled 18,228,000 gross tons, down more than 2 million gross tons from 1991 levels. Furthermore, legislation was needed to prevent American companies from attempting to transfer vessels to a foreign registry.

The industry is an essential component of our economy. It is responsible for the transportation of raw materials, goods, and equipment necessary for the success of American industry. Moreover, it exports American items to friendly nations. Finally, the maritime industry plays a vital role in serving the U.S. Armed Forces during wartime. For example, only American vessels can be forced to enter combat zones to deliver materials. Therefore, the U.S. merchant marine is instrumental in conflicts like the Gulf war.

The House Merchant Marine and Fisheries Committee is taking a leading role in aiding the maritime industry. I am a cosponsor of H.R. 2547, the National Shipbuilding and Conversion Act, important legislation which includes a shipbuilding subsidy that will better enable American shipbuilders to compete in the world market.

In the past 20 years the American merchant fleet has decreased from 798 to 385 ships. Today, H.R. 2151, the Maritime Security and Competitiveness Act of 1993, will be voted on by the House of Representatives. The Maritime Security and Competitiveness Act addresses this problem by making legal and regulatory changes that will add vessels to our fleet and jobs to our economy. H.R. 2152, the Merchant Marine Investment Act of 1993, also promotes a stronger maritime industry by encouraging investment with tax incentives. As a cosponsor of H.R. 2151 and H.R. 2152, I urge my colleagues to support both of these important bipartisan legislative efforts to back our maritime industry.

We have a proud maritime heritage in these United States. America has longer sea coasts, more seaports, and greater amounts of imports and exports than any other industrialized nation. If the United States is going to continue as a leader in the global economy, it will need a strong maritime industry.

Madam Chairman, I ask my colleagues in the House of Representatives to join me in voting "yes" on H.R. 2151 which will go a long way toward reviving the maritime industry.

Ms. PELOSI. Madam Chairman, I rise today in support of H.R. 2151, the Maritime Security and Competitiveness Act, legislation to enhance the U.S. seafleet force and maintain a vital U.S. commercial transportation industry.

U.S. shipbuilders and operators are subject to higher standards for safety, health, and employment than their foreign counterparts. This,

in combination with the subsidies foreign yards receive, gives foreign operators a clear advantage because their vessels are less expensive to construct and operate.

H.R. 2151 would create a Maritime Security Fleet Program. This program would establish a statutory and regulatory framework under which we could maintain a maritime security fleet, which is important in a number of ways:

It is an important aspect of defense conversion, because it will assist U.S. shipyards in making the transition from military to commercial vessel construction, preserving a valuable part of our Nation's infrastructure;

It is an important aspect of our economic independence, because the United States will avoid potential dependence on foreign-flag carriers;

And it is an important aspect of national security, because the U.S.-flag fleet will continue to be able to meet our Nation's sealift requirements. Due to unfair foreign trade practices and decades of neglect by the Government, the U.S. merchant marine has been in a period of steady decline for many years and will disappear if we do not act quickly. H.R. 2151 is an effort to ensure that the United States retains a merchant marine built in America, owned by Americans, and crewed and maintained by Americans. I urge my colleagues to support H.R. 2151.

Mrs. MIK. Madam Chairman, I rise in support of H.R. 2151, the Maritime Security Competitiveness Act of 1993.

This bill signifies hope and renewal for the U.S. merchant fleet. The U.S. merchant fleet is threatened with extinction. The cost of building a vessel in the United States is at least twice as much as building one overseas. The cost of registering a vessel in the United States is greater than registering a vessel overseas due to higher labor costs, taxes, and regulations. The U.S. merchant fleet needs the strong and active support of the Federal Government to limit the competitive disadvantage that now hampers the operation of American vessels.

This bill frames the question facing the House of Representatives in very simple and basic terms: Do we support a U.S. merchant fleet or do we stand idly by and banish the American merchant fleet to foreign registries and foreign ports?

The answer to this question must be heard in a resounding vote of support for H.R. 2151, and other maritime reform and revitalization legislation in this term of Congress. This is of the essence.

H.R. 2151 proposes to create a maritime security fleet consisting of U.S.-documented, U.S.-crewed vessels operating in the international commercial trade. Under this act, the Federal Government would provide shipping companies with subsidy payments of \$21.2 million over 10 years in exchange for the right to use these ships in case of war or for emergency sealifts. These subsidy payments amount to less Federal subsidy per ship than provided under existing subsidy contracts, intending to cover more ships and requiring a more efficient U.S. merchant fleet.

The creation of a maritime security fleet is crucial to the reform and revitalization of the U.S. merchant fleet. It is one component of a vigorous maritime reform and revitalization

program that this Congress must adopt to defend our merchant fleet, holding inviolate our economic and national security.

We cannot look to be a leader among nations without first looking to lead our own people, to defend our own industries, to embrace our own causes, and to solve our own problems.

H.R. 2151 defends the right of the U.S. merchant fleet to exist on American waters, protects American jobs in the maritime industry, and restores pride in the U.S. merchant fleet.

I urge my colleagues to vote in support of H.R. 2151 and to support the U.S. merchant fleet.

The CHAIRMAN. All time has expired.

Mr. STUDDS. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore. [Mrs. MALONEY] having assumed the Chair, Ms. BYRNE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, had come to no resolution thereon.

#### HEALTH CARE REFORM

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

Mr. HASTERT. Mr. Speaker, I rise today to direct my colleagues attention to an editorial entitled "Repair, Don't Replace, Health System" in the Chicago Tribune on November 1.

The Chicago Tribune suggests that the biggest failing of the Clinton health care plan, and I quote, "is its conceit that the entire system must be rebuilt to Federal specifications". They suggest instead that what's needed is a health insurance system that, quote, "Would rely on economic incentives, not the Federal mandates and premium caps that are the linchpins of the Clinton plan."

The House Republican health care reform plan relies on economic incentives. It incorporates Medisave accounts, malpractice reform, and paperwork reduction, all of which the Tribune endorses.

Mr. Speaker, the Chicago Tribune concludes: Our current health care system "is a flawed vehicle that needs to be improved, not a wreck to be junked in favor of somebody's social experiment".

Mr. Speaker, they are right.

[From the Chicago Tribune, Nov. 1, 1993]

#### REPAIR, DON'T REPLACE, HEALTH SYSTEM

Now that President Clinton's book-length prescription for health care reform has been delivered to Congress, the public can begin to compare its sweeping, government-directed approach to other, more modest pro-

posals that rely more heavily on consumer choice and competition.

Too little attention has been paid to these alternatives, some of them quite innovative, which have been put forward by members of Congress, professional associations and public policy groups.

None deserves to be embraced in total, but nearly all contain ideas that ought to be incorporated into the compromise that Congress inevitably must piece together if any reform is to pass.

Not that the administration's plan is without merit. It contains nuggets of common sense, such as encouraging Medicaid recipients to enroll in health maintenance organizations so as to better manage the cost and quality of their care. The Tribune's current investigative series on Medicaid abuses depicts a system out of control, and ought to raise a cautionary flag about government's ability to micromanage an entire health care system.

Indeed, the biggest failing of the Clinton plan is its conceit that the entire system must be rebuilt to federal specifications. It ignores the fact that most Americans have insurance; they actually like their family doctors; and they want to keep using their community hospitals.

What's needed are common-sense repairs to the existing system, ones that will attract, not herd, the nation's 37 million uninsured into a system in which consumers and providers alike are made more aware of how much things cost.

Ideally, such a system would rely on economic incentives, not the federal mandates and premium caps that are linchpins of the Clinton plan. A majority of the uninsured could be enticed to buy coverage through a system that combines tax incentives, means-tested subsidies and plain old bargain-hunting. In return for added volume, insurance companies would be required to accept anyone that applies.

Here are five other suggestions culled from various alternatives to the Clinton plan:

Limit tax deductibility on insurance premiums for coverage in excess of a basic plan. Why should taxpayers subsidize someone else's gold-plated policy that pays for nose jobs, in vitro fertilization or other exotic procedures?

Let employers contribute to tax-free medical savings accounts that employees could dip into for out-of-pocket medical expenses, or convert to personal use if they stay healthy and avoid the doctor's office. This also would encourage "shopping" for medical services, discourage overuse, and promote the purchase of "catastrophic" insurance coverage with higher deductibles and lower premiums.

Adopt a single, universal, computer-ready medical claims form for use by all insurance companies and health care providers. Experts say this reform alone could cut in half the \$80 billion spent each year processing the current crazy-quilt of paperwork.

Reform malpractice and product liability laws to protect doctors who follow accepted procedures and pharmaceutical companies that distribute federally approved drugs. Require would-be plaintiffs to first try non-judicial dispute resolution and limit non-economic and punitive damages in malpractice cases.

Make doctors and hospitals publish their prices and their performance ratings so consumers of medical services can act more like consumers of every other product, comparing what's available to find the best buy.

There are many other common-sense ideas available to Congress—ideas that will fix our

health care system rather than replace it. Ours is a flawed vehicle that needs to be improved, not a wreck to be junked in favor of somebody's social experiment.

#### STEPHEN F. AUSTIN OF TEXAS

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

Mr. PICKLE. Mr. Speaker, I rise today to commemorate the birth 200 years ago today of one of the greatest American adventurers, businessmen, diplomats, combat generals, and statesmen who ever graced this globe with his presence: Stephen F. Austin, the Father of Texas.

This great man was born and raised to a rather privileged Virginia and Missouri, background and was sent to a prestigious boarding school in Connecticut and college in Tennessee. His family met with financial ruin in 1819, the time of the Nation's first real economic depression. It was in these trying times that young Stephen showed his true mettle.

At the age of 28, he came to the Spanish-Mexican province of Texas and established himself as an impresario, ultimately bringing in more than 4,000 North American settlers to the rugged beautiful lands of central and south-east Texas.

After General Santa Anna came to power in Mexico City and began his brutal dictatorship, Austin was chosen to be the first General of the Texian Army and led a successful military campaign in San Antonio. After being imprisoned in Mexico for a year, Austin emerged as one of the principal leaders of the Texas independence movement, and succeeded in swaying the powers that be in Washington to support the Texans' cause.

Although he suffered an untimely death at age 43 in 1836, the signers of the Texas Declaration of Independence later acknowledged that he was as responsible as anyone for their reaching the point of independence.

The State of Texas and the United States of America have produced few leaders as great as Stephen Fuller Austin, and I am proud to represent Austin, TX, the community that bears his name.

#### AUSTIN HAD VISION OF CITY BEFORE IT WAS FOUNDED

(By Pamela Ward, American-Statesman Staff)

Stephen F. Austin, the city's namesake, never lived in Austin, but it was his dream.

In 1833, he wrote of his adoration of the land on the east bank of the Colorado River at the foot of the mountains as a retreat to which he wanted to retire, and instructed a representative to locate a beautiful tract for him:

"I mean to go and live there. It is out of the way and will do for an academy scheme with which I can amuse myself and do good to others."

Eugene Barker, in his book "The Life of Stephen F. Austin, Founder of Texas," wrote, "With rare appropriateness that tract now contains the Capital City and the University of Texas, and Austin lies buried on the land that he himself chose for his last peaceful years."

Today, the city and state celebrate the man behind the name. Stephen Fuller Austin, a Virginian by birth but the founder of Texas, would be 200.

"It's a big day for the capital city," said Mike Workman, vice chairman of the State of Texas Stephen F. Austin Bicentennial Celebration Commission. "We have fourteen public events. The public is invited to any and all of those events." In addition, some special exhibits are opening in Austin and elsewhere in Texas in Austin's tribute.

Austin, founder of Texas, the first military commander of the Texas Revolution's Texian Army, skilled diplomat and first secretary of state during the republic, also is a reversed figure in Texas mythology.

"Legend has it he came through here on his mapping tour in 1821. Legend has it that he came to the Treaty Oak," Workman said, noting both stories cannot be proved.

In 1821, at age 28, Austin moved from Missouri to Texas and laid plans for the establishment of a commonwealth of Texas and founded an American colony along the Brazos and Colorado rivers.

Sam Houston, in his last speech to the United States Senate, called Austin "the father of Texas. This is the designation justly accorded to him, as will be testified to by every man who is acquainted with the primitive history of Texas or its progress as long as he lived. Stephen F. Austin is entitled to that honor. Sir, posterity will never know the worth of Stephen F. Austin—the privations he endured—the enterprise he possessed—his undying zeal, his ardent devotion to Texas and its interests and his future hopes connected with its glorious destiny."

In 1836, Austin said, "The prosperity of Texas has been the object of my labors, the idol of my existence; it has assumed the character of a religion for the guidance of my thoughts and actions for 15 years, superior to all pecuniary or personal views."

Austin, who suffered from chronic malaria, died at age 43 later that year.

Three years later, the community of Waterloo was renamed in Austin's honor and chartered by the Republic of Texas.

Today's events are highlighted, by an 11 a.m. program in the Capitol Extension auditorium that features musical performances and comments from the governor, land commissioner and Austin family descendants.

Rare items are featured in exhibits opening in town. The University of Texas exhibit on the second floor of the building at 709 Martin Luther King Jr. Blvd. includes Austin's 1882 manuscript map of Texas, printed announcements such as one on Austin's death, the 1833 George Catlin oil portrait of Austin and Austin's prison diary.

As a commemorative item, the General Land Office has published a new historical map of the area known from 1821 to 1836 as Austin's Colony. The 26-by-36-inch map, designed in the style and traditions of 19th century cartography, depicts the settlement and surrounding lands at they were in 1835, just before Texas declared its independence from Mexico.

#### SUPPORT OUR PRESIDENT, VOTE "YES" ON NAFTA

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

for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RICHARDSON. Mr. Speaker, what do Tip O'Neill, Rush Limbaugh, Ronald Reagan, Lee Iaccoca, Jimmy Carter, Henry Kissinger, and Bill Clinton have in common? They all are for NAFTA. Mr. Speaker, this broad mosaic of individuals shows that NAFTA is good for this country, that it is bipartisan, that it creates jobs, that it reduces illegal immigration, and that it will ultimately spearhead the largest economic bloc in the world, led by the United States.

Mr. Speaker, I would like to read what former Speaker Tip O'Neill said:

As an American and a died-in-the-wool Democrat, while in office I always lived by the principle that my central duty was to represent the bread-and-butter economic interests of American working men and women. It is because I care about the creation of jobs and the expansion of the middle class of this country that I strongly support the North American Free-Trade Agreement.

