HOUSE OF REPRESENTATIVES—*Tuesday, May 12, 1992*

The House met at 12 noon.

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

We are grateful, O God, that on this day we have been given tasks to accomplish and responsibilities to fulfill, and we acknowledge our obligation for the critical needs to be met and issues of justice to be addressed. Yet, we are supremely thankful that our lives and worth are not dependent only on our abilities or whether we are always successful, but our own worth comes as a gift from You, our Creator and our God. Even as we attempt conscientiously to do what we ought to do, may we ever recognize that our value and our own significance is already given to us by Your hand and by the gift of Your abiding spirit, a spirit that surrounds us and gives serenity to our very being. This is our earnest prayer. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 116, not voting 66, as follows:

[Roll No. 114]

YEAS—252

Abercrombie	Bacchus	Brooks
Ackerman	Bateman	Broomfield
Anderson	Beilenson	Browder
Andrews (ME)	Bennett	Brown
Andrews (NJ)	Berman	Bruce
Andrews (TX)	Bevill	Bustamante
Annunzio	Bilbray	Campbell (CO)
Anthony	Blackwell	Cardin
Applegate	Bonior	Carper
Archer	Borski	Carr
Aspin	Boucher	Clinger
Atkins	Brewster	Coleman (TX)
Collins (IL)	Jones (GA)	Perkins
Collins (MI)	Jones (NC)	Peterson (FL)
Combest	Jontz	Peterson (MN)
Condit	Kanjorski	Petri
Conyers	Kaptur	Pickett
Cooper	Kasich	Pickle
Costello	Kennedy	Poshard
Cox (CA)	Kennelly	Price
Cox (IL)	Kildee	Pursell
Coyne	Kleczka	Rangel
Cramer	Klug	Ravenel
Darden	Kopetski	Ray
de la Garza	Kostmayer	Reed
DeFazio	Lancaster	Richardson
DeLauro	Lantos	Rinaldo
Dellums	LaRocco	Ritter
Derrick	Laughlin	Roemer
Dicks	Lehman (FL)	Rose
Dingell	Lent	Rostenkowski
Dooley	Levin (MI)	Roth
Dorgan (ND)	Lewis (GA)	Rowland
Downey	Lipinski	Russo
Duncan	Livingston	Sabo
Durbin	Lloyd	Sangmeister
Dwyer	Long	Santorum
Early	Luken	Sawyer
Eckart	Manton	Schumer
Edwards (CA)	Markey	Serrano
Edwards (TX)	Martinez	Sharp
English	Matsui	Shaw
Erdreich	Mavroules	Sisisky
Evans	Mazzoli	Skaggs
Ewing	McCloskey	Skeen
Fazio	McCrery	Skelton
Fish	McCurdy	Slattery
Flake	McDermott	Slaughter
Ford (TN)	McGrath	Smith (FL)
Frank (MA)	McHugh	Smith (IA)
Gejdenson	McMillen (MD)	Smith (NJ)
Gephardt	McNulty	Snowe
Gibbons	Miller (CA)	Solarz
Gillmor	Mineta	Spence
Gilman	Mink	Spratt
Glickman	Montgomery	Stallings
Gonzalez	Moody	Stark
Gordon	Moran	Stenholm
Green	Morrison	Studds
Guarini	Murtha	Swett
Gunderson	Myers	Swift
Hall (OH)	Nagle	Synar
Hall (TX)	Natcher	Tanner
Hamilton	Neal (NC)	Tauzin
Hammerschmidt	Nichols	Taylor (MS)
Hansen	Oberstar	Thomas (GA)
Harris	Obey	Thornton
Hatcher	Olin	Torricelli
Hayes (IL)	Olver	Towns
Hefner	Ortiz	Traficant
Hertel	Orton	Traxler
Hoagland	Owens (NY)	Unsoeld
Hochbrueckner	Owens (UT)	Vander Jagt
Horn	Packard	Vento
Horton	Pallone	Visclosky
Houghton	Panetta	Waters
Hoyer	Parker	Wheat
Hubbard	Pastor	Williams
Huckaby	Patterson	Wilson
Hughes	Payne (NJ)	Wolpe
Hutto	Payne (VA)	Wyden
Johnson (SD)	Pease	Wylie
Johnson (TX)	Pelosi	Yates
Johnston	Penny	Yatron

NAYS—116

Allard	Bunning	Cunningham
Allen	Burton	Davis
Baker	Callahan	Dickinson
Ballenger	Camp	Doolittle
Barrett	Campbell (CA)	Dornan (CA)
Barton	Chandler	Dreier
Bentley	Clay	Edwards (OK)
Bilirakis	Coble	Emerson
Bliley	Coleman (MO)	Fawell
Boehlert	Coughlin	Fields
Boehner	Crane	Franks (CT)
Gallegly	Lightfoot	Roukema
Gallo	Lowery (CA)	Saxton
Gekas	Machtley	Schaefer
Gilchrest	Martin	Sensenbrenner
Gingrich	McCandless	Shays
Goss	McCollum	Shuster
Gradison	McMillan (NC)	Sikorski
Grandy	Meyers	Smith (OR)
Hancock	Michel	Smith (TX)
Hastert	Miller (OH)	Solomon
Hefley	Miller (WA)	Stearns
Henry	Molinari	Stump
Herger	Moorhead	Sundquist
Hobson	Murphy	Taylor (NC)
Holloway	Nussle	Thomas (CA)
Hopkins	Oxley	Thomas (WY)
Hunter	Paxon	Upton
Hyde	Porter	Vucanovich
Inhofe	Quillen	Walker
Ireland	Ramstad	Walsh
James	Regula	Weber
Johnson (CT)	Rhodes	Weldon
Kolbe	Ridge	Wolf
Kyl	Riggs	Young (AK)
Lagomarsino	Roberts	Young (FL)
Leach	Rogers	Zeliff
Lewis (CA)	Rohrabacher	Zimmer
Lewis (FL)	Ros-Lehtinen	

NOT VOTING—66

Alexander	Gaydos	Oakar
Armey	Geren	Rahall
AuCoin	Goodling	Roe
Barnard	Hayes (LA)	Roybal
Bereuter	Jacobs	Sanders
Boxer	Jefferson	Sarpalius
Bryant	Jenkins	Savage
Byron	Kolter	Scheuer
Chapman	LaFalce	Schiff
Clement	Lehman (CA)	Schroeder
Dannemeyer	Levine (CA)	Schulze
DeLay	Lowey (NY)	Staggers
Dixon	Marlenee	Stokes
Donnelly	McDade	Tallon
Dymally	McEwen	Torres
Engel	Mfume	Valentine
Espy	Moakley	Volkmer
Fascell	Mollohan	Washington
Feighan	Morella	Waxman
Foglietta	Mrazek	Weiss
Ford (MI)	Neal (MA)	Whitten
Frost	Nowak	Wise

□ 1230

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. MCNULTY). Would the gentlewoman from Nevada [Mrs. VUCANOVICH] kindly come forward and lead the House in the Pledge of Allegiance

Mrs. VUCANOVICH led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a bill and joint resolutions of the House of the following titles:

H.R. 4774. An act to provide flexibility to the Secretary of Agriculture to carry out food assistance programs in certain countries;

H.J. Res. 371. Joint resolution designating May 31, 1992, through June 6, 1992, as a "Week for the National Observance of the Fiftieth Anniversary of World War II"; and

H.J. Res. 425. Joint resolution designating May 10, 1992, as "Infant Mortality Awareness Day."

The message also announced that the Senate had passed a bill, a joint resolution, and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1709. An act to amend the Farm Credit Act of 1971 to enhance the financial safety and soundness of the Farm Credit System, and for other purposes;

S.J. Res. 268. Joint resolution designating May 1992, as "Neurofibromatosis Awareness Month"; and

S. Con. Res. 116. Concurrent resolution to authorize corrections in the enrollment of S. 838.

The message also announced that pursuant to Public Law 102–164, the Chair, on behalf of the President pro tempore, in consultation with the chairman and ranking member of the Committee on Finance, appoints William Grossenbacher of Texas, as a representative of the interests of State governments; Owen Bieber of Michigan, as a representative of the interests of labor; and John J. Stephens of Oregon, as a representative of the interests of business; to the Advisory Council on Unemployment Compensation.

PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO SIT DURING 5-MINUTE RULE ON TODAY, TUESDAY, MAY 12, 1992

Mrs. KENNELLY. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence be permitted to sit for the purpose of marking up the fiscal year 1993 intelligence authorization bill while the House is proceeding under the 5-minute rule on Tuesday, May 12, 1992.

This request has been discussed with the minority and I am aware of no objection to it.

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

Mr. SOLOMON. Reserving the right to object, Mr. Speaker, I would be glad to yield to the gentlewoman and ask if the minority, the gentleman from Pennsylvania [Mr. SHUSTER], is aware of this and has agreed to it.

Mrs. KENNELLY. Mr. Speaker, if the gentleman will yield, yes, this request has been discussed with the minority and there has been no objection raised to it. The purpose is to mark up the bill this afternoon while we are meeting in session in the intelligence room.

Mr. SOLOMON. Mr. Speaker, I thank the gentlewoman, and I withdraw my reservation of objection.

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

There was no objection.

HAS THE PRESIDENT SEEN THE LIGHT, NOT JUST FELT THE HEAT?

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

Mr. BONIOR. Mr. Speaker, today, for the first time this year, the President invited the leadership of this House, to the White House, to talk about helping Americans.

That is hopeful.

It is tragic that it took 4 years and a crisis to focus the President's attention.

For we must send Americans a message of hope, hope through programs like Headstart, for our young, hope through training for those without skills, and hope through jobs.

I hope today's meeting means the President has seen the light, not just felt the heat.

In the weeks ahead, what will count is not just being invited in, but what comes out to help Americans.

HELP FOR ALL URBAN AREAS

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

Mr. MAZZOLI. Mr. Speaker, I welcomed yesterday the exchange between congressional leaders and the President concerning an urban strategy to respond to the Los Angeles situation, but also to include the urban areas of the Nation, including cities like my own in Louisville, KY.

Included in that strategy, or at least discussed, was the idea of an accelerated implementation of the transportation bill with full funding of that bill and acceleration of the various housing programs that are pending in the Congress.

Mr. Speaker, I would like to urge my leaders to add to that urban agenda passage of the crime bill which has been stalled in the other body and which the President has threatened to veto. It has in it acceptable modifications of the Brady handgun waiting period. It has a Cop on the Beat Community Policing Program that could help very much in the inner cities. It has drug-free school zones and Federal antidrug blocks grants are included.

Basically speaking, the urban agenda must be acted on quickly. We have an opening as of yesterday. I look forward to working with the leaders and with the President to craft this urban agenda.

RURAL AREAS ALSO NEED HELP

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

Mr. EMERSON. Mr. Speaker, I have been reading late last week and over the weekend and indeed this morning about the administration and the joint leadership of the Congress, the Republican and Democratic leadership of the Congress, coming up with a bipartisan package to address some of the problems relating to urban unrest these days.

I think it is well that the President and the joint leadership of the Congress do this, but let me appeal to all of them to not leave rural America untouched.

I think that we would be ill-advised to simply come up with some piecemeal Band-Aid and apply it to Los Angeles and Philadelphia and leave the rest of the country out.

I happen to be one who believes that we need a lot of things, welfare reform, tax reform, regulatory restructuring, and we ought to do all these things in a way that is going to help all citizens and all communities, not just the major urban areas.

There are, quite frankly, some good role models around the country that should be looked at. President Carter's Atlanta project down in Atlanta is a good welfare reform concept.

In my own hometown in Cape Girardeau, MO, the Community Caring Council has shown ways to bring different programs together to better serve in an economic way the needs of all people.

I would urge, Mr. Speaker, that we just not go off on a tangent here and only speak to the needs of a couple cities. We need massive reform in the Tax Code, in regulatory affairs and in welfare.

GREEN LINE—NOT RED LINE

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

Mr. FLAKE. Mr. Speaker, I rise today having viewed the newspaper this morning and discovered that once again there has been evidence that banks are redlining communities. Everyone is talking about what is the underlying cause of the riots that have taken place in Los Angeles.

In reality, a major part of it has to do with the lack of investment, a lack of a will on the part of the banking community to participate by making loans in a market that has the capability to return a value on the investment that they are unwilling to make.

So I would challenge all those who are participating in a process of trying to bring about change that you join with me and the gentleman from Penn-

sylvania [Mr. RIDGE] because we believe in our bill for green lining that we have the possibility by putting $60 million in to get $600 million for investment in these communities. If we can invest in the communities, we can create jobs, we can create housing, we can bring in industry, we can change the very face of the commercial strips of those communities. That is what will make a difference, when people feel they are being treated fairly.

Mr. Speaker, I urge this House to join with me and the gentleman from Pennsylvania [Mr. RIDGE] that we might be able to make that difference.

SMALL BUSINESS WEEK

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

Mr. GOSS. Mr. Speaker, I am honored to stand today to commemorate Small Business Week, and a man who has been a tireless worker for the concerns of America's small businesses for 16 years.

As the ranking member of the Small Business Committee, our colleague, the gentleman from Florida [ANDY IRELAND] has been an effective—and needed—voice for small businesses in a Congress where these businesses and the individuals who run them often seem forgotten in the legislative process. Small business is the vital cog in America's economic engine. It still creates 9 out of every 10 new jobs in the private sector, and Congress must find ways to address thorny issues like health care, mandated family leave, and retirement plans without shackling this productive sector of the economy.

Even though the gentleman from Florida [Mr. IRELAND] plans to retire from Congress, his now familiar saying, "It's easy to say you're for small businesses, but it's how you vote that counts," will remain sound and challenging advice to all of us looking for ways to increase America's economic growth, productivity, and new jobs.

□ 1240

CRISIS IN THE NEW ENGLAND GROUND FISHERIES

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

Mr. STUDDS. Mr. Speaker, there is a crisis in the historical ground fishery of New England. Georges Bank, the richest fishing ground on the face of the Earth has seen its traditional stocks of ground fish decline to levels which are unacceptable. They must be rebuilt. We all know this. This will require sacrifices, and we all know that.

But last year the National Marine Fishery Service, the Conservation Law Foundation, entered into, in secrecy, a consent decree without the knowledge of the New England Management Council, the fishing industry or any Member of Congress.

This has put the council in an impossible position.

The Subcommittee on Fisheries and the Environment has just this morning reported the New England Ground Fish Restoration Act, to give the council more time, to provide for strict enforcement, and to encourage a new focus on the unutilized species to give our fishermen an economic alternative and a way to survive.

Mr. Speaker, this makes economic sense, it makes biological sense, and it makes human sense. This is critically important legislation, which we intend to bring to the floor of this House as soon as possible, and I appeal to my colleagues for their support.

SMALL BUSINESS CREDIT CRUNCH RELIEF ACT OF 1992

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

Mr. ZELIFF. Mr. Speaker, small business is the backbone of this country, with over 20 million small businesses in operation. As we celebrate Small Business Week, and being a small businessman myself, I would like to congratulate a resident of my district who is the New Hampshire and New England Small Business Person of the Year.

Casey Nickerson, of Guilford, NH, operates Nickerson Assembly, which is located in Tilton, NH. Nickerson Assembly has earned a reputation as one of the leading suppliers of specialty wiring harnesses and cable assemblies.

Nickerson Assembly has even managed to thrive during this recession by expanding their product line and establishing a new division.

This company employs 39 people and has projected sales of $3 million for 1992.

To best honor all of the small business award winners, like Casey, I urge my colleagues to pass the Small Business Credit Crunch Relief Act of 1992. This bill will provide much-needed relief to our small businesses in their search for capital. Let us not forget that 82 percent of the jobs in America today are created by small businesses.

Successful businesses like Nickerson Assembly are reason enough to pass H.R. 4111. Congratulations, Casey, on your selection. It was well deserved, and we are all proud of you.

AMERICAN CITIES IN DANGER OF BLOWING UP IN FLAMES

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

Mr. TRAFICANT. Mr. Speaker, at a $1,000-per-ticket fundraiser in Philadelphia, the President got the message, and he did not need a summit at the White House to confirm it.

The American worker and American people simply want a job at decent wages. But the facts now are clear: There are 15 million American workers working for peanuts, below the poverty level. But maybe they will be lucky and, with some of the training money, they may be trained as a jelly-roller or as a corncob pipe assembler or, if they are lucky, they may get a high-technology training program as a pantyhose crotch closer. If you think it is a joke, check the Department of Labor's Manual of New Jobs.

The bottom line, Mr. Speaker, is most of the good manufacturing jobs have already gone to Mexico and our young people cannot get a job in America, even at levels below the poverty line.

I think that says a lot why American cities are in danger of all blowing up in flames.

SECRET SERVICE BUDGET UP BY OVER $100 MILLION SINCE 1988

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

Mr. DUNCAN. Mr. Speaker, last week, the Public Buildings and Grounds Subcommittee, on which I serve, received a request for $178 million for a new headquarters for the Secret Service.

Included in this request was $70,723,000 to purchase 1⅓ acres of land near the White House.

This is a ridiculous request when you consider that the Federal Government is $4 trillion in debt and is losing more than $1 billion a day on top of that every day of the year.

Families have had to cut back. Private businesses have had to tighten their belts. But the Federal Government keeps spending like there is no tomorrow.

Federal spending has almost tripled since 1980. The Secret Service budget has gone up by over $100 million just since 1988. Apparently, Federal departments and agencies feel they are better or more important than the rest of us.

The Secret Service says its headquarters has to be near the President. But it already has over 27,000 square feet in the Old Executive Office Building, which it will keep.

Most people at the headquarters are not involved in the immediate, day-to-day protection of the President.

Their headquarters does not have to be on the most prime real estate in Washington.

We do not need to spend $70 million for a little over 1 acre of land.

We should be able to build a new Secret Service headquarters for far less

than $178 million, or we should forget it and not build it at all.

U.S. APPAREL INDUSTRY IMPERILED BY JOB TRANSFERS, UNFAIR TAX BREAKS FOR FOREIGN INVESTORS

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

Mr. BLACKWELL. Mr. Speaker, for years, the apparel industry in the city of Philadelphia was a thriving and dominant economic force. At its height, the industry had more than 80 different mills, and less than 20 years ago, employed more than 35,000 people. For generations, hard-working Philadelphians have depended on these mill jobs to put food in their children's mouths, pay their doctor's bills, and in some cases, even to send their children to college.

Two weeks ago, one of the last great knitting mills closed its doors, sending 200, hard-working men and women to the unemployment line. After years of struggling against cheaper imports, the Somerset Knitting Mill forever shut its doors, leaving a family of employees wondering where to turn.

An industry which only 20 years ago employed 35,000 people in my home city, now employs less than 5,000 men and women. In the 1950's, 1960's, and 1970's, American businesses created nearly 1.6 million new manufacturing jobs.

In the 1980's, 300,000 of these jobs were eliminated, and in the 1990's, 500,000 more Americans will have their livelihood snatched away from them.

Mr. Speaker, before other Americans lose their fundamental right to work everyday, we must address this situation at once. No more job transfers out of the United States. No more unfair tax breaks for foreign investors. And certainly no more legislation which will undermine America's longtime stable business communities. I saw it happen a few weeks ago at the Somerset Mill, and it broke my heart.

WE MUST MAKE ENGLISH OUR OFFICIAL LANGUAGE

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

Mr. ROTH. Mr. Speaker, recently the House installed a new phone system for people who cannot speak English but who want to talk to their Congressman. Now, this is an outrageous waste of taxpayer dollars. It again underscores the necessity as to why we must make English the official language.

We Americans represent every culture and language in the world. But we have not experienced the problems that they have experienced in Quebec or Yugoslavia or other parts of the world, because for over 200 years we have had a common bond, called the English language.

Imagine welfare and unemployment forms and even voting will now be done in foreign languages here in the United States. This is eroding our common bond, the English language.

If actions have consequences, and they do, future Americans will suffer for this stupidity and this shortsightedness. We must make English our official language now to preserve the bond that has kept our diverse Nation unified.

The English language has been our common bond, and we must preserve this cord, this tie that links all of us together in a common bond.

STATES SHOULD DETERMINE FOR THEMSELVES AS TO IMPORTATION OF TOXIC WASTES

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

Mr. APPLEGATE. Mr. Speaker, RCRA, the Resource Conservation and Recovery Act, is now before the Committee on Energy and Commerce. They are having a very important provision that they are considering, and it is the right of the States to determine whether or not they want solid waste coming into their communities or States. This should include hazardous and toxic materials.

It should be the right of the States and local communities to make that determination, not the Federal Government telling them what to do.

Unfortunately, right now the Constitution prohibits impeding interstate commerce, but the courts have said that they can give that authority to the States by statute.

Give your community and give your State that authority to prevent garbage or hazardous or toxic wastes coming in if you do not want them to do it. Call your friends on the Committee on Energy and Commerce. It is that important to you and to your community.

NEW TONGUE-TWISTER

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

Mr. WELDON. Mr. Speaker, there is a new tongue-twister circulating through the halls of Congress: "When the check-cutting office won't cut the check, it's time to cut the check-cutting office."

Mr. Speaker, despite the 2-year agreement reached last year between the Congress and the President to build the V–22 for the Marine Corps, the DOD comptroller general has failed to proceed with the contracts as required by law.

In response this morning and this afternoon, the Committee on Armed Services began markup of our bill that will cut 5 percent of the budget and the staff of the DOD comptroller for each month that funds are not released to the V–22 program.

□ 1250

Mr. Speaker, like the AV–8B Harrier jet in the 1970's, the Marines will have the V–22. I urge my colleagues to follow and support this process through its entirety.

SUBURBAN AND RURAL COMMUNITIES ARE SUFFERING, TOO

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

Mr. MURPHY. Mr. Speaker, I join my good friend and Republican colleague, the gentleman from Missouri [Mr. EMERSON], in urging the White House and congressional leadership conferees on the problems in America's larger cities to not forget that we also have impoverished communities in suburban and rural America as well.

Mr. Speaker, we have young men in communities that need things, and young women who need things in these communities, and they are not out rioting in the streets, they are not looting the stores in their communities, but they are suffering the same kind of impoverished conditions that plague America's cities today.

So, when the conferees meet, remember that we have communities without water service, without sewer service, young people without jobs, and address the problems that confront all of America, not just the major cities of America.

YAKUZA LIKENED TO LAWYERS

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

Mrs. BENTLEY. Mr. Speaker, recent newspaper reports from Japan have likened Yakuza, or mafia members to that of a lawyer. A deputy of the Sumiyakikai mob said the group merely tries to make money by helping people just like lawyers and other businessmen do.

It seems to me this description also fits a group of high powered consultants and Washington power figures who are determined to sell anything loose in the United States to foreign interests. Many of them are lawyers, but what they are doing is "selling out America for considerably more than 30 pieces of silver".

It is regarded as wrong by the average American. Just check the latest poll and how angry the American taxpayer is with the loss of jobs and prestige for America. Perhaps these Washington power figures should listen to

the American voter, before they find another name for them that is not as polite.

PRACTICAL SOLUTIONS FOR OUR INNER CITIES MUST BE INITIATED NOW

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

Mr. OWENS of New York. Mr. Speaker, the misery in our inner-city communities is very real, and it is quite devastating. This misery, generated mostly by economic abandonment and joblessness, has been mounting for the last 10 years. This misery in the inner cities has also foreshadowed the coming decline of the overall national economy. Now that the administration is almost admitting that this hostile neglect of our cities was a dangerous error, let us not play games with this fire.

Mr. Speaker, the time has come to close the book of campaign dirty tricks and put away the phony programs for the cities. Together, in a nonpartisan, emergency program, let us put forth some practical solutions that will provide jobs in our cities, while at the same time it will jump start our overall sagging economy. Let us appropriate $2 billion for schools right away to stop the budget cuts in our school systems. Let us use that money to buy supplies and equipment and to rehire the people who have been laid off in our school systems. Let us initiate a school construction program. Most of our delapidated schools are in the inner-city communities, but many are also in rural communities. Let us pass the emergency small business funds needed in Los Angeles, but at the same time let us put teeth in the Community Reinvestment Act so that all those savings and loan banks and commercial banks that refuse to invest in the inner cities and have lost billions of dollars in the suburbs on shopping malls will come back and spend their money on the inner cities. Let us speed the utilization of our highway and transportation funds.

Mr. Speaker, for the cities and for the total economy let us do as much for our Nation as we are willing to do for Kuwait and other foreign countries. In order to get the money to do this, Mr. Speaker, this economic jumpstart program could be put in place by closing down half of our military bases in Germany and Japan right away, or, if that does not do, let us delay the building of the space station for a few years. No more phony programs. Let us make a real effort to meet the real needs of our Nation.

BALANCED BUDGET AMENDMENT NEEDED TO AVERT FINANCIAL DISASTER

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

Mr. RAVENEL. Mr. Speaker, any way you cut it, any spin you put on it, Congress' standing with the people is at a dead low. Turning that around is going to be tough, but there is one thing we can do that will immediately and dramatically help us; and that is to pass as quickly as possible a balanced budget amendment to our Constitution. It is the only thing that can save our country from the national financial disaster that draws nearer and nearer and nearer. The people know this. They want this amendment. Bring up the bill, Mr. Speaker, and let us vote. It will be one of our most historic occasions and we need to take action before the Fourth of July.

FULL-TIME WORKERS FALLING INTO LOW-INCOME JOBS

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

Mr. LEVIN of Michigan. Mr. Speaker, the Census Bureau yesterday issued a report. We should all listen to it.