Mr. Speaker, as the debate on the North American Free-Trade Agreement [NAFTA] enters its final 2 weeks, forces for and against this treaty are marshalling significant resources to support their stance on this issue.

For the most part, Majority Whip DAVID BONIOR and I have worked hard to insure that the fight over NAFTA would be a fair one.

Similarly, though I have many friends in organized labor and have been a long-time supporter of the union movement in this country, on this issue we respectfully disagree.

Having said this, I can not help but comment on a recent editorial by former Speaker of the House Tip O'Neill which appeared recently in the Boston Globe.

Entitled, "An Old Work-and-Wages Democrat Parts With Labor on this (the NAFTA) Issue," Speaker O'Neill's article focuses attention on the fears which many Members have recently expressed about the potential loss of support from organized labor should they vote in favor of NAFTA.

I must say, that I agree with the former Speaker when he states that he has never seen the unions withdraw support from pro-labor Democrats because of a single vote.

If a Democratic Member of Congress votes for striker replacement legislation national health care, workplace safety, as well as for NAFTA—is labor going to withhold its support for this Member. In spite of these concerns, I honestly doubt it.

When President Clinton argued for NAFTA before the AFL-CIO convention, its members treated him with respect. When he finished his pro-NAFTA pitch, they applauded politely.

The AFL-CIO's Lane Kirkland had it right when he told his members, that while the President is pro-NAFTA by and large his agenda was their agenda.

and the AFL-CIO would remain his most reliable troops.

So, I ask you, if the agenda is good enough for our pro-labor, pro-NAFTA President, it should be good enough for pro-labor, pro-NAFTA Members of Congress too.

Stand your ground. Support our President and do the right thing for America. Vote "yes" on NAFTA on November 17.

The article follows:

**AND OLD WORK-AND-WAGES DEMOCRAT PARTS WITH LABOR ON THIS ISSUE**

(By Thomas P. O'Neill, Jr.)

As an American and a dyed-in-the-wool Democrat, while in office I always lived by the principle that my central duty was to represent the bread-and-butter economic interests of American working men and women. It is because I care about the creation of jobs and the expansion of the middle class of this country that I strongly support the North American Free Trade Agreement.

The Democratic Party has always been at its best when it made a changing world work for average citizens. Our guiding principles have been those of both security and opportunity. We never would have succeeded had we aimed only at preserving the status quo.

Contrary to what some today might suppose or argue, the Democratic Party has historically led the fight for expanded trade and open markets abroad. After World War II, Harry Truman had the foresight to recognize that our middle class would swell if we had markets to which to export. And President John F. Kennedy—whom I succeeded in Congress—pushed through a landmark law that expanded trade and helped lead to the economic boom of the 1960s.

Today, American working men and women face not a Depression or a Cold War, but a contest for economic survival. We square off against formidable foes in the world marketplace. And we cannot create good paying jobs that provide security for our citizens if we don't win in this global contest. I recognize the hard times we face and the difficulty of thinking about future jobs when it is so tough to find a job today. We must not, however, neglect the future.

NAFTA would create meaningful jobs in the United States by breaking down tariff walls in Mexico and opening that market to our products. This is just the kind of market-opening measure that we have sought from Japan, without success.

My friend Lee Iacocca tells me that the auto industry alone will see \$2 billion in new sales of cars in the United States in the first two years of the agreement, cars made by thousands of UAW workers. Exports are our future.

My friends in organized labor have sworn their opposition to this agreement, and I respect their views. Principled and fervent opposition is fine provided it leaves room for equally principled and fervent support. Unions and Democrats have worked arm in arm for decades.

I was a soldier in many of those battles. I have never seen the unions withdraw support from pro-labor Democrats because of one single vote. Not on the labor law reform bill of 1977, not on PATCO, Davis-Bacon, striker replacement, the minimum wage, Ronald Reagan's budget and tax cuts of 1981—all issues where labor members had a much more distinct stake in the outcome than NAFTA.

If a Democratic member of Congress votes for striker replacement legislation, national

health care, workplace safety—as well as for NAFTA—is labor going to withhold its support from this member? I certainly hope not.

When President Clinton argued for NAFTA before the AFL-CIO convention, its members treated him with respect. When he finished his pitch for NAFTA, they even applauded politely. Lane Kirkland had it right when he told his members that while the president is pro-NAFTA, by and large his agenda is our agenda, and we are and will be his most reliable troops.

If that agenda is good enough for the pro-labor, pro-NAFTA president, it should be good enough for pro-labor, pro-NAFTA members of Congress, too.

Our party and its allies must unite behind President Clinton to provide health security and economic growth to the voters. We have all waited a long time for an administration like this one, and we need to work together on this agenda and work through singular issues on which we disagree.

**JUST SAY MAYBE?**

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

Mr. WOLF. Mr. Speaker, outgoing Drug Enforcement Administration Chief Robert C. Bonner has alerted us to the fact that when it comes to an antidrug policy, there is a growing problem in the Clinton administration. Mr. Bonner has stated:

In terms of leadership at the White House, this is a *nonissue* \* \* \* my perception is the drug problem is not only not a priority issue, it does not appear to me to be an issue of any real importance.

Bonner says there is a vacuum and an absence of leadership from the White House.

This is particularly unfortunate given recent reports that drug use is on the increase once again after years of a downturn. Last week's Newsweek reported on "High Times Revisited"—a revival of the 1960's and 1970's drug culture including increased use of marijuana and heroin and hospital emergency room episodes up sharply for many drugs. Groups that advocate legalizing marijuana have increased their visibility and are using the media and even clothing lines to promote their message. Heroin use has increased with the development of a purer easier to take heroin that is snorted or smoked. Popular rockers apparently are trying to resurrect the reefer madness culture of the 1960's and 1970's.

Where is the Clinton administration? Cutting the White House staff on the back of the drug policy office for one thing. The cuts to meet the promised 25-percent reduction in staff, although not actually met, were still focused in large part on the Office of National Drug Control Policy which was cut from 146 employees to only 25. These cuts included mostly career Federal employees, many who had left other jobs to join in a serious effort to battle the drug problem in this country.

As DEA Chief Bonner noted the Clinton administration has made this a low priority item. Abdicating leadership on this front will have serious consequences—consequences that will be borne by our children and consequences that will affect our health care system and public support system.

Is this the message that we want our young people to get from those in a leadership position? If this administration wants to send a better message they must reconsider their actions that could lead to many children revisiting the counterculture of the 1960's and 1970's. Newsweek writes that the Federal Government has softened its anti-drug campaigns. "As silly as they sometimes seemed, they worked," says Newsweek. This is one area where retreat can be fatal. If we turn tail on this front our children will be left on the front lines with no cover.

[From Newsweek, Nov. 1, 1993]

**JUST SAY MAYBE**

(By John Leland)

B-Real had a question for his audience. As the stage lights went down at Memorial Hall in Kansas City, Kans., he stepped in front of a curtain bearing a giant marijuana leaf and asked, "What do you want?" It was a rhetorical question; B-Real and his musical group, the multimillion-selling Cypress Hill, have but a small handful of tricks in their bag, and the audience was already declaring its intentions. "I wanna get high," they chanted, united beneath a cloud of grayish-brown smoke. "So high," Rita Marley first sang these words 11 years ago after her husband, the Jamaican reggae star Bob Marley, died of brain cancer—words of defiance in the face of death. But here in Kansas City, where better than 3,000 mostly white, mostly suburban teenagers had gathered last Wednesday night, the words were a benign generational rallying cry. In response, B-Real wheeled out a giant brown hand holding a joint the size of a baseball bat. The crowd roared. On the floor of the hall, Keven Divine, 14, from suburban Olathe, Kans., sized things up. "It's a good beat," he said, in the approving language teens have used since the days of "American Bandstand." "And it promotes the use of marijuana."

Here's a flashback: after a decade of being demonized and driven underground, the drug culture is suddenly back on display, buoyed by entertainers like Cypress Hill. A University of Michigan survey of college students and young adults found that in 1992, the most recent year studied, a 12-year decline in drug use came abruptly to a halt. Marijuana use increased very slightly, and LSD use rose for the third consecutive year. Marijuana seizures are up nationwide, and hospital emergency-room episodes have risen sharply for many drugs. Groups that advocate legalizing pot have seen their memberships skyrocket. "We have a hard time keeping up with demand," says Richard Cowan, 53, the national director of NORML, the National Organization for the Reform of Marijuana Laws. Heroin also appears to be making a comeback.

Sea change: It is too soon to say what all these numbers mean; many of the upticks are small, and may be just statistical accidents. Casual drug use is still way down from the late '70s, when more than half the high-school seniors tested said they'd smoked pot in the last year. "Whether this is a pause or

the beginning of a turnaround, we cannot say," says Lloyd Johnston, coauthor of the Michigan studies. Adrienne Jordan, 17, high-school senior in Ferndale, Wash., is not so reserved about what she sees. A former heavy pot smoker, she has noticed a sharp rise in drug use among her friends and classmates. "Especially this year, there is a lot more pot," she says. "It's very noticeable."

What is clear, and arresting, is the rise of a popular culture that actively glorifies drug use. There is a sea change in attitudes, if not in actual use: an emerging population that openly espouses that drugs—at least some drugs—are no big deal. In Boston's Mission Hill district, a teen in a White Sox windbreaker and Duke baseball hat, smoking a cigar filled with marijuana, sums up a growing attitude: "I don't consider it a drug. It's a plant. Coke, I don't do that sh-t. That's a drug." Studies of junior-high and high-school students show that the percentage who believe that use of marijuana is very harmful has dropped, in some cases as much as 10 percent over a two-year period. When Jon Bonne, 21, arrived at Columbia University in New York three years ago, marijuana use on campus was nearly invisible, and uncool. "The image of the pot smoker was very much a hippie thing," he says. "Now it's completely different. There's a whole mode of dress, music and style that didn't exist three years ago."

Devil's horns: Music, television, movies and fashion are all embracing this change. For most of the 1960s, drugs either vanished from popular entertainments or appeared in the role of the villain: the murderous cocaine warriors of "Miami Vice" or "Scarface," the craven psychopaths of "RoboCop." Even archetypal stoner characters—Bill and Ted, Wayne and Garth—never touched the stuff; it was taboo. No more. In the last year, drug use has gone prime time, and without the cautionary alarm bells or Devil's horns. On a recent episode of "Roseanne," one of the top-rated sitcoms in the country, the principal characters found a stash of marijuana and lit up, spending half the show laughing themselves silly. Recent skits on "Saturday Night Live" and the Comedy Central program "The Kids in the Hall" present innocuous pot humor. MTV's top-rated Beavis and Butt-head sniff paint thinner.

Pot has made a benign re-entry in the movies as well. In the film "True Romance," Brad Pitt plays a stoner who knows his navel more intimately with each passing scene. And Richard Linklater's "Dazed and Confused," about a bunch of high-school students on the last day of class in 1976, celebrates pot smoking from beginning to end. Asked why the studio agreed to finance such a supportive depiction of drug use, Linklater says, "I think they've been spurred on by the supposed media resurgence of marijuana." Gramercy Pictures certainly used the pot connection as a selling point. The press kits for the movie included custom rolling papers and marijuana-leaf earrings, and the ad campaign ran, "See it with a bud." A second slogan, "Finally! A movie for everyone who *did* inhale," was mixed by the Motion Picture Association of America.

But it is rock musicians who have most heartily taken up the pot banner. Musicians have long played an intimate role in our national attitudes toward illicit drugs. In the 1960s and '70s, rockers were the voice of the burgeoning drug culture. During the '80s, strung out or in 12-step programs, musicians like Aerosmith, Keith Richards, Ozzy Osbourne and Mötley Crüe helped fuel the backlash against their past vices. Now a new

generation of musicians is turning that around. Foremost if Cypress Hill, the multi-racial rap group from South Gate, a Los Angeles suburb. Peppered with anthems bearing titles like "Hits From the Bong" and "Legalize It," the group's most recent album, "Black Sunday," entered the Billboard charts at No. 1 this summer, and has remained in the top 15 ever since. The group is relentless in its support of cannabis, or hemp. "We wanted to do something bold and take a stance on pot and the liberations of smokers," says rapper Sen Dog (Senen Reyes), 27. Cypress Hills even has its own line of clothes and drug paraphernalia; sales this year have reached \$6 million. "They just let it all hang out and they tell it like it is," says Scott Altman, 17, a Cypress Hill fan from suburban St. Louis. A varsity ice-hockey player, Altman likes the music but skips the drugs. "It may promote marijuana but it brings everyone closer together to have a good time." A suburban 15-year-old at the group's Kansas City show had a different perspective. "When you're pulling hits from the bong," he said, "it's good to listen to 'Hits From the Bong.'"

Other pop groups have jumped on the bandwagon. The platinum-selling Atlanta rock band the Black Crowes performed on their last tour before a giant marijuana leaf, and sold their own rolling papers in the lobby. The rapper Dr. Dre has sold more than 2 million copies of this album "The Chronic," named after a particularly potent strain of marijuana. Members of the Seattle bands Nirvana and Soundgarden, the multi-million-selling Spin Doctors and Faith No More have all come out publicly for legalization; Guns N' Roses and Metallica had NORML tables at their last tour. Other acts are using pot iconography in their marketing. The hard-rock band Sacred Reich, signed to a music subsidiary of Disney, sent out bongs with promotional copies of its last album. Rick Krim, vice president of music and talent at MTV, says he gets a video a week that refers to marijuana. The network asks acts to edit the references before the videos can air. "If there were ever anything with an anti-drug message, that might be a different story," says Krim. "But this stuff pretty much glorifies it."

Fashion statement: Along with the music has come a boom in pot fashion. At the high end, about two dozen manufacturers are offering clothing made from hemp, the same plant that produces marijuana. Because it is illegal to grow hemp in the United States, all of the fabric is imported. But it is at the low, popular end that pot fashion makes its strongest statement. After a decadelong absence from American iconography, the marijuana leaf is popping up on clothing, jewelry, even tattoos. Pot fashion, not long ago the province of losers or outcasts, has suddenly become hip, blossoming into an estimated \$10 million to \$15 million business. "I see guys wearing white baseball hats with a bright-green pot leaf, girls in tie-dyed T-shirts with pot-leaf motifs, and necklaces and earrings with pot leaves," says Dave, 23, a supermarket clerk in Evanston, Ill. "You never saw that two years ago. And if you did, you looked away, as if it was a secret. Now it's not a secret. It's out in the open."

Lee Brown, the new drug czar, is outraged by this fashion statement. Brown, former top cop of New York, last week unveiled the Clinton administration's drug policy, a sketchy program that points toward greater emphasis on treatment; he has yet to say where the money will come from. "It angers me when I see" the drug wear, he says. "It's

a mistake for parents to allow their children to get caught in that culture."

Ironically, though, part of the easing of attitudes toward drugs has come from government circles. Bill Clinton's claim that he didn't inhale became the best joke of the campaign; suddenly, a presidential candidate's history of illegal drug use was something to sneaker about, not grounds to disqualify him from the Oval Office. One popular T-shirt reads "Inhale to the Chief." Surgeon General Joycelyn Elders has advocated making marijuana available for medicinal purposes. And the federal government has softened its anti-drug propaganda campaigns. As silly as they sometimes seemed, they worked. "When Clinton got elected, I knew weed was going to come back," says Eric Bonerz, 28, the manager of a trendy downtown New York clothing boutique that sells pot-leaf hats by the dozen—many of them, he avers, to people who don't smoke. "Now you can smoke it, wear it, whatever . . . It's less illegal now."

At the same time, the drug itself is undergoing an image makeover, in step with the health and environmental consciousness of the '90s. Smokers argue, echoing an old line, that it is natural, nonaddictive and not associated with violence or domestic abuse. For generations who have seen firsthand the ravages of both crack and alcohol, this combination can be very appealing. One slang term for desirable marijuana is "kind bud." "Frank," 33, who runs a Los Angeles landscaping company, is a typical thirty-something user. After smoking in school, he gave it up for most of his 20s, as he and his friends got into drinking, cocaine and other drugs. Now, he's back. "Drinking gets me blotto. With pot my mind still functions." He finds marijuana a healthier alternative to his past habits. "On coke, I would take all kinds of risks; go places that were dangerous and do things I shouldn't." Pot, he says, is "probably less dangerous."

Pot activists go this claim one better. The bible of the legalization movement, "The Emperor Wears No Clothes," by Jack Herer, argues that until it was declared illegal in 1937, the hemp plant provided fuel oil, fabric and paper in a more efficient and ecologically sound way than our currently available resources. Since being published in 1985, according to Herer, 54, his book has sold 193,000 copies. Its acolytes—smokers and nonsmokers alike—are gushing in their idealism. "This means more than going to a party, smoking a joint and having a good time," says John Birrenbach, president of the Institute for Hemp, a St. Paul-based advocacy group that sells cannabis products via a mail-order catalog. "It means saving the planet."

But it is wrong to think of pot as risk-free. Although much is still unknown about the drug's effects, and even more muddled by decades of "Reefer Madness" hysteria, there are a few undisputed health risks associated with the drug. Carcinogenic tars and benzopyrenes are at much higher levels in marijuana than in tobacco, and chronic use impairs short-term memory. Smoking also suppresses the immune system. (Many other fears, such as physical addiction, genetic damage or reduced fertility, are either unsupported or rarely borne out, says Christine Hartzel of the National Institute on Drug Abuse.) Some of the risks, however, may be higher today than at the height of the drug culture. Back in the '70s and '80s, average marijuana was about 1.5 to 2 percent THC, the main psychoactive ingredient; now it's twice as high and can even reach 30 percent

THC, according to NIDA. The Center on Addiction and Substance Abuse at Columbia University estimates that substance abuse and addiction claim nearly 500,000 lives a year, and drain \$250 billion from the health-care system. Though most of this is from alcohol and cigarettes, a new boom in the drug culture means more than just a nostalgic smell in the air.

Hemp culture: Lofty Bullock, a 22-year-old British deejay and entrepreneur, already thinks the trend may be turning. Bullock runs Headflows, a natty enclave of hemp culture on Washington, D.C.'s, bohemian "New" U Street. Earlier this year, he says, he was selling hundreds of T shirts a week. Now, in a slower market, he has sold most of his stock to British retailers. "I reached a peak about six months ago," he says. "There is still some interest, he finds. "But being a hip, underground thing—that's over.

Whether this means the drug culture is expanding to mall dimensions or beginning its last inhale remains to be seen. At the Cypress Hill show in Kansas City, Blake Overt, 15, offered one hint, Blake does not smoke marijuana, but likes the music anyway. "It's words everybody can relate to," he says. "Except my mom." Drug trends may or may not be cyclical. But kids embracing music and fashions to bug their parents—well, that's eternal.

[From the Washington Post, Oct. 31, 1993]

DEPARTING DEA CHIEF HAS HARSH WORDS FOR CLINTON ANTI-DRUG POLICY

(By Michael Isikoff)

Outgoing Drug Enforcement Administration chief Robert C. Bonner has accused the Clinton administration of permitting the country to "backslide" in the war against drug abuse by treating the problem as a "non-issue."

Amid signs that the use of heroin has reached record levels, Bonner said there has been a "vacuum" and "an absence of leadership" from the White House that has permitted Congress to "willy-nilly chop up" the budgets of federal agencies seeking to attack the drug problem.

"In terms of leadership at the White House, this is a non-issue," said Bonner, whose resignation takes effect today. "My perception is the drug problem is not only not a priority issue [at the White House], it does not appear to me to be an issue of any real importance."

Bonner also dismissed the administration's new anti-drug "strategy" as a largely rhetorical and misguided document that is "going to fail." By placing primary emphasis on the treatment of hard-core drug abusers, White House drug control policy director Lee P. Brown is ignoring that "there really isn't an effective treatment for cocaine and crack addiction."

"Drug treatment, particularly in this town, is the real feel good [method] for how you deal with the drug problem. It doesn't deal with any enforcement of the laws. It makes everybody feel all warm and fuzzy. . . . I think treatment is being oversold."

Bonner's comments were made during a two-hour interview last week in which he harshly criticized administration policies on a number of fronts. A former federal judge and U.S. attorney in Los Angeles who was appointed three years ago by President George Bush, Bonner said he is leaving of his own accord, although he acknowledged he had not been encouraged to stay on indefinitely. The office has no fixed term. Stephen H. Greene, the deputy administrator, will become acting administrator.

"Perhaps I may be something of a voice in the wilderness here, but I still believe the drug problem in all its various dimensions is the greatest single threat facing America," Bonner said. After several years of a "strong clear signal" of social disapproval of drugs, "I'm very concerned that clear signal is becoming much more ambiguous and . . . muted and we're beginning to backslide."

Asked about Bonner's comments, Brown said: "I don't think there's any room for us to be engaged in rhetoric about who's tougher on drugs."

Brown said that, contrary to Bonner's assertions, President Clinton was "very, very concerned about this issue" and had demonstrated that by designating the drug policy director a member of the Cabinet. He also emphasized that while the administration's approach will place more emphasis on treatment of addicts, "we're not contemplating reductions for the law enforcement agencies."

Bonner said the most serious new drug threat has been a "dramatic" resurgence of heroin abuse, with many new users snorting or smoking the drug. After years of worldwide bumper crops of opium poppies in the late 1980s, "I would say from all the data I've examined there is more heroin available in the United States today than perhaps at any time in the nation's history."

While acknowledging "there is no hard data," Bonner said he also believes the total number of users of heroin has expanded "well beyond" traditional estimates of 500,000 to perhaps 1 million.

Other federal officers and drug experts in recent months have said there is no accurate way to measure the number of heroin addicts and fears of a heroin "comeback" have been expressed by DEA officials for some time. But Bonner and other agency officials last week cited a number of statistics to back up their claims, including a record number of heroin emergency admissions to hospitals, reports of heroin being distributed at crack houses in major U.S. cities, and substantial increases in street-level purity of the drug.

At least part of the problem, Bonner said, is the lack of a vigorous international attack in the "source" countries. While the largest supplier of raw opium to the United States is Burma (Myanmar), that country's government "is not hearing any message from the U.S. government" on drugs because of what he contended was the State Department's preoccupation with human rights abuses.

Bonner's resignation comes shortly after he and his agency won a crucial bureaucratic victory, staving off a proposal by Vice President Gore to fold the DEA into the FBI. Instead, Attorney General Janet Reno gave FBI Director Louis J. Freeh new powers to resolve operational disputes among all Justice Department agencies, including the DEA.

But Bonner said the new setup created many potential problems. Within hours of Reno making her announcement last month, DEA agents and FBI agents in one city began squabbling over who should prepare an affidavit—with bureau officials threatening to "take it up to the Freeh committee," Bonner said.

Designating the FBI director to adjudicate disputes between the FBI and DEA is like "trying to resolve disputes between IBM and Apple" by giving the job "to the chairman of IBM," he said.

TRANSFER OF SPECIAL ORDER

Ms. BYRNE. Mr. Speaker, I ask unanimous consent that the 60-minute

special order for the gentleman from Michigan [Mr. BONIOR] on November 3, 1993, be allocated to the gentlewoman from Ohio [Ms. KAPTUR].

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

There was no objection.

CONGRESSIONAL REFORM

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

Mr. BILIRAKIS. Madam Speaker, when deficit spending is running at continually excessive levels, when serious matters of public policy descend into partisan bickering and when deteriorating conditions do not seem to be addressed until there is a full blown crisis, I believe that much public confidence in the institution of Congress is lost.

We have been told that November will be a month of reform. For the sake of the American public, I hope this promise is fulfilled. It is clear that the American people are dismayed at the workings of Congress. They want a national legislature that acts responsibly and in the open.

This is—sadly—not the case today. The rules of the House have been used to squelch debate and the committee structure has served not as an intelligent filter of legislation—but more like a clogged drain. I believe we must question the very institutional structure of Congress.

Why do we need restrictive rules to shut off debate on points of order? Why do we need to insulate legislative provisions from legitimate challenge? Why cannot any legislation be questioned? Do we really live in such fear of the standing rules of this body that we must avoid their every implementation?

Why must the Rules Committee act as an insurmountable gatekeeper to enforcement of the rules?

Why, Madam Speaker, do we even bother to have rules or debate when we simply waive them at the slightest inconvenience? Why do we bother each January to solemnly vote in favor of standing rules if they are not worth the paper they are written on?

I believe my colleagues should seriously consider how much further this House will suffer collectively when we operate under restrictive procedures and when we seek to ignore the very standards we set for ourselves. If we will not obey the rules we set, who will respect the laws we pass?

We all know the number of closed and modified closed rules that we approve. One can in deed argue that some limits to debate and amendments are necessary to allow this body to function. The Rules Committee certainly has a necessary purpose. But it is no

mistake that the Rules Committee is stacked in favor of the majority party. It is no secret that there are nine majority members and four minority members.

Thus, our very essence as a representational body—and I would emphasize representational—is called into question. It is the height of irony that the opportunity for debate and amendment is channeled through the most unrepresentative committee in Congress.

I suppose this is a prerogative of power, but make no mistake, it is the plain, bold, unadulterated exercise of power that is used when restrictive rules are applied.

I share the frustrations of many of my colleagues, those on both sides of the aisle, who have been unable to advance their legislative initiatives. Therefore, I am supporting four bills aimed at changing House procedures to encourage more cooperation among Members.

These bills will require more equal representation on the Rules Committee. The legislation also makes it more difficult to waive the rules of the House.

Currently, it only takes a simple majority to pass a rule that restricts the ability of Members to offer germane amendments on the House floor, waive points of order and other rules of the House such as the 1974 Budget Act. If we are going to restrict the ability of Members to debate and amend legislation, then I believe three-fifths of the House of Representatives should vote to do so. The legislation I am supporting will impose this "super majority" requirement.

However beneficial this legislation, we must also recognize that the power to control the legislative process also lies within the conference committees. These bodies may act to accept, reject, or modify provisions which the Members of this body have already approved. This is obviously necessary under our bicameral procedures.

However, the sole check on this power lies within our ability to enforce the rules of the House when a conference report is presented on the floor for consideration. Thus, we must support initiatives such as House Resolution 237 which would open all committee meetings to the public as well as insist on open consideration of conference reports and enforcement of instructions to the conferees. This is absolutely essential to prevent backroom deals and dead-of-the-night legislating.

Conversely, if we shut the doors to the conference and then shut the doors to challenging its work product, what option do any of us have? If we are standing outside the door when the deal is cut, then we would forever be left in the cold.

The Florida sunshine law requires that meetings of the Florida Legislature and other elected bodies be held in

open forums. Floridians have not suffered because their legislators do not meet behind closed doors. There is no reason to think that the American public would be negatively impacted by open meetings in Congress.

I perhaps have a more democratic vision of this institution. I see it as a place where competing interests can be debated, judged, and fairly voted on. I view our institution as an example to the rest of the world in the free exercise of debate and resolution.

All this is stood on its head when we ignore our own rules and legislate in secrecy. If we fail to act or adopt some of the reforms I've mentioned we might as well tear up the civics textbooks that we use in our schools and replace them with copies of "The Prince."

Under our present operations, it is abundantly clear that rules don't matter. Only expedited procedures designed to cut off all points of order. This is just another way of saying, "The end justifies the means."

Instead, I would ask precisely why we must waive our own procedures and shirk from the very rules we enact? Why this is standard procedure? Why do we do this time and time again? It is obviously not just for the heck of it. The American people should ask—whose interests are being served by this method of operation? I suggest that the interests of the American people, those basically disenfranchised by our institutional conduct, are not being served.

□ 1940

#### NAFTA

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

Mr. TORRES. Madam Speaker, last week I announced my support for the North American Free-Trade Agreement. It was not an easy decision for me. But I am convinced that with the addition of the North American Development Bank announced by Secretary of the Treasury Lloyd Bentsen, and the establishment of a new dislocated worker adjustment program to address NAFTA related job loss, I have made the right decision for my constituents and the Nation.

NAFTA has spurred fears across America. People fear that if the agreement is passed American companies will close and workers will be left jobless. For these reasons I believe it was necessary to address the legitimate fears that some communities and workers may be adversely affected.

To address these issues, I introduced on July 14, 1993, a resolution calling for the creation of a North American Development Bank, House Concurrent Resolution 121. Twenty-four of my colleagues joined me as original cosponsors. The bank is designed to provide a secure, dedicated source of funding for NAFTA-related environmental and develop-

ment projects, not only in the border areas, but throughout North America.