The percentage of full-time workers in low-paying jobs, low-paying jobs, went up from 12 percent in 1979 to 18 percent in 1990, a 50-percent increase. Fourteen and a half million full-time workers are now earning at or below the poverty level.

Mr. Speaker, the 1980's was a decade of industrial decline. It was a decade when middle-income jobs were slipping to low-income jobs.

The President likes to blame the problems of the 1990's on the 1960's, but from 1964 to 1974 the percentage of full-time workers in low-income jobs was cut in half.

The challenge, Mr. Speaker, for the 1990's is very clear. The 1990's must not be a repeat of the 1980's. The Census Bureau figures that show the massive increase in full-time workers in low-income jobs rather than middle-income jobs must be stopped.

INTRODUCTION OF LEGISLATION TO PROVIDE JOBS FOR ECONOMICALLY DISADVANTAGED SENIORS

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

Mr. BILIRAKIS. Mr. Speaker, I would like to first welcome several of my constituents who are visiting today as part of the Senior Intern Program. They are: Mrs. Julie James, Mrs. Florence Cullem, city commissioner and Mrs. Lee Regulski, Mr. John Renoe, and Mr. and Mrs. Gerald Berry. Their visit is particularly timely in light of the legislation which I am introducing today.

Mr. Speaker, financial constraints are prompting more and more older individuals to reenter the workforce. These individuals are eager to work and have a wealth of experience, but nonetheless often have difficulty finding employment.

Today, I am introducing legislation to assist economically disadvantaged individuals age 65 and older. My bill would encourage employers to hire economically disadvantaged seniors by providing a tax credit to employers under the Targeted Jobs Tax Credit Program.

Mr. Speaker, by providing prospective employers with the incentive to hire economically disadvantaged seniors, we can help these individuals help themselves. Our Nation's senior citizens deserve special attention in these difficult economic times. Therefore, I urge my colleagues to cosponsor this much-needed legislation.

ENTERPRISE ZONES

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

Mr. ESPY. Mr. Speaker, one of the lessons from Los Angeles is clear: "People don't burn what they own."

That is why today, I want to reiterate my support for the creation of urban and rural enterprise zones to promote investment in areas that have been neglected in this country.

Across America, millions of poor families in urban and rural areas are cut off from the capital and credit they need to start their own businesses, to create jobs, and build wealth.

African-Americans especially lack access to capital.

Three-fourths of black entrepreneurs have to rely exclusively on their own savings to start businesses versus only one-fourth of all businesses.

Enterprise zones are not the only way—but they are an important way—to bring capital to areas which currently go wanting. They are one way this Congress can put a green line around areas that have historically been red lined.

Enterprise zones are no panacea—but they are more, much more, than we have now and certainly worth a try. We need to push programs to promote ownership, independence, and pride.

So, I urge, Mr. Speaker, this Congress to move very swiftly on this enterprise zone legislation because we know that this time the President will sign it.

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JUSTICE SHOULD BE CARRIED TO FULL MEASURE OF LAW AGAINST CRIMINAL PREDATORS IN LOS ANGELES

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

Mr. DORNAN of California. Mr. Speaker, I did not know what the gentleman from Mississippi [Mr. ESPY] was going to say when he took the well, but, please, put me on that legislation, and let us see how fast we can move it through the House.

Our dear friend and colleague Jack Kemp has certainly come into his own. The word "empowerment" should become a byword for the rebuilding of all of our inner cities. The gentleman from Mississippi [Mr. ESPY] opened up with the words that I have heard Jack say on television over and over again these past 10 days that people do not burn what they own. These are important words.

Mr. Speaker, I went to Loyola High School in Los Angeles, so I know this area well. It is a dead center of all the burned out areas of rioting. It is just one block from Koreatown, just two or three blocks north of the burning that occurred south of there, and just about 14 blocks north of the infamous intersection of Normandy and Florence.

Mr. Speaker, a word about what took place there. This morning LAPD SWAT teams and FBI teams arrested three of the four people who engaged in the vicious, brutal beating of that truck driver, Mr. Denny, the enduring images of which still haunt our minds.

Those people who say that the four police officers who used excessive force got off are absolutely wrong. Their lives are ruined. They will never be police officers again. And they will soon have the Justice Department all over them.

But that verdict was never, never, never an excuse for people to beat and attempt to beat to death innocent people. I am waiting and hoping against hope that I will not hear voices rise across this country saying that justice should not be carried to the fullest measure of the law against the four brutal predators and others who tried to beat people to death in living color right before our eyes.

KEEP POLITICS OUT OF REBUILDING AMERICA

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

Mr. RIGGS. Mr. Speaker, I have been on the floor for the entire duration of 1-minute speeches this morning, and it has actually been a very heartening experience. Because we have heard some comments made in the spirit of bipartisanship which are actually very encouraging.

We heard the Democrat whip, the gentleman from Michigan [Mr. BONIOR], express his support for a bipartisan urban strategy. The gentleman from Michigan [Mr. BONIOR] is a long-time supporter of inner-city enterprise zones.

We heard the gentleman from New York [Mr. FLAKE] talk about greenlining inner-city areas to allow banking institutions to meet their Community Reinvestment Act requirements by investing in those areas or making loans for those areas.

Lastly, we just heard the gentleman from Mississippi [Mr. ESPY] express his support for enterprise zones.

Mr. Speaker, I think that is very, very encouraging for the critical task now facing this body of revitalizing our inner cities through a series of initiatives which encourage investment and job creation in those areas, and empowers the residents of those inner-city areas.

The Republican proposal is a compilation of bleeding heart conservative ideas, including enterprise zones, where taxes on capital gains are drastically reduced or eliminated altogether, choice in public housing, where public housing tenants are allowed the opportunity to manage and own their own housing, choice in education, and even the idea that is now floating around of creating an urban job corps to address the job skill and employment training needs of inner-city youth.

Mr. Speaker, we do have the possibility of a bipartisan comprehensive urban strategy based on the concept of empowering individuals to help themselves.

Mr. Speaker, the ball is now in your court. Let us not turn it into a political football. Let us get on with this task.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Any votes postponed on suspensions considered prior to the consideration of the bill, H.R. 2039, will be postponed until later today or tomorrow, pursuant to the Chair's subsequent announcement.

VETERANS' HEALTH PROGRAMS AMENDMENTS OF 1992

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2344) to improve the provision of health care and other services to veterans by the Department of Veterans Affairs, and for other purposes, as amended.

The Clerk read as follows:

S. 2344

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health Programs Amendments of 1992".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code, and to Secretary of Veterans Affairs.

TITLE I—HEALTH CARE

Sec. 101. Increase in limit on certain grants for home structural alterations for disabled veterans.
Sec. 102. Extension of annual report on furnishing health care.
Sec. 103. Submission of Reports of Geriatrics and Gerontology Advisory Committee.
Sec. 104. Research corporations.
Sec. 105. Authority for joint ownership of medical equipment with nonfederal health-care facilities.
Sec. 106. Quality assurance activities.
Sec. 107. Advisory Committee on Prosthetics and Special-Disabilities Programs.
Sec. 108. Contract hospital care for veterans with permanent and total service-connected disabilities.
Sec. 109. Post-traumatic stress disorder research programs.
Sec. 110. Post-traumatic stress disorder program planning.

TITLE II—HEALTH-CARE PERSONNEL

Sec. 201. Cap on certain rates of pay.
Sec. 202. Minimum period of service for scholarship recipients.
Sec. 203. Authority to purchase items of nominal value for recruitment purposes.
Sec. 204. Authority to appoint nonphysician directors to the office of the Under Secretary for Health.
Sec. 205. Expansion of director grade of the physician and dentist pay schedule.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Authorization requirement for construction of new medical facilities.
Sec. 302. Redesignation of certain positions within the Department of Veterans Affairs.
Sec. 303. Child care services.
Sec. 304. Grants to establish research centers at medical schools.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE, AND TO SECRETARY OF VETERANS AFFAIRS.

(a) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

(b) REFERENCES TO SECRETARY.—Except as otherwise expressly provided, any reference in this Act to "the Secretary" is a reference to the Secretary of Veterans Affairs.

TITLE I—HEALTH CARE

SEC. 101. INCREASE IN LIMIT ON CERTAIN GRANTS FOR HOME STRUCTURAL ALTERATIONS FOR DISABLED VETERANS.

Section 1717(a)(2) is amended by striking out "$2,500" and "$600" and inserting in lieu thereof "$3,300" and "$1,200", respectively.

SEC. 102. EXTENSION OF ANNUAL REPORT ON *FURNISHING HEALTH CARE.*

Section 19011(e)(1) of the Veterans' Health-Care Amendments of 1986 (38 U.S.C. 1710 note) is amended by striking out "fiscal year 1991" and inserting in lieu thereof "fiscal years 1992 and 1993".

SEC. 103. SUBMISSION OF REPORTS OF GERIATRICS AND GERONTOLOGY ADVISORY COMMITTEE.

Paragraph (2) of section 7315(c) is amended to read as follows:

"(2) Whenever the Committee submits a report to the Secretary under paragraph (1), the Committee shall at the same time transmit a copy of the report in the same form to the appropriate committees of Congress. Not later than 90 days after receipt of a report under that paragraph, the Secretary shall submit to the appropriate committees of Congress a report containing any comments and recommendations of the Secretary with respect to the report of the Committee.".

SEC. 104. RESEARCH CORPORATIONS.

(a) *PERIOD FOR OBTAINING RECOGNITION* AS TAX-EXEMPT ENTITY.—Section 7361(b) is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF CORPORATIONS.—Section 7368 is amended by striking out "September 30, 1991" and inserting in lieu thereof "December 31, 1993".

SEC. 105. AUTHORITY FOR JOINT OWNERSHIP OF MEDICAL EQUIPMENT WITH NON-FEDERAL HEALTH-CARE FACILITIES.

(a) IN GENERAL.—(1) Chapter 81 is amended by adding at the end of subchapter IV the following new sections:

"§ 8157. Joint ownership of medical equipment with non-Federal health-care facilities

"(a) Subject to subsection (b), the Secretary may enter into agreements with institutions described in section 8153(a) of this title for the joint ownership of medical equipment with those institutions.

"(b)(1) Any equipment to be jointly owned under such an agreement shall be procured by the Secretary, and ownership of such equipment shall be held jointly by the United States and the institution that is the other party to the agreement.

"(2) In acquiring equipment under such an agreement, the Secretary may not pay (from funds of the United States) more than one-half of the purchase price of the equipment to be jointly owned under the agreement.

"(3) Before jointly owned equipment acquired under such an agreement may be used by the Secretary or the other party to the agreement, the parties to the agreement shall arrange by contract or other form of agreement under section 8153 of this title for the mutual use, or exchange of use, of the equipment.

"(4) The Secretary may not enter into a contract for the acquisition of medical equipment to be jointly owned under an agreement under subsection (a) until the institution that is the other party to the agreement provides to the Secretary its share of the purchase price of the equipment.

"(5) The Secretary may enter into agreements for the joint ownership of medical equipment under subsection (a) and for the exchange of equipment under paragraph (3) without the use of competitive procedures.

"(c)(1) Notwithstanding any other provision of law, the Secretary may transfer the interest of the United States in equipment jointly owned under an agreement entered into under subsection (a) to the institution that holds joint title to the equipment if the Secretary determines that the transfer would be justified by compelling clinical considerations or the economic interest of the Department. Any such transfer may only be made upon agreement by the institution to pay to the Department the amount equal to one-half of the depreciated purchase price of the equipment. Any such payment when received shall be credited to the applicable Department medical appropriation.

"(2) Notwithstanding any other provision of law, the Secretary may acquire the interest of an institution in equipment jointly owned by the United States under an agreement under subsection (a) if the Secretary determines that the acquisition would be justified by compelling clinical considerations or the economic interests of the Department. The Secretary may not pay more than one-half the depreciated purchase price of that equipment for the acquisition of such institution's interest in the equipment.

"§ 8158. Deposit in escrow

"(a) To facilitate the procurement of medical equipment described in section 8157 of this title, the Secretary may enter into escrow agreements with institutions described in section 8153(a) of this title. Any such agreement shall provide that—

"(1) the institutions shall pay to the Secretary the funds necessary to make a payment under section 8157(b)(4) of this title;

"(2) the Secretary, as escrow agent, shall administer those funds in an escrow account; and

"(3) the Secretary shall disburse the escrowed funds to pay for such equipment upon its delivery or in accordance with the contract to procure the equipment and shall disburse all accrued interest or other earnings on the escrowed funds to the institution.

"(b) As escrow agent for funds placed in escrow pursuant to an agreement under subsection (a), the Secretary may—

"(1) invest the escrowed funds in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

"(2) retain in the escrow account interest or other earnings on such investments;

"(3) disburse the funds pursuant to the escrow agreement; and

"(4) return undisbursed funds to the institution.

"(c)(1) If the Secretary enters into an escrow agreement under this section, the Secretary may enter into an agreement to procure medical equipment if one-half the purchase price of the equipment is available in an appropriation or fund for the expenditure or obligation.

"(2) Funds held in an escrow account under this section shall not be considered to be public funds.".

(2) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8156 the following new items:

"8157. Joint ownership of medical equipment with non-Federal health-care facilities.
"8158. Deposit in escrow.".

(b) REPORT.—Not later than 45 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plans for implementation of this section. The report shall include an identification and discussion of—

(1) the instructions the Secretary proposes to issue to medical facilities to guide the development of proposals for procurement of medical equipment under this section, including instructions for ensuring equitable arrangements for use of the equipment by the Department and the copurchasers of the equipment;

(2) the criteria by which the Secretary plans to evaluate proposals to procure medical equipment under this section;

(3) the means by which the Secretary will integrate the process of procuring equipment under this section with the policies and procedures governing health care planning by the Veterans Health Administration; and

(4) the criteria by which determinations to transfer title to equipment under section 8157(c) of title 38, United States Code, as added by subsection (a), would be made.

SEC. 106. QUALITY ASSURANCE ACTIVITIES.

Effective on October 1, 1992, programs and activities which (1) the Secretary carries out pursuant to section 7311(a) of title 38, United States Code, or (2) are described in section 201(a)(1) and 201(a)(3) of Public Law 100-322 shall be deemed to be part of the operation of hospitals, nursing homes, and domiciliary facilities of the Department of Veterans Affairs, without regard to the location of the duty stations of employees carrying out those programs and activities.

SEC. 107. ADVISORY COMMITTEE ON PROSTHETICS AND SPECIAL-DISABILITIES PROGRAMS.

(a) STATUS AND NAME OF COMMITTEE.—The Federal advisory committee established by the Secretary and known as the Prosthetics Service Advisory Committee shall after the date of the enactment of this Act be known as the Advisory Committee on Prosthetics and Special-Disabilities Programs and shall operate as though such committee had been established by law. Notwithstanding any other provision of law, the Committee may, upon the enactment of this Act, meet and act on any matter covered by subsection (b) of section 543 of title 38, United States Code, as added by subsection (b) of this section.

(b) STATUTORY ESTABLISHMENT.—(1) Chapter 5 is amended by adding at the end of subchapter III the following new section:

"§ 543. Advisory Committee on Prosthetics and Special-Disabilities Programs

"(a)(1) There is in the Department an advisory committee known as the Advisory Committee on Prosthetics and Special-Disabilities Programs (hereinafter in this section referred to as the 'Committee').

"(b) The objectives and scope of activities of the Committee shall relate to—

"(1) prosthetics and special-disabilities programs administered by the Secretary;

"(2) the coordination of programs of the Department for the development and testing of, and for information exchange regarding, prosthetic devices;

"(3) the coordination of Department and non-Department programs that involve the development and testing of prosthetic devices; and

"(4) the adequacy of funding for the prosthetics and special-disabilities programs of the Department.

"(c) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee on the matters described in subsection (b).

"(d) Not later than May 1, 1992, and January 15 of 1992, 1994, and 1995, the Committee shall submit to the Secretary and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the effectiveness of the prosthetics and special-disabilities programs administered by the Secretary during the preceding fiscal year. Not more than 60 days after the date on which any such report is received by the Secretary, the Secretary shall submit a report to such committees commenting on the report of the Committee.

"(e) As used in this section, the term 'special-disabilities programs' includes all programs administered by the Secretary for—

"(1) spinal-cord-injured veterans;

"(2) blind veterans;

"(3) veterans who have lost or lost the use of extremities;

"(4) hearing-impaired veterans; and

"(5) other veterans with serious incapacities in terms of daily life functions.".

(2) The table of sections at the beginning of chapter 5 is amended by adding at the end the following new item:

"543. Advisory Committee on Prosthetics and Special-Disabilities Programs.".

SEC. 108. CONTRACT HOSPITAL CARE FOR VETERANS WITH PERMANENT AND TOTAL SERVICE-CONNECTED DISABILITIES.

Section 1703(a)(1) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) any disability of a veteran who has a total disability permanent in nature from a service-connected disability.".

SEC. 109. POST-TRAUMATIC STRESS DISORDER RESEARCH PROGRAMS.

In carrying out research and awarding grants under chapter 73 of title 38, United States Code, the Secretary shall assign a high priority to the conduct of research on mental illness, including research regarding (1) Post-Traumatic Stress Disorder, (2) Post-Traumatic Stress Disorder in association with substance abuse, and (3) the treatment of those disorders.

SEC. 110. POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING.

(a) ASSESSMENT.—The Secretary shall assess the needs for treatment and rehabilitative services of veterans believed to be suffering from Post-Traumatic Stress Disorder.

(b) PLAN.—The Secretary shall develop a plan for providing treatment and rehabilitative services for such veterans and for expanding and refining the services available for the treatment of Post-Traumatic Stress Disorder. The plan shall be based on—

(1) the Secretary's estimate of the numbers of veterans who suffer from Post-Traumatic Stress Disorder, are likely to seek care from Veterans Administration, and are entitled by law to be furnished such care;

(2) current and projected capacity to provide services to those veterans; and

(3) the Secretary's evaluation of existing programs.

(c) CONSULTATION.—The Secretary shall carry out subsections (a) and (b) in consultation with the Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder.

(d) REPORT.—Not later than August 30, 1993, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan developed pursuant to subsection (b).

(e) DEFINITION.—For the purposes of this section, the term "Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder" means the committee established pursuant to section 110 of Public Law 98-528.

TITLE II—HEALTH-CARE PERSONNEL

SEC. 201. CAP ON CERTAIN RATES OF PAY.

Section 7455(c) is amended—

(1) by inserting "(1)" after "(c)";

(2) by inserting "by two times" after "exceed" the first place it appears; and

(3) by adding at the end the following:

"(2) Whenever the amount of an increase under subsection (a) results in a rate of basic pay for a position being equal to or greater than the amount that is 94 percent of the maximum amount permitted under paragraph (1), the Secretary shall promptly notify the Committees on Veterans' Affairs of the Senate and House of Representatives of the increase and the amount thereof.".

SEC. 202. MINIMUM PERIOD OF SERVICE FOR SCHOLARSHIP RECIPIENTS.

(a) MINIMUM SERVICE REQUIREMENT.—Section 7612(c)(1) is amended by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", but for not less than two years.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to scholarship agreements entered into after the date of the enactment of this Act.

SEC. 203. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.

Section 7423 is amended by adding at the end the following new subsection:

"(f) The Secretary may purchase promotional items of nominal value for use in the recruitment of individuals for employment under this chapter. The Secretary shall prescribe guidelines for the administration of the preceding sentence.".

SEC. 204. AUTHORITY TO APPOINT NONPHYSICIAN DIRECTORS TO THE OFFICE OF THE UNDER SECRETARY FOR HEALTH.

Section 7306(a) is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) Such directors of such other professional or auxiliary services as may be appointed to suit the needs of the Department, who shall be responsible to the Under Secretary for Health for the operation of their respective services.".

SEC. 205. EXPANSION OF DIRECTOR GRADE OF THE PHYSICIAN AND DENTIST PAY SCHEDULE.

Section 7404(b)(2) is amended in the first sentence by inserting ", or comparable position" before the period.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AUTHORIZATION REQUIREMENT FOR CONSTRUCTION OF NEW MEDICAL FACILITIES.

(a) AUTHORIZATION REQUIREMENT.—(1) Paragraph (2) of section 8104(a) is amended to read as follows:

"(2) No funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds (other than for advance planning and design), for any major medical facility project or any major medical facility lease unless funds for that project or lease have been specifically authorized by law.".

(2) Paragraph (3)(B) of that section is amended—

(A) by inserting "new" before "medical facility" the second place it appears; and

(B) by striking out "$500,000" and inserting in lieu thereof "$300,000".

(3) Subsection (c) of section 8104 is amended by striking out "resolution" both places it appears and inserting in lieu thereof "law".

(b) APPLICABILITY.—The amendments made by subsection (a) shall not apply with respect to any project for which any funds were appropriated before the date of the enactment of this Act.

SEC. 302. REDESIGNATION OF CERTAIN POSITIONS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) REDESIGNATION OF POSITION OF CHIEF MEDICAL DIRECTOR.—The position of Chief Medical Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Health of the Department of Veterans Affairs.

(b) REDESIGNATION OF POSITION OF CHIEF BENEFITS DIRECTOR.—The position of Chief Benefits Director of the Department of Veterans Affairs is hereby redesignated as Under Secretary for Benefits of the Department of Veterans Affairs.

(c) TITLE 38 CONFORMING AMENDMENTS.—Title 38, United States Code, is amended by striking out "Chief Medical Director" and "Chief Benefits Director" each place they appear (including in headings and tables) and inserting in lieu thereof "Under Secretary for Health" and "Under Secretary for Benefits", respectively.

(d) EXECUTIVE SCHEDULE CONFORMING AMENDMENT.—Section 5314 of title 5, United States Code, is amended by striking out the following:

"Chief Medical Director, Department of Veterans Affairs.

"Chief Benefits Director, Department of Veterans Affairs.";

and inserting in lieu thereof the following:

"Under Secretary for Health, Department of Veterans Affairs.

"Under Secretary for Benefits, Department of Veterans Affairs.".

(e) REFERENCES IN OTHER LAWS.—Any reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or pertaining to the Department of Veterans Affairs—

(1) to the Chief Medical Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Health of the Department of Veterans Affairs; and

(2) to the Chief Benefits Director of the Department of Veterans Affairs shall be deemed to refer to the Under Secretary for Benefits of the Department of Veterans Affairs.

SEC. 303. CHILD CARE SERVICES.

(a) REVISED CHILD CARE AUTHORITY.—Chapter 81 is amended by inserting after section 8116 the following new section:

"§ 8117. Child care centers

"(a) The Secretary may provide for the operation of child care centers at Department facilities in accordance with this section. The operation of such centers shall be carried out to the extent that the Secretary determines, based on the demand by employees of the Department for the care involved, that such operation is in the best interest of the Department and that it is practicable to do so. In offering child care services under this section, the Secretary shall give priority, in the following order, to employees of (1) the Department of Veterans Affairs, (2) other departments and agencies of the Federal Government, and (3) affiliated schools and corporations created under section 7361 of this

title. To the extent space is available, the Secretary may provide child care services to members of the public if the Secretary determines that to do so is necessary to assure the financial success of such center.

"(b)(1) The Secretary shall establish reasonable charges for child care services provided at each child care center operated under this section.

"(2) In establishing charges at a center, the Secretary shall ensure that the sum of all charges for child care services is sufficient to meet the staffing expenses of the child care center and may consider the expenses of constructing or acquiring space for the center, the expenses of converting existing space into the center, and the expenses of equipment and services furnished to the center under subsection (c)(2).

"(3) Proceeds from charges for child care services shall be credited to the applicable Department of Veterans Affairs account and shall be allotted to the facility served by the child care center and shall remain available until expended.

"(c) In connection with the establishment and operation of a child care center under this section, the Secretary—

"(1) may construct or alter space in any Department facility, and may lease space in a non-Department facility for a term not to exceed 20 years, for use as a child care center;

"(2) may provide, out of operating funds, other items and services necessary for the operation of the center, including furniture, office machines and equipment, utility and custodial services, and other necessary services and amenities;

"(3) shall provide for the participation (directly or through a parent advisory committee) of parents of children receiving care in the center in the establishment of policies to govern the operation of the center and in the oversight of the implementation of such policies;

"(4) shall require the development and use of a process for determining the fitness and suitability of prospective employees of or volunteers at the center; and

"(5) shall require in connection with the operation of the center compliance with all State and local laws, ordinances, and regulations relating to health and safety and the operation of child care centers.

"(d) The Secretary shall prescribe guidelines to carry out this section.

"(e) For the purpose of this section, the term 'parent advisory committee' means a committee comprised of, and selected by, the parents of children receiving care in a child care center operated under this section.".

(b) CONFORMING REPEAL.—Section 7809 is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8116 the following new item:

"8117. Child care centers.".

(2) The table of sections at the beginning of chapter 78 is amended by striking out the item relating to section 7809.

SEC. 304. GRANTS TO ESTABLISH RESEARCH CENTERS AT MEDICAL SCHOOLS.

(a) IN GENERAL.—Chapter 73 is amended by adding at the end the following:

"SUBCHAPTER V—RESEARCH GRANTS

"§7371. Purpose of subchapter

"The purpose of this subchapter is to authorize the Secretary of Veterans Affairs and the Secretary of Defense to carry out a joint program to assist medical schools in the establishment of new research centers to carry out medical research in particular fields or specialties.

"§7372. Grant program

"(a) The Secretary of Veterans Affairs and the Secretary of Defense may jointly make grants under this subchapter to qualifying medical schools to assist such medical schools in the establishment of new medical research centers. Any such grant may only be made if the two Secretaries and the medical school enter into an agreement under section 7373 of this title.

"(b) A qualifying medical school for purposes of this subchapter is a medical school of a university that is located in a State and that—

"(1) does not have an established research center in the particular field or specialty with respect to which an application under section 7375 is submitted;

"(2) is located in proximity to, and is affiliated with, a medical facility of the Department of Veterans Affairs which itself has an affiliation with a medical facility of the Department of Defense; and

"(3) has demonstrable potential for successful development of such a new research center with the assistance of a grant under this subchapter.

"(c) Funds provided to a medical school by a grant under this subchapter may be used for—

"(1) the acquisition, construction, alteration, and renovation of facilities for the research center;

"(2) the acquisition of equipment of the research center; and

"(3) the operation of the research center during its first three years of operation.

"(d) In awarding grants under this subchapter, the two Secretaries shall ensure that the centers for which the grants are made are located in geographically dispersed areas of the United States.

"§7373. Activities of research centers for which grants made

"(a) Whenever a grant is made under this subchapter, the Secretary of Veterans Affairs and the Secretary of Defense shall establish an advisory committee to advise the medical school concerned with respect to the activities of the research center for which the grant is made. The advisory committee shall include representatives of the Department of Veterans Affairs, the Department of Defense, and the medical school and shall remain in existence until terminated by the two Secretaries.

"(b) A medical school to which a grant is made under this subchapter shall administer the research center for which the grant is made as a separate administrative entity with its own director (or other appropriate chief official).

"(c)(1) The Secretaries may not enter into an agreement to make a grant under this subchapter unless the Secretaries find, and the agreement includes satisfactory assurances, that the school to which the grant is made will maintain such arrangements with the Department of Veterans Affairs medical facility with which it is affiliated (including such arrangements as may be made under subchapter IV of chapter 81 of this title) as will be mutually beneficial in carrying out the mission of the respective medical facilities and the school. Such arrangements shall include provisions ensuring that research personnel of the Department of Veterans Affairs medical facility, and of the Department of Defense medical facility with which it is associated, may carry out research activities at the research center on an ongoing basis.

"(2) The agreement shall require that, to the extent not inconsistent with paragraph (1), facilities of the research center shall be made available for research activities on a competitive basis.

"(d) The Secretaries shall ensure that an agreement under this section includes appropriate provisions to ensure that the Federal funding for the research center, and any Federal research activities carried out at the research center, are acknowledged in the activities and publications of the center.

"(e) An agreement under this section shall contain such additional terms and conditions (in addition to those imposed pursuant to section 8201(e) of this title and this section) as the Secretaries consider appropriate to protect the interests of the United States.

"§7374. Funding

"(a) The amount of a grant under this subchapter, when added to any other Federal funds to be used for the project for which the grant is made, may not exceed one-half of the cost of the project.

"(b)(1) One half of the amount of a grant under this subchapter shall be provided by the Secretary of Veterans Affairs and one-half shall be provided by the Secretary of Defense.

"(2) Funds for a grant under this subchapter to be provided by the Secretary of Veterans Affairs may only be provided from funds appropriated for grants under this subchapter. Funds for a grant under this subchapter to be provided by the Secretary of Defense shall be provided from funds appropriated for research, development, test, and evaluation.

"(c) The two Secretaries may not enter into an agreement for a grant under this subchapter unless the Secretaries find, and the agreement includes satisfactory assurances, that—

"(1) the amount of support for the proposed medical research center from non-Federal sources will be at least as great as the amount of such support from Federal sources;

"(2) the amount of such support from non-Federal sources, when combined with the amount of the proposed grant, is sufficient for the project to proceed upon award of the grant; and

"(3) upon approval of the grant, no further action by non-Federal entities is required to make the necessary funds available for the project.

"(d)(1) Subject to paragraph (2), the Secretaries may increase the amount of any grant awarded to any applicant for a project under this section by an amount by which the Secretaries determine that the estimated cost of the construction, acquisition, or renovations has increased from the estimated cost on which the Secretaries based the determination to award the grant, if the Secretaries determine that the grant was awarded before the applicant entered into a contract for the construction or renovations provided for in such project.

"(2) A grant may not be increased under paragraph (1) by more than 10 percent of the amount of the grant initially awarded for such project, and the amount of such grant (as increased) may not exceed 50 percent of the revised cost of the project.

"§7375. Grants: applications and priority

"(a) A medical school desiring to receive a grant under this subchapter shall submit to the Secretary of Veterans Affairs an application that sets forth the following:

"(1) The amount of the grant requested with respect to the project.

"(2) A description of the proposed research center, including a description of the proposed site for the center, a description of the proposed field of research in which the center will specialize, and a statement showing the capability of the medical school to successfully develop such research center.

"(3) Reasonable assurance that, upon completion of the project, the new center will be used to conduct research referred to in section 7303 of this title.

"(4) Reasonable assurance that the title to such site will be vested solely in the applicant.

"(5) Reasonable assurance that adequate financial support will be available (A) for the construction of the project (or for facility acquisition or renovation) upon award of the grant, and (B) for maintenance and operation of the facility when complete.

"(6) In the case of a project for the renovation of an existing facility, reasonable assurance that the estimated total cost of any expansion, remodeling, and alteration of the facility will not be greater than the estimated cost of construction of an equivalent new facility.

"(7) A statement of the relationship of activities to be carried out at the research center to programs and activities of the Department of Veterans Affairs, including programs for the care and treatment of veterans and programs for the recruitment and retention of health-care professionals for employment by the Department, and programs and activities of the Department of Defense.

"(b) In considering applications for a grant under subsection (a) of this section, the Secretaries shall give priority to applications for grants for proposed research centers which will emphasize research in one or more of the following areas (over applications for grants for proposed centers which will not emphasize research in such areas):

"Diabetes and metabolic diseases.

"Prosthetics and rehabilitation medicine.

"Mental health, behavioral medicine, and neurological disease.

"Acquired Immune Deficiency Syndrome (AIDS) and immunodeficiency diseases.

"Alzheimer and dementia.

"Degenerative cardiopulmonary disease.

"Cancer.

"Technology assessment.

"Toxicology.

"(c) The Secretaries shall use a merit review process in considering applications and in awarding grants under this subchapter.

"(d) The amount of a grant under this subchapter shall be paid to the applicant. Such amount shall be paid, in advance or by way of reimbursement, and in such installments consistent with the progress of the project, as the Secretary may determine and certify for payment to the Secretary of the Treasury. Funds paid under this section for an approved project shall be used solely for carrying out such project as approved.

"(e) An amendment of an application (whether or not approved) shall be subject to approval in the same manner as the original application.

"§7376. Authorization of appropriations

"(a) There is authorized to be appropriated to the Secretary of Veterans Affairs the sum of $50,000,000 for each of fiscal years 1993 through 1996 for purposes of grants under this subchapter. Amounts appropriated pursuant to such authorization may not be used for any other purpose.

"(b) Amounts appropriated pursuant to subsection (a) shall remain available for obligation until the end of the sixth fiscal year following the fiscal year for which they are appropriated, if so provided in appropriation Acts.

"§7377. Recovery of amounts if grant conditions not met

"(a) If the Secretaries determine that a medical school to which a grant is made under this subchapter—

"(1) fails substantially to carry out the terms of the agreement entered into under this subchapter as a condition of the grant; or

"(2) no longer operates the medical research center for which the grant was made in accordance with the purposes of the grant, the Secretaries shall be entitled to recover from the recipient of the grant the amount of the grant.

"(b) The Secretaries shall prescribe regulations for purposes of subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following:

"SUBCHAPTER VII—RESEARCH GRANTS

"7371. Purpose of subchapter.
"7372. Grant program.
"7373. Activities of research centers for which grants are made.
"7374. Funding.
"7375. Grants: applications and priority.
"7376. Authorization of appropriations.
"7377. Recovery of amounts if grant conditions not met.".

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

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material on S.2344.

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

There was no objection.

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

Mr. Speaker, the bill before us today, S. 2344, as amended, may look very familiar to some of my colleagues. Some of the provisions contained in this bill have passed the House in both the 101st and 102d Congresses. Many of the provisions were originally included as part of H.R. 2280, which passed the House on June 25, 1991.

The amended bill contains many provisions which would improve the quality of care provided to our Nation's veterans, and it does so in a cost-effective manner.

I will focus on just a few of the most important provisions at this time.

First, the proposed amendment would help correct a serious problem which affects thousands of Vietnam veterans who suffer from post-traumatic stress disorder [PTSD]. VA is doing some fine work to help repair the lives of those suffering from this disorder, but we also know that more needs to be done.

Specifically, the proposed amendment would require the Secretary to assess VA's ability to provide treatment for PTSD now and in the future. It would also require the Secretary to submit to the committee a plan designed to allow VA to better meet the needs for these services. We view such a plan as a vital step in our ongoing efforts to help veterans suffering from PTSD.

In a relatively few short years, VA has begun to build a network of specialized programs across the country to provide treatment to veterans suffering from PTSD. Our committee has authorized the establishment of additional PTSD units, and last year, Congress appropriated an additional $10 million to further those efforts. What is lacking, however, is a comprehensive assessment by VA of veterans' needs as well as VA's capability of meeting those needs.

The intent of this bill is to get the Department to identify the size of the demand for PTSD services and come up with a plan to meet this demand in the near term. Without knowing the size of the problem first, VA cannot be expected to make adequate recommendations to address it in the future.

Mr. Speaker, this measure would also increase the Chief Medical Director's ability to monitor care throughout the system, and thus to assure better quality of care. The additional flexibility which this authority would provide should help accelerate implementation of the quality assurance programs which VA has already set in motion.

The bill would also allow VA to increase payments to disabled veterans to help defray the cost of needed home modifications. Service-connected disabled veterans would be eligible for up to $3,300 in grant support and non-service-connected disabled veterans for up to $1,200. A patient in a wheelchair, for example, can use this grant to make his home wheelchair accessible. Costs of construction and home improvement costs have increased greatly since these grants were first authorized.

Finally, the House amendment contains provisions which we passed last session as H.R. 111, a bill introduced by my very able colleague from Texas, CHET EDWARDS. These provisions would authorize the VA to establish a grant program to assist medical schools in creating new research centers. Under this legislation, the VA, the Department of Defense, and medical schools would share in the cost of establishing new research centers. By establishing cooperative, cost-sharing medical research efforts between these groups, we can support our veterans and use limited Federal funds in a fiscally responsible manner.

Mr. Speaker, as I stated earlier, the House amendment to S. 2344 contains

many important and much-needed provisions. In addition to the provisions I have mentioned, the bill would:

Extend through fiscal years 1992 and 1993 the requirement that the Secretary submit a report to the Committees on Veterans' Affairs of the House and Senate describing the number of veterans receiving VA health care, the number of veterans who applied for VA health care and did not receive it, and the reasons why veterans were denied health care;

Provide that reports issued by the VA's Geriatrics and Gerontology Advisory Committee will be submitted simultaneously to the Secretary and the appropriate congressional committees;

Extend by 1 year the period within which VA research corporations must secure tax-exempt status and extend until December 31, 1993, the final date for establishment of such corporations;

Authorize VA and community health care facilities to jointly acquire major medical equipment under which VA would pay no more than half the purchase price. The parties would hold joint title and would enter into an agreement for mutual use of that equipment. Require the VA to report on its plans to implement this authority not later than 45 days after date of enactment of this act;

Provide that quality assurance programs and activities, including the operations of the VA's Medical Inspector and the Office of Quality Assurance in Central Office, shall be considered part of the provision of VA health care effective October 1, 1992;

Expand the role of VA's Advisory Committee on Prosthetics to also include special disabilities programs. Require, not later than May 1, 1993, and January 15 of 1993, 1994, and 1995, a report on the effectiveness of the prosthetics and special disabilities programs;

Provide that the VA may contract for hospital care or medical services for any disability of a veteran who has a total disability permanent in nature from a service-connected disability when Department facilities are not capable of furnishing the care or the VA care is geographically inaccessible.

Require the Secretary to place a high priority on the conduct of research on mental illness, including research on post-traumatic stress disorder [PTSD];

Authorize the Secretary to increase the maximum rate of pay under any grade level for those health care professionals who are appointed under title 5 but paid under title 38. For these "hybrid" employees, the special rates authority of title 38, United States Code, would be expanded to two times the difference between the minimum and maximum rate of pay for that grade and require the Secretary to notify the Committees on Veterans' Affairs of the House and Senate of the increase;

Require that recipients of Health Professional Scholarships serve a minimum of 2 years, effective for scholarships received after the date of enactment of this act;

Provide that the Secretary may purchase promotional items of nominal value for use in the recruitment of certain health care personnel;

Provide authority to appoint nonphysician Directors to the Office of the Under Secretary for Health;

Expand the Director grade of the physician and dentists pay schedule;

Provide that no funds may be appropriated or expended for any major medical project or new major medical facility lease unless funds for such project or lease have been authorized by law, and reduce from $500,000 to $300,000 the threshold of what constitutes a major medical facility lease;

Redesignate the Chief Medical Director as the Under Secretary for Health;

Redesignate the Chief Benefits Director as the Under Secretary for Benefits;

Revise the Secretary's authority to operate child care centers at VA facilities. Provides that proceeds from charges for child care services shall be credited to the applicable VA account and allotted to the facility served by the child care center.

Mr. Speaker, there follows a Congressional Budget Office cost estimate of the proposed House amendment:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 7, 1992.

Hon. G.V. MONTGOMERY,
Chairman, Committee on Veterans' Affairs, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has prepared the attached cost estimate of a proposed amendment, in the nature of a substitute, to S. 2344. The amended bill would be the Veterans' Health Programs Amendments of 1992. Enactment of this measure would not affect direct spending or receipts. Therefore, pay-as-you-go procedures would not apply to this bill.

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

Sincerely,

ROBERT D. REISCHAUER,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE, MAY 7, 1992

1. Bill number: None.

2. Bill title: Veterans' Health Programs Amendments of 1992.

3. Bill status: Proposed amendment in the nature of a substitute to S. 2344.

4. Bill purpose: To improve the provision of health-care to veterans by the Department of Veterans Affairs, and for other purposes.

5. Estimated cost to the Federal Government:

(By fiscal years, in millions of dollars)

	1993	1994	1995	1996	1997
Estimated authorization level	51	51	51	52	2
Estimated outlays	1	3	9	24	41

Basis of estimate: The following section-by-section cost analysis addresses only those sections of the bill that could be expected to have a significant budgetary impact.

Section 101. This section would increase the limits on grants for structural alterations to the homes of disabled veterans. Grants to veterans with service-connected disabilities would rise from $2,500 to $3,300 and those to veterans with non-service-connected disabilities from $600 to $1,200.

(By fiscal years, in millions of dollars)

	1993	1994	1995	1996	1997
Estimated authorization level	1	1	1	2	2
Estimated outlays	1	1	1	2	2

In 1991, $1,687,000 was spent by the Department of Veterans Affairs (VA) on structural alteration grants. According to VA data, 60 percent of these funds went to service-disabled veterans, and the remaining 40 percent to veterans with non-service-connected disabilities. Currently, the cost of the alterations for which these grants are used exceeds the maximum grant level in virtually all cases. Therefore, it was assumed that the average grant level would rise by same percentage as the increase in the maximum grant level.

Section 108. This section would authorize VA to provide hospital care under contract in non-VA facilities for the treatment of any disability, whether service-connected or non-service-connected, of a veteran who is totally and permanently disabled from service-connected causes. This authority would apply only when VA facilities are not capable of furnishing the care because of geographical inaccessibility or other reason.

Under current law, contract hospital care can be provided by VA only for the treatment of a service-connected disability. Within that restriction, the approval for contract care is also a function of the budget of the VA facility at which the veteran applies for care. Thus, it is not possible to estimate with any precision the number of additional episodes of contract hospital care that would result from this provision. However, it should be noted that in 1991 each episode of hospital care provided in a non-VA facility on average cost the agency $172 more than the average cost of an episode in a VA facility.

Section 304. This section would authorize the Secretary of Veterans Affairs and the Secretary of Defense to conduct a joint program of grants to medical schools for the establishment of research centers. An appropriation of $50 million is authorized for this purpose in each of fiscal years 1993–1996.

(By fiscal years, in millions of dollars)

	1993	1994	1995	1996	1997
Authorization level	50	50	50	50	0
Estimated outlays	0	2	8	22	39

The estimate assumes that authorized amounts would be fully appropriated. The bill language provides that appropriated amounts would remain available for obligation until the end of the sixth year following the year of appropriation.

New grant programs historically have very slow spending in the first few years. Before any funds would outlay, the two agencies and the medical school must all agree on the grant contract. The medical school must also arrange non-federal funding for 50 percent of the cost of the research center. These and other advance preparations would be expected to cause substantial delays in the outlay of grant funds. Because funds could be obligated over a six-year period, there would

be little pressure to accelerate the process. It is, therefore, estimated that no funds would be spent in 1993 and only small amounts in 1994 and 1995.

6. Pay-as-you-go considerations: None of the provisions of this measure would affect direct spending or receipts. Therefore, this bill has no pay-as-you-go implications.

7. Estimated cost to State and local government: The Congressional Budget Office has determined that the budgets of state and local governments would not be significantly affected by the enactment of this bill.

8. Estimate comparison: None.

9. Previous CBO estimate: None.

10. Estimate prepared by: K.W. Shepherd.

11. Estimate approved by: C.G. Nuckols, Assistant Director for Budget Analysis.

I urge my colleagues to support this important legislation.

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

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

Mr. Speaker, I rise in strong support of S. 2344, as amended, the Veterans' Health Programs Amendment of 1992. This legislation represents a compilation of provisions covering services under the jurisdiction of the Veterans Health Administration.

All of the provisions contained in S. 2344, as amended, were passed by the House during the first session of this Congress. Unfortunately, there was no final action in the other body. The committee believes these provisions merit final approval by this Congress.

The administration's position on the bill is generally favorable, with the exception of the new research grant authority. Apparently, there is a misconception regarding this provision. Some believe that it would cause the Department of Defense to divert research funds from higher priority defense biomedical research projects. Conversely, the Committee on Veterans' Affairs believes this proposal has specific safeguards to ensure that this will not happen.

Mr. Speaker, I want to thank the distinguished chairman of the committee, SONNY MONTGOMERY and the ranking member of the Subcommittee on Hospitals and Health Care, Mr. HAMMERSCHMIDT, for their leadership and expertise on these important issues.

I urge the support of my colleagues on S. 2344.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking member of the Subcommittee on Hospitals and Health Care.

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

Mr. Speaker, I rise today to support S. 2344, as amended, the Veterans' Health Programs Amendments of 1992 and to commend Chairman MONTGOMERY and the ranking member, Mr. STUMP, for their hard work on this legislation.

I want to reiterate that the House passed a similar bill to S. 2344, as amended, when it passed H.R. 2280 on June 25, 1991.

Once again, S. 2344, as amended, provides fiscally responsible and needed expansions to veterans' health care programs by enhancing existing programs and extending expiring programs.

Specifically, I want to note that S. 2344, as amended, addresses the VA's lack of adequate medical equipment by giving the VA the authority to share the cost and use of medical equipment with community health centers.

S. 2344, as amended, also gives the VA broader research grant authority by providing funds for fiscal year 1993 through fiscal year 1996 for the VA and the Department of Defense [DOD] to jointly carry out a program to assist medical schools in establishing new research centers.

Both of these initiatives expand the VA's ability to provide veterans with quality care and services while using limited funds during these times of budgetary constraint.

S. 2344, as amended, is a timely and necessary bill for our veterans' health care system. I urge my colleagues to support S. 2344, as amended, and to pass it in an expeditious manner.

□ 1310

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

Mr. MONTGOMERY. Mr. Speaker, I yield myself 1 minute, to take this time to thank the gentleman from Arkansas [Mr. HAMMERSCHMIDT], who has been the ranking minority member on the Subcommittee on Hospitals and Health Care of the Committee on Veterans' Affairs, for his work that he has done over the years, and we are certainly going to miss him.

Then I have to move into a little more sadness to thank the gentleman from Michigan, the chairman of the Subcommittee on the Veterans' Administration, HUD and Independent Agencies of the Committee on Appropriations [Mr. TRAXLER], for the work that he has done working with veterans. There is not a better friend veterans have than what the gentleman has done, BOB TRAXLER. We certainly will miss him.

Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. TRAXLER].

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

Mr. Speaker, I want to express my appreciation to the gentleman from Mississippi [Mr. MONTGOMERY], to my good friend, the gentleman from Arizona [Mr. STUMP], and to the gentleman from Arkansas [Mr. HAMMERSCHMIDT], a fellow lame duck Member, for the very fine relationship that I have enjoyed as the chairman of the Veterans Affairs, HUD and Independent Agencies Subcommittee of the Committee on Appropriations. They have provided, I think, outstanding leadership to this Congress on behalf of America's veterans. It is a pleasure to join with them today in support for this bill. It is an outstanding bill and it deserves the vote of every Member.

Mr. Speaker, I would like to engage the gentleman from Mississippi [Mr. MONTGOMERY], the chairman of the Committee on Veterans' Affairs, in a colloquy regarding VA medical facilities. The gentleman's amendment to S. 2344 includes language requiring an authorization for construction or lease of new medical facilities. As I understand it, this new authorization requirement would not apply to projects for which any funds were appropriated previously. This language would exempt a few projects that have received partial funding, including the clinical addition project at the Ann Arbor VA Medical Center.

Is that the intent of the gentleman's amendment?

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

Mr. TRAXLER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, the gentleman is correct. Projects that have already received funding, including partial funding, would not be subject to this new requirement.

Mr. TRAXLER. Mr. Speaker, the 1992 VA, HUD, and Independent Agencies Appropriations Act included funding for two outpatient clinics—one in the Fox River Valley of Wisconsin and the other in the Decatur or Springfield, IL, area. The additional funding for these projects was included under the medical care appropriation.

Is it the gentleman's intention that the amendment would also exclude these leases?

Mr. MONTGOMERY. The gentleman is correct. These leases would not be subject to this new requirement.

Section 301 is intended to prohibit the appropriation or expenditure of funds for any major medical construction project which is not specifically authorized by law. It is not intended to restrict or impede the construction of projects for which major construction funds have been specifically appropriated before this section takes effect. Further, this section does not apply to reprogramming of funds or to expenditures from the advance planning fund.

If the Congress has appropriated a specific amount for a project, even if that amount was less than the total cost of the project, that project would not be affected by this new provision.

The bill includes specific language that this restriction "does not apply with respect to any project for which any funds were appropriated before the date of the enactment of this act."

Specifically appropriated means either bill language or specific language in the statement of the managers accompanying a final conference report on a measure appropriating major construction funds.

Mr. TRAXLER. Mr. Speaker, I thank the gentleman for his response. I wish him well, and also the distinguished gentleman from Arizona [Mr. STUMP].

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of S. 2344, the Veterans' Health Programs Amendments of 1992, and I commend the distinguished Veterans' Affairs Committee chairman, the gentleman from Mississippi [Mr. MONTGOMERY], the ranking minority member, the gentleman from Arizona [Mr. STUMP], and the ranking member of the Health Care Subcommittee, the gentleman from Arkansas [Mr. HAMMERSCHMIDT] for bringing this important measure to the floor.

This measure which will increase the limit on grants for home structural alterations from $600 to $1,200 and from $2,500 to $3,300 for nonservice and service-connected disabled veterans, respectively, is meritorious and deserving of our full support.

In addition, Mr. Speaker, this bill, in authorizing the Secretary of Veterans Affairs and the Secretary of Defense to jointly carry out programs to assist medical schools in the furtherance of research will improve medical care for our Nation's veterans.

It is gratifying to note that this bill also includes a requirement that the Secretary place a high priority on the conduct of research on mental illness, including research on post-traumatic stress disorder, which has afflicted so many of our Vietnam veterans.

Mr. Speaker, while we continue to commemorate the 50th anniversary of World War II and honor the veterans of that war, we must not forget the medical needs of our veterans from all eras. Accordingly, I urge my colleagues to fully support this important legislation before us today.

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

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the Senate bill, S. 2344, as amended.

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

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 2344, VETERANS' HEALTH PROGRAMS AMENDMENTS OF 1992

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill, S. 2344, and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi? The Chair hears none and, without objection, appoints the following conferees and reserves the right to appoint additional conferees: Messrs. MONTGOMERY, EDWARDS of California, ROWLAND, STUMP, and HAMMERSCHMIDT.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 194

Mr. GRANDY. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 194.

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

There was no objection.

DISCLAIMING ALL RIGHT TO CERTAIN LANDS CONDITIONALLY RELINQUISHED TO THE UNITED STATES

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1514) to disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the act of June 4, 1897 (30 Stat. 11, 36), and for other purposes, as amended.

The Clerk read as follows:

H.R. 1514

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

SECTION 1. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Pursuant to the invitation and requirements contained in the 15th paragraph under the heading "Surveying the Public Lands" in the Act of June 4, 1897 (30 Stat. 11, 36), as amended or supplemented by the Acts of June 6, 1900 (31 Stat. 588, 614), March 4, 1901 (31 Stat. 1010, 1037), and September 22, 1922 (42 Stat. 1067), certain landowners or entrymen within forest reserves acted to transfer their lands to the United States as the basis for an in lieu selection of other Federal lands (hereafter in this Act referred to as "lieu lands") in exchange for such lands within such reserves (hereafter in this Act referred to as "base lands").

(2) By the Act of March 3, 1905 (33 Stat. 1264), Congress repealed the in lieu selection provisions of the Act of June 4, 1897, as amended, and terminated the right to select lieu lands, but expressly preserved the rights of land owners who had valid pending applications for in lieu selections, most of which have subsequently been granted.