The resolution was supported by a coalition of labor, environmental, and community groups, including the border ecology project, the Natural Resources Defense Council, the National Wildlife Federation, the Texas Center for Policy Studies, the Southwest Voter Research Institute, the National Council of La Raza, the Mexican-American Legal Defense and Education Fund and numerous other local elected and community leaders.

The North American Development Bank that was unveiled on October 27 by Secretary Bentsen incorporates most of the provisions called for by my resolution. It boldly addresses the fears caused by NAFTA in the most efficient and cost-effective manner. Through its leveraging capacity, the NADBank will eventually provide more than \$20 billion to clean up and prevent environmental pollution along the United States-Mexico border, while ensuring that communities that are negatively affected by NAFTA have the financial capacity to create new and better jobs. Workers from Peoria to Los Angeles will be assured that more than \$1 billion will be available for economic development and job creation.

For those who may lose jobs because of NAFTA, the new Dislocated Worker Adjustment Program established by the Department of Labor will provide the training and support necessary to ease their transition into new jobs. It provides for rapid identification and certification of affected workers, meaningful job training opportunities, and generous income support. And for the first time, dislocated workers in secondary and cyclical industries will be eligible for job training and income support.

I have never been against increased trade with Mexico. But I could not support a trade agreement that did not benefit America and its workers. The NADBank and the Dislocated Worker Adjustment Program address many of my concerns about NAFTA and give me hope that the agreement will result in true economic integration and sustained continental development.

When I introduced House Concurrent Resolution 121 last July, many of my colleagues still questioned the administration's commitment to addressing the concerns of American workers. With the inclusion of these critical protections, that commitment can no longer be questioned.

I ask to insert into the RECORD letters of support for the NADBank.

SVRI ENDORSES NAFTA, CALLS UPON ALL LATINO MEMBERS OF CONGRESS TO FOLLOW SUIT

"We have won the battle to include the recommendations of the Latino Consensus in the President's NAFTA package. We now feel that NAFTA needs to be supported," declared Andrew Hernandez, President of Southwest Voter Research Institute (SVRI) at a Washington, D.C. press conference held to endorse the proposed North American Free Trade Agreement along with the Mexican American Legal Defense and Educational Fund [MALDEF] and the National Council of La Raza [NCLR]. The three major national Latino organizations are conveners of the Latino Consensus on NAFTA, an alliance of one hundred Latino community organizations and prominent elected officials.

"By including the North American Development Bank and a NAFTA-specific worker retraining program in his NAFTA package, the President has taken a giant step towards winning approval for NAFTA," added Mr. Hernandez. "Those of us who formed the Latino Consensus as a mechanism to improve the proposed NAFTA by including the interests of Latinos, workers, the border region and the environment, are satisfied that NAFTA now represents those interests. Billions of dollars and tens of thousands of jobs will flow into the Latino community if NAFTA passes, because of the inclusion of NADBank. We are now ready to fight for NAFTA's passage," he continued.

"We salute Congressman Torres and his colleagues for having the vision to join with the Latino Consensus and fight for our united agenda. This is a historic day! Now it is time to roll up our sleeves and fight to assure NAFTA's passage. We call on all Latino Members of Congress and Members of Congress with significant Latino constituencies to endorse NAFTA immediately," added Antonio Gonzalez, Latin America Project Director for SVRI.

SVRI will conduct a grassroots educational campaign directed to Latino leadership in key Congressional districts where Latinos are a significant portion of the population. SVRI's most recent study shows that Latinos in California are inclined to support NAFTA, but a large percentage is still undecided. "We now have an obligation to go back to the thousands of Latino leaders who were part of the process of hammering-out the conditions and report to them that they have been met," concluded Gonzalez.

**NCLR ENDORSES NAFTA—CITES KEY CLINTON ADMINISTRATION COMMITMENTS ON DEVELOPMENT BANK AND WORKER RETRAINING**

WASHINGTON, DC.—The National Council of la Raza (NCLR), the nation's largest constituency-based Hispanic organization, today announced its formal endorsement of the North American Free Trade Agreement (NAFTA). NCLR President Raul Yzaguirre said, "We have always taken the position that our support for NAFTA was conditional. I am pleased to announce today that our key conditions have been met. On behalf of the National Council of la Raza, I can now enthusiastically endorse the North American Free Trade Agreement."

Yzaguirre cited two Administration commitments that led to NCLR's formal endorsement.

Establishment of a North American Development bank (NADBank), based on legislation introduced by Rep. Esteban Torres (D-CA), which will provide financing for border infrastructure development and a "domestic window" to support economic development in communities anywhere in the U.S. affected by the NAFTA adjustment process; and

A new dislocated worker re-training program that broadens eligibility to cover workers in seasonal or cyclical industries in so-called "secondary" workers, e.g., tire manufacturers who work "upstream" from auto plants.

"Our selection of the NADBank and worker re-training issues as our principal conditions was no accident," Yzaguirre explained. "The social science research, consultations with experts, discussions with the Latino leadership, and the views of our own grassroots organizations all highlighted the need for improved border infrastructure and more effective job re-training programs. Not coincidentally, polling data show that two-thirds

of Hispanics support NAFTA with these conditions.

"The research shows that, for both Americans in general and Latinos in particular, NAFTA is a net plus, but we also know that, as with any major economic policy change, the agreement will result in both winners and losers," Yzaguirre continued. "We have now been assured that all workers displaced by NAFTA will have the opportunity to participate in effective job re-training programs, and that communities adversely affected by NAFTA will be eligible for special economic development financing."

Yzaguirre also emphasized the broader importance of NAFTA for the Latino community. "NAFTA holds the potential for turning our community's liabilities into assets. For example, after NAFTA, for perhaps the first time in my lifetime, being bilingual in Spanish and English will be an advantage, rather than a disadvantage, in the labor market and in the corporate boardroom."

"Negative perceptions of our countries of origin, created in part by our nation's 200-year practice of treating Latin American countries as inferiors, adversely affect the U.S. Hispanic community. With NAFTA, the U.S. and Mexico have come to the table as equals; this newfound respect has got to help improve the image and prestige of Hispanic Americans."

Yzaguirre was upbeat regarding NAFTA's prospects for enactment. "It is increasingly clear that the Administration is now within striking range of the votes needed for House passage. The opposition seems to have peaked. Substantively, NAFTA is now a stronger agreement that should attract many undecided votes. The Administration has gotten its own act together. Although it will be a tough fight, it looks as if the pro-NAFTA forces have turned the corner."

Yzaguirre outlined his organization's immediate plans regarding NAFTA. In cooperation with the Southwest Voter Research Institute, other Hispanic organizations, and Latino elected officials, NCLR will launch a major grassroots effort in support of NAFTA. "Now that we have a good product, we intend to help 'sell' the agreement. We may be able to help put NAFTA over the top; at a minimum, we know we can make a difference in crucial Congressional districts."

"We also intend to shape the tone of the debate," Yzaguirre warned. "Too much of the NAFTA debate has moved off the merits and into the area of asides and smirks, stereotypes, and caricatures. Not once has there been a question about Canada's culture and heritage; only with Mexico have we witnessed race-baiting as a political weapon. One issue that unites all Latinos is our refusal to stand by while ethnic prejudice and cultural stereotypes are injected into the NAFTA debate; this is unconscionable and we won't stand for it."

**STATEMENT BY COUNCILMEMBER MIKE HERNADEZ IN SUPPORT OF THE NORTH AMERICAN DEVELOPMENT BANK**

As member of the Los Angeles City Council, I strongly offer my support to the North American Development Bank and would respectfully urge our Federal Legislators to endorse its passage.

Through NADBank, we will be able to create a balance that would ensure the mitigation of the existing deficiencies in our borders' infrastructure that resulted from a phenomenal increase in trade over the past seven years. This phenomenon has yet to be addressed in any substantive manner. NADBank will have a direct effect within impacted communities.

It is important that while we are thinking globally that we not lose sight of the need to act locally. NADBank will not only bridge the gap of international cooperation, but will also send a clear message that the work force of this nation will not be overlooked.

By addressing the needs of the communities across this nation that undoubtedly feel the strain of existing trade, NADBank can help fulfill our governments' responsibilities to local neighborhoods of job retraining and environmental security that do not exist.

There does, however, exist an opportunity for this nation to not only improve the quality of life for its residents but also to improve the quality of life of our neighbors in Canada and in Mexico.

NADBank can provide the most cost effective manner in which to mitigate the ongoing effects of trade across our borders and ensure that Mexico and Canada will participate in that decision making process in a balanced setting.

Clearly, any effort that will bring down barriers of trade as well as the barriers of misunderstanding will benefit all three nations. We trust that this agreement will do just that.

—  
CITY OF PICO RIVERA,  
Pico Rivera, CA, October 26, 1993.

RON JAUREGUI,  
Southwest Voter Registration Institute,  
Montebello, CA.

DEAR MR. JAUREGUI: I want to be placed on record as being in support of the North American Free Trade Agreement (NAFTA) in its current form. Recently, I met with Congressman Esteban Torres, who is a lead voice in support of the Agreement, and I share the Congressman's feelings in support of this project. I have a strong belief that America should not lose an opportunity to strengthen its economic muscle by joining forces with Canada and Mexico. If we do not form this alliance, I feel that competitive foreign economic interests will move into this vacuum. Most importantly, I see the Agreement as an Imperfect Agreement, but a vital one, nevertheless, which will improve economic conditions for most of us.

I support the Clinton Administration's efforts on behalf of NAFTA and I want to be placed on record as also supporting the Agreement.

Sincerely,

ALBERTO NATIVIDAD,  
Mayor.

—  
STATEMENT IN SUPPORT OF NAFTA, NATIONAL  
LATINO CONSENSUS PRESS CONFERENCE, OCTOBER 27, 1993

As Vice Mayor of San José, California's third largest city, I would like to voice my support of the North American Free Trade Agreement. I am optimistic about the results that NAFTA will have on the populous and diverse state of California; especially with the adoption of Congressional Resolution 121 which helps finance environmental improvement and retraining of displaced workers. NAFTA will have a positive effect on the California economy and create more jobs in the long run through the expansion of markets for U.S. goods by slashing the now unequal trade barriers. Also, the creation of better working conditions for Mexican workers will prevent the mass migration of Mexicans into the U.S. which has contributed to past job losses in California. We must help all our economies prosper by creating an equal and fair trade relationship with our neighbors. Finally, NAFTA will serve to

strengthen the ties between Mexico and our country which is long overdue considering the history of negative misperceptions and mistrust between the two countries. Again, please support NAFTA and help to make fair and positive relationships with our neighbors a reality. Thank you.

To: Southwest Voter Research Institute.  
From: Maria Nieto Senour, Member, San Diego Community College District Board of Trustees.

#### Re Latino Consensus on NAFTA.

Since the Administration has included the Latino consensus recommendations, I am pleased to be able to endorse NAFTA at this time. I regret being unable to attend the press conference to be held in Washington, D.C. on Wednesday, October 27, 1993. I will be there in spirit.

#### ARIZONA HISPANIC COMMUNITY FORUM NAFTA ENDORSEMENT STATEMENT

The Arizona Hispanic Community Forum congratulates President Clinton for his acceptance of some of the key Latino Consensus recommendations which many of our organizations throughout the nation developed because of our collective concerns about the impact the NAFTA would have on citizens and our communities. We also applaud the Southwest Voter Research Institute, National Council of La Raza and the Mexican American Legal Defense and Education Fund for initiating and supporting this effort on behalf of the Latino populations.

A major step forward has been taken by the President in embracing our position on the NAFTA. A message has clearly been sent to our Latino communities from around the nation that President Clinton does acknowledge our presence at the political level and that he respects our desire and right to be full participatory citizens of the United States of America. Although the Arizona Hispanic Community Forum could not be present at this historic event, the Forum proudly joins SWVRI, NCLR, MALDEF and the many other organizations in the U.S. in endorsing the NAFTA. God bless America!

ROSIE LÓPEZ,  
Founder and Past President,  
AHCF.  
TONY BRACAMONTE,  
AHCF-Glendale Chapter  
Founder and  
Kellogg Fellow.  
RON MORALES,  
President, AHCF.

ARIZONA HOUSE OF REPRESENTATIVES,  
Phoenix, AZ, October 26, 1993.

MARY JO MARION,  
National Council of La Raza,  
Washington, DC.

DEAR MS. MARION: Please add the names of Senator Pete Rios, Representative Joe Eddie Lopez, Representative Ruben Ortega, and the name of the Arizona Hispanic Community Forum to those who are gathering in Washington, DC, to announce their support of NADBank and workers retraining proposals.

More specifically, you may announce that the above mentioned can and do endorse the North American Free Trade Agreement. It is our feeling that the side agreements on labor and environmental standards, along with the positive aspects of the NADBank and the workers retraining proposals, enhance NAFTA and that the trade pact would make good social and economic public policy.

For more information, please call Joe Eddie Lopez (602/542-5830) or Tony

Bracamonte/Rosie Lopez (243-8120) of the Arizona Hispanic Community Forum.

Sincerely,

PETE RIOS,  
State Senator.  
JOE EDDIE LOPEZ,  
State Representative.  
RUBEN F. ORTEGA,  
State Representative.

#### MOLINA ENDORSES NAFTA AFTER WHITE HOUSE AGREES TO RECOMMENDATIONS OF LATINO CONSENSUS

LOS ANGELES.—Los Angeles County Supervisor Gloria Molina has announced her support of President Clinton's NAFTA package. The endorsement came after a long series of negotiations between key Latino leaders and the White House which saw Latinos gain key additions to the current NAFTA proposal.

"I am pleased to announce my support for the current NAFTA proposal which includes improved programs that will benefit Latino interests across the country," said Molina. "There is no doubt that the Latino community will benefit from the billions of dollars and tens of thousands of jobs generated as a result of a new improved NAFTA. I am proud to join key Latino leaders throughout this country in supporting the current proposals."

Early in the process, Supervisor Molina joined a number of key Latino leaders to form the Latino Consensus for NAFTA which promoted the creation of the North American Development Bank (NADBank) and a NAFTA-specific worker training program as a part of the NAFTA package. Workers rights, environmental issues, and infrastructure improvements were also part of the concerns expressed and addressed by the Consensus.

Supervisor Molina's announcement was timed to coincide with a press conference in Washington DC to announce the agreement with the White House.