(3) Other persons affected by the Acts cited in paragraphs (1) and (2) who acted to transfer base lands, or their successors in interest, have never obtained either (A) a patent to the lieu lands or any other consideration for their relinquishment, or (B) a quitclaim of their base lands, notwithstanding relief legislation enacted in 1922 and 1930.

(4) By the Act of July 6, 1960 (74 Stat. 334), Congress established a procedure to compensate persons affected by the Acts cited in paragraphs and (1) and (2) who had not received appropriate relief under prior legislation. However, no payments of such compensation were made under that Act.

(5) Section 4 of the Act of July 6, 1960, further provided that lands with respect to which compensation under that Act were or could have been made, and not previously disposed of by the United States, shall be a part of any national forest, national park, or other area withdrawn from the public domain wherein they are located.

(6) Absent further legislation, lengthy and expensive litigation will be required to resolve existing questions about the title to lands covered by section 4 of the 1960 Act.

(b) PURPOSE.—The purpose of this Act is to resolve the status of the title to base lands affected by the past legislation cited in subsection (a).

SEC. 2. IDENTIFICATION AND QUITCLAIM OF FEDERAL INTEREST IN BASE LANDS.

(a) QUITCLAIM.—Except as otherwise provided by this Act, and subject to valid existing rights, but notwithstanding any other provision of law, the United States hereby quitclaims to the listed owner or entryman, his heirs, devisees, successors, and assigns, all right, title, and interest of the United States in and to the base lands described on a final list published pursuant to subsection (d)(1), effective on the date of publication of such list.

(b) PREPARATION OF INITIAL LISTS.—(1) Not later than 6 months after the date of enactment of this Act, the Secretary of the Interior, with respect to lands under such Secretary's jurisdiction, and the Secretary of Agriculture with respect to National Forest System lands, shall each prepare an initial list of all parcels of base lands that were relinquished to the United States pursuant to the Act of June 4, 1897 (as amended), and for which selection or other rights under that Act or supplemental legislation were not realized or exercised.

(2) The initial lists prepared under paragraph (1) shall be based on information in the actual possession of the Secretaries of the Interior and Agriculture on the date of enactment of this Act, including information submitted to Congress pursuant to the directive contained in Senate Report No. 98-578, issued for the Fiscal Year 1985 Interior and Related Agencies Appropriation, as revised and updated. The initial lists shall be published and distributed for public review in accordance with procedures adopted by the Secretary concerned.

(3) For a period of 180 days after publication of a list pursuant to paragraph (2), persons asserting that particular parcels omitted from such a list should have been included may request the Secretary concerned to add such parcels to the appropriate list. The Secretary concerned shall add to the list any such parcels which the Secretary determines meet the conditions specified in paragraph (1).

(c) NATIONALLY SIGNIFICANT LANDS.—(1) During preparation or revision of an initial list under subsection (b), the Secretary concerned shall identify those listed lands which are located wholly or partially within any conservation system unit and all other listed lands which Congress has designated for specific management or which the Secretary concerned decides, in the concerned Secretary's discretion, should be retained in order to meet public, resource protection, or administrative needs. For purposes of this

paragraph, the term "conservation system unit" means any unit of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, a national forest monument, or a national conservation area, a national recreation area, or any lands being studied for possible designation as part of such a unit.

(2) The provisions of subsection (a) shall not apply to any lands identified by the Secretary concerned pursuant to paragraph (1). The Secretary concerned shall not include any such lands on any list prepared pursuant to subsection (d). Subject to valid existing rights arising from factors other than any relinquishment to the United States of the type described in subsection (b)(1) of this section, all right, title, and interest in and to such lands so identified is hereby vested and confirmed in the United States.

(3) In the same manner as the initial list was published and distributed pursuant to subsection (b)(2), the Secretary concerned shall publish and distribute an identification of all lands in which right, title, and interest is vested and confirmed in the United States by paragraph (2).

(d) FINAL LISTS.—(1) As soon as possible after considering any requests made pursuant to subsection (b)(3) and the identification of lands pursuant to subsection (c), the Secretary of the Interior and the Secretary of Agriculture shall each publish a final list, consisting of lands included on each Secretary's initial list not identified pursuant to subsection (c)(1). Unless a Secretary has published a final list on or before the date 18 months after the date of publication, pursuant to subsection (b)(2), of such Secretary's initial list, the initial list prepared by such Secretary shall be deemed on such date to be the final list required to be published by such Secretary, and thereafter no lands included on such initial list shall be excluded from operation of subsection (a).

(2) If a court makes a final decision that a parcel of land was wrongly excluded from operation of subsection (a), such parcel shall be deemed to have been included on a final list published pursuant to paragraph (1), unless such parcel is located wholly or partially inside a conservation system unit or any other area which Congress has designated for specific management, in which case such parcel shall be subject to the provisions of subsection (c)(2).

(e) ISSUANCE OF INSTRUMENTS.—(1) Except as otherwise provided in this Act, no later than 6 months after the date on which the Secretary concerned publishes a final list of lands pursuant to subsection (d), the Secretary concerned shall issue deeds confirming the quitclaim made by subsection (a) of this section of all right, title, and interest of the United States in and to the lands included on such final list, subject to valid existing rights arising from factors other than a relinquishment to the United States of the type described in subsection (b). Each such confirmatory deed shall operate to estop the United States from making any claim of right, title, or interest of the United States in and to the base lands described in the deed, shall be made in the name of the listed owner or entryman, his heirs, devisees, successors, and assigns, and shall be in a form suitable for recordation and shall be filed and recorded by the United States with the recorder of deeds or other like official of the county or counties within which the lands covered by such confirmatory deeds are located so that the title to such lands may be determined in accordance with applicable State law.

(2) The United States shall not adjudicate and, notwithstanding any provision of law to the contrary, does not consent to be sued in any suit instituted to adjudicate the ownership of, or to quiet title to, any base land included in a final list and described in a confirmatory deed.

(3) Neither the Secretary of the Interior nor the Secretary of Agriculture shall be required to inspect any lands included on a final list nor to inform any member of the public regarding the condition of such lands prior to the issuance of the confirmatory deeds required by this subsection, and nothing in this Act shall be construed as affecting any valid rights with respect to lands covered by a confirmatory deed issued pursuant to this subsection that were in existence on the date of issuance of such confirmatory deed.

(f) WAIVER OF CERTAIN CLAIMS AGAINST THE UNITED STATES.—Any person or entity accepting the benefits of this Act or failing to act to seek such benefits within the time allotted by this Act with respect to any base or other lands shall be deemed to have waived any claims against the United States, its agents or contractors, with respect to such lands, or with the respect to any revenues received by the United States from such lands prior to the date of enactment of this Act. All non-Federal, third party rights granted by the United States with respect to base lands shall remain effective subject to the terms and conditions of the authorizing document. The United States may reserve any existing uses currently occupied or utilized for Government purposes, subject to payment of fair market value for such use rights.

SEC. 3. OTHER CLAIMS.

(a) DEADLINES.—Notwithstanding any statute of limitation or similar restriction otherwise applicable, any party claiming any right, title, or interest in and to any lands identified by the Secretary pursuant to section 2(c) may file in the United States Claims Court a claim pursuant to this subsection against the United States seeking compensation based on the vesting of right, title, and interest in and to the United States made by section 2(c)(2), and the United States Claims Court shall have jurisdiction to consider and decide such claims and to make awards thereon. Such a claim may be filed no later than one year after the date of publication of a final list pursuant to section 2(d).

(b) DEFENSES AND AWARDS.—(1) Nothing in this Act shall be construed as precluding or limiting any defenses (including affirmative defenses) or claims (including claims of adverse possession under applicable State law) otherwise available to the United States or any other party in connection with any claim brought against the United States with respect to any lands covered by this Act.

(2) The United States shall pay compensation for any claims arising from this Act pursuant to any final judgment of the United States Claims Court, or pursuant to any negotiated settlement agreement made between a claimant and the Attorney General, from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534) and for which compensation was provided under the Act of August 31, 1964 (78 stat. 751).

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1514, the bill now under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 1514 is a bill introduced by my Interior Committee colleague, the gentleman from California [Mr. LAGOMARSINO], who has worked persistently for its passage.

The legislation is very similar to a bill passed by the House in 1990, that was not enacted because the Senate did not act on it before the end of the 101st Congress.

H.R. 1514 has been favorably reported by the three committees to which it was referred, but there were some differences between the version approved by the Interior and Merchant Marine and Fisheries Committees and the version adopted by the Committee on Agriculture. It has taken some time to reach agreement on how to resolve those differences.

I am pleased to note that the differences in fact have been resolved, and that the bill now before the House has the support of the three committees.

I want to express my appreciation to Chairmen DE LA GARZA and VOLKMER, of the Agriculture Committee and its Subcommittee on Forests, Family Farms and Energy, and also to Chairmen JONES and STUDDS of the Committee on Merchant Marine and Fisheries and its Subcommittee on Fisheries and Wildlife Conservation and the Environment. Through cooperation and mutual assistance, the three committees have produced a good bill that deserves enactment.

Mr. Speaker, this bill is the latest attempt to resolve questions about the status of certain lands that allegedly were conditionally conveyed to the United States—conditionally, because the owners wanted to receive other lands in exchange, as provided for in an 1897 Act.

The cases involved here are ones in which it is claimed that the exchange was never consummated, and no other compensation was provided, so that various parties claim they, and not the

United States, are the rightful owners of the lands.

In simple terms, the bill would provide for settling claims based on these transactions by ending any ownership claims of the National Government in some of the lands involved, while unambiguously confirming the title of the United States to other such lands, and allowing persons aggrieved by such confirmations to seek monetary relief.

Like the House-passed bill of last year, H.R. 1514 provides for the protection of national parks, wilderness, and other conservation areas and would enable the land-managing agencies to assure that the National Government also will retain any other lands whose retention is in the public interest.

This matter has a very long history, which has been outlined in the report of the Committee on Interior and Insular Affairs and the other committees as well. It is my hope that this bill will enable us to resolve the status of these lands once and for all, in a way that protects the integrity of nationally significant areas while in appropriate cases affording relief to people who have found that there are clouds on the title to lands that in many cases they have occupied for many years.

Mr. Speaker, as I indicated, Congress has addressed this matter on a number of previous occasions—most recently in 1960. At that time, there was public and congressional concern that some parties were claiming ownership of lands within national forests and national parks. This led to enactment of Public Law 86-596, sometimes referred to as the "Sisk Act" after Representative Sisk of California, its major sponsor.

That act dealt with ownership claims based on assertions that the United States had failed to provide in-lieu lands or other compensation for inholdings previously relinquished under the 1897 Act. Parties making such claims were given 1 year in which to act to seek monetary compensation. Claims filed with the General Accounting Office could lead to compensation of $1.25 per acre plus interest at the annual rate of 4 percent.

Evidently, few if any claims were submitted, and no compensation was ever paid, under the Sisk Act.

Section 4 of the Sisk Act provides that any lands for which such payments either were or might have been made "shall * * * be a part of the national forest, national park, or other area * * * shall be administered as a part thereof, and shall be subject to the laws, rules, and regulations applicable to land set apart and reserved from the public domain in that national forest, national park, or other area."

Based on this language, the administration takes the position that all the lands covered by the Sisk Act are now the property of the United States, by operation of law. On the other hand, in recent years there have been some judicial decisions that strongly suggest that this position may not be sustained by the courts in all instances.

Some of the lands covered by the 1960 act were occupied by private parties then, and some still are. The Forest Service has told us that in some cases they would like to be able to give such occupants clear title, free from claims by the Federal Government.

In shaping this bill, we have attempted to give the administration the authority to provide clear title in appropriate cases, while still protecting the national interest in retaining nationally-significant lands.

We have not attempted to resolve questions about the effect of the Sisk Act on the title to the lands in question. Instead, the bill would expressly vest in the United States any title it now lacks for all the lands to be retained in national ownership. Parties who claim that they are now the owners of those lands—despite the language of the Sisk Act—are given the opportunity to assert those claims and, if they prevail, to obtain appropriate monetary compensation.

At the same time, the bill specifically preserves the right of the United States to assert ownership—on the basis of the Sisk Act or otherwise—of these lands, and the bill also preserves all other defenses that may be available to the National Government.

Mr. Speaker, H.R. 1514 is a sound, balanced bill, that I hope will finally resolve this thorny problem. I urge its approval.

Mr. Speaker, I include for the RECORD a letter sent April 10, 1992, to Chairman MILLER from the Assistant Attorney General, W. Lee Rawls.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 10, 1992.

Hon. GEORGE MILLER,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This further expresses the views of the Department of Justice on H.R. 1514, a bill "To disclaim or relinquish all right, title, and interest of the United States in and to certain lands conditionally relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes." We support the Committee's efforts to resolve this particularly complex issue of claims to federal lands and offer the following comments on a proposal for resolution of differences between the versions of H.R. 1514 adopted by the Interior, Agriculture and Merchant Marine Committees.

As the Department noted in its letter of October 15, 1991, section 3 of the bill reported by the Interior and Merchant Marine Committees leaves ambiguous the scope of claims and defenses it is intended to create. Because this section would allow any person claiming an interest in lands not quitclaimed by the United States to bring an action for compensation "based on the vesting of right, title, and interest in and to the United States made by section 2(c)(2)," section 3 could be interpreted as providing for compensation of claims to land that had previously vested in the United States. Thus, fraudulent or speculative transactions in land already vested in the United States could provide a basis for compensation claims in the Claims Court.

In response to the Department's October 15 letter, the Agriculture Committee amended section 3 to limit compensation for the value of interests in land to "parties whose claim of right, title, or interest is directly derived from one who originally transferred" these lands. The Agriculture Committee also allowed parties whose claims are not directly derived from the original transferror to receive compensation for the actual consideration paid for the interest claimed plus 6 percent simple interest. As the Department explained in its letter of March 10, 1992, the lands at issue have been confirmed as property of the United States and managed as such for roughly 90 years. Therefore, no basis for compensation claims under the Fifth Amendment of the Constitution is apparent. The Agriculture Committee's approach, which does not purport to preclude Fifth Amendment claims, constitutes an act of grace on the part of Congress.

Counsel for the Interior Committee has proposed that differences between the two versions of H.R. 1514 be resolved by amending the bill to make clear that, with regard to lands currently vested in the United States, H.R. 1514 provides no new claims for compensation and does not limit the defenses available to the United States. This approach would require persons whose interest in land is vested in the United States by section 2(c)(2) to seek compensation for that interest in the Claims Court while leaving unaffected any claim to land that is listed under section 2(c), but was previously vested in the United States. Based on this proposal, the Department proposes the following amendments to effectuate this change:

The last sentence in section 2(c)(2) should be deleted and replaced with the following: "Subject to valid existing rights arising from factors other than those described in subsection (b)(1), any right, title, and interest in and to lands identified pursuant to paragraph (1) and not previously vested in the United States is hereby vested and confirmed in the United States."

With regard to the standard of judicial review of agency listing decisions under section 2(d)(2), the bill should explicitly incorporate the Administrative Procedure Act (APA) arbitrary and capricious standard of review. In the interest of judicial economy, the word "wrongly" in this clause should be replaced with the phrase "arbitrarily and capriciously" and the parenthetical phrase "(by error or omission)" should be deleted.

Section 3 should be deleted and replaced by the following:

Sec. 3. OTHER CLAIMS.

(a) JURISDICTION AND DEADLINE.—(1) Subject to the requirements and limitations of this section, a party claiming right, title, or interest in or to land vested in the United States by section 2(c)(2) of this Act may file in the United States Claims Court a claim against the United States seeking compensation based on such vesting. Notwithstanding any other provision of law, the Claims Court shall have exclusive jurisdiction over such claim.

(2) A claim described in paragraph (1) shall be barred unless the petition thereon is filed within one year after the date of publication of a final list pursuant to section 2(d) of this Act.

(3) Nothing in this Act shall be construed as authorizing any claim to be brought in

any court other than a claim brought in the United States Claims Court based upon the vesting of right, title, and interest in and to the United States made by section 2(c)(2) of this Act.

(b) LIMITATIONS, DEFENSES, AND AWARDS.—(1) Nothing in this Act shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c), including but not limited to any such right, title, or interest established by the Act of July 6, 1960 (74 Stat. 334).

(2) Nothing in this Act shall be construed as precluding or limiting any defenses or claims (including but not limited to defenses based on applicable statutes of limitations, affirmative defenses relating to fraud or speculative practices, or claims by the United States based on adverse possession) otherwise available to the United States.

(3) Nothing in this Act shall be construed as entitling any party to compensation from the United States. However, in the event of a final judgment of the United States Claims Court in favor of a party seeking such compensation, or in the event of a negotiated settlement agreement made between such a party and the Attorney General, the United States shall pay such compensation from the permanent judgment appropriation established pursuant to section 1304 of title 31, United States Code.

(c) SAVINGS CLAUSE.—This Act does not include within its scope selection rights required to be recorded under the Act of August 5, 1955 (69 Stat. 534), regardless of whether compensation authorized by the Act of August 31, 1964 (78 Stat. 751) was or was not received.

Section 3, as amended, is intended to provide an opportunity for compensation for any vesting of right, title, and interest in the United States by this Act while leaving unaffected any claims or defenses that existed prior to the Act. The Department of Justice recommends these amendments as a relatively simple method for addressing the remote possibility that claims under the fifth amendment may still exist with regard to lands transferred to the United States under the Act of June 4, 1897 (30 Stat. 11).

We support the Committees' efforts to resolve this particularly complex issue of claims to federal lands, and offer these changes to expedite their legislative resolution. The Department commends the members and staff of the Interior, Agriculture and Merchant Marine Committees for their patience and stamina in providing for the resolution of outstanding equitable claims to lands.

The Office of Management and Budget advises that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

W. LEE RAWLS,
Assistant Attorney General.

□ 1230

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

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

Mr. Speaker, I rise in support of H.R. 1514, a bill which would relinquish all right and title of the United States to certain lands in 11 Western States. This legislation is not one of the most sweeping land management measures to be enacted by Congress this session. However, it is certainly the most critical measure for about 1,800 private property owners whose title to their lands remains clouded and unmarketable as a result of a complex web of 7 Federal States and inconsistent action by the Federal Government dating back nearly 100 years.

As the chairman has indicated, these title problems date back to an 1897 statute under which the Federal Government attempted to consolidate its land base within the newly created forest reserves by permitting private property owners to trade their holdings within reserves for an equivalent acreage outside the reserves. Unlike the exchange procedures in effect today, private property owners were required to first relinquish title to their lands before receiving the in-lieu or exchange lands.

Unfortunately, for a variety of reasons, including the repeal of this exchange authority in 1905, many of the original owners did not either recover title to their predecessor's lands or receive any compensation for them.

Over the years, Congress has enacted several measures designed to resolve these title problems. While the most recent of these attempts, the 1960 Sisk Act, was a total failure in terms of resolving the problem, legislation to date has been successful in resolving about two-thirds of the original title problems.

I first became aware of this situation several years ago when one of my constituents came to me with a letter she had received from the Forest Service. This letter stated that land she had purchased in 1945 and subsequently improved and paid taxes on for over 40 years was actually the property of the Federal Government. You can imagine how you would feel if you received a letter in the mail one day stating that your house and land belonged to the Federal Government and that you were owed no compensation in return.

As I began to investigate this issue further, I found that: First, this constituent did indeed have legal ownership of the land and that the Government claim was based on an administrative technicality resulting from a prior act of Congress; second, that legislation would be required to address this situation; and third, that there were hundreds of landowners in 11 Western States which had the same problem. Those discoveries led me to develop a general relief bill to resolve the problems of these private landowners. A similar bill to the one we are considering today passed the House last session, but Congress adjourned before the Senate had time to act on it.

Unlike previous attempts to resolve this issue, this bill authorizes and directs the appropriate Secretaries to issue specific disclaimers for all lands, except those determined to be nationally significant or those needed for the management needs of the agency. Despite a lack of direction in previous legislation, over the years, the Federal Government has issued disclaimers on an arbitrary and inconsistent basis. When the issue of ownership of these lands has been reviewed by the courts, they have consistently held that the original relinquishment was only conditional and awarded clear title to the private owners. This bill would affect a total of about 27,500 acres, approximately 19,800 acres managed by the Forest Service and 7,600 acres managed by the Bureau of Land Management.

This is a good bill and is the product of a lot of work by many persons. First of all I want to thank Chairman VENTO for his persistence and vision on this measure which has helped in the development of a balanced bill everyone has been able to support conceptually. Second, I would like to thank Chairmen DE LA GARZA, VOLKMER, STUDDS, and JONES for their careful review and critique of this measure in their committees. Their comments have been helpful in the development of final revisions we are bringing to the floor today. Finally, I particularly want to thank Mr. VENTO's staff counsel, Stan Sloss, and my staff, Steven Hodapp for all their support on this measure. This was an extremely complex piece of legislation and their extensive background and expertise was absolutely critical to our success in completing work on this bill.

I note that the administration supports this bill and I commend it to my colleagues and look forward to its swift enactment by the Senate so that we can resolve these title problems which have been haunting private owners for the last 95 years.

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

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume to join in the accolades to the staff members on the majority and the minority side as the gentleman from California [Mr. LAGOMARSINO] referred to. They have done an excellent job from our committee and other committees obviously in engaging this issue. It is a complex issue, but it is one that I think is adequately redressed in this bill, and hopefully we will see the Senate act on it.

Mr. HERGER. Mr. Speaker, H.R. 1514 is an important step in resolving the status of certain lands transferred to the United States almost 100 years ago. Under the act of June 4, 1897, as amended, some landowners transferred their land to the United States, but never received any compensation in return. Over the last 80 or so years, Congress has passed several laws in an attempt to resolve the status of these lands. With H.R. 1514, the status of these lands finally will be settled. We have been notified that the administration supports enactment of H.R. 1514.

In essence, this legislation would require the Secretaries of Agriculture and the Interior to

identify lands that were transferred to the United States under the 1897 act without compensation or selection rights received in return. Of these lands, the United States will retain title to those that are nationally significant, and will deed back to the listed owner or his successor the rest of the lands.

The version of the bill being considered here today is different than the version reported by any of the three committees that considered it. One of the most significant changes that has been made is in section 2(c)(2), which now says that this bill vests the title to nationally significant lands in the United States only if those titles were not previously vested in the United States. It may well be that title to all of these lands already has been vested in the United States. I understand that it is the opinion of the Justice Department that all such lands already are the property of the United States.

Another significant change in this version of the bill from that reported by the Agriculture Committee is that section 3 now states that nothing in the bill "shall be construed as diminishing any existing right, title, or interest of the United States in any lands covered by section 2(c)." Section 3 also preserves for the United States all defenses now available to it if it is sued for just compensation due to the vesting of title under section 2(c)(2).

This is a good bill and should serve to resolve the status of almost 30,000 acres of National Forest System and Bureau of Land Management lands. I urge my colleagues to support it.

Mr. JONES of North Carolina. Mr. Speaker, I rise in support of H.R. 1514. This bill was introduced by Mr. LAGOMARSINO in March, 1991, and was jointly referred to the Interior Committee, the Agriculture Committee, and the Merchant Marine and Fisheries Committee. The Merchant Marine and Fisheries Committee reported this bill favorably on October 3, 1991—House Report 102–89, part II.

H.R. 1514 directs the Department of Agriculture and the Department of the Interior to resolve public land ownership disputes that date back to the 1890's. It establishes procedures to identify which of these lands it is willing to convey to the private parties which claim ownership.

The bill was referred to our committee because of a provision of section 2(c) which provides that no disputed lands within any national wildlife refuge shall be conveyed. Therefore, the legislation is essentially fail safe with respect to the refugee system.

Since this legislation resolves longstanding disputes while protecting the interests of fish and wildlife conservation, I recommend the bill be passed.

I thank the Interior and Agriculture Committees for working with my committee on this bill. They have gone the extra mile to make sure we were consulted every step of the way.

Mr. DE LA GARZA. Mr. Speaker, I rise in support of H.R. 1514, as amended, and urge its adoption by the Members of the House.

Mr. Speaker, this legislation is intended to resolve disputed title to lands, located in several Western States, that were transferred to the United States under the act of June 4, 1897, as amended or supplemented by the acts of June 6, 1900, and September 22, 1922, without compensation to the original landowners.

The 1897 act invited owners of lands within national forests to exchange their lands with the United States for other lands, for the purpose of consolidating Federal landholdings. Many of the exchanges were carried out in separate transactions, with the private party relinquishing title to the United States prior to selecting the Federal lands to be received in lieu of the private lands. When the 1897 act was repealed in 1905, some parties had transferred title to their lands without receiving compensation from the United States. Although various laws have been enacted since that time to compensate those who transferred their lands, many of these transactions remain in dispute.

H.R. 1514, as amended, establishes a procedure to identify the lands that became involved in transactions pursuant to the 1897 act, and directs the Secretaries of Agriculture and the Interior to either relinquish title to the lands or provide compensation.

The bill expressly provides that the Secretaries will not relinquish title to any lands that are nationally significant, to ensure continued Federal ownership and management of such lands in order to best meet public needs. H.R. 1514 also provides a mechanism for persons claiming that they are due compensation for lands relinquished to the United States that is intended to establish a clear and fair process by which such claims may be pursued.

In most respects, Mr. Speaker, H.R. 1514 is identical to the bill as reported by the Interior and Merchant Marine and Fisheries Committees. However, one key difference is that the version reported by the Committee on Agriculture sought to limit the ability of land speculators to benefit from the processes established by the bill. Based on a report on H.R. 1514 provided to the committee by the Department of Justice, an amendment to the bill was adopted by the Committee on Agriculture that would seek to limit the class of persons eligible under the bill to seek a compensation in the claims court to persons whose claim of ownership or interest in the property is directly derived from the original transferor of land to the United States.