#### QUESTIONS ON NOMINATION OF MORTON HALPERIN

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

Mr. LIVINGSTON. Madam Speaker, I continue to be utterly amazed that the Clinton administration would try to appoint Morton Halperin, a radical who wants the United States to put our military at the beck, call, and direction of the United Nations, to a newly created position called "Assistant Defense Secretary for Democracy and Peacekeeping." How is that for a vital defense post?

My list of concerns about Mr. Halperin is long, as I have detailed a number of times on the House floor. Suffice it to say that if Mr. Halperin's advice had been followed for the last 20 years, the cold war would still be raging, with the Communists in a strong position, and Saddam Hussein would control half the world's oil supply—perhaps protected by nuclear weapons.

On top of that, the Clinton administration has piled on another clear affront to our system of checks and balances.

The perpetrator is none other than White House Counsel Bernard Nuss-

baum, the same man who gave us Zoe Baird, Lani Guinier, a botched White House Travel Office investigation, a botched suicide investigation, and a ridiculous defense of the failure of the administration's Health Care Task Force to comply with basic record keeping laws.

And now, in support of Mr. Halperin's nomination, Mr. Nussbaum is fooling around with the national security of the United States and all its citizens.

In an example of unprecedented political interference by the White House into the CIA's relationship with Congress, Mr. Nussbaum has blocked CIA Director James Woolsey from briefing a group of Senators about some documents allegedly relating to Mr. Halperin.

Ladies and gentlemen, under current law, the CIA Director is required to keep Congress, through our Select Committees on Intelligence, apprised of intelligence activities. Yet Mr. Nussbaum has blocked the CIA from living up to those responsibilities when Mr. Halperin is at issue.

We do not know if the alleged documents have any bearing on Mr. Halperin's nomination or not. That is what the good Senators want to find out, and that is what they have a right to find out. If the CIA has material which would bring even further into question the fitness of Mr. Halperin for his Defense Department post, the Senators who must vote on the nomination have a right, and indeed a duty, to be briefed on that material.

In a similar situation, various Senators have written both Defense Secretary Aspin and Undersecretary Frank Wisner for copies of memos Mr. Halperin wrote concerning our ill-conceived policies in Somalia. Mr. Wisner has admitted the existence of these memos, but for some reason, after more than 3 weeks, he has not yet provided copies of those memos to the good Senators who requested them. What is he hiding?

And what is Mr. Nussbaum hiding?

Could it be some things that are even worse than what is already known about Mr. Halperin? Even worse than the complete renunciation of covert operations which Mr. Halperin has advocated? Even worse than the explicit renunciation of America's right ever to act unilaterally in foreign affairs? Even worse than Mr. Halperin's defense of a CIA defector who exposed the names of hundreds of CIA operatives, at least one of whom was soon thereafter assassinated?

Why are Mr. Nussbaum and Mr. Wisner covering up for Mr. Halperin? What are they covering up?

On Somalia, the questions are easy: What did Mr. Halperin say, and why can the Senators not see it?

And regarding the CIA and Mr. Halperin: What does the CIA know, and why can we not know it?

Stop the coverup. Get the truth out about Morton Halperin. Or else withdraw his embarrassing and outrageous nomination, immediately.

□ 1950

#### THE NORTH AMERICAN FREE-TRADE AGREEMENT

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

Mr. GEPHARDT. Madam Speaker, I want to speak tonight for 5 minutes on the issue of NAFTA and the vote which is coming here on November 17.

I want to focus tonight on one aspect of NAFTA, the most important single issue, which is its impact on the standard of living and wages, the wages of Americans and the wages of Mexican workers.

In economic affairs, our guiding national goal should be a high and rising standard of living and a long-term policy of insuring better jobs at better wages. By not addressing key issues like water, our wages and our standard of living will seek its own level and, drawn down by the lower wages of Mexico, our standard of living will continue to stagnate or decline.

Mexican wages are kept artificially low because of the actions and inactions of their Government. Government rules and procedures set both minimum wages and maximum wage increases for the vast majority of hourly workers in their manufacturing industries. They have kept these wages low to help their economy grow. They have sought to combat inflation and attract investment from companies seeking low-wage labor as a way to cut costs.

Mexican wages must rise, because it is the right thing for the people of Mexico. They must also rise because we want to make them better consumers of Mexican and United States products; and if their wages do not rise, the downward pressure on our wages will continue.

Official data from the Mexican Government best tell the story. Since 1980, real hourly compensation fell by 32 percent in Mexico, while productivity in manufacturing increased by more than 30 percent. Economists tell us that wages should roughly track productivity increases; yet Mexican workers are producing more and getting less.

Now, does this NAFTA do enough to ensure that while companies may be attracted to Mexico's high-quality labor force or lower wage structure, we have done all that we can to eliminate artificially low wages in Mexico?

The answer, unequivocally and undeniably, is no. In the area of labor, this NAFTA is actually worse than the status quo for two reasons. Under the NAFTA, the Mexican Government re-

fused to allow industrial relations—the right to strike, the right to bargain collectively, and the right to freely associate—to be covered under the dispute resolution procedures of the Free-Trade Agreement. In my view, this is a glaring and critical omission. It is equivalent to an environmental agreement that excludes air and water.

What the Mexican Government has said is that they are unwilling to allow oversight of whether they are enforcing the most important part of their labor laws. We are not talking about imposing United States labor laws on Mexico. I simply want them to enforce their good laws.

Their constitution provides basic labor protections, that includes family and medical leave. It includes striker replacement limitations; but you can have the best laws on the books, and if they are not enforced, they are not worth much. That is the case in Mexico.

The largest union federation, which covers the vast majority of workers, acts as a quasi-governmental agency. Each year they enter into what is known as *el pacto* that sets minimum and maximum wages.

A conscious decision has been made in Mexico to keep wages artificially low to continue to attract investment. That hurts their people. It also hurts our people by attracting our jobs to Mexico and putting downward pressure on our wages and by preventing Mexicans from becoming good consumers of our products.

The second reason why NAFTA is worse than current law is that Mexico currently is a beneficiary of what we call GSP, Generalized System of Preferences. One of the key conditions of GSP is that a beneficiary must afford their workers internationally recognized worker rights—the right to strike, the right to organize.

The leverage of the GSP has been lost. So passing this NAFTA will ratify and even worsen the status quo.

Mexico at least has made an effort about the environment during the negotiations. We saw a number of high-profile activities. They closed a refinery. They conducted a lot of enforcement on the border; but in the area of labor law, Mexican officials did not even make a good-faith effort at change. Instead, they showed that the status quo will continue. They arrested and confined a man by the name of Don Agapito, a Mexican labor leader who was fighting for higher wages in Matamoros. They helped to break a strike at the Volkswagen plant. At no time did they show a genuine commitment to carry out their own labor laws on behalf of their own workers.

So this issue of wages goes to the heart of whether or not this NAFTA is sufficient. The critical omission of not putting the industrial relations part of their labor law under the enforcement

process is a glaring and critical omission.

The other major issue that was not treated in NAFTA is a steady stream of revenue to take care of the problems of infrastructure and environmental remediation on the border. I hope at a later time next week to address that issue in great detail.

It is because of these two omissions that I believe this NAFTA is not good for the American people. It is not good for the Mexican people.

I believe that if it could be changed, we should pass NAFTA, but not this NAFTA because of these glaring omissions.

I hope and I pray that in the future if this NAFTA is defeated that we can fix the problems and get a free-trade agreement with Mexico that works in our interest and in their interest and the interest of our people and their people.

#### CAPE GIRARDEAU'S CHAMBER LEADER: BOB HENDRIX

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

Mr. EMERSON. Mr. Speaker, I rise today to recognize a visionary in the economic development profession. Bob Hendrix, the current president and chief executive officer of the Cape Girardeau Chamber of Commerce, is retiring at the end of this year. As the Congressman who represents Cape Girardeau and the southern Missouri region, I can unequivocally tell this body that Bob Hendrix is a man of the highest integrity as well as a leader in his personal and professional communities.

Bob came to Cape Girardeau more than two decades ago, and he has played a key role in the economic evolution of my hometown which is nestled along the Mississippi River on the northern edge of Missouri's Bootheel. Back in 1972, he brought with him years of experience—educational, military, and professional. At that time, Springfield, MO's loss of a director of legislative and civic affairs in their chamber office was certainly Cape Girardeau's gain.

In Bob's 21 hard-working years at the Cape Girardeau Chamber, he has personally recruited dozens of new businesses and industries, which in turn provided new expansion possibilities for existing businesses and industries in the southern Missouri region. Creating more and better jobs and quality of life opportunities for the people of our region has not been a job to Bob Hendrix, it has been his way of life.

While serving as a chief salesman for Cape Girardeau and the surrounding region, Bob has also been a positive force in local governmental affairs. Among the many accomplishments, he was instrumental in the establishment of the Southeast Missouri Regional Port Authority which provides huge trade opportunities as we approach the 21st Century, Cape Girardeau County's Industrial Development Authority, the Cape Girardeau Convention and Visitors Bureau, the Charter Form of Government for the City of Cape Girardeau, Cape

Girardeau's Downtown Redevelopment and Revitalization, starting Riverfest, and the development of the local chamber of commerce as the front door to the Cape Girardeau community.

As this partial list of accomplishments at-tests, Bob Hendrix's path is well marked. He is leaving the local chamber of commerce and passing on to us in Cape Girardeau a legacy of many positive, community achievements. In fact, as the hometown daily newspaper, the Southeast Missourian, pointed out on its editorial page: "His longstanding tenure bucks the odds. His 20 year record is 4 times the average stay of a chamber director. But those who know him well realize—Bob Hendrix is no ordinary chamber director."

Bob has always said that working for our community through the chamber office never gets boring because there are new challenges every day. Now, the always hardworking man is confronting new challenges. On behalf of the entire Cape Girardeau community, I want to wish Bob and his wife, Rosemary, Godspeed in all of their future endeavors, with abundant health and happiness.

Cape Girardeau, MO is indeed a better place, thanks to Bob Hendrix.

#### BIGOTRY IN ELECTIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the great State of Texas [Mr. DELAY] is recognized for 5 minutes.

Mr. DELAY. Madam Speaker, I thank the Chair, especially the great State of Texas, since today is the birthday of Stephen F. Austin. I know they are celebrating that in Florida.

Madam Speaker, since it is Stephen F. Austin's birthday, in the name of Stephen F. Austin I come to the well to express my outrage at two things that have happened in the recent elections that were held yesterday.

Outrage No. 1 is at the national press of this country and outrage No. 2 is at the Democrat Party and the Democrat candidates in the races in Virginia, the elections held yesterday.

During that campaign, I have never witnessed religious bigotry as I witnessed during the campaign for Governor, Lieutenant Governor, and attorney general in that grand State of Virginia.

The Democrat candidates, Mary Sue Terry for Governor, Don Beyer for Lieutenant Governor, particularly Don Beyer for Lieutenant Governor, who in my opinion is a religious bigot, and the candidate for attorney general, William Dolan, ran against one of the finest people I have ever known and seen, Mike Farris who ran for Lieutenant Governor in the State of Virginia.

I noticed Mike Farris who is an openly religious Christian and a Baptist minister, he happens also to be a fine constitutional lawyer, was viciously attacked and lied about only because he was a Christian and his whole life was torn apart in that race in Virginia only because he was a Christian.

□ 2000

Madam Speaker, I thought that the days of religious bigotry were put aside when there were attacks on President John Kennedy in the sixties because he was a Catholic. But they have been revived in Virginia, and I am afraid they are going to be revived all across this country. When people who happen to believe in Jesus Christ and call themselves Christians run for office, they will be brutally attacked for their religious beliefs, and this is particularly outrageous in Virginia, the home of Thomas Jefferson. Thomas Jefferson would be branded religiously intolerant and have trouble getting elected Lieutenant Governor, much less President of the United States, under the guidelines imposed by the Democrat Party in Virginia.

And the worst part about this was the national press did nothing about it. Now, if the shoes had been reversed, we would have seen week in and week out, month in and month out, the attacks by the national media on Republicans that may have persecuted religious Democrats. I mean do we have to remember when Vice President Quayle spoke about Murphy Brown's television show to understand that the national media took that small statement made in one speech by the Vice President and brutalized him for months over that statement? Do we forget what the national media did to President Bush during the campaign against Michael Dukakis when he happened to point out that Michael Dukakis was in favor of weekend furloughs, and because of weekend furloughs Willie Horton went out and brutally savaged a couple in Maryland? Yet the national media attacked President Bush, then Vice President Bush, for being a bigot just because Willie Horton happens to be black.

Yet here a man's life, his religious beliefs, and his family under brutal attack, especially over the last few weeks by the Democrats, particularly the now-elected, reelected, Don Beyer, the Lieutenant Governor of Virginia, and for what? I can remember the television screen showing ads paid for by Don Beyer against Mike Farris who accused him of trying to remove stories like Cinderella, Rumpelstiltskin, and the "Wizard of Oz" from the school curricula. Now, they took that so out of context that it has to be called a lie, and the only reason they did it was to persecute Mr. Farris because of this beliefs.

Madam Speaker, what we have done is, as elected leadership of the House, signed a letter to President Clinton who has expressed himself to be adversely supportive of religious bigotry, a letter asking the President of the United States to renounce the Democrat Party in Virginia and renounce religious bigotry in this country.

DID RON BROWN ACCEPT A BRIBE?

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Madam Speaker, some time ago allegations were made that the Secretary of Commerce, Mr. Ron Brown, accepted a bribe of \$700,000 from the Vietnamese Government to normalize relations with that country and to lower the trade barriers we have with them, even though we have not had a full accounting of the 2,200 POW/MIA's. These allegations were made by a man named Binh Ly from Florida who had worked with a man named Mr. Hao, and Mr. Ly had evidence that Mr. Brown, working with Mr. Hao, had cut this agreement along with the government of Vietnam, and the prime minister of Vietnam himself had written a letter to Mr. Brown opening up this negotiation process. Mr. Ly took an FBI lie detector test that lasted for 6 hours, and he passed it with flying colors. Mr. Ly worked with the FBI for some time trying, through wiretaps on telephones and other means, tried to get evidence on Mr. Hao and Mr. Brown for the purpose of indictment and cleaning up this mess.

When Miss Reno became the Attorney General about 5 weeks later, Madam Speaker, the investigation was abruptly halted, and only after about 3 months and an exposé by TV stations and newspapers was the investigation reopened by empaneling a grand jury in Miami to investigate these allegations and to find out whether or not Mr. Brown did, in fact, agree to take a \$700,000 bribe to open negotiations with Vietnam and normalize relations.

Mr. Brown, the Secretary of Commerce, said he had never met Mr. Hao, and then he later said he met him not once, but three times, the third time being at the Department of Commerce after having dinner with him, and he said that those were just social engagements. Mr. Brown testified before a subcommittee panel, on which I sat, that he had never had any discussions with any of his staff about negotiations with Vietnam or normalizing relations with Vietnam, and he was not aware of any negotiations that were taking place at the behest of his department, and yet we find out from a source down at the White House that in June of this year members from the Commerce Department, we believe his chief deputy, led the fight to normalize relations with Vietnam and that Mr. Brown could not possibly have not known about that being the secretary of that department.

In July and in September two giant steps were taken to normalize relations with Vietnam even though we have not had a full accounting of our POW/MIA's, and we believe that Mr. Brown

lied to the congressional committee on which I serve. He lied to the Committee on Foreign Affairs, and we believe that all of these issues ought to be answered fully through a congressional investigation.

As a matter of fact, Madam Speaker, these allegations were brought to the attention of the Committee on Government Operations here in the House, and the gentleman from Pennsylvania [Mr. CLINGER], the ranking Republican, has written to Mr. Brown and to the President asking for a complete litany of telephone logs and travel logs of Mr. Brown so we can get to the bottom of this. The bottom line is that there are two big clouds hanging over the Clinton administration, and they are caused by this scandal.

Did Mr. Brown take a \$700,000 bribe? We do know that a bank account was opened by the Vietnamese Government in Singapore, and Mr. Ly said that that is where they did it, at the bank window of Suez, and we do not know exactly how much money may have been deposited in a bank in Singapore, but \$700,000 was the figure we heard about.

We also heard that Mr. Brown was not only going to get \$700,000 up front, but he was also going to get a percentage of or royalties of all the oil that would be sold out of the oil fields there in Vietnam, and it is one of the largest oil resources in the entire world.

In any event, Madam Speaker, because of these allegations and because it is so important that we have credibility in the White House and in the administration, I wrote a letter, along with many of my colleagues, to President Clinton on September 30, and in that letter we wrote to the President, signed by, I believe, about 15 to 20 Members of the Congress, we asked that the President stop any negotiations toward normalizing relations with Vietnam until the grand jury in Miami has reached a conclusion and until the Congress of the United States has completed its investigation.

Then on October 12, Madam Speaker, we wrote a letter to the President asking him about the National Security Council meetings that were held at the White House in both June and September that took these first two giant steps toward lowering the trade barriers and normalizing relations with Vietnam. We asked him who was at the meetings, what was discussed at the meetings, and the dates of the meetings. So far the White House has not answered us. This letter was written on October 12, about a month ago, almost a month ago, and we have been stonewalled. This information needs to be given to the Congress so we can clear this up.

In addition to that, Madam Speaker, many of us felt like there should be a special prosecutor appointed by the Attorney General. We wrote the Attorney General, Janet Reno, on October 19, a

letter giving her the names of eight people with impeccable credentials, former Attorneys General or prosecuting attorneys for the Attorney General's office, and we told her that we would work with her to pick somebody that was above reproach to investigate the Ron Brown affair, and the reason we sent that list to her was because she said, and I quote:

If I appoint the person or select the person to be a special prosecutor, you are going to question the conflict of interest as long as I'm involved in that process.

She said:

Once again, for me to appoint somebody, you will be telling me, well, this person has a conflict of interest, too, because you appointed them.

That is why we sent her the list of eight people from whom to pick one to be a special prosecutor.

□ 2010

That letter was signed by all of the Republican leadership in the House. We have not received a reply from Janet Reno, and that was about 3 weeks ago.

On October 27, we wrote a letter to the President of the United States, and it was signed by about 20 or 25 Members of Congress, asking the President to have Secretary of Commerce Brown recuse himself from any involvement in negotiations to normalize relations with Vietnam or lower the trade embargo.

We have written a litany of letters. So far, all we have received is dead silence or form letters from the White House or from the Justice Department or from the Commerce Department.

So, Madam Speaker, I would just like to say tonight, and I hope the media throughout the country will ask these questions of the President and the White House, why will you not send this information to the Congress of the United States? If Secretary Brown was not involved in any of these nefarious affairs, if he did not take a \$700,000 bribe, or try to get a \$700,000 bribe, if he did not agree with the Government of Vietnam that he would get a percentage of the business he brought to that country or a royalty for every barrel of oil that was sold, if he did not do any of these things, and if the telephone logs and the travel documents will bear this out, then why not send them up to us? It will clear this thing up in no time and remove the cloud from the administration of the President of the United States.

But if he is guilty, and if you are stonewalling the Congress of the United States because you think he might be guilty, then that is wrong, and this investigation will continue to go forward, and we will keep pressing the issue. We will have a resolution of inquiry filed and create a constitutional crisis between the legislative branch and the executive branch.

I know the President can use his executive privilege to keep us from get-

ting this information, but I truly believe the media at some point in the future is going to demand it.

So the bottom line is, let us get to the bottom of it. If Mr. Brown is guilty, remove him, get him out of that position. He should not be in Government if he corrupted himself. If he is innocent, send us the information as quickly as possible so we can clear this up and not waste any more of the Congress' time.

So I would hope all of my colleagues, that may be paying attention, and the media that may be paying attention, will ask the President to answer these questions: Why will you not send that information to the Congress? If Mr. Brown is innocent, send the information up here. If he is not, remove him from office. That question should be asked again and again and again, not only of Mr. Clinton, but of Mr. Brown himself as Secretary of Commerce. We should also ask the Attorney General of the United States why she has not appointed a special prosecutor that is above reproach. We gave her eight names, and we are still not hearing from her.

With that, I see my colleague here from Florida [Mr. MCCOLLUM] and we were going to discuss for a brief period tonight a little bit about the terrorist problem throughout the world.

Mr. MCCOLLUM chairs the committee that deals with international terrorism, and he has brought an awful lot of interesting facts to the floor in the not too distance past.

So let me just start off by saying, before I yield to Mr. MCCOLLUM that one of the things I found out regarding Somalia, through his efforts, was that terrorists have been meeting in Khartoum and set up terrorist camps in and around the Sudan, and their sole objective is to, I believe, and I believe Mr. MCCOLLUM believes, to undermine the United States efforts in that part of the world. And we believe, after hearing of the meetings that took place in Khartoum involving, I believe, Iran, Iraq, people from Afghanistan, the Sudanese, and Mr. Aideed himself, that possibly terrorists from that area went into Somalia and were involved in the downing of our helicopters and killing a lot of our troops over there.

If the gentleman would like to shed a little bit of light on that.

Mr. MCCOLLUM. Madam Speaker, if the gentleman will yield, I think it is a very important bit of information that the Task Force on Terrorism and Unconventional Warfare on our side of the aisle has unearthed and has been publishing in the last few weeks describing the detailed involvement that I do not think has been generally brought out in the media and elsewhere of outside forces in that October 3 tragedy where so many of our troops were killed, our Rangers.

We all know there have been problems with our folks being there. But it

looks like that this was indeed a setup, an ambush, something prearranged, determined and plotted. Not simply by Aideed, but by the Somalis, that are one of the fragmented tribes over there, of course, in Somalia that have been causing us trouble all along. But rather by those outside forces that the gentleman has so accurately described that had training bases and still have training bases in Sudan.

The information that we have is that the fact of the matter is that over a considerable period of time earlier this year this group had been working to bring weaponry into Mogadishu, and that they had also sent some special operatives who had been trained during the period of time when we had Afghan resistance and we, the United States, were supporting that, and Pakistan, trying to drive the Soviets out of Afghanistan.

Mr. BURTON of Indiana. If I might interrupt, regarding the weapons that come into the Sudan and then ultimately are getting into Mogadishu, we do not really know what all those weapons are, but we do know that we had some pretty sophisticated weapons that were in Afghanistan and Iran and Iraq and that part of the world, that would be very, very effective in downing helicopters or doing damage to our troops over there.

Mr. MCCOLLUM. If the gentleman will continue to yield, that is exactly right. One of the things that, again, our task force believes is that there was some organized effort by the Iraqis in particular, and there was sort of a group presence, which is surprising to a lot of people in the aftermath of the fight between Iraq and Iran that preceded the DesertStorm period. But it looks like they have gotten together again well enough to coordinate with the Sudanese on this.

They apparently, the Iraqis, are the ones that organized heavy weapons, mainly dual-use 23-millimeter guns and RPG-7's for the use against American helicopters. That is what they brought in there that specifically surprised people, that these weapons were available and that they were in Mogadishu at the time for these attacks to take place.

Again, it looks like a very organized effort. Again, without taking too much time up, I think there needs to be a little background on this.

Most of the Moslem world, I believe, and I am sure the gentleman believes, and most of the Moslems here in the United States today, are very fine and upstanding people. And this is certainly not to be critical of them.

But there is a small contingent of very radical Moslems emanating primarily out of Iran and Iraq that have over time worked to basically control affairs in some other countries, Sudan being one of them. And they have been able to gain cooperation in an effort that appears to be to take control of

northern Africa and the Horn of Africa, as well as spread their influence over the Moslem world. They want to control it for their purposes, which is very complicated and very complex.

Mr. BURTON of Indiana. Well, one thing I would like to add to what the gentleman is saying, if they take Egypt, and they were able to destabilize the governments of, say, Saudi Arabia, it would have a tremendous impact on the economies of the Western World, because we get as much as 70 percent of our oil supplies from there.

Mr. MCCOLLUM. That is exactly right. The primary targets I believe right now are Egypt, Tunisia, and Algeria, and eventually Saudi Arabia. But having an opportunity like they had to get at United States forces to try to drive us out of the region, to demoralize America, if you will, shows that they can perform acts of terror against us wherever we have our forces exposed. It was too much to resist in Somalia.

They had a presence there. It is a Moslem country. They had contacts. But here was a great opportunity, and they saw that last year, to begin building toward that in 1992, and here in 1993, with the meetings that you described earlier. They began to formulate plans as to how they could take advantage of our presence there, while we were there, and the so-called U.S.-U.N. force thing that you and I have been rather critical of.

So it seems to me it is a logical extension. It is the same folks that brought us the World Trade Center bombing. It is the same folks that brought us the assassination attempts on our CIA folks out here outside of Langley, VA, by that fellow from Pakistan, and the same folks who tried to bomb the United Nations and the Lincoln Tunnel in New York, but, fortunately, somebody squealed on them and they did not get away with it.

It seems, again, these are all interpretations, but rather logical ones, based upon evidence that we have, that they are, as a group, attempting to use terrorism and this unconventional warfare as a method, first, of recruiting young rebels and radicals to their cause in the Moslem world, and; second, in an effort to try to send a message to other Moslem countries over there that they are not safe from this sort of thing. That even the United States cannot protect them, since we have trouble with it ourselves, as we obviously have in Somalia.

So they are very clever about this. This is not a direct confrontation, but it is part of a pattern that is developing.

Mr. BURTON of Indiana. I serve on the Committee on Foreign Affairs, and one of the things that we debated today was a resolution that would deal with the withdrawal of our troops from Somalia. We are talking about keeping

our troops in, the President wants to keep them in until about the end of March of next year.

Now, if you take the information that you have given, and I wish everybody in the Congress would read this, because it is not classified and it is very, very important. And most Members do not know what you have just said, and they are probably not paying attention tonight.

But if you take the information that you have, and you realize what they have done thus far, being involved, we believe, in bringing down our helicopters and being at least instrumental in killing 18 people in those helicopters and wounding another 70, that if we keep our troops in a defensive posture, and right now we are building roads around Mogadishu so we do not have to go through it and the rebels, if you will, or the tribes, Mr. Aideed's tribe and others over there, they are now once again taking control of the city, bit by bit.

□ 2020

And we are staying in a very defensive posture. It seems to me that these radicals who want to discredit the United States and reduce our prestige in the world would at some point between now and the end of March perpetrate some type of atrocity or terrorist attack like we saw in Beirut back in 1983 that killed 235 marines. It seems to me that we have our people sitting there as sitting ducks, and we are not doing anything to protect them other than bringing in additional equipment to surround them.

Mr. MCCOLLUM. Madam Speaker, if the gentleman will continue to yield, I think he is exactly right. What we have done is let our troops be sitting ducks in this environment, because we do not have a policy to deal with this kind of a threat. It is being recognized slowly but surely, but nobody has developed a policy. There is no consistent, coherent direction of when we use our force, how we use it, how we protect them and what we are attempting to accomplish in northern Africa or in this region in the face of this kind of an enemy. Frankly, the way it is spreading out, and it looks like their presence is being felt in far regions, India, perhaps, and Afghanistan, of course, and in Pakistan and elsewhere, it would seem to be logical to assume that outside of what might be there in the aftermath of the fall of the Soviet Union, with some of these radical states that we do not know where they are going, outside of that, this could be the single biggest threat to our security interests right now. So the question is, When will this administration give us the kind of guidelines that are needed? When will the Department of Defense, for example, provide guidelines for the use of force in these circumstances. There should definitely be certain parameters

where you pick and choose where you do use your forces and you recognize that they are looking for opportunities and looking for targets like us. And it does not make any sense to put a few of our people out there in harm's way without absolute commitment to going forward and doing the job, whatever it is, completely.

Mr. BURTON of Indiana. We had a number of members of the Foreign Affairs Committee meet with the President, along with some of the leaders of the House and the Senate, a couple of weeks ago, right after that tragedy occurred in Somalia. I was not surprised to find out the President was aware of this meeting that took place in Khartoum and the 3,000 terrorists that are down there in those camps. The concern I have, and the feeling I have, and I am sure you probably do as well, is if we know where those camps are, and we do know, we know where the terrorist camps are, we know or believe that they were involved in killing those people in that helicopter and have been involved with Aided, that we have two choices to make.

One is to go in and knock out those camps and to get the job done and then bring our troops home, which might involve more troops, or get our troops out of harm's way as quickly as possible and remove ourselves from Somalia and not have them as sitting ducks. It seems we have to have a policy of one or the other. And if the policy is to keep them there the way the President is talking about, I think we are asking for real tragedy in the not-too-distant future.

Either go in and knock out those camps. We know where they are. We can deal with the strategic air strikes, and we would eliminate the danger. And then bring our troops home or bring them home right now.