The bill before the House today reflects a compromise over this issue that was developed with the cooperation and assistance of the Department of Justice. That compromise seeks to clarify the scope of claims and defenses which are provided for under the bill.

Mr. Speaker, I want to commend the chairman of the Subcommittee on Forests, Family Farms, and Energy, Mr. VOLKMER, and the chairman of the Subcommittee on National Parks and Public Lands of the Interior Committee, Mr. VENTO, for their efforts in bringing this measure to the floor. I also want to extend my thanks to Mr. LAGOMARSINO, the author of H.R. 1514, for his efforts to seek a reasonable compromise to resolve this long and difficult issue.

Mr. Speaker, I recommend that the House pass H.R. 1514, as amended.

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 1514, as amended.

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

The title of the bill was amended so as to read: "A bill to resolve the status of certain lands relinquished to the United States under the Act of June 4, 1897 (30 Stat. 11, 36), and for other purposes.".

A motion to reconsider was laid on the table.

TRANSFER OF ADMINISTRATIVE AUTHORITY OVER CERTAIN LAND TO THE SECRETARY OF THE INTERIOR

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 452) to authorize a transfer of administrative jurisdiction over certain land to the Secretary of the Interior, and for other purposes.

The Clerk read as follows:

S. 452

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

SECTION 1. EKBERG-COPPER SPUR LAND EXCHANGE.

(a) AUTHORIZATION OF EXCHANGE.—(1) As soon as practicable after receipt of an offer from the owner, the Secretary of Agriculture shall accept title to the approximately 427 acres of land located in Pennington County, South Dakota, described as "Tract A" and "Tract B", as generally depicted on a map entitled "Ekberg-Copper Spur Ranch Land Exchange—Proposed", dated September 1989, which lands shall thereupon become part of the Black Hills National Forest and shall be administered by the Secretary of Agriculture in accordance with the laws applicable to the National Forest System.

(2) Upon receipt of title to the land described in paragraph (1), the Secretary of Agriculture shall convey to the owner of that land all right, title, and interest of the United States in the approximately 560 acres of land located in Routt County, Colorado, described as the "Copper Spur Ranch—portion to Ekberg", as generally depicted on the map described in section 1(a).

(b) MAP AND LEGAL DESCRIPTION.—(1) As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file with the Committee on Energy and Natural Resources of the Senate and the Committee on Interior and Insular Affairs of the House of Representatives a map and a legal description of the land conveyed to the Secretary of Agriculture pursuant to subsection (a)(1), and the map and description shall have the same force and effect as if they were included in this Act.

(2) The Secretary of Agriculture may correct clerical and typographical errors in the map and legal description filed pursuant to paragraph (1).

(3) The map and legal description filed pursuant to paragraph (1) shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(c) RESERVATION OF EASEMENTS.—(1) The land conveyed into private ownership pursu-

ant to subsection (a)(2) land shall be subject to the conservation easement granted to the State of Colorado (Division of Wildlife) by the United States, acting by and through the Secretary of Agriculture, dated April 27, 1988, and recorded in Routt County, Colorado (Reception Numbered 375283, Book 637, pages 1741–43), on October 6, 1988.

(2)(A) The land conveyed into private ownership pursuant to subsection (a)(2) shall be subject to easements for ingress and egress through such lands for the benefit of the United States and the public granted between agencies of the United States on May 10, 1989, and recorded in Routt County, Colorado (Reception Numbered 380443, Book 643, pages 0051–0055) and all other easements of record.

(B)(i) The Bureau of Land Management and the owner of the Copper Spur Ranch shall enter into a cooperative agreement to study the feasibility of constructing access routes as alternatives to those provided by the easements described in subparagraph (A).

(ii) Upon agreement by the Bureau of Land Management on alternative access routes, the construction of such access routes at the expense of the owner of the Copper Spur Ranch, and the conveyance to the United States of easements for use of such access routes by the United States and the public, the Secretary shall execute and deliver to the owner of the Copper Spur Ranch a release or other appropriate form of instrument extinguishing the easements described in subparagraph (A).

(d) EQUALIZATION OF PAYMENT.—If the values of the lands exchanged pursuant to subsection (a) are not equal, they shall be equalized by the payment of cash as provided in section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(c)) without regard to the 25 percent limitation contained in that section.

(e) DATE OF EXCHANGE.—The exchange of lands authorized by subsection (a) shall be completed not later than 1 year after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the Senate bill now under consideration.

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

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time is I may consume.

Mr. Speaker, S. 452, which passed the Senate of November 26, 1991, deals with a land exchange involving lands in South Dakota and Colorado.

Under the provisions of the bill, the owner of approximately 427 acres in Pennington County, SD, would transfer those lands to the United States for inclusion in the Black Hills National Forest. In exchange, the United States would transfer about 560 acres in Routt County, CO. The Colorado lands are part of a property, known as the Copper Spur Ranch, that were acquired by the United States when the owner defaulted on a Farmers Home Administration loan.

The only reason legislation is required is because the lands involved in this exchange are in different States. Otherwise, the Forest Service could complete this exchange administratively, since it will be carried out under normal requirements, including a requirement that the values involved be equalized.

The bill originally provided for another part of the Colorado property to be transferred from the Farmers Home Administration to the Bureau of Land Management, for management as public lands. Before the bill was considered in the Senate, that transfer had been completed administratively, so provisions related to that change in administration were dropped from the bill by the Senate.

When the Subcommittee on National Parks and Public Lands held a hearing on S. 452, the administration testified in favor of the bill but pointed out that because the Senate had changed it after its introduction, the title no longer accurately reflected the bill's provisions. They suggested that we should amend the title, and also indicated that the language in the bill to the effect that the exchange should be completed within a year after enactment was likely not realistic in terms of the time that would actually be required.

However, because neither the inaccuracy of the bill title nor the timeline provision would impact the actual legal effect of the bill, the Committee on Interior and Insular Affairs decided not to amend the bill—which would have meant that it would have to go back to the Senate once again.

Instead, I intend to include these very slight technical revisions in a bill to make technical corrections in various statutes, a measure that I intend to introduce and move later this year.

Mr. Speaker, the exchange authorized by this bill will benefit the management of the Black Hills National Forest. It is supported by the administration and is noncontroversial. I urge the House to approve the bill, sending it to the President for signature into law.

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

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

Mr. Speaker, I rise in support of S. 452. This legislation, which has already passed the Senate, would authorize certain land transfers between the States of South Dakota and Colorado. Chairman VENTO has already described the bill in detail.

This legislation would authorize the Secretary of Agriculture to accept title to approximately 427 acres of land in South Dakota which would be added to the Black Hills National Forest. After receipt of title to that land, the Secretary would be directed to convey to the owner of that land the title to 560 acres of land in Colorado known as the Copper Spur Ranch.

This legislation is supported by the administration. During subcommittee and full committee consideration there was no opposition to this legislation.

I urge my colleagues to support S. 452.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 452.

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

A motion to reconsider was laid on the table.

FISHLAKE NATIONAL FOREST ENLARGEMENT ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1182) to transfer jurisdiction of certain public lands in the State of Utah to the Forest Service, and for other purposes.

The Clerk read as follows:

S. 1182

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 "Fishlake National Forest Enlargement Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Certain public lands presently managed by the Bureau of Land Management (hereafter in this Act referred to as the "BLM") are adjacent to the Fishlake National Forest and are logical extensions of the forest.

(2) Those public lands are isolated and disconnected from other BLM lands and have been identified through the land use planning process of the BLM as suitable for transfer to the Forest Service.

(3) The Forest Service currently manages much of the livestock grazing on those public lands by cooperative agreement with the BLM.

(4) Administration of those public lands as part of the Fishlake National Forest would allow for more efficient and economical management by both the Forest Service and BLM.

SEC. 3. TRANSFER.

(a) IN GENERAL.—Effective on the date of enactment of this Act, jurisdiction over public lands designated on the map referred to in subsection (b), comprising approximately

10,172.89 acres is hereby transferred to the Secretary of Agriculture. Such lands shall be added to and administered as part of the Fishlake National Forest.

(b) MAP AND LEGAL DESCRIPTION.—The lands subject to this Act are those lands identified on a map entitled "Fishlake National Forest Enlargement", dated March 16, 1989, and filed, together with a legal description of such lands, in the Office of the Chief of the Forest Service, United States Department of Agriculture and the Director, Bureau of Land Management, Department of the Interior. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in such legal description and map may be made by the Secretary of Agriculture in consultation with the Secretary of the Interior.

(c) BOUNDARY.—(1) The boundary of the Fishlake National Forest is hereby modified as indicated on the map referred to in subsection (b).

(2) For the purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-9), the boundary of the Fishlake National Forest, as modified by this Act, shall be considered to be the boundary of that national forest as of January 1, 1965.

SEC. 4. RIGHTS AND PERMITS.

(a) VALID EXISTING RIGHTS.—Nothing in this Act shall affect valid existing rights of any person under any authority of law.

(b) AUTHORIZATIONS TO USE LANDS.—Authorizations to use lands transferred by this Act which were issued prior to the date of transfer shall remain subject to the laws and regulations under which they were issued. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture. The change of administrative jurisdiction resulting from the enactment of this Act shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 1182, the Senate bill now under consideration.

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

There was no objection.

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

Mr. Speaker, S. 1182, which passed the Senate on November 23, 1991, would transfer approximately 10,000 acres of Bureau of Land Management [BLM] lands to the Fishlake National Forest in Utah. The bill is identical to a measure (H.R. 4737) introduced in the House by Representative ORTON on April 1, 1992.

In testimony before the Committee on Interior and Insular Affairs both the Forest Service and the Bureau of Land Management testified that this legislation would make the management of the lands involved more efficient. The BLM lands, which are located adjacent to the existing Fishlake National Forest boundary, have natural resources that are national forest in character and the forest service is already managing most of these resources under special agreements with the BLM. The bill is very similar to one that the House passed in the last Congress, but failed to be acted on by the Senate. Now that the Senate has acted, it makes sense for us to move this measure forward.

I urge my colleagues to support this bill which will make the management of these lands more efficient.

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

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

Mr. Speaker, I rise in support of S. 1182. This legislation, which has been described in detail by Chairman VENTO, would transfer jurisdiction of approximately 10,170 cares of Federal land in Utah from the Bureau of Land Management to the U.S. Forest Service. This land would be managed as part of the Fishlake National Forest.

This tract of land is adjacent to the Fishlake National Forest and all parties appear to agree that the Forest Service could manage this land more efficiently. S. 1282 will have no net effect on the Federal budget and over time should result in savings because land consolidation should simplify management.

Mr. Speaker, this legislation is similar to legislation the House passed in the 101st Congress but was not enacted because the Senate did not have the time to consider it. However, S. 1182 passed the Senate last year. It is supported by the entire Utah Delegation in the House as well as the administration. I am not aware of any opposition the bill, I urge my colleagues to support S. 1182.

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

Mr. VENTO. Mr. Speaker, I would just point out that the gentleman from Utah [Mr. ORTON] introduced a similar bill on April 1 of this year.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 1182.

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

A motion to consider was laid on the table.

MOUND CITY NATIONAL HISTORIC SITE

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 749) to rename and expand the boundaries of the Mound City Group National Monument in Ohio.

The Clerk read as follows:

S. 749

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

SECTION 1. RENAMING.

The Mound City Group National Monument established by proclamation of the President (Proclamation No. 1653, 42 Stat. 2298) and expanded by section 701 of Public Law 96-607 (94 Stat. 3540), shall, on and after the date of enactment of this Act, be known as the "Hopewell Culture National Historical Park". Any reference to the Mound City Group National Monument in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Hopewell Culture National Historical Park.

SEC. 2. EXPANSION OF BOUNDARIES.

(a) IN GENERAL.—The boundaries of the Hopewell Culture National Historical Park (referred to as the "park") are revised to include the lands within the areas marked for inclusion in the monument as generally depicted on—

(1) the map entitled "Hopeton Earthworks" numbered 353-80025 and dated July 1987;

(2) the map entitled "High Banks Works" numbered 353-80027 and dated July 1987;

(3) the map entitled "Hopewell Mound Group" numbered 353-80029 and dated July 1987; and

(4) the map entitled "Seip Earthworks" numbered 353-80033 and dated July 1987.

(b) PUBLIC INSPECTION OF MAPS.—Each map described in subsection (a) shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior.

(c) ADJUSTMENT OF BOUNDARIES.—The Secretary of the Interior (referred to as the "Secretary") may, by notice in the Federal Register after receipt of public comment, make minor adjustments in the boundaries of areas added to the park by subsection (a) and other areas of the park: *Provided*, That any such minor boundary adjustments cumulatively shall not cause the total acreage of the park to increase more than 10 per centum above the existing acreage of Mound City Group National Monument, plus the acreage of the inclusions authorized under section 2(a).

(d) ACQUISITION OF LANDS.—(1) Subject to paragraph (2), the Secretary may acquire lands and interests in land within the areas added to the park by subsection (a) by donation, purchase with donated or appropriated funds, or exchange.

(2)(A) Lands and interests in land owned by the State of Ohio or a political subdivision thereof may be acquired only by donation or exchange.

(B) Lands and interests in land may be acquired by purchase at a price based on the fair market value thereof as determined by independent appraisal, consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

SEC. 3. COOPERATIVE AGREEMENTS.

The Secretary may enter into a cooperative agreement with the Ohio Historical Society, the Archeological Conservancy, and other public and private entities for consultation and assistance in the interpretation and management of the park.

SEC. 4. STUDIES.

(a) AREAS ADDED BY THIS ACT.—The Secretary shall conduct archeological studies of the areas added to the park by section 2(a) and adjacent areas to ensure that the boundaries of those areas encompass the lands that are needed to provide adequate protection of the significant archeological resources of those areas.

(b) OTHER AREAS.—The Secretary shall conduct archeological studies of the areas described as the "Spruce Hill Works", the "Harness Group", and the "Cedar Bank Works", and may conduct archeological studies of other areas significant to Hopewellian culture, to evaluate the desirability of adding them to the park, and shall report to Congress on any such areas that are recommended for addition to the park.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary for the acquisition of lands and interests in land within the park, the conduct of archeological studies on lands within and adjacent to the park, and the development of facilities for interpretation of the park.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

□ 1330

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 749, the Senate bill now under consideration.

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

There was no objection.

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

Mr. Speaker, S. 749 would rename the Mound City Group National Monument the Hopewell Culture National Historical Park and expand the boundaries of the newly redesignated national historical park by approximately 762 acres. S. 749 passed the Senate on September 23, 1991. A similar bill, H.R. 2328, was introduced in the House by Congressman MCEWEN on May 14, 1991.

The Mound City Group National Monument in southern Ohio was established in 1923 to preserve and interpret the remains of the Ohio Hopewell, a culture which thrived along the Ohio River Valley from 100 B.C. to 500 A.D. and was characterized by a highly developed trade network that ranged much of the continental United States. The Hopewell left both a series of burial and ceremonial mounds and elaborate public works projects or earthworks comprised of massive circular and geometric embankments.

In 1980, legislation was enacted which expanded the Mound City Group National Monument by 150 acres. At that time, the National Park Service was directed to investigate other regional archeological sites suitable for preservation. Of the nearly 20 sites considered, the Park Service recommended the addition of four: Hopeton Earthworks, High Banks Works, Hopewell Mound Group, and the Seip Earthworks. These sites represent the best examples of major Hopewell earthworks and contain significant Hopewell remains.

Last spring, on part of the Hopeton earthwork site within the national historic landmark but outside the current boundary of the monument, a gravel company began removal of a 6-foot layer of topsoil in preparation for gravel mining. In the process, human bones were uncovered. These were verified as ancient, and further mining operations have been suspended while negotiations continue to prevent the national historic landmark from further destruction.

S. 749, which the administration testified in favor of, would add the four sites recommended by the National Park Service to the existing monument. These additions would enhance the monument's current resources and would protect the site from further damage caused by traffic, development, and gravel mining.

S. 749 also renames the Mound City Group National Monument the Hopewell Culture National Historical Park. The name change reflects a more accurate description of the expanded resources, which would no longer be focused merely on the ceremonial, mound-based aspects of Hopewellian life.

The bill also requires the Secretary to conduct archeological studies of three additional sites: the Spruce Hill works, the Harness group, and Cedar Banks works for possible future inclusion in the park. The Secretary is to also study other areas significant to Hopewellian culture to evaluate the desirability of adding such areas to the park.

Mr. Speaker, while gravel mining was suspended for the winter, when frozen ground prevented further such operations, the advent of spring imperils the current understanding between the National Park Service and the gravel company that further operations at this site will be suspended. The enactment of this bill is necessary to prevent further damage to important resources associated with the Mound City National Monument, and I urge my colleagues' support for the legislation.

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

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

Mr. Speaker, I rise in support of S. 749, a bill to expand the existing Mound City Group National Monument in Ohio. Mr. Speaker, this is a reasonable bill which has been preceded by an objective administration study in which they found that only 4 of the 112 sites they evaluated in Ross County merited inclusion within the park.

Because there has already been an administration study of many of the resources within Ross County, I find that section 4(b) of the bill, which requires the administration to duplicate previous studies, substantially unnecessary. Inasmuch as it took the administration 7 years to complete the first study, due to a lack of funding, I find these requirements particularly burdensome.

However, because the major part of the bill does provide for the inclusion of resources of merit, I can support this measure and urge my colleagues to join with me.

Mr. MCEWEN. Mr. Speaker, I thank the gentleman from Minnesota for yielding time to me.

As you may know, the legislation we are considering today is identical to a bill I introduced last year—H.R. 2328—to rename and expand the Mound City Group National Monument, which is located in Chillicothe, OH.

Established in 1923, the Mound City Group National Monument is the only Federal area preserving and interpreting the remains of the Ohio Hopewell, a diverse and industrious culture that thrived in eastern North America between 200 B.C. and 500 A.D.

Recognizing the possible risks presented by agricultural and commercial development, the National Park Service recommended four additional sites, as outlined in the legislation, to be included in the present national monument—the Hopeton Earthworks, the High Banks Works, the Hopewell Mound Group, and the Seip Earthworks.

Although this legislation authorizes to be appropriates such sums as may be necessary to carry out the National Park Service's recommendations, I cannot overemphasize how important it is for the National Park Service and private landowners to reach a clear understanding and agreement as to the specific number of acres to be purchased in order to carry out the intent of this legislation.

Finally, Mr. Speaker, I have encountered many individuals and families who have visited Mound City and who have walked away from the visitors' center more enriched than when they arrived. This legislation will help ensure that the Ohio Hopewell's archaeological resources will be preserved for the enjoyment and education of future generations.

I commend Chairman VENTO for his efforts to move this legislation to the House floor, and yield back the balance of my time.

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

Mr. VENTO. Mr. Speaker, I have no further requests for time, I urge sup-

port for the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 749.

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

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

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

H.R. 4990. An act rescinding certain budget authority, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4990), "An act rescinding certain budget authority, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. HOLLINGS, Mr. JOHNSTON, Mr. BURDICK, Mr. LEAHY, Mr. SASSER, Mr. DECONCINI, Mr. BUMPERS, Mr. LAUTENBERG, Mr. HARKIN, Ms. MIKULSKI, Mr. REID, Mr. ADAMS, Mr. FOWLER, Mr. KERREY, Mr. HATFIELD, Mr. STEVENS, Mr. GARN, Mr. COCHRAN, Mr. KASTEN, Mr. D'AMATO, Mr. RUDMAN, Mr. SPECTER, Mr. DOMENICI, Mr. NICKLES, Mr. GRAMM, Mr. BOND, and Mr. GORTON to be the conferees on the part of the Senate.

LEGAL SERVICES REAUTHORIZATION ACT OF 1991

The SPEAKER pro tempore. Pursuant to House Resolution 444 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2039.

□ 1335

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 further consideration of the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes, with Mr. SLATTERY, Chairman pro tempore, in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 6, 1992, amendment No. 16, offered by the gentleman from Florida [Mr. MCCOLLUM], had been disposed of.

It is now in order to consider amendment No. 17 printed in House Report 102-512.

AMENDMENTS EN BLOC OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. GEKAS: Page 36, insert the following after line 16 and redesignate succeeding sections, and references thereto, accordingly:

SEC. 18. ABORTION.

(a) PROHIBITION.—Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(n) No funds made available to any recipient or other grantee or contractor of the Corporation from any source, including funds derived from Interest on Lawyer Trust Accounts (IOLTA), may be used to participate in any proceeding or litigation pertaining to abortion, or for any activity to influence the passage or defeat of any legislative or regulatory measure pertaining to abortion.".

(b) CONFORMING AMENDMENT.—Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (8).

Page 36, line 21, strike "(9) and (10)" and insert "(8) and (9)".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. GEKAS] will be recognized for 20 minutes, and a Member opposed will be recognized for 20 minutes.

Mr. FRANK of Massachusetts. Mr. Chairman, I will claim the 20 minutes in opposition.

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes in opposition.

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

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

Mr. Chairman, the sum and substance of the amendment which I offer will be to eliminate from Legal Services Corporation and from all its entities the possibility of dealing with the most contentious issue that has confronted our society in the last generation, namely, that of abortion.

If we are to fulfill the original mandate of Legal Services in this country, namely, to provide specific and special legal services for the poor in our communities so that they can deal with the everyday problems that they face with rent problems, landlord problems, domestic disputes, street problems, and other crises that face the individual poor family on an hourly basis, it seems if that be the original purpose and the one which we wish to sustain for the Legal Services Corporation, then we cannot indulge in forever expanding the jurisdiction of, and the workload of, the Legal Services Corporation in areas beyond the original ken of what the intent of Congress was and is.

We have seen that in the issue of abortion little by little Congress has taken action to restrain its passion for engaging in the argument about abortion on either side of that volatile issue, and so in Legal Services we see a history of a prohibition against the involvement by Legal Services in the issues of abortion,and that has evolved into a place where there was a restriction placed against the use of public funds, first of all, and then, second, private funds with a special exception in IOLTA funds, the income that is generated in lawyers' trust accounts, as a quasi-public fund that was given the status of some kind of an exception to the present bill.

The bill that is before us destroys those restrictions, as it were, and puts us in a position where the Legal Services Corporation becomes a wide-open playing field for the proponents of either side of the abortion issue, or if it be more than two sides, it gives vent to even a third side or fourth side of that very contentious issue.

The amendment which I offer, in its simplest form, neutralizes once and for all, makes the Legal Services Corporation absolutely neuter and neutral on the question of abortion, preserves its focus on the poor and the services which they render for and to the poor and eliminates as a bone of contention the issue of abortion.

□ 1340

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I urge a vote against this amendment. I believe that this comes quite close to the vote we had on the medical issue, the restrictions involving title X a few weeks ago, and I would expect most Members would find they would be inclined to vote the same way.

My friend, the gentleman from Pennsylvania, correctly said that this is neutral in the sense that it protects against litigation that would be pro or anti on abortion. He said it would block either side and that it also might block a third side.

I would not hesitate to say to my friend that I am sure there is no third side, because if there was on an issue this contentious, about a hundred Members would have taken it. We have Members here to work very hard for the third side of some issues, so since they have not been able to find it, I doubt if we will.

But the gentleman has fairly stated it, and that is the issue.

Let me reassure Members that we are not changing in this bill the fundamental principle that has governed the issue of abortion for some time, which is that Federal funds voted for the Legal Services Corporation under the bill as it now stands, without the amendment, may not be used for abortion litigation. This is not an effort to allow Federal funds to be used for abortion litigation.

In addition, the amendment adopted last week, sponsored by the ranking minority member, the gentleman from New York [Mr. FISH] of the full committee restricts private funds from being used.

We are now in contention over this one issue. If a State acting by State law or by an entity that has got the force of State law, as the IOLTAS do, if a State or an IOLTA says, "We would like to allow poor people to be represented in abortion-related litigation and we believe the most efficient way for us to do that is to provide the funds to the existing Legal Services Corporation because we think that is the best buy we can get for our dollar," the amendment of the gentleman from Pennsylvania says to these States, "No, you may not do that."

Just as the title X regulation said to clinics, "If you take any Federal funds, you can't talk to people about abortion," this says, "If you are federally funded under Legal Services, you may not take funds to litigate abortion"—to litigate.

As the gentleman from Pennsylvania pointed out, we are neutral here. We have had situations where people have approached Legal Services, a parent, a father, asking to be represented to stop an abortion.

One thing should be made very clear. We are today in a very unsettled legal situation regarding abortion. Since 1973, when Roe against Wade was decided, there has not been a time of greater uncertainty in American law about abortion. We have many States that have passed laws. We have had an appeal for the overturning of Roe against Wade, and we have had very relevantly a series of arguments about what Roe against Wade means.

May there be a waiting period? Is there any right to a mandatory counseling period? What kind of restrictions are legitimate on minors?

If you pass this amendment, what you are saying is that the most efficient, farflung organization that now exists to provide legal services to lower income people may not represent them on either side of this question in abortion-related legislation, even if a State government thinks that is the best way to go. That is why I believe this amendment ought to be defeated.

We are not trying to put the Federal Government back in the business of litigating to get people an abortion. Some people might be for that. I have an amendment that would do that. I am not going to offer that amendment.

I believe we are not at the point where we ought to be engaging Legal Services in that degree of controversy. I wish I felt we had the votes, but I do not think that is a useful thing to do at this time; but neither should we say that we are going to prohibit a State if it wants to from asking this, or another Federal entity.

While you do not have Federal Legal Services funds being used for this, it is conceivable that under some other Federal program that might happen.

A majority of this House has voted to allow, for instance, the District of Columbia to use its own funds to deal with abortions. If the District of Columbia chose to use Legal Services, I do not understand why they should be told that is a method that is closed to them.

In the interests of efficiency, if you look at the delivery of Legal Services, that is the best way to go.

Therefore, Mr. Chairman, I hope the amendment is defeated.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in strong support of the Gekas amendment which would restrict the use of taxpayer's dollars to fund abortion-related activities by the LSC. The Gekas amendment is not pro-life, and it's not pro-choice. It's neutral. It has nothing to do with counseling, referring, or giving legal advice. It simply prohibits the use of LSC funds to litigate either side of the abortion issue.

The LSC has been prohibited from using taxpayer dollars to litigate abortion issues since 1985. This principle has been so well established that it has not even been challenged by the House in that time. But the bill we have before us today drops this language. Without this important restriction, the Federal Government will be paying lawyers to challenge State statutes concerning abortion. Considering just how controversial the topic of abortion is, allowing the LSC to pursue an abortion related agenda is nothing short of social engineering. Unfortunately for the poor, it will be social engineering at their expense.

The bill before us today would also allow the use of IOLTA funds—interest earned on clients' money—to be used for abortion-related litigation or lobbying. Under most of the IOLTA programs across the country today, interest earned on clients' funds is directed into a central pool and then disbursed by a group often consisting of the local bar. In a growing number of States, participation in IOLTA is mandatory. LSC grantees received $55 million in IOLTA funds in 1990. When IOLTA funds are used for abortion-related lobbying or litigation, it means that clients' interest monies are being used to fund a cause that many of them find repugnant, and they shouldn't be made to support this cause through the ILOTA program. Fully 80 percent of Americans, for example, support parental notification requirements for minors, and they wouldn't want to pay lawyers to challenge notification statutes.

I have no doubt that my colleagues on both sides of the issue will agree that abortion is one of the most controversial issues in our Nation today. Pro-abortion advocates insist that a majority of Americans support abortion-on-demand, but poll after poll proves them wrong. Right now, although there are heated disagreements about the nature and extent of the LSC program, the basic idea of providing legal services to the poor is not a controversial idea. Let us keep it that way. If we do not adopt the Gekas language, the broad-based support for the LSC program will erode. The President may even veto this bill. Support the Gekas amendment, and keep Government lawyers out of the abortion business.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BROOKS] the chairman of the full committee.

Mr. BROOKS. Mr. Chairman, I oppose this amendment.

An amendment adopted earlier, the amendment of the gentleman from New York [Mr. FISH] restored current law on the issue of abortion.

This amendment seeks to go even further. It would ban legal services from handling any abortion representation, regardless of the source of funding, the type of assistance to be provided, or whether the abortion is therapeutic or nontherapeutic. These restrictions apply even if assistance is needed to save the life of the woman.

The legal services program was set up to help poor people to vindicate their individual rights. Nothing is more personal or more individually focused than the exercise of one's reproductive rights.

The Gekas amendment says to poor women that they cannot get legal assistance even if they need it to save their lives. The committee bill, as amended earlier by Mr. FISH, strikes the proper balance. I strongly urge the rejection of this Gekas amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. Mr. Chairman, in the Oklahoma Legislature, we have an animal called the Wooley Booger. This is one that sneaks in to unrelated bills to accomplish someone's agenda that is not consistent with the thrust of the legislation.

We have something here that is every important to a lot of poor people in this country. The legal services that are provided are very significant.

Back in 1985, in the DeWine and Humphrey amendments, it became quite evident that the thrust of this service should not be along with lines of litigating the abortion issue. We have found since 1985 that they have been violating this. I believe they have 76 cases that can be documented between 1974 and 1988 where they are directly involved in what I consider to be inappropriate activity.

Now, we are going to have a lot of opportunities on this floor to talk about the abortion issue. I happen to be prolife, but for those individuals who are pro-choice or pro-life I suggest this treats both sides equally.

Lastly, I want to mention one other thing, and that is it has come out from the White House that there very likely would be a veto if this amendment fails.

□ 1350

I think we need to keep the interests of the truly indigent people in mind if that should happen.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to a member of the subcommittee who has worked hard on this bill, the gentleman from Rhode Island [Mr. REED].

Mr. REED. I thank the subcommittee chairman for yielding.

Mr. Chairman, I rise in opposition to this amendment. I think, first, we have to recognize that in the process of preparing this legislation and bringing it to the floor, we restricted significantly the scope of activities which the Legal Services Corporation can undertake with respect to the issue of abortion.

As the distinguished chairman of the subcommittee pointed out, we are really only talking about a State-directed program, State-funded program, or State-sponsored activity, such as IOLTA.

So we have made significant restrictions on the activities that the Legal Services Corporation can engage in with respect to the issue of abortion.

I think this amendment is fundamentally misplaced, particularly at this time, because as we are debating this amendment, throughout this country more and more legal issues are being raised with respect to access to abortion. More and more procedural devices are being put in place by State legislatures.

I think it is terribly unfair at this point in our history to erect these barriers and then to propose that we deny poor people the right to go ahead and have counsel and seek advice and to challenge some of these restrictions.

There is a proposal here today by the proponent of the amendment that this is a neutral provision in that it does not favor one side of the argument or another. But it is very nonneutral in a fundamental sense; it disfavors the poor.

We all know that the rich will have access to lawyers, we know that they will have an opportunity to go ahead and contest these questions if they feel so compelled.

But it is our task today to insure that the rights afforded the rich are available to those without income, and that is at the heart of this bill and that is why this amendment is so fundamentally unfair.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

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

Mr. Chairman, it is obvious from the last speaker that we know why there is opposition to the Gekas amendment, and that is that certain Members of this House want Legal Services Corporation to represent people in order to have access to abortion.

Mr. Chairman, why do the sponsors of H.R. 2039 persist in pretending to address the issues which make the Legal Services Corporation such a controversial entity? Why don't they just take care of the problem definitively instead?

This time the issue is proper use of funds by an organization receiving Federal funding. Basically, the LSC should not be involved in activities that the Federal Government does not approve of, such as abortion. Those who argue for separating Federal and non-Federal dollars and imposing restrictions only on the Federal dollars know very well that this is merely a way of circumventing those restrictions.

The fact is—and lawmakers need to accept this once and for all—if the Federal Government provides financial support for an organization, then it indirectly endorses that organization's practices and actions. If we do not want to be involved in certain activities, then we should not be funding those organizations participating in them. Pretending that because funds are received from different sources, they can be used in separate and distinct ways, only masks that fact.

H.R. 2039 plays this game by permitting the use of private and non-LSC public funds for abortion litigation, but not permitting the use of Federal LSC funds for this purpose. The Federal Government has consistently tried to exclude itself from activities supporting or endorsing abortion, and it should continue to do so.

The Gekas amendment does exactly this, by prohibiting all LSC funds, public or private, from being used to litigate on either side of the abortion issue. The Legal Services Corporation thus will not be associated in any way with this highly controversial issue.

I urge my colleagues' support for the Gekas amendment to keep the LSC out of the abortion debate, where it does not belong.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to another Member who worked hard on this bill, the gentleman from Oregon [Mr. KOPETSKI].

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

Mr. Chairman and colleagues, I rise in opposition to the Gekas amendment. I want to make two points to my colleagues. I ask them to think about a couple of votes that they have taken in the past couple of weeks and to be consistent with the principles and concepts behind two of those votes.

A couple of weeks ago we passed repeal of the gag rule. The House overwhelmingly did so, and we said that in doing such we did not want to be interfering with the doctor-patient relationship, especially the privileged communication.

Well, if we look at the Gekas amendment, we have a similar concept involved here, where we have lawyers-and-clients relationships and we have honored and respected that personal communication between both through the years. It is a very important doctrine that we upheld.

So, in asking Members to be consistent, I want you to think in terms of this amendment interfering, if it passes, it would interfere more so again with this important privileged communication.

The second vote was the vote on the McCollum amendment just last week relating to the Legal Services bill, where Mr. MCCOLLUM tries to say in a broad-range appeal that whatever the restrictions are on Federal funding of Legal Services, so too would they apply even from private resources or State appropriations.

Well, the House there overwhelmingly rejected the McCollum amendment. What I am asking today is for consistence, consistency in the fact that here in the Gekas amendment we have a very narrow, limited directive of imposition by the Federal Government in how a local or a State entity may fund, spend their money in terms of Legal Services.

So we are asking for consistency and to be consistent with your vote; if you voted to repeal the gag rule, you should vote against Gekas, and if you voted against Mr. MCCOLLUM'S amendment, to be consistent you would vote gains the Gekas amendment.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair would advise Members controlling the time that the gentleman from Pennsylvania [Mr. GEKAS] has 11½ minutes remaining, and the gentleman from Massachusetts [Mr. FRANK] has 9½ minutes remaining.

Mr. GEKAS. I thank the Chair.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Pennsylvania for yielding this time to me.

Mr. Chairman, I rise in strong support of the Gekas amendment—an amendment that I believe both prolifers and those who support abortion can support because it effectively gets the Legal Services Corporation out of the abortion debate entirely.

It seems to me that every dollar diverted from the poor to underwrite abortion litigation—for either side of the issue—is a dollar that is unavailable for the legitimate and compelling legal interests of poor people.

Anything short of enactment into law of the Gekas amendment rips off the poor by reducing funding for less well-off people.

Anything short of Gekas politicizes the LSC and makes it a functionary—a tool—of a special-interest lobby. I hardly think Americans want a program designed for the poor abused like that.

It seems to me that using LSC resources to wage legal battles against parental consent or parental notification statutes—types of laws that are supported by over 80 percent of Americans—is an unconscionable misuse of scarce funding.

Yet it is happening. And if Mr. FRANK has his way, proabortion advocacy by the LSC would increase. And the losers, of course, would be the poor, and the program designed to help them.

If proabortionists want to challenge a State or Federal law that protects the unborn, or prohibits funding for abortion, or provides for informed consent, parental involvement, or spousal consent, let the ultrarich abortion industry subsidize that kind of litigation. Not the taxpayer.

According to a review conducted by the National Clearinghouse for Legal Services, between 1974 and October 20, 1988, LSC grantees initiated 76 cases challenging restrictions on Medicaid funding of abortions or laws requiring parental involvement in minors' abortions.

Mr. Chairman, let those who dismember the fragile bodies of unborn children or chemically poison these kids for profit, let the abortion industry foot the bill for this kind of litigation.

Mr. Chairman, in like manner, if prolifers want to challenge a law or bring legal action relevant to abortion, let my pro-life friends find another well to tap.

The point is, Mr. Chairman, the poor are ill served when the very modest means at their disposal for legal aid is raided to fund abortion-related litigation.

I think it is significant, Mr. Chairman, the LSC Board of Directors itself, is foursquare against any involvement in abortion—pro or con—by the Corporation.

This past April 6, the Board in a unanimous vote approved a resolution which said in part,

> The Board of Directors of the Legal Services Corporation believes that LSC-funded recipients should be barred from using LSC, IOLTA, other public funds, or private funds for the provision of abortion-related legal services * * *

Finally, the Gekas amendment addresses the misuse of interest on lawyers trust accounts [IOLTA] funds for abortion litigation.

Regrettably, the alleged nonapplicability of current abortion-neutral law to IOLTA funds—some estimates put this source of funds at $50 plus million—has resulted in LSC recipients using their accounts to litigate against parental involvement laws.

This abuse simply cannot be tolerated. And the Gekas reforms redress this loophole in the law.

The use of IOLTA funds to finance abortion-related cases means that people on both sides of the issue are at risk of having their interest moneys used to advance a position they don't support.

The Gekas amendment is fair and balanced and deserving of support by Members on both sides of the abortion controversy.

□ 1400

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 30 seconds to say that one good thing that has come out of this amendment: Members have come to this floor to speak on behalf of Legal Services who have not previously done so, and I am glad to have their testimony about how much more money Legal Services needs. We will remember it at an appropriate time.

I would point out, however, that their testimony is inappropriate on this amendment because we are not talking about 1 cent of Legal Services' funds going for this issue. The question is whether the Legal Services Corporation should be allowed to accept additional funds voted by a State. Nothing in what we are talking about today will affect the funds of the Legal Service Corporation itself.

Mr. Chairman, I yield 3½ minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. FRANK] for yielding this time to me.

Mr. Chairman, this amendment is an expansion of the gag rule which this House has just recently rejected. Under the gag rule, any health professional is gagged from telling a poor woman who uses a Federal health care clinic her legal right to an abortion, and a lot of us warned at that time and during that debate that, if this Government can gag a health care worker, this Government can gag anyone, and that is what the amendment of the gentleman from Pennsylvania [Mr. GEKAS] is about.

Mr. Chairman, the gentleman from Pennsylvania and the gentleman who have spoken, they are interested in gagging lawyers who work in Legal Services.

Mr. GEKAS. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. Mr. Chairman, I will be happy to yield to the gentleman when I am finished with my statement.

So, what we see here is an expansion of the gag rule, and what is so amazing is it comes from people on the other side of the aisle who are always decrying big government, and here they are once again suggesting that State funds and local funds cannot be used for something that they do not approve of. I think that needs to be rejected in the name of local control.

I would also say at this point that this is a very, very cruel amendment, a very cruel amendment. Suppose a woman comes into the Legal Aid Society in my district or the gentleman's district, and she is a victim of rape, and under the law in her State she has to prove that she was raped. So, she comes in looking for a lawyer. She is too poor to hire one. She cannot get one. Suppose it is a young person who is the victim of incest by an alcoholic father or uncle. She will be turned away and cannot get legal help.

Mr. Chairman, this is cruel, and to hear the gentleman from New Jersey [Mr. SMITH], my colleague, say that we are using poor people, those of us who are pro-choice, is unbelievable because I think this amendment abandons poor people, certainly sets up again a dual system of justice, and that is wrong.

So, Mr. Chairman, I hope that this House will do what it did when we voted on the gag rule; that we will say no to big brother government which wants to interfere in people's lives. They always say they want to get off the backs of people. Well, they are getting into the most personal, private decisions of people who need their Government by their side when they are the victims of rape or the victims of incest.

As the author of the Violence Against Women Act, I hope that we absolutely turn this down in overwhelming numbers.

Mr. GEKAS. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I thank the gentlewoman from California [Mrs. BOXER] for yielding to me.

Insofar as the gentlewoman is asserting that the Gekas amendment is a gag rule, I suppose she is referring to the fact that we are not going to be permitting funds to be used for legal services to advise people on an abortion. If that is the case, does the gentlewoman recognize that she, and all of us, voted for the amendment of the gentleman from New York [Mr. FISH] which prohibits or refers back to a situation where public funds will not be used for legal services for nontherapeutic abortions, meaning that the gentlewoman has endorsed the gag rule, insofar as that part is concerned, for what we present to be the law of the land?

Mrs. BOXER. Mr. Chairman, that was dealing with private funds. The gentleman well knows he is expanding this, and the gentleman also well knows; of course he knows because he wrote it, that he is trying to tell people in State and local governments what to

do, and I think, coming from that side of the aisle, that is kind of outrageous.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in strong support of the Gekas amendment. I think it is important to note that in April of this year the Legal Services Corporation unanimously adopted a resolution stating its position on grantees' involvement in abortion-related activities. The resolution specifically states that LSC-funded recipients should be barred from using LSC, IOLTA, other public funds, or private funds for the provision of abortion-related services.

The Gekas amendment will preserve the current policy of prohibiting the use of LSC funds to litigate on either side of the abortion issue. H.R. 2039 fails to incorporate the language of the DeWine-Humphrey amendment, which has been a rider in the annual Commerce-Justice-State appropriations bill every year since 1985. This rider is so well accepted that its extension has not even been challenged in either House of Congress since 1985. There is no justification for failing to codify the DeWine-Humphrey provision in this reauthorization bill.

Mr. GEKAS' amendment will also preserve the current policy relating to the use of private funds by LSC grantees to litigate or lobby on the abortion issue. This policy has been part of the LSC statute since 1974, and it should be retained.

Further, this amendment will bar the use of interest on lawyers' trust accounts or IOLTA funds by LSC grantees to engage in abortion-related litigation.

The Gekas amendment will keep LSC out of the abortion debate—on either side of the issue. I urge my colleagues to support this abortion-neutral amendment and to not accept a substitute amendment in any form.

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

Mrs. LOWEY of New York. Mr. Chairman, I rise in opposition to the Gekas amendment. I find it frustrating that, a week after this body voted to take the gag off doctors, we are now considering placing a gag on federally funded lawyers. The Gekas amendment would prohibit the use of Legal Services Corporation [LSC] funds to assist low-income Americans with abortion-related cases. Make no mistake about it; this amendment discriminates against the poor. I urge my colleagues to oppose it.

When it comes to placing restrictions on abortion, it seems that poor women are always the first target. Since they have no money to purchase private medical or legal services, they are subject to having their rights manipulated by those who will do anything to chop away at the right to choose, including taking away the rights of the most vulnerable in our society.

The goal of the Legal Services Corporation is to provide the poor with the opportunity to have legal representation regardless of the content of the case. Yet, the Gekas amendment would eliminate entirely the ability of Legal Services attorneys to assist women protect their legal rights with respect to abortion. Not only would poor women be denied federally funded legal services to fight a case to obtain abortion services, they would also be denied legal assistance if a doctor performed an abortion without their consent, if a Doctor botched an abortion, or under a State parental notification law. Under current law and under the bill we are considering today, Federal funds could be used to support such cases. That policy should be allowed to continue.

This amendment would impose blatant discrimination against poor women. Like the gag rule on title X clinics, the Gekas amendment creates a two-tiered legal system in which poor women are denied access to legal representation that middle and upper class women can afford to purchase privately.

Furthermore, the Gekas amendment applies to both public and private funds, usurping the rights of States and private donors to determine appropriate uses of their funds. This goes far beyond current law which restricts the use of Federal and non-Federal funds only in cases involving nontherapeutic abortions.

H.R. 2039, as approved by the committee, treats poor women with respect and dignity. It allows LSC funding for all abortion cases—those favoring abortion rights and those opposed to it. Under the bill, a woman and her legal representative could review all legal options and determine the best action to take. This decision would be based on solid legal foundations rather than the politics of the abortion debate.

A solid majority of this House voted to remove the gag on federally funded health professionals. Let's not forget that vote. I urge my colleagues to vote against imposing a similar gag on federally funded attorneys and legal services.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I simply want to plead with my colleagues not to burden this bill down with the most controversial issue facing the country today, abortion.

Mr. Chairman, poor people need lawyers like they need doctors, but what this bill does is coerce millions of taxpayers into providing their money to subsidize abortion litigation, something that is offensive to them, something which, in their view, and a view that I share, is the extermination of an innocently inconvenient, unborn life.

Yes, there are botched abortions. The gentlewoman from New York [Mrs. LOWEY] spoke about those. The most recent one I heard of is where the abortionist cut the arm off of the little unborn child, and the child was born missing an arm. Happily, the child lived. But we are trying to protect innocent, vulnerable, and defenseless unborn life, and trying to say no to coercing taxpayers to let their money be used to subsidize the killing of unborn children.

□ 1410

Mr. Chairman, think of the child once in a while. We ask Members to please support the Gekas amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CAMPBELL]

Mr. CAMPBELL of California. Mr. Chairman, on the question of a fundamental right, I admire and respect those who disagree with me. I profoundly believe that the fundamental right is the woman's to decide for herself on this most important and personal issue, but if you disagree with that, I respect it. That is a disagreement that is profound and deep in this country.

But one point that is not in dispute is that the U.S. Supreme Court as of this moment still says that a woman has that fundamental right. To put an imposition upon a woman's exercise of that right, to say that she may not utilize the services of the courts in a particular way if she does not have the money, is to infringe upon the access to the courts that is her right as long as the Supreme Court still maintains that fundamental right.

Mr. Chairman, this is particularly important now because, with the prospect of Roe versus Wade being modified by the Supreme Court, it will be cases of the sort that poor women can bring that will test the kinds of restrictions that will be permitted in the years to come. If we frame the debate by saying certain classes of women shall not be permitted because of their financial condition to raise these issues, then the debate is truncated and the debate is not as full and fair as it ought to be. We will have that debate in the ensuing months in the Supreme Court.

Mr. Chairman, I rise to raise one last issue. I am a pro-choice Republican. I am proudly Republican and proudly pro-choice. I wish it to be understood that pro-choice Members of my party are increasing in their numbers. We believe that an issue of this importance should be left to the individual precisely because we as Republicans value the individual and we do not wish the Government intruding.

We do not wish the Government intruding on business decisions. We are first to oppose Government intruding when it comes to conditions of the workplace. Why not when it comes to

deciding a most personal and fundamental issue, an issue which is also deeply involved with religious freedom as well.

The CHAIRMAN pro tempore (Mr. MFUME). The Chair will advise Members controlling debate that the gentleman from Massachusetts [Mr. FRANK] has 1½ minutes remaining, and the gentleman from Pennsylvania [Mr. GEKAS] has 5½ minutes remaining. The gentleman from Massachusetts [Mr. FRANK] has the right to close debate.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, this amendment has been characterized in various terms. It has been called manipulation. It has been called an assault on a woman's right to choose.

Balderdash. This is just attempting to keep in place policy that has been in every year since 1985 in order to keep Legal Services out of the abortion controversy.

Those who wish to terminate the lives of the preborn will go to any length it seems to get more taxpayer money in to fuel that engine. If it is not family planning funds they are going to try to coerce, then it is this, Legal Services funds.

Mr. Chairman, that is a gross policy miscalculation that will undermine support which is already tenuous for this whole concept of a Legal Services Corporation financed by the taxpayers.

Mr. Chairman, the Gekas amendment merely preserves what has been the status quo for years by keeping Legal Services out of the abortion controversy and keeping taxpayer funds out of that.

Mr. Chairman, we have a $400 billion annual national debt this year. We have a $4 trillion cumulative national debt. Why are we talking about spending more taxpayer money in this fashion? We need a tourniquet to help stop the flow. This amendment represents that.

Mr. Chairman, I urge a "yes" vote on the Gekas amendment.

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

Mr. Chairman, it was interesting to me and it is worth repeating that some of the speakers on the side of rejecting the Gekas amendment have pointed to the magic language in their minds of gag rule. Yet if this Gekas amendment should be defeated and then we come to a final vote on this legislation, the very same people who are talking about what they consider to be a gag rule and which they think they have rejected by the Gekas amendment will be adopting at least a partial gag rule, which they do not seem to feel is bad enough to oppose, mainly the one that is embedded in the language that has been adopted by this body as an amendment to the Frank proposal which is before us. So that has to be made abundantly clear.

Moreover, we reemphasize and we cannot emphasize it enough what we are talking about here is the preservation of and the funneling of moneys directly to the poor that are allocated, those precious resources which we have so much difficulty in allocating for services to the poor.

Mr. Chairman, we maintain that if you do not adopt the Gekas amendment, you will be opening the world of Legal Services to untold controversy and conflagration like we have never seen before.

Mr. Chairman, keep abortion out of it, is what we are saying.

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

Mr. GEKAS. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, I must respond to the distinguished gentleman from California [Mr. CAMPBELL] who asserted his pride at being a pro-choice Republican.

Well, I respect that. I am proudly a pro-life American, human being, and Republican, and I am always somewhat amused at the libertarianism, the genteel anarchy of those who say "Keep the Government out."

Mr. Chairman, I would like the Government to stay out of many things. But some things the Government is the last resort on. Protecting the weakest, most defenseless human beings in creation from annihilation is the duty of Government.

Government exists to protect the weak from the strong. It is the children of the poor that we can save, thank God. The children of the rich are at risk and can be terminated, but the children of the poor deserve consideration.

Mr. GEKAS. Mr. Chairman, I must reluctantly reclaim my time.

Mr. Chairman, I yield the balance of my time to the gentleman from Kentucky [Mr. MAZZOLI].

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. MAZZOLI] is recognized for 45 seconds.

Mr. MAZZOLI. Mr. Chairman, let me just say I rise in support of the Gekas amendment and in opposition to the amendment soon to be offered by the gentleman from Massachusetts [Mr. FRANK]. I do so on two grounds.

First, substantive. I do not think that Legal Services Corporation should be in the business of abortion-related activity, pro or con. The amendment of the gentleman from Pennsylvania solves that problem.

But I also support the Gekas amendment and oppose the amendment of the gentleman from Massachusetts [Mr. FRANK] on tactical grounds. I would like this bill to pass and become law. With these changes that the gentleman from Massachusetts proposes and that the bill proposes, my fear is that we will get a bill which will suffer a veto and the override will fall short.

Mr. Chairman, let us pass a bill that the President can sign and we will have a legal services program. Let us support the amendment of the gentleman from Pennsylvania [Mr. GEKAS] and oppose the amendment of the gentleman from Massachusetts [Mr. FRANK]. Mr. Chairman, let us move ahead with the bill.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. WASHINGTON] to close debate on behalf of the committee position.

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. WASHINGTON] is recognized for 1½ minutes.

Mr. WASHINGTON. Mr. Chairman, during the colloquy between the Republicans I was almost about to yield some time every once in a while to get a good spirited debate among my colleagues on the right side of most debates.

Mr. Chairman, the gentleman from California [Mr. DOOLITTLE] proved once again that beauty is in the eye of the beholder because he talked about a lot of things that we are not talking about.