Mr. MCCOLLUM. We do not get to set that kind of policy, and I do not pretend to know the inside track on maybe information that is not publicly available. This is not classified, as you have said, but it makes sense to me, just common sense, that it would be a perfect opportunity for us to teach a lesson to this group that they are not going to get away with it by going out and knocking out a couple of those training camps. It does not mean that is the end of our problem, because this is apparently a very long-term commitment. But it does send a signal that we are not going to allow this kind of an ambush and thing to happen to our soldiers under these conditions without somebody paying a price.

Let us also make one comment. There was a price paid, and our Rangers have gotten a little bit of abum rap because the Rangers that were tied down in this ambush equipped themselves exceedingly well. There was a huge casualty take on the part of these people doing the ambushing. But that

was mostly the Somalis who were in there being led by this group.

The people who we really need to get at were not being hurt by this particularly. They are the ones who are the advisers, that small core that were trained to go into Mogadishu. They are the ones shipping the weapons, the ones directing the traffic, and their training base for doing all of this and training a few of the Somalis is what you are talking about in Sudan. That is what needs to be knocked out.

Mr. BURTON of Indiana. The gentleman is absolutely correct. The thing about our defensive posture over there that concerns me the most, as I said before, is the possibility of another terrorist attack like we saw in Beirut in 1983. When we lost those 18 men in Somalia, when the helicopter was brought down, it took the troops that were trying to rescue them I think 14 hours to just go across the city of Mogadishu. That was because we did not have adequate military equipment. They did not have armored personnel carriers and tanks. That was because the Secretary of Defense declined to send them over there, send that equipment in there, even though the general, General Montgomery, on the ground asked for it. So this terrorist problem you are talking about is very real. We have got to deal with it, and the administration must come up with a policy to deal with it as quickly as they can.

Mr. MCCOLLUM. I think we need to, without spending time going into a lot of detail, to trace this back one step further, because lots of people do not understand. They come up to you and me, because we deal with this in foreign policy areas and are familiar with it, you on the committee and me because of the Terrorism Task Force. And they will say, "You just said that here are some Suni Moslems in Sudan who are cooperating with the Iranians and Iraqis. How can all of this be, since Sunis and Shiite Moslems never get together?" And the Shiites are the ones who are primarily in Iran and that is where Rafsanjani is and the Ayatollah Khomeini, who are really, to my way of thinking, the most evil, if there is such a thing, the ones perpetrating most of this.

And the answer to that is fairly simple. For years they did not get along and in most places they do not to this day, and presumably they will not for many years in the future. But they had a meeting of the minds among a small group of them, both Suni and Shiite, when Taroubi and others joined in a meeting in Tehran in 1991, I think in October of that year. And they made a collaboration. We do not know all the details of it. We know that they did, in order to further their believed mutual cause of trying to drive us out of the area and trying to have this more radical form of Moslem belief and government, or if you want to call it that,

they do not even believe in a state, but their belief in where it all ought to go, they formed a compact. This is an extension, apparently, of that.

Not everybody participated, but there were participants. And clearly, the Sudanese Government did.

I think that is the critical thing that led to this and is why we are today seeing the developments of the World Trade Center. I do not think we ought to take more time with it tonight. I know you want to yield to the gentleman, who is also a member of our task force, who is my good friend and our neighbor here. But I do think that this is a good time to have made the point.

I appreciate your letting me come over and share a little of your time to do that.

Mr. BURTON of Indiana. What I would like to do in the future, maybe later this session or next year, is take an hour and go into a lot more detail about your task force and the terrorist problem around the world.

I would like to end up by just saying and echo what you said a few minutes ago. We have millions of Moslems in this country and around the world that are wonderful people, law-abiding people that are not in any way connected to these radical terrorists. We need to make sure that people do not lump all Moslems together because the vast majority of Moslems, like the vast majority of Christians or Jews in this country and the world are law-abiding people. But there are terrorists, a small, minute group that is trying to destabilize a large part of the world and for their own purposes. Those are the ones that we are talking about.

Mr. MCCOLLUM. One last comment on that. It is that radical group that is disproportionately powerful, because they control governments that are very much dictatorships. And they have a lot of power, even though they are small in number based, as you said, on the total population of the Moslem world.

I thank the gentleman for yielding. It is an excellent discussion. It is just a beginning, as you say.

Mr. BURTON of Indiana. I thank you for your contribution.

With that, Mr. Speaker, I yield to the gentleman from Maryland [Mrs. BENTLEY], who is going to talk about NAFTA.

#### NAFTA CREATES JOBS FOR LAWYERS

Mrs. BENTLEY. Mr. Speaker, tonight I am going to talk about how NAFTA will create jobs for lawyers. But before I do, I want to compliment the gentleman from Indiana [Mr. BURTON] and the gentleman from Florida [Mr. MCCOLLUM] for discussing the terrorist situation in the Sudan and how it is affecting us and what is happening throughout the world.

It is obvious to many Americans that—as a nation—we educate more

lawyers than any other nation in the world. One of the most productive manufacturing countries, Japan, educates 10 engineers for every lawyer graduated. The United States educates five lawyers for every engineer. That statistic helps explain much of the chronic balance of trade deficit we run with Japan every year.

Engineers produce value-added products creating wealth for a nation. An overproduction of lawyers—as we have experienced—seems to lead to growing amounts of litigation, overburdening our court system and drawing tremendous sums from our shrinking pool of manufacturing wealth. Economically, it has proven to be costly to an industrial nation and totally inexplicable to most of our international competitors.

One of the major problems I have with both the NAFTA and the GATT—which we will be considering after the NAFTA vote—is that the dispute resolution mechanisms proposed for both of these trade agreements, seem to be setting up a virtual paradise for international lawyers.

Not only are we creating new courts—above the U.S. court system, totally beyond the control of this Nation, but according to the way the agreements are drafted, almost any law or regulation of this Nation can be challenged as an impediment to the free flow of both goods and services across our borders and State boundaries and will be subject to a challenge from our foreign partners.

The challenge will be drafted by foreign lawyers, defended by our lawyers and whether we win or lose, the cost of all this litigation supposedly will be born by the taxpayers of both countries. Or will Uncle Sam be struck everytime with the bill?

In describing just how these dispute panels work, the General Accounting Office [GAO] in its Assessment of Major Issues in the NAFTA reports that the panels will operate "just like the courts which they replace."

I am not a lawyer, but having been a good student of American history and civics—I don't understand how the power of the U.S. Courts to review U.S. law, and thereby interpret U.S. law, can be turned over to a binational body—or a trinational body, or, in the case of GATT, to a multinational court without a constitutional amendment.

I am amazed at the numbers of Congressmen, and conservative spokesmen, who are concerned about the constitutional threat if our troops are moved under the power of the United Nations, yet these protectors seem to be strangely mute about the power to interpret U.S. law and regulation being turned over to international bodies where our votes are outnumbered 3 to 2 in the NAFTA and more than 100 to 1 in the GATT.

If we think of those votes as a bonanza for international lawyers—a way

to enrich them—then perhaps we are finally seeing why the service economy is touted as a panacea for America's problems. Well, the NAFTA is turning out to be costly and I don't believe that the overworked American taxpayers should be paying the bill to enrich international lawyers.

The legal or judicial system set up in NAFTA is expensive, but the estimated dollar amount has not been projected into the current discussions about the agreement. The Washington Post did report that the administration is looking for \$2.69 billion to pay for the lost revenues from tariffs. Apparently, the administration cannot take this deficit from discretionary funds, but must find the shortfall in the mandatory entitlement programs—such as Social Security and User Fees.

In addition, the United States has pledged \$20 million for conservation of natural resources in Mexico, plus an additional \$8 billion for environmental cleanup. Although some of the funds for the environment might come from an international institution, never forget that the United States is paying the lion's share in most of the world institutions like the World Bank and the International Monetary Fund.

So, the American taxpayers ante up through those institutions and the funds will be passed through to pay for improvements for Mexico. I repeat—the problem with this is the American taxpayer is stuck with the bill.

This is not disinformation—nor is it playing on someone's fears as Ambassador Kantor claims. It is a case of simply giving a true bill—as much as is available—of the costs of NAFTA.

One of the hidden costs to our American businessmen not mentioned by any of our trade representatives or the proponents of this agreement is the possible fate of American businessmen who are working private agreements with a Mexican businessman.

A story in the Wall Street Journal is an eye-opener, but it is no surprise to me. I have had requests for help from families of people who are languishing in Mexican jails. If NAFTA goes through we will surely hear more stories like the ones in today's newspaper.

The Wall Street Journal reports a lurid story—"In Mexico, a Dispute Over a Business Deal May Land You in Jail" with a subtitle "Legal System Can Be Surreal; NAFTA and Recent Reform Won't Cure All the Ills". The story is about four Federal policemen who confronted an American developer, Alex Argueta, of Tucson, AZ, and told him he had a problem with a car registered in his name. What the police really wanted was to discuss a dispute over a bank loan.

What happened to Mr. Argueta was that he was quickly placed behind bars—where he could hear a man being beaten in the next room. He was told he would be beaten, also, if he did not

answer some questions. Although he answered the questions, he still spent 16 months in a Mexican jail. Mr. Argueta was never convicted of a crime.

The Wall Street Journal points out that "Despite the enthusiasm over trade with Mexico, dozens of Americans are finding, as he did, that when a cross-border deal sours, they risk entering a labyrinth where their investments can be wiped out by bureaucratic blockades, mercurial magistrates or worse."

Operating under Napoleonic law, the Mexican courts assume you are guilty until you are proven innocent. Under American law, you are innocent until proven guilty. This is an important point when we get into the operation of tri-national panels and former Mexican jurists sit on panels interpreting the meaning of United States law which becomes binding on American domestic law.

The paper further reports that attorneys in both countries "say that even if the North American Free-Trade Agreement takes effect, settlement of business disputes between private firms will remain a problem for companies investing in Mexico." Julius Katz, NAFTA's chief negotiator for the Bush administration is quoted, "NAFTA doesn't deal with private-party-to-private party disputes" but with disputes arising over such NAFTA items as tariffs and intellectual property.

I was under the impression that NAFTA covered much more than just tariffs and intellectual property. There are sections on government procurement, investment, telecommunications, financial services, temporary entry for business persons, agriculture and sanitary and phytosanitary measures, et cetera.

In fact, what Mr. Katz is not explaining is that a Free-Trade Agreement is the first step in an economic integration of the three economies of Mexico, United States, and Canada. The North American Free-Trade is just the first step in this process—but it does not cover disputes between private parties.

The Wall Street Journal pointed out that Mr. Argueta's attorney warned "that the problem of illegal arrest procedures has been and remains a very important area of human-rights violations in Mexico. This despite the efforts of President Salinas to modernize the justice system."

Jack Binns, the former U.S. Ambassador to Honduras was quoted in the article stating, "If you are in jail, you settle. It's the dispute-resolution mechanism."

Settle is exactly what Mr. Argueta did. At the time, the bank was government owned, and he was charged with a crime against Mexico's patrimony. He was shuttled back and forth between seven judges—finally after 7 months the charges were dropped.

The conclusion of the case is perhaps an indication of what Americans doing business in Mexico have to look forward to. The Wall Street Journal reports that Mr. Argueta claims the bank is refusing to send him statements listing the principal and interest accumulated on his restructured loan which is due in 1994.

Now—this is an important point to remember—Mr. Argueta is concerned that if he does not get an accurate accounting that the bank may find he did not live up to his agreement and it will seize the title to his scenic Gulf of California property.

What is more chilling is the explanation of a lawyer for the bank as to why Mr. Argueta was seized and held in jail. The bank lawyer when questioned about the arrest on false pretenses explained "That is possible. That is how the attorney general manages things, not the bank."

The Wall Street Journal reported that the lawyer, Raul Cardenas added that Mr. Argueta was pardoned by the bank, and "to accept the pardon is to admit that he committed the crime."

The attorney general of Mexico claims his office has no file on the case. Mr. Argueta was accused of using his loan to pay people in California for the project although a bank officer had signed that he knew what the funds were for.

Still another case in the article involved a company, Tubular U.S.A., Inc., a Houston, TX, firm which sold 19 costly valves to Petroleo Mexicanos—better known as Pemex, the Mexican Government owned petroleum monopoly. Tubular sued Pemex in a Houston court when it did not receive a \$234,000 payment for four valves.

Although, Tubular proved that an employee of Pemex ran off with the money, Pemex argued successfully in U.S. court that it was protected under the Foreign Sovereign Immunities Act. This act shields foreign governments from a variety of suits. Although Pemex could operate and act like a business, in court it chose to operate under a government status including giving it immunity.

Another incident included in the Journal article involved Bill Flanigan and David Black, partners in Arriba Ltd. of Houston, TX. In 1984 they agreed to buy residual oil from a Pemex labor union. Although the Union, which had the right to sell a certain percentage of Pemex's oil—and had taken a cut of it—did not deliver the oil. The Wall Street Journal reports that although Arriba Ltd. won two default judgments with treble damages and interest totaling \$450 million, the Union still refused to pay.

Bill Flanigan and David Black reacted as enterprising Americans and confiscated any union assets located north of the Rio Grande. They seized a variety of things including a Boeing 757

jet, which turned out to belong to the President of Mexico, which they returned.

At one point the Union agreed to pay Arriba Ltd's legal fees and make oil deliveries. Well, the legal fees were paid, a big party was held, but the oil was never delivered. Pemex, too, chose to use the Foreign Sovereign Immunities Act. To-date, after 8 years of legal difficulties, Arriba Ltd. has collected \$1 million on their \$450 million judgment.

Another area causing problems for Americans is the vacation-home industry. Dorothy Bringe, a Chicago personnel consultant lost her investment in a condominium in Cancun. Because of the peculiarities of Mexican law, she lost \$40,000 when the government-bank trust which owned the land ran into difficulties. After much maneuvering, Mrs. Bringe is still out of her money. What she did say about NAFTA is important, she said, "it worries me that no one has addressed the issue of small businessmen getting burned."

Another American, Peter Florance found out first hand how outrageous the Mexican legal system is. His company Buffalo Forge SA., was a Mexican industrial-machinery affiliate of Ampco-Pittsburgh Corp.

Just like any American, he was concerned when his job was being cut due to restructuring. According to the Wall Street Journal, he asked for \$250,000 which was due under the Mexican severance-pay laws. Instead he ended up in prison.

The end of the story is Mr. Florance spent time in jail and had to sign a document that he had abused the trust of his employer, although it was not so.