But what you are not talking about is the fact that this bill takes away from the States the right to make the decision for themselves. How dare the Congress tell the smart men and women, the intelligent men and women, the courageous men and women who work tirelessly as State legislators that they may not appropriate funds for this purpose. How dare you.

How dare we as a Congress say we are smarter than the 50 State legislatures and we can tell them what they ought to do.

There are no Federal funds involved in this, and the gentleman from Pennsylvania [Mr. GEKAS] knows there are no Federal funds involved in this.

The bottom line issue is whether with respect to being for or against abortion, that is not the question. Suppose some young man who happens to be poor, who happens not to be able to afford a lawyer, wants to go into court to try to get an injunction in a State court of Federal court in order to prevent some woman from obtaining an abortion? You are telling him if the State legislature in the State of Texas in its wisdom decides to appropriate funds to supplement the paltry amount we give for Legal Services in Texas, that they might not take those funds, given the fact that the State legislators made a decision that they perhaps want to make those funds available to this poor young man so he can go into court and litigate the issue with respect to the abortion as he sees fit, that he does not have the right to do that.

□ 1420

How dare the Congress of the United States cut off the States' rights. I be-

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lieve in States' rights. The States have rights.

Let us not take the States' rights away. Let us give them the right by defeating the Gekas amendment.

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Gekas amendment to the Legal Services Corporation Authorization Act. This amendment would prohibit agencies that provide legal services to the poor from using any funds, whether Federal, State, or local or private, for litigation or any other proceeding that pertains to abortion. In addition, this amendment effectively silences poor women by denying them the opportunity to lobby their own elected representatives on their right to choose, an issue which so directly affects their own well-being.

Mr. Speaker, the poor women of America deserve better than this from the Federal Government. This body just 2 weeks ago told poor women that they can be trusted to hear their health care options and then make the choice that is most appropriate for them. And now this amendment would say to them—reproductive choice may be your right but we will not help you protect it or assist you in defending it.

By prohibiting agencies from using Federal, public, private, or interest on lawyer trust accounts [IOLTA's] funding for abortion related activities, this amendment would operate like the gag rule. It would severely chill the willingness of legal services agencies to provide advice and counsel to poor women, not only with respect to abortion, but also for family planning and other health-related litigation.

As I said during the debate on the gag rule—the women of America will not allow this Congress to take away their opportunity to think, to hear, and to decide for themselves.

I urge my colleagues to vote against this amendment.

Ms. NORTON. Mr. Chairman, one of the great programs of the Great Society, Legal Services for the poor, added vital substance to equality under law by opening the courts and other legal processes to poor people. It is impossible to overestimate the importance of this breakthrough in a country where legal services are routinely denied to the middle class and poor alike because of inability to pay. Yet our country has 723,189 lawyers, 1 for every 340 people—more than any other country in the world. The denial of elementary access cannot be justified in a country where the law has assumed outsized proportions and we have overproduced lawyers. The modest reauthorization before us does little more than nurture the hopes of poor people that due process and nonviolence can redress their grievances.

I ask that we not encumber the Legal Services Corporation, which is already burdened with restrictions reserved only for the poor. The Gekas amendment, which would forbid recipient agencies from using any Federal, public, or private funds for litigation or lobbying pertaining to abortion, is gratuitous, intrusive, and disrespectful of the lawyer-client relationship. The Legal Services Corporation already interprets its law to bar the use even of private money for abortion-related legal activities except where the issue involves therapeutic abortions raising no issues of moral or religious belief.

Above all, Congress should not repeat the District of Columbia error. The District government is forbidden to use its own tax raised funds for abortions for poor women even when no Federal funds are involved. Therapeutic abortions unavailable to poor women have included HIV patients at D.C. General Hospital who have been pregnant more than once.

This denial must not be extended beyond the District of Columbia appropriation, and we must work to remove it from there. The Gekas amendment for the first time would keep a State or local government from spending its own funds for abortions. Congress can claim jurisdiction over its appropriated funds, but limiting States, cities, and private organizations undermines the sovereignty and the rights of these entities and compounds the harm done to the fundamental privacy rights of women.

Poor women are already denied equality of reproductive choice—with or without legal services. Let us leave them be. Let us get on with the revival of Legal Services for the poor by approving the reauthorization of the Legal Services Corporation.

The CHAIRMAN pro tempore (Mr. MFUME). All time has expired.

The question is on the amendments en bloc offered by the gentleman from Pennsylvania [Mr. GEKAS].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 216, answered "present" 1, not voting 29, as follows:

[Roll No. 115]

AYES—188

Allard	Dornan (CA)	Ireland
Allen	Dreier	Johnson (SD)
Annunzio	Duncan	Johnson (TX)
Applegate	Early	Kanjorski
Archer	Edwards (OK)	Kaptur
Baker	Edwards (TX)	Kasich
Ballenger	Emerson	Kildee
Barrett	English	Kyl
Barton	Ewing	LaFalce
Bateman	Fields	Lagomarsino
Bennett	Fish	Laughlin
Bentley	Gallegly	Lent
Bilbray	Gaydos	Lewis (CA)
Bilirakis	Gekas	Lewis (FL)
Bliley	Geren	Lipinski
Boehner	Gillmor	Livingston
Borski	Gingrich	Lowery (CA)
Broomfield	Goodling	Luken
Bruce	Goss	Manton
Bunning	Grandy	Marlenee
Burton	Guarini	Martin
Callahan	Gunderson	Mavroules
Camp	Hall (OH)	Mazzoli
Clement	Hall (TX)	McCollum
Clinger	Hammerschmidt	McCrery
Coble	Hancock	McDade
Coleman (MO)	Hansen	McGrath
Combest	Hastert	McMillan (NC)
Cooper	Hefley	McNulty
Costello	Henry	Michel
Cox (CA)	Herger	Miller (OH)
Crane	Hobson	Mollohan
Cunningham	Holloway	Montgomery
Davis	Hopkins	Moorhead
de la Garza	Huckaby	Murphy
DeLay	Hunter	Murtha
Dickinson	Hutto	Myers
Donnelly	Hyde	Natcher
Doolittle	Inhofe	Neal (MA)
Nowak	Rohrabacher	Stump
Nussle	Ros-Lehtinen	Sundquist
Ortiz	Roth	Tauzin
Orton	Russo	Taylor (MS)
Oxley	Sangmeister	Taylor (NC)
Packard	Santorum	Thomas (CA)
Parker	Sarpalius	Thomas (GA)
Paxon	Saxton	Thomas (WY)
Penny	Schaefer	Thornton
Perkins	Schiff	Upton
Peterson (MN)	Schulze	Valentine
Petri	Sensenbrenner	Vander Jagt
Poshard	Shaw	Volkmer
Quillen	Shuster	Vucanovich
Rahall	Skeen	Walker
Ray	Skelton	Walsh
Regula	Slattery	Weldon
Rhodes	Smith (NJ)	Wolf
Rinaldo	Smith (OR)	Wylie
Ritter	Smith (TX)	Yatron
Roberts	Solomon	Young (AK)
Roe	Spence	Young (FL)
Roemer	Stearns	Zeliff
Rogers	Stenholm	

NOES—216

Abercrombie	Gephardt	Neal (NC)
Anderson	Gibbons	Nichols
Andrews (ME)	Gilchrest	Oberstar
Andrews (NJ)	Gilman	Obey
Andrews (TX)	Glickman	Olin
Anthony	Gonzalez	Olver
Aspin	Gordon	Owens (NY)
Atkins	Gradison	Owens (UT)
Bacchus	Green	Pallone
Beilenson	Hamilton	Panetta
Berman	Harris	Pastor
Bevill	Hatcher	Patterson
Blackwell	Hayes (IL)	Payne (NJ)
Boehlert	Hefner	Payne (VA)
Bonior	Hertel	Pease
Boucher	Hoagland	Pelosi
Boxer	Hochbrueckner	Peterson (FL)
Brewster	Horn	Pickett
Brooks	Horton	Pickle
Browder	Houghton	Porter
Brown	Hoyer	Price
Bustamante	Hubbard	Pursell
Campbell (CA)	Hughes	Ramstad
Campbell (CO)	Jacobs	Rangel
Cardin	Johnson (CT)	Ravenel
Carper	Johnston	Reed
Carr	Jones (GA)	Richardson
Chandler	Jones (NC)	Ridge
Chapman	Jontz	Riggs
Clay	Kennedy	Rose
Coleman (TX)	Kennelly	Rostenkowski
Collins (MI)	Kleczka	Roukema
Condit	Klug	Rowland
Conyers	Kolbe	Roybal
Coughlin	Kopetski	Sabo
Cox (IL)	Kostmayer	Sanders
Coyne	Lancaster	Savage
Cramer	Lantos	Sawyer
Darden	LaRocco	Scheuer
DeFazio	Leach	Schroeder
DeLauro	Lehman (CA)	Schumer
Dellums	Lehman (FL)	Serrano
Derrick	Levin (MI)	Sharp
Dicks	Lewis (GA)	Shays
Dingell	Lloyd	Sikorski
Dixon	Long	Sisisky
Dooley	Lowey (NY)	Skaggs
Dorgan (ND)	Machtley	Slaughter
Downey	Markey	Smith (FL)
Durbin	Martinez	Smith (IA)
Dwyer	Matsui	Snowe
Eckart	McCandless	Solarz
Edwards (CA)	McCloskey	Spratt
Erdreich	McCurdy	Stallings
Espy	McDermott	Stark
Evans	McHugh	Stokes
Fascell	McMillen (MD)	Studds
Fawell	Meyers	Swett
Fazio	Mfume	Swift
Feighan	Miller (CA)	Synar
Flake	Miller (WA)	Tanner
Foglietta	Mineta	Torres
Ford (MI)	Mink	Towns
Ford (TN)	Molinari	Traficant
Frank (MA)	Moody	Traxler
Franks (CT)	Moran	Unsoeld
Frost	Morella	Vento
Gallo	Morrison	Visclosky
Gejdenson	Nagle	Washington

Waxman	Williams	Wyden
Weiss	Wilson	Yates
Wheat	Wolpe	Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—29

Ackerman	Dymally	Mrazek
Alexander	Engel	Oakar
Armey	Hayes (LA)	Staggers
AuCoin	Jefferson	Tallon
Barnard	Jenkins	Torricelli
Bereuter	Kolter	Waters
Bryant	Levine (CA)	Weber
Byron	Lightfoot	Whitten
Collins (IL)	McEwen	Wise
Dannemeyer	Moakley	

□ 1443

The Clerk announced the following pairs:

On this vote:

Mr. Armey for, with Mr. AuCoin against.

Mr. Lightfoot for, with Mr. Engel against.

Mr. LEHMAN of Florida and Mr. PICKETT changed their vote from "aye" to "no."

Mr. LAUGHLIN changed his vote from "no" to "aye."

So the amendments en bloc were rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 19 printed in House Report 102-512.

AMENDMENT OFFERED BY MR. STENHOLM

Mr. STENHOLM. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STENHOLM: Page 21, strike lines 14 through 16 and insert the following:

that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census.".

The CHAIRMAN pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. STENHOLM] will be recognized for 15 minutes, and the gentleman from Texas [Mr. WASHINGTON] will be recognized for 15 minutes in opposition to the amendment.

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

Mr. STENHOLM. Mr. Chairman, I am offering an amendment today to the LSC reauthorization bill to prohibit Federal legal services recipients from participating in any redistricting activities. While the committee bill does partially address this issue by restricting Legal Services attorneys from taking part in congressional and State legislative redistricting activities, it falls short of a total prohibition which is sorely needed. As many of my colleagues in this body are painfully aware, redistricting is inherently political and it is my firm belief that LSC attorneys should in no way be involved in any political activities.

Precisely because of this and other controversial activities, the Congress has been reluctant to spend its scarce Federal dollars on legal services to the poor. Legal Services attorneys may think they are helping the plight of the poor by involving themselves in redistricting and other political activities, but I think it's quite the contrary. Sad to say, that in the end, these program activities only hurt those who the program is designed to help, the poor.

I am here today not only with philosophical reasons for prohibiting redistricting, but also because of what has happened in my district and I am sure in many others. In Taylor County, TX, in which lies the largest city of the 17th Congressional District, Abilene, a very recent county redistricting challenge was made by a LSC attorney. He contended that the Taylor Commissioners precincts were unfairly drawn to dilute minority voting strength although the commissioners had approved a plan which increased minority voting strength in one precinct to 40 percent.

Redistricting litigation is usually undertaken by political parties and special interest groups. Why are Legal Services attorneys getting involved in these cases, especially when Federal dollars are scarce and the American Bar Association complains that 80 percent of this country's poor civil legal problems are not being addressed? According to the Texas State Bar, more than 18 percent of Texans live in poverty. A survey of low income households conducted by the Bar in 1990 showed that 45 percent have at least one potential civil legal problem in the preceding year.

Of the 2.2 million potential legal problems identified through a telephone poll, 1.5 million, 69 percent, were unmet, the poll showed. In west Texas, 15 percent of households live beneath the poverty level and 63 percent of those had unmet legal needs, the survey showed.

Recently in Abilene, local attorneys met to debate this problem. One attorney said that he "believe[d] there are available services now available through existing services to provide the assistance if the people really need them." "However, he continued, Abilene attorneys sign up with West Texas Legal Services to provide free legal services for the poor, but many are never called."

I believe that the reason these attorneys are never called is because LSC attorneys are pursuing their own political agenda, at the expense, literally, of potential legal services clients. Frankly, I seriously question their desire to help those they are paid to help. And, it is why I am here today to ask you to support my amendment to prohibit all levels of legislative or judicial redistricting.

□ 1450

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

Mr. Chairman, I rise in support of section 9 of the House Judiciary Committee bill which establishes limitations on legal services program participation in redistricting cases, and urge my colleagues to reject the amendment proposed by Mr. STENHOLM which would substantially and, in my view, inappropriately expand those limitations to cover work on issues of purely local concern.

The committee bill amends the current LSC Act to prohibit legal services programs from using either LSC or private funds to participate in advocacy or litigation involving reapportionment of congressional or State legislative districts. While the committee clearly understood that State and congressional redistricting affects basic rights under the Constitution and the Voting Rights Act, it also correctly viewed involvement in these matters as inherently partisan in nature, likening it to political activity which is prohibited elsewhere in the bill. The committee also recognized that past participation in State and congressional redistricting cases had undermined critically needed support for the legal services program in Congress and elsewhere. The committee was also convinced that the concerns of the community served by legal services were similar to those addressed by the national civil rights organizations involved in statewide and congressional redistricting cases.

Nevertheless, by a bipartisan vote of 22 to 11, the committee rejected an attempt by Mr. MCCOLLUM and others to extend the restriction on redistricting representation to cases which involve purely local concerns and to include census challenges within the scope of the prohibition.

In so doing, the committee recognized that local elected bodies, such as school boards, city and county councils, public health and hospital district boards and other similar entities, whose members are often elected in nonpartisan contests, make vital decisions that involve the allocation of scarce government services and benefits. Those decisions often have a disproportionate impact on the lives of poor people who may be more dependent on Government programs than are their wealthier neighbors. The actions of those local bodies affect the daily lives of poor people in far more significant ways than anything that we in Congress or our counterparts in State legislatures do.

The vast majority of redistricting cases handled by legal services programs deal with these local issues. Most of these cases originate in areas of the country, particularly the South and Southwest, where poor people,

black people, and Hispanic people have been effectively disenfranchised, in violation of the Constitution and the Voting Rights Act. Local elected bodies in these communities are often unresponsive to the needs of the poor whose votes are diluted by local electoral systems that eliminate candidates who might better represent their interests, regardless of political party.

Legal services programs bring these local redistricting cases, not to benefit any specific political party or to elect any particular candidate, but to enforce the legal rights of their clients and to ensure that the voice of the poor community is heard. In my view, that is exactly the kind of activity that Congress intended this program to undertake, and we should take no action to limit its ability to do so.

Once again, I urge you to support the Judiciary Committee bill's redistricting provision and to reject the Stenholm amendment that would extend the prohibition far beyond anything that is necessary to protect against inappropriate political involvement or justified by the reality of legal services practice.

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

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the gentleman's amendment, because I happen to find no basis for distinguishing between the races and the redistricting involved in the Federal and the State offices and those in the local ones.

In my area of the country, the county commission races, for example, are virtually partisan races. Many of the school board races are partisan races. Some of the city races are partisan races.

The fact of the matter is I cannot see the difference when it comes to distinguishing between Federal offices, congressional offices, and State offices and local offices as far as redistricting is concerned. It seems to me that what we should be doing out here today is following the guidelines that the Legal Services National Board has adopted by regulation that prohibits redistricting activities on the part of Legal Services lawyers at all levels of the Government. That regulation, so far, has been sustained in the courts. That is not something in law.

There is a good question as to whether it would become sustained all the way through, but I suspect it would be. In any event, it is very good public policy. We do not need to have Legal Services lawyers involved in anything that is highly political.

We need to get them back to their bread-and-butter basics. They need to be representing the poor in landlord-tenant matters, domestic matters, matters of contract dispute, matters of personal injury and worker's comp and things of that nature where the poor really could be served by the lawyers in the limited resources that are available.

We need, again, to get them away from those highly political activities that draw fire to this agency that cause criticism of it, and it seems to me that there is just no way to distinguish the entities at the county level, for example, from the State level as far as redistricting activities are concerned. They are inherently political in nature. They are inherently controversial in nature.

I urge adoption of the Stenholm amendment to make it clear once and for all that this body and this Congress are opposed and do not approve of, in fact, will, indeed, restrict the activities of Legal Services lawyers in the field of reapportionment and redistricting.

Mr. WASHINGTON. Mr. Chairman, it is my distinct pleasure to yield such time as he may consume to a great American and a wonderful Texan, the gentleman from Texas [Mr. BROOKS], chairman of the Committee on the Judiciary.

Mr. BROOKS. Mr. Chairman, I want to thank my distinguished friend for yielding me this time.

But I want you to be sitting down now, and I want the gentleman from Texas [Mr. STENHOLM] to be sitting down, because at this point, I am going to support the gentleman from Texas [Mr. STENHOLM]. I do not want you all to be too nervous about it, but I do rise in support of this amendment.

I will tell you why: I am sympathetic to redistricting problems. I have been through more than any of you here have been through, more redistricting problems.

My district one time ran north and south, and they changed it in the middle of the night on a Saturday night and ran it east and west and gave me a rich Democratic opponent. He retired; he was a wonderful man. He was one of the finest men I ever knew.

I know about redistricting, and it just is not practical to try and handle those kinds of cases with Legal Services programs.

When we had a little redistricting problem this year, I did not turn to the Legal Services departments to get our legal help to resolve our problem in Texas, and I do not imagine you did either. It worked better with the kind of lawyers we picked.

In truth, if this bill allows any Legal Services program to take on redistricting cases in any form, we are going to doom this bill. There is just too much at stake. There are too many poor people, black and white, Hispanic, sick and well, and old and young, whatever, who take such a risk. They need the benefits that will flow from this bill.

Why take that risk for them? Why take the risk on what we know will be a very limited number of redistricting cases that might be brought under the local priority system of the Legal Services programs?

So I would urge my colleagues to support this amendment and pass this bill.

Mr. STENHOLM. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, at the risk of making this seem to be a Texas issue, it is well known that the Legal Services Corporation needs wide scale reform, as it has not been carrying out its original mandate for some time. It is for this reason that I rise in support of Mr. STENHOLM'S amendment prohibiting legal services attorneys from participating in redistricting activities at any level of government.

Redistricting always initiates fierce political battles, and to my mind, there is no sane reason why federally funded lawyers should be involved in these fights, spending scarce tax dollars—especially when countless needy citizens looking for legal assistance are turned away for lack of funds.

To give Members a sense of what happens when legal services become involved in redistricting cases, here are some examples of how our tax dollars were spent during the 1980's redistricting process:

A legal services program in Texas was awarded a $180,000 grant to establish a voting rights project. They hired an experienced litigator to run the project and bought a specialized computer. They handled about 20 redistricting cases, challenging both the State and congressional redistricting plan.

A Mississippi legal services program hired a redistricting consultant with Federal funds and purchased nearly $5,000 of computer time and software to analyze proposed redistricting plans.

A legal services support center received a $100,000 Federal grant to provide assistance to legal services field programs about the impact of the 1980 census. They refused to allow any monitoring of their project and failed to submit a written report, required by the terms of the grant, after the project's completion.

This is not what the LSC was created to do. With the LSC spending its Federal funds in this way, no wonder 80 percent of the legal needs of the poor are not being met—according to the American Bar Association. H.R. 2039 pretends to address this issue by prohibiting redistricting activities at the Federal and State level, but it does not include local and judicial districts, as it should if the sponsors of this bill truly wanted to improve the way legal services are provided in this country.

I urge your support for this amendment to steer the LSC back in the right direction, away from an improper and wasteful use of taxpayers' hard earned dollars.

□ 1500

Mr. WASHINGTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Mississippi [Mr. ESPY].

Mr. ESPY. Mr. Chairman, I rise in opposition to this amendment offered by my good friend, the gentleman from Texas [Mr. STENHOLM], and despite the revelations of my good friend, the gentleman from Texas [Mr. BROOKS], the chairman of the committee, I rise to oppose the amendment.

I come to this issue with some degree of experience, but I do think, though, the amendment although well-intentioned, goes too far.

As written, section 9 of the Judiciary Committee bill already prohibits the LSC or private funds to be used to litigate cases on State and congressional levels under the Voting Rights Act. We know that these cases are often highly charged, very partisan, pitting political parties against one another. We are currently witnessing that as we are going through redistricting.

The amendment of the gentleman from Texas [Mr. STENHOLM] would extend the ban to all legislative and judicial or elective districts at any level or government, including local boards of alderman, local school boards, local hospital boards, local water association boards and the like.

At the local level, many of these cases are often nonpartisan. At the local level most of these cases aim to insure that local governmental bodies are responsive to all citizens. Most of these cases are not handled by civil rights groups who concentrate on State and Federal cases, cases with great national impact. We know that private practitioners do not have the resources, many do not have the expertise to take up these cases, most of which would take long years to complete.

So in fact, Mr. Chairman, I say that if they are not handled by Legal Services attorneys, more often than not they will not be handled at all, and the voting rights of citizens at the most basic level of government will still go unprotected.

In conclusion, Mr. Chairman, this amendment would effectively eliminate the opportunity of poor people and minorities to participate in their local government in a very meaningful way, so it would deny access, and that is something that none of us should be for. By denying representation by Legal Services to protect their voting rights, this Congress will be in effect denying those rights. Without the representation of Legal Services, again their access to the courts and to the justice system would be denied.

Mr. STENHOLM. Mr. Chairman, I have no further requests for time.

I would again urge my colleagues to support this amendment. It is another of the several amendments that we have offered that we believe will strengthen and enhance the true meaning of the Legal Services.

There is nothing in this amendment, none of the intent that would do some of the concerns that my colleagues, the gentleman from Texas and the gentleman from Mississippi, have expressed concern about.

What we are saying is, as the gentleman from Texas [Mr. BROOKS], the committee chairman, said much more eloquently than I, that we should be reserving Legal Services dollars for Legal Services purposes.

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

Mr. WASHINGTON. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I was trying to get the attention of my friend to ask him not to yield back the balance of his time so that we could not take the whole 14 minutes, but talk to each other, rather than at each other. We make a lot of speeches around here, but we very seldom talk to each other.

I know the gentleman from Texas. I have known him for a long time. I watched him when I was a member of the State legislature. I had great admiration and respect for the gentleman then and I do now.

I know that when the gentleman comes with an issue, he comes born of what he understands to be the needs of his constituents, and also the gentleman brings with him in his heart what he thinks is the right thing to do; but I believe that talking to the gentleman on this microphone, anybody who would want to talk to me seriously about the issue, I honestly believe I could talk them out of it.

I wish the gentleman had not yielded back the time, because I know the gentleman wants to do what is right.

If people want to do what is right around here, every once in awhile we ought to talk to each other, rather than taking our canned speeches and reading them, and not really talking about what the real issue is.

I know the gentleman has a problem out in west Texas, I say to the gentleman from Texas [Mr. STENHOLM], because that is the area the gentleman is privileged to represent in the Congress of the United States. I know the gentleman hears from the people out there, and I know a lot of them are concerned about redistricting.

What I know troubles me and I know troubles the gentleman is the fact that most of the cases out in west Texas are born of years and years of deprivation on behalf of Hispanic citizens who did not have the right to participate, who did not even have the right to vote. The gentleman has been a tireless fighter on their behalf, because I know the gentleman believes as I do that the best democracy is one in which all the people participate.

The question I want to ask the gentleman from Texas [Mr. STENHOLM], is if Legal Services lawyers do not represent these poor people, who will?

Mr. STENHOLM. Mr. Chairman, if the gentleman will yield, it is the Democratic Party in my part of the State that will represent them. That is a political issue. That is where the gentleman and I have been together on many issues.

Mr. WASHINGTON. Right.

Mr. STENHOLM. Mr. Chairman, if the gentleman will yield further, as the gentleman has rightfully acknowledged, we will be there again when wrongs are being wrought.

Mr. WASHINGTON. Reclaiming my time for just a moment, Mr. Chairman, so we can narrow the issue, is the Democratic Party going to get involved in school board races where they are nonpartisan?

The answer to that question is no, is it not, I ask the gentleman from Texas?

Mr. STENHOLM. No. I am sorry to differ with my colleague. Individuals may be in both parties; in fact, I would say in the area where there are clearly rights and clearly wrongs, in the method the gentleman is describing, in the past you will find in my district, in my area, people in both parties sitting down and working to right those wrongs. They may not always come to the same conclusion the gentleman and I would come to, but it is my opinion that we would be much better stead in this case and in future cases if the Legal Services Corporation does not involve itself in it, but that we continue to make the progress that we have over the past years in righting these wrongs.