He did not receive his severance pay—but he does have a thorough knowledge of the Mexican jails. Mr. Florance, who now lives in Phoenix says about "the Mexican legal system that "It is probably the most corrupt system in the world I know."

The lawyers should be getting rich with the new courts—excuse me—dispute resolution panels set up under the NAFTA, combined with the Mexican legal system that many Americans will be working with in private disputes. According to yesterday's Roll Call newspaper, there is excitement with the great opportunities of a huge market of 90 million people hungry for U.S. goods.

There are too many questions that are unanswered—but there is one thing that is clear. With NAFTA we will have increased service sector employment with a new demand for more international lawyers—to represent the plaintiff and defendant countries before the dispute panels—to represent U.S. businessmen running afoul of foreign domestic laws and new business partners who do not have to perform on any U.S.-drafted contract.

It is remarkable to me that the powerful proponents of NAFTA, are willing

to bypass the U.S. courts. Some members of the Congress and the Executive seem willing to pass off both their own power and that of the constitutional power of the U.S. judiciary over to foreign representatives.

At the same time, no effort is being made to secure and guarantee the protection of this Nation's law to its business people, as they are being encouraged to move investments offshore.

Before any howls of criticism are raised that the United States cannot make any restructuring demands on these governments as we go toward economic integration of our economies, be aware that the European Community demanded that Greece rid themselves of a military dictatorship before they were accepted by the EC.

It is not arrogance to acknowledge that as flawed as our Government sometimes appears, for most of the world, our Republic-Democracy is the model. We have committed our wealth and, sometimes our men and women, to spreading the message of the equality of justice promised under our form of government to the far corners of the Earth.

And yet, we seem to be accepting that one of our nearest neighbors and possibly, closest economics partners, can—with total disregard of American standards of justice and fairness—take advantage of U.S. citizens and, in some cases, seize their assets.

It is amazing that as Mexico spends millions trying to lobby the NAFTA through this body that the Mexican national leadership is so arrogant and insensitive to American values and public opinion, that while the NAFTA is being debated, such police-state treatment is being visited among Americans currently doing business in Mexico.

If this is good behavior—as the Mexicans seek our support for this agreement—what can we expect once it is a done deal? We will never, at any point, have more leverage than we now have to demand a clean-up of the Mexican system of justice. It is necessary to protect our people, it is necessary to help the average citizen of Mexico whose access to fair courts and equal justice is only as great as his pockets are deep.

The only hopeful sign in any of these foreign trade treaties is that the many possibilities for challenges and suits across international lines is such that we maybe able to begin exporting our oversupply of international lawyers to the rest of the world.

□ 2050

Madam Speaker, before I yield back the balance of my time, I want to point out that another chapter on NAFTA is going to be discussed by a very able Congresswoman, the gentlewoman from Ohio [MARCY KAPTUR], who has been a leader on this matter, and I have been very, very pleased and proud

to be working with her on this very vital issue concerning this country.

**NAFTA: A BAD DEAL FOR THE UNITED STATES**

The SPEAKER pro tempore (Mrs. MALONEY). Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 60 minutes.

Ms. KAPTUR. Madam Speaker, I wanted to compliment the gentlewoman from Maryland, HELEN BENFLEY, for not only her excellent remarks this evening and the type of original research that has characterized her career but for her absolutely stalwart opposition to this current NAFTA accord. I thank her for being vigilant on this every single day that she has been here and thank the people of Maryland for having the wisdom to send her here to the Congress of the United States.

It is a pleasure to work with her on behalf of the American people.

Madam Speaker, tonight we are joined here at the request of our majority whip, the gentleman from Michigan [Mr. BONIOR], along with the gentleman from Michigan [Mr. STUPAK], and the gentleman from Ohio [Mr. BROWN], and opponents of this current NAFTA accord. We are here to take some time this evening to explain some facts to the American people as they are listening in the quietude of their homes. We appreciate their attention because no more important economic issue could come before us this year in the Congress than in fact this proposed NAFTA, [North American Free-Trade Agreement]—and I hate to call it "free" trade because there is a tremendous cost.

In fact, tonight, Madam Speaker, we are going to highlight some of the costs that our taxpayers will be asked to pay for in fact this agreement goes through. But before I do that and the gentlemen join with me, I wanted to respond to an article in the New York Times today about President Clinton and some of the efforts being made in Washington by the business elite of our country to sell this accord to the American people. I think it is so very interesting because they are going to be bringing in all the living former Secretaries of State to come to Washington to try to convince the Members of Congress that in fact this is a good agreement.

Well, you know, the interesting thing about bringing in Secretaries of State, if you know anything about trade policy, that is the last department of the Government of the United States of America that knows anything about trade policy. In fact, it is our very own State Department that has sold American working men and working women down the river for the last 30 years.

So I find it so interesting that some of the very people who have been in-

involved in the sellout of the economic base of this country are now going to try to come up here and explain to those of us who represent communities in America that have been hollowed out exactly why they did that and why it was so very good for us, when we know it was exactly the opposite.

If you look at the numbers from 1820, well over 100 years ago, to the present, tariffs in this country have literally come down to where they are almost nonexistent as compared to other countries in the world.

So the United States is not a high-tariff nation. In fact, we are the freest trading nation in the world.

At the same time, though, high tariffs have come down until about 1970, when something very strange happened—it had not happened in this century, only in the last century—the United States began in the early 1970's to accumulate huge trade deficits with our trading competitors around the world. And it is not any secret, if you go to the store today and you buy a blouse or you go into the store for even food or go to try to buy a car, chances are probably 30 percent of the time or maybe more than that item will not be made in the United States. You do not have to be a genius to figure that out. Most of that change has come within the last 20 years when tariffs came down to almost nothing and trade policy was not shaped to meet the economic realities of what that meant.

So, with every major trading bloc in the world, our Nation now has a trade deficit. Certainly with Japan.

We have been hemorrhaging now for over a decade. The American people know it. We have tried to get a level playing field with Japan. We cannot get into that market; prices are three times as high there as for goods manufactured here. It is really a closed market. These very same people that they are talking about bringing into Washington are the ones who stood watch and let it happen to our country and to our people.

So I will be very anxious to welcome them here to the Congress of the United States and to ask them why is it that in the last year of the paltry million jobs created in this country, in what categories have they been? They have been in three categories: temporary workers; that does not surprise any person listening this evening who is out there holding down two or three jobs to try to keep their family fed, roof over the head, and maybe buy health insurance.

How about the field of health care? We know many of those people in those jobs are working for minimum wage. Or the final category of job creation has been in restaurant work. Now, I respect people who work in all of those fields. However, those are not the highest paying jobs that we can produce in

this economy. It is no surprise that America is now 16th in the world in terms of what our people are being paid for the work that they do.

So something fundamentally has changed over the last 20 years in the United States of America, and though it is known on every main street in the United States, why has it taken such a long time for that knowledge to seep into these hallowed halls of Congress, and in fact within the fence of the White House itself?

Now, the other interesting, tragic thing that has happened, we have lost millions of manufacturing jobs and jobs in agriculture in this country, during this same period of time.

If you talk to any farmer in this country, they know that prices have not gone up. In fact, the export markets have been flat. More imports have been coming in from other countries in terms of food shipped into this country.

So they are not benefitting from what has happened over the last 20 years.

In manufacturing in America, we have lost millions and millions and millions of jobs. That is the reality that the American people are living with every day. Now, I find it interesting that at the same time the people who stood watch and let this happen, we read on in this article and it says that the proponents of NAFTA say that if the United States does not sign this agreement, by golly, Japan is going to move in and displace us in the Mexican market.

Well, Japan is a pretty good trader. In fact, they beat us at the negotiating table many times over. If Mexico is such a good deal, I believe they would have already taken it.

If you look at the numbers, Mexico has a trade deficit with Japan already. The only reason the limited Japanese investment that is in Mexico now is there is for one purpose: to manufacture and ship right in here to the United States. That is why Nissan is poised at the border down there, that is why the Sony television plant, which I went through 3 years ago, manufacturers those big televisions, every single one of those is destined for one market: right here, in the good ole U.S.A.

I ask why should not those televisions be made here? If they want to ship them into our market, why put that production somewhere else in the world?

So I do not buy the argument that if the United States wants to reshape this agreement and have a different partnership with the nations of Latin America, that if we do that we will somehow disadvantage ourselves, because I think that with the low wages there, the standard of living, most of the other trading nations of the world have taken a look at it and they know the low level of per capita income in

Mexico as well as many of the other Latin American nations and they know it would be extremely difficult to have a trade agreement that would advantage high-wage nations.

One of the other points that is made in this article, the President of the United States said, "You know, we really shouldn't be worried about more U.S. jobs relocating to Mexico. Why? Because these jobs could go anywhere where there are low wages." Well, they could go to, well, Haiti. All of these jobs could have gone to Haiti. The only difficulty, I might say with all due respect, is that Haiti is more than 15 minutes from the United States border. And it is much easier to manufacture in Tijuana, much easier to manufacture in Matamoros or Renjosa or Ciudad Juarez or many of these cities just south of our border, Juarez; do it at a very low wage rate and then just send it in trucks up to the United States. That is what this agreement is all about.

So I do not agree that the jobs will be put out to these other nations. In fact, some of them have been, but not really very many. There are over 2,200 companies that are currently doing business south of our border that used to do business here, create jobs in the United States, and they basically just put production down there and then with a bug U-turn send that production back here into the United States. It is not the development of a real new market for our products.

□ 2100

Now, tonight we are going to talk a little bit not just about the fact that we are losing our jobs and our job base, and we have a city here in Washington where people really have not understood the change; but now they are asking the taxpayers of the country to pay for this accord.

And what are they asking for? Well, first of all in the news last week was a new type of financing facility that they are calling the North American Development Bank, the NAD Bank. It is not really a bank. It is a financing facility because of some clever language that was put in the bill.

But what does it ask? It asks you, the taxpayer, to take \$225 million out of general revenues, to put in the first paid-in capital to this institution, to this facility, and then with some additional paid-in capital they say will come from Mexico, but we have not figured out how, since they have \$106 billion callable. They have a debt right now they owe to the big banks since the World Bank where they are going to get their share.

But anyway, somehow this money is supposed to go in there, and then we are going to bond up to a level of \$20 billion.

So my question to the administration and to the authors of this bill is,

where are you going to get the \$225 million, and where are you going to get the money to pay the interest on bonds that you claim will be bonded up to a level of \$20 billion? It will not be cheap.

And what period will those bonds be paid over? Are those 20-year bonds? Are those 30-year bonds? Are they special zero coupon bonds? Could you tell us a little bit more about where we are supposed to get the money to pay for this bank?

Now, you saw that there was a big debate here last week. The administration proposed that because of these additional tariffs coming down, and there are very few remaining with Mexico, about the 5- or 10-percent tariff that remains, there will be a loss of the U.S. Treasury of \$2.5 billion currently flowing into our Treasury because of exports on two-way trade between the United States and Mexico.

Now, that will be gone. So how are we going to make up the revenue for these lost tariffs?

Now, the administration has to offset that loss. They have got to do it by finding new taxes or spending cuts.

And what have they offered? Well, they tried to propose a doubling of the international airline and ship passenger tax. You can imagine how happy that made the airlines. We got a few phone calls here in Washington about a week ago on that score. They talked about doubling the customs fees for commercial vehicles and trucks. That does not make our trucking industry very happy.

They have talked about doubling the customs fees for trains.

They have also talked about cutting Civil Service retirement benefits, and there was a proposal in the Agriculture Committee to cut the Mickey Leland Childhood Hunger Relief Act.

Now, is that not interesting? In fact, we are trying to figure out how to pay for this bad deal by taxing our own people or cutting the limited dollars that we have to spend on domestic programs.

Now, the latest proposal out of the administration is a package of tax increases, spending cuts and accounting maneuvers that the Wall Street Journal calls budgeting gimmicks. Here are the latest ones.

They want to raise the international passenger tax by 30 percent and impose a new tax on travel from Canada to Mexico. They thing they are going to get \$1.1 billion out of that.

They want to cut farm subsidies. I would like to know which farm subsidies they are going to cut, \$182 million there.

They want to shift bank transmittal of employers' tax payments to the IRS up by one day, providing a revenue gain on paper—that is one of those phony budgeting accounting gimmicks they use—of \$1.4 billion they say they will gain there—and they will allow the

IRS to share data with Customs, providing a projected revenue gain there of \$140 million.

All of this is just the beginning, and we know NAFTA will cost much, much more.

I know my colleagues this evening want to add some information to this, but I think when you really start prying open this box of what it is going to cost us, it is really a phenomenal figure which neither this administration nor the past administration chose to address in the body of the agreement itself.

Madam Speaker, I yield now to the gentleman from Michigan, Mr. BART STUPAK, who has been such a hard fighter on this, and thank the people of Michigan for sending him here. What a good choice.

Mr. STUPAK. Madam Speaker, I thank the gentlewoman for yielding to me.

It certainly is a great opportunity again to be here tonight to help educate our colleagues and the American people on why NAFTA is such a bad deal for us.

Tonight I would like to discuss an aspect of NAFTA that has not been talked about, although it directly affects Michigan, Ohio, Pennsylvania, and all the Great Lakes States. I want to talk about a report that I just received that says, "Down the NAFTA Drain, Michigan Jobs in Great Lakes Waters."

When I read this report that just came into my office by the Employment Research Michigan Clean Water Fund, I found some real interesting things. So I went through the NAFTA agreement, the volumes that we have, to double check some of the statements they made in here. It was quite an eye-opener for me on how it would affect Great Lakes water.

There has been a lot of debate about the merits of NAFTA, and the gentlewoman hit many of them here tonight. There has been almost no discussion in the United States of NAFTA's possible effect of transferring Great Lakes water to Mexico.

This is not the case in Canada. We know there has been a lot of debate in Canada and Canada has already approved NAFTA, but in Canada there was a real rage, if you will, over water and what the NAFTA agreement would do to Great Lakes water. Of course, Canada is on our border there, on our northern border and shares the Great Lakes with us.

But really what NAFTA does is it sets the stage for a large-scale export of Great Lakes water to Mexico.

NAFTA could divert our Great Lakes water because NAFTA fundamentally undermines the existing protections against diversion and the export of Great Lakes water which currently exists.

Michigan, of course, the area I represent, northern Michigan, I am surrounded by three of the Great Lakes.