Mr. WASHINGTON. Reclaiming my time one more time, Mr. Chairman, that would be good if it really worked, I say to the gentleman from Texas [Mr. STENHOLM], but the gentleman and I both know that the Democratic Party is not going to put money into a local nonpartisan race.

The mayor's race in the city of Houston is nonpartisan.

Moreover, do we really want political parties to get involved in what is already nonpartisan? I do not want the Democrats or the Republicans coming in, paying money to litigate the size and the shape of local council member districts in Houston. If they are already nonpartisan, and I think it is true that they are, why would we want the Democratic and Republican Parties to come in? Because that is the only way my question can be answered. The poor people would have no other representation.

So assume for the sake of this question that the Republicans say, "No, we

don't want to get in there because it's nonpartisan. We want it to stay that way."

Most mayoral elections and city council elections in the State of Texas are nonpartisan. I think both the gentleman and I and the Republicans would like for them to stay that way.

So then the question comes back to who then represents the poor people? The answer is loud and clear. Nobody represents the poor people. That is the problem we have now. Nobody has been representing the poor people for the past 20 years. They have just as much right, perhaps even more right to assure that the goods and services, even the size of the water pipe, police protection, fire protection, garbage pickup, are the same in their communities.

The gentleman and I both know that it is the squeaky wheel that gets the oil. If you do not have any representation on the city council, then you do not get any services from city council, or if you get them, you have to write to your Congressman to get him to put pressure on the local community so you can get what you are entitled to as a citizen.

The problem is that the gentleman's amendment goes too far, I respectfully suggest.

□ 1510

The amendment of the gentleman from Texas [Mr. STENHOLM]—I disagree with the committee, but I was outvoted in the committee. The committee has decided that it was a wise and prudent and perhaps political thing to do, I disagree with my chairman, to take out congressional and legislative redistricting. But that is a done deal.

But what the gentleman would do now is would not just cut down to the flesh, he goes down to the fiber and to the meat and to the bone. He takes away the right for the Legal Services attorney to represent anyone in a redistricting case, which means that poor people either have rich lawyers representing them in redistricting cases or they have no one at all. I think what will actually happen is that most often they will have no one at all.

Take it from someone who has represented people both wealthy, middle income, and poor people in redistricting cases. I was involved in one case to get the city of Houston city council to redistrict for 13 years. How many lawyers can you afford?

I had a practice of my own and had the luxury of being able to do that. I do not know many lawyers who can afford to do that. That was pro bono for me because I loved to do that.

But when you take away the right of the poor people, I say to the gentleman from Texas [Mr. STENHOLM], as his amendment does, to be able to shape what the school district board looks like, what the city council looks like, what happens is they end up opening and closing schools without regard to where these people live. If the people do not have the political power to elect someone to that governing board, then what has happened for the last 20 years will continue to happen to them.

We either vote down the Stenholm amendment, the bill is bad enough, it takes away redistricting for State legislative and congressional districts, but at least it leaves open the possibility that Legal Services lawyers—and there are probably only 100 suits nationwide, to begin with—Legal Services lawyers will have the right and the opportunity to be the only representative for poor people to stand up for their rights so that they can get the opportunity to be heard on local elections. I do not think there is anything wrong with that.

I ask you to vote against the Stenholm amendment.

Mr. RAY. Mr. Chairman, I rise in support of the amendment offered by my colleague from Texas [Mr. STENHOLM]. The committee with jurisdiction over this matter has itself determined that providing representation in State or congressional legislative redistricting cases is an inappropriate role for Legal Services Corporation attorneys. This amendment seeks to ensure that this philosophy is applied evenly throughout the political spectrum.

Legal Services attorneys play a vital role in the representation of poor individuals in civil matters. However, it is my belief, and a belief held by the committee, that redistricting matters are inherently political in nature. To allow attorneys, receiving funding through Federal, State, and local agencies, to enter the redistricting fray could discredit the entire Legal Services Corporation. If we intend to preserve the integrity of the corporation we must ensure that politics do not play a part in legal representation.

The committee has wisely made this separation on the Federal and State level, I support applying this concept evenly across the board at all levels of government.

The CHAIRMAN pro tempore (Mr. MFUME). All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. STENHOLM].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 123, answered "present" 1, not voting 24, as follows:

[Roll No. 116]

AYES—286

Allard	Armey	Bentley
Allen	Aspin	Bevill
Anderson	Baker	Bilbray
Andrews (NJ)	Ballenger	Bilirakis
Andrews (TX)	Barnard	Billey
Anthony	Barrett	Boehner
Applegate	Bateman	Borski
Archer	Bennett	Boucher
Brewster	Houghton	Pickett
Brooks	Hubbard	Pickle
Broomfield	Huckaby	Porter
Browder	Hughes	Poshard
Bruce	Hunter	Price
Bunning	Hutto	Pursell
Burton	Inhofe	Quillen
Callahan	Ireland	Rahall
Camp	Jacobs	Ramstad
Campbell (CA)	Jenkins	Ravenel
Campbell (CO)	Johnson (CT)	Ray
Carper	Johnson (SD)	Regula
Carr	Johnson (TX)	Rhodes
Chandler	Jones (NC)	Richardson
Chapman	Kanjorski	Ridge
Clement	Kasich	Riggs
Clinger	Kleczka	Rinaldo
Coble	Klug	Ritter
Coleman (MO)	Kolbe	Roberts
Combest	Kyl	Roemer
Condit	LaFalce	Rogers
Cooper	Lagomarsino	Rohrabacher
Coughlin	Lancaster	Ros-Lehtinen
Cox (CA)	LaRocco	Rose
Cramer	Laughlin	Roth
Crane	Lehman (CA)	Roukema
Cunningham	Lehman (FL)	Rowland
Darden	Lent	Russo
Davis	Levin (MI)	Sangmeister
DeLay	Lewis (CA)	Santorum
Derrick	Lewis (FL)	Sarpalius
Dicks	Lipinski	Saxton
Dingell	Livingston	Schaefer
Donnelly	Lloyd	Schiff
Dooley	Long	Schulze
Doolittle	Lowery (CA)	Sensenbrenner
Dorgan (ND)	Luken	Shaw
Dornan (CA)	Machtley	Shays
Dreier	Manton	Shuster
Duncan	Marlenee	Sisisky
Early	Martin	Skeen
Eckart	Martinez	Skelton
Edwards (OK)	Mavroules	Slaughter
Edwards (TX)	McCandless	Smith (FL)
Emerson	McCollum	Smith (IA)
English	McCrery	Smith (NJ)
Erdreich	McCurdy	Smith (OR)
Ewing	McDade	Smith (TX)
Fascell	McGrath	Snowe
Fawell	McHugh	Solarz
Fields	McMillan (NC)	Solomon
Fish	McMillen (MD)	Spence
Franks (CT)	McNulty	Spratt
Gallegly	Meyers	Stallings
Gallo	Michel	Stearns
Gaydos	Miller (OH)	Stenholm
Gekas	Miller (WA)	Stump
Geren	Mink	Sundquist
Gibbons	Molinari	Swift
Gilchrest	Mollohan	Tanner
Gillmor	Montgomery	Tauzin
Gilman	Moorhead	Taylor (MS)
Gingrich	Moran	Taylor (NC)
Glickman	Morella	Thomas (CA)
Goodling	Morrison	Thomas (GA)
Gordon	Murphy	Thomas (WY)
Goss	Murtha	Thornton
Gradison	Myers	Traficant
Grandy	Nagle	Upton
Guarini	Natcher	Valentine
Gunderson	Neal (MA)	Vander Jagt
Hall (TX)	Neal (NC)	Visclosky
Hamilton	Nichols	Volkmer
Hammerschmidt	Nowak	Vucanovich
Hancock	Nussle	Walker
Hansen	Obey	Walsh
Harris	Olin	Weber
Hastert	Orton	Weldon
Hatcher	Oxley	Wilson
Hayes (LA)	Packard	Wolf
Hefley	Parker	Wylie
Hefner	Patterson	Yatron
Henry	Paxon	Young (AK)
Herger	Payne (VA)	Young (FL)
Hobson	Penny	Zeliff
Holloway	Peterson (FL)	Zimmer
Hopkins	Peterson (MN)	
Horn	Petri	

NOES—123

Abercrombie	Barton	Bonior
Andrews (ME)	Beilenson	Boxer
Annunzio	Berman	Brown
Atkins	Blackwell	Bustamante
Bacchus	Boehlert	Cardin

Clay	Hoyer	Reed
Coleman (TX)	Johnston	Roe
Collins (MI)	Jones (GA)	Rostenkowski
Conyers	Jontz	Roybal
Costello	Kaptur	Sabo
Cox (IL)	Kennedy	Sanders
Coyne	Kennelly	Savage
de la Garza	Kildee	Sawyer
DeFazio	Kopetski	Scheuer
DeLauro	Kostmayer	Schroeder
Dellums	Lantos	Schumer
Dixon	Leach	Serrano
Downey	Lewis (GA)	Sharp
Durbin	Lowey (NY)	Sikorski
Dwyer	Markey	Skaggs
Edwards (CA)	Matsui	Slattery
Espy	Mazzoli	Stark
Evans	McCloskey	Stokes
Fazio	McDermott	Studds
Feighan	Mfume	Swett
Flake	Miller (CA)	Synar
Foglietta	Mineta	Torres
Ford (MI)	Moody	Torricelli
Ford (TN)	Oberstar	Towns
Frank (MA)	Olver	Traxler
Frost	Ortiz	Unsoeld
Gejdenson	Owens (NY)	Vento
Gephardt	Owens (UT)	Washington
Gonzalez	Pallone	Waters
Green	Panetta	Waxman
Hall (OH)	Pastor	Weiss
Hayes (IL)	Payne (NJ)	Wheat
Hertel	Pease	Williams
Hoagland	Pelosi	Wolpe
Hochbrueckner	Perkins	Wyden
Horton	Rangel	Yates

ANSWERED "PRESENT"—1

James

NOT VOTING—24

Ackerman	Dickinson	McEwen
Alexander	Dymally	Moakley
AuCoin	Engel	Mrazek
Bereuter	Hyde	Oakar
Bryant	Jefferson	Staggers
Byron	Kolter	Tallon
Collins (IL)	Levine (CA)	Whitten
Dannemeyer	Lightfoot	Wise

□ 1534

The Clerk announced the following pairs:

On this vote:

Mr. Lightfoot for, with Mr. Engel against.

Mrs. Byron for, with Mrs. Collins of Illinois against.

Messrs. MARKEY, ATKINS, SCHUMER, and HOAGLAND and Mrs. COLLINS of Michigan changed their vote from "aye" to "no."

Messrs. ANTHONY, CAMPBELL of Colorado, and OLIN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. MFUME). It is now in order to consider amendment No. 20 printed in House Report 102–512.

AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Texas: Page 23, strike line 8 through 12 and insert the following:

"(5)(A) a nonimmigrant agricultural worker to whom section 305 of the Immigration Reform and Control Act of 1986 applies, but only to the extent that the legal assistance provided is that described in that section;

"(B) an alien who is in the status of an alien lawfully admitted to the United States for temporary residence under section 210 or 210A of the Immigration and Nationality Act, but only with respect to legal assistance on matters relating to wages, housing, transportation, and other employment rights in relation to agricultural labor or services;

"(6) an alien who has been provided a record of permanent residence under section 249 of the Immigration and Nationality Act; or

MODIFICATION TO AMENDMENT OFFERED BY MR. SMITH OF TEXAS

Mr. SMITH of Texas. Mr. Chairman, I offer a modification to the amendment just offered, and I ask unanimous consent for its acceptance.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. SMITH of Texas: Page 23, strike lines 11 and 12 and insert the following:

"(6) an alien who has been provided a record of permanent residence under section 249 of the Immigration and Nationality Act;

"(7) an alien who is an eligible immigrant (as defined in section 301(b)(1) of the Immigration Act of 1990), was physically present in the United States on May 5, 1988, and is seeking admission as an immediate relative under the Immigration and Nationality Act or under section 203(a)(2) of such Act (including under section 112 of the Immigration Act of 1990) or is seeking (or is being provided) benefits under section 301(a) of the Immigration Act of 1990; or

Page 23, line 13, strike "(7)" and insert "(8)".

PARLIAMENTARY INQUIRY

Mr. BERMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BERMAN. Mr. Chairman, do we now have before us modified amendment No. 20 to H.R. 2039?

The CHAIRMAN pro tempore. The Chair has not yet put the question on the modification.

Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment, as modified, is before the committee. Pursuant to the rule, the gentleman from Texas [Mr. SMITH] will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for 15 minutes.

Mr. BROOKS. Mr. Chairman, I rise in opposition, but will probably not remain in opposition.

The CHAIRMAN pro tempore. Will the gentleman from Texas [Mr. BROOKS] restate his position?

Mr. BROOKS. Mr. Chairman, I rise in opposition, subject to convincing arguments and further dialog by my distinguished friends, the gentleman from Texas [Mr. SMITH] and the gentleman from California [Mr. BERMAN].

The CHAIRMAN pro tempore. The gentleman from Texas [Mr. BROOKS] will be recognized at the appropriate time in the debate in opposition.

The Chair recognizes the distinguished gentleman from Texas [Mr. SMITH].

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is about priorities.

I think we are all beginning to realize that there are limits to the Federal Government's generosity, and that we have to make some tough choices.

My amendment faces up to that reality, sets priorities, and protects the benefits of the most deserving recipients.

Without this amendment, American citizens and permanent residents would have to compete with illegal aliens for access to Legal Services Corporation benefits.

The amendment addresses the section in H.R. 2039 that deals with alien eligibility for LSC services.

Let me start by saying that I support many of the expansions in the bill.

In fact, my amendment:

Maintains coverage for aliens currently eligible for LSC benefits, and

Completely maintains six of the bill's seven expansions of alien eligibility.

For example, this amendment maintains the expansion for spouses of U.S. citizens.

It also maintains the expansion of benefits for aliens legalized under the Simpson-Mazzoli bill, and for aliens with emergency medical conditions.

I don't want to take up all my time talking about the expansions my amendment allows, but I did want to point out that it is very generous.

However, it does set priorities by reining in a questionable expansion in the bill.

I should mention that last week, my colleague from California, Mr. BERMAN, in a "Dear Colleague" letter pointed out that many agricultural workers are currently eligible for legal services.

On that point he is right, and we have worked together since then to assure that the amendment does not take legal service benefits away from anyone who is currently eligible.

The amendment as modified deals with aliens who are permanently residing in the United States under color of law, or PRUCOL aliens.

I wish there were a simple way to explain who these aliens are, but there isn't, and really, that is part of the problem.

The term PRUCOL basically refers to aliens who are known or should be known to the Government, but whom the Government has not moved to deport.

Some have estimated this would make over 2 million illegal aliens eligible for LSC benefits.

No one can tell you exactly who is covered, because the courts have not reached any agreement on that question, and it is not defined in existing immigration statutes or in this bill.

The bill would make all PRUCOL aliens, whether here legally or illegally, temporarily or permanently, eligible for LSC benefits.

Without this amendment, the language in the bill would be a vague standard and would, in the end, simply create more litigation to determine exactly who is eligible for LSC benefits.

Mr. Chairman, we need to remember two more facts when we debate this amendment.

First, according to the American Bar Association, 80 percent of the legal needs of the poor are not being met.

And second, the Federal budget is running a deficit of almost $400 billion a year.

These two facts come into conflict as we try to redesign the Legal Services Corporation.

H.R. 2039 would give legal service benefits to many new groups of illegal and temporary aliens.

With 80 percent of the legal needs of America's poor already going unmet, we simply cannot afford to do this even if we wanted to.

This amendment will maintain our commitment to all aliens already eligible for legal services benefits.

That causes two problems.

First, it would mean that we are giving legal assistance to illegal aliens.

To me, there is no justification for diverting funds away from legal immigrants and citizens to pay the legal costs of illegal aliens.

Second, the language in the bill would generate litigation to determine the definition of permanently residing under color of law.

Why would we want to create more litigation in a bill designed to make the legal system more accessible?

My amendment would eliminate the reference to PRUCOL aliens.

Instead, it would have a specific reference to two types of aliens who would qualify as PRUCOL aliens and who should be eligible for LSC benefits.

The other types of aliens who need to be covered, such as refugees, are already specifically mentioned in the bill.

And it will also avoid the mountain of litigation sure to come if vague language about aliens permanently residing under color of law is enacted.

American citizens and legal immigrants, not illegal aliens and temporary residents, should receive priority when it comes to free legal services.

I urge my colleagues to support this amendment to set realistic priorities for legal services benefits.

And I again thank my colleague, the gentleman from California [Mr. BERMAN], for his cooperation in devising this amendment.

□ 1540

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

Mr. BROOKS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California [Mr. BERMAN], who also has an amendment.

Mr. BERMAN. Mr. Chairman, I thank the chairman of the committee for yielding time to me.

I rise in support of the modified amendment and ask for an aye vote.

Mr. BROOKS. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky [Mr. MAZZOLI], the distinguished chairman of the Subcommittee on International Law, Immigration, and Refugees.

Mr. MAZZOLI. Mr. Chairman, I rise in support of the gentleman's amendment and congratulate him for his work, but also to express some reservations and some concern about what we will find in the amendment as we move over into conference with the other body.

Just to be sure, but if I understand what the gentleman did, he struck the language which is in the bill which says that Legal Services would be available to an alien who is permanently residing in the United States under color of law. So that a fairly broad category includes programs like Medicaid, AFDC, what we call the SSI or supplementary security benefits, those which are available to aliens who are in this country under color of law, would, if I understand the gentleman's modified amendment, still be available but those people would not be entitled to Legal Services assistance if they had some kind of problem or question.

Is that generally the gentleman's amendment?

Mr. SMITH of Texas. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of Texas. Mr. Chairman, the gentleman is generally correct. The amendment deals only with Legal Services Corporation benefits and not with other types of benefits.

Mr. MAZZOLI. Mr. Chairman, if I understand further, the gentleman's agreement with the gentleman from California says that there are two categories of people in the United States who are not citizens who would be entitled to legal services. One is those registry people, people who are securing their citizenship via the registry program. And second, if I understand correctly, spouses and children of legalized aliens, those aliens who came in under the 1986 IRCA Act. They currently do not receive legal services benefits but would under the amendment of the gentleman from Texas.

Is the gentleman from Kentucky correct on that?

Mr. SMITH of Texas. Mr. Chairman, if the gentleman will continue to yield, I would say to my friend from Kentucky, that is correct.

Mr. MAZZOLI. Mr. Chairman, I certainly think that this is a step in the right direction, because as the gentleman from Texas characterized, Legal Services ought to be available in a certain categorization. We realize we have to make certain decisions and certain priorities, and the gentleman is a very sensitive and productive member of our committee, but there is certainly some open area here, some questions. So, as we move further with the bill, it would be the intention of the gentleman from Kentucky, working with the gentleman from California and our chairman, to make sure we know how many people are involved and where we are going with this.

With that caveat, I would support the gentleman's amendment.

Mr. SMITH of Texas. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Chairman, I would just say that I think we can probably resolve or clarify any other points on this amendment as we go along. I would think we ought to accept it.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman from Texas for yielding time to me.

America's social infrastructure and institutions are being overwhelmed by illegal aliens.

Many people are afraid to speak out on this issue. But we can no longer deny this fact: Illegal aliens are availing themselves of social services provided by the taxpayers, and frankly, we can't afford it.

That is what this debate is all about: Whether or not some illegal aliens should receive taxpayer-paid benefits through the Legal Services Corporation.

I speak on behalf of the overwhelming majority of my constituents when I say no, we cannot afford to provide illegal aliens with free legal advice.

Our country is going bankrupt. We must prioritize, and our citizens must have priority over illegal aliens. If we keep trying to do everything for everybody, we will soon find that we are unable to do anything for anybody.

Illegal aliens should not receive taxpayer funded legal advice, or any other tax-supported services.

Finally, Mr. Chairman, Attorney General Barr reported that a significant number of the persons arrested for rioting and looting in Los Angeles were illegal aliens.

And while some of these illegal aliens have been deported, there seems to be no special efforts or commitment by the administration to get these looters and rioters out of this country as soon as possible.

The illegal aliens who were rioting and looting should be deported, and it shouldn't cost the taxpayers a fortune to do it. Kick them out of country and keep them out. It's time to get serious.

Worst of all, the illegals who are not deported for looting will remain here

and then through this bill, could receive taxpayer funded legal advice.

Give me a break.

Give the taxpayers a break.

I urge a return to sanity and support for the Smith amendment.

Mr. BROOKS. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

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

I would like to talk to my friend from California just momentarily. I could not agree with him more. I think illegal aliens and people who surreptitiously come in this country ought not to receive benefits from Legal Services. We ought to reserve those for citizens or for people here under color of law.

According to the bill, the gentleman, perhaps inadvertently, mischaracterizes the people who would get Legal Services as illegal aliens. These are people who are here because they have been paroled into the country to pursue the legal test of whether or not they are refugees.

These are people who are here changing from one status to another status. These are people who are here under color of law. So the gentleman would, I think, make a very apt point in saying that those who were responsible for the Los Angeles problems or any problems like that, who are here without any color of law, absolutely illegally, ought not to be the beneficiary of these services, but that is not what this bill covers.

So I think we ought to make sure we understand exactly what the bill does cover.

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

□ 1550

Mr. BROOKS. Mr. Chairman, I suggest that we accept the amendment without any argument, and I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. MFUME). The question is on the amendment, as modified, offered by the gentleman from Texas [Mr. SMITH].

The amendment, as modified, was agreed to.

Mr. BROOKS. Mr. Chairman, I include an article in the RECORD at this point, an editorial from the New York Times, which appeared on May 9, 1992, on this subject.

The text of the article is as follows:

WHAT'S RADICAL ABOUT LEGAL RIGHTS?

One of Government's best buys is the national program of legal services for the poor—yet the White House hates it. That opposition is more rabid than reasonable, and next week Congress gets a rare chance to affirm justice, and enlarge it.

The Legal Services Corporation was created to protect poverty lawyers from hostile governors and Presidents—like Ronald Reagan, who was both. But the program has not been reauthorized by Congress since his election in 1980. He tried to kill it and Congress has saved it by voting money every year. These money bills often have included restrictions demanded by business and farm interests.

Next week, the House is scheduled to approve a balanced reauthorization bill. It would safeguard the freedom of 324 Legal Services offices across the country to give the poor a semblance of the legal representation that better-off Americans take for granted. The Senate needs to move its own bill, notwithstanding the Administration's contention that the program is socially radical.

The program is radical, but not because it teems with social engineers and rabble-rousers. Reformers dissatisfied with conventional legal aid created the program knowing the poor have legal rights as well as legal problems. Legal Services lawyers thus do not merely defend, for instance, individual installment debtors. They also litigate more broadly for wholesale relief. These dedicated, underpaid advocates deliver a lot of civil justice for $350 million annually. Most staff attorneys make $27,000 a year.

The Bush Administration would just as soon kill the program. But if it is to survive, the idea is to hassle the lawyers with restrictions. For example, the House last week defeated proposed rules against lobbying that are so extreme they would have forbidden the lawyers even to answer an inquiry from Congress about legislation that could ease poor people's legal problems.

There has probably never been a moment following the Los Angeles verdict and riot, of greater anxiety and pain over equal justice in America. By reauthorizing Legal Services, over a veto if necessary, Congress can maintain cost-effective help for those who can't afford lawyers.

Mr. CHANDLER. Mr. Chairman, I rise to express my continued support of the necessary reform amendments being offered to H.R. 2039, the Legal Services Reauthorization Act. Without the adoption of these amendments, we are failing to address the real concern over questionable activities by the Legal Services Corporation [LSC]. I also fear that without these amendments, America's farmers will continue to be the unfair targets of LSC activists trying to make a name for themselves.

In this increasingly litigious society, we do not need legislation that promotes more lawsuits. Unfortunately, that is exactly what H.R. 2039 does. The bill before us actually broadens the ability of LSC attorneys to bring suits against farmers.

Time and again, I have heard stories of LSC attorneys illegally trespassing onto private farms shopping for lawsuits or manufacturing false charges that are too costly for the farmer to fight. Mr. Chairman, this clearly should not be the role of the Legal Services Corporation and it should not be tolerated. This is why we need to adopt the reforms that have been offered by our colleagues, Mr. MCCOLLUM from Florida and Mr. STENHOLM from Texas. Such key reforms included competitive bidding for LSC grants that prohibit recovery of attorney's fees from nongovernmental defendants.

I am equally concerned over the bill's failure to include procedural safeguards. Defendants and their counsel deserve the right to know who is suing them. For this reason I support legislation which provides for the positive identification of a defendant's accuser. This would rightfully enable a defendant to determine whether he/she has, in fact, had any contact with the plaintiffs.

In closing, I urge my colleagues to carefully consider the impact of H.R. 2039 without the inclusion of the reform amendments. I agree that reauthorization of the Legal Services Corporation is important. However, closure of the LSC loopholes is long overdue. Let's get down to the business at hand and truly reform the Legal Services Corporation. We can both continue LSC's legal assistance to the poor, and protect the rights of innocent farmers.

Mr. GOODLING. Mr. Chairman, I rise in support of the efforts of our colleagues Mr. STENHOLM and Mr. MCCOLLUM to implement essential reforms for the Legal Services Corporation and in support of this motion to recommit with instructions.

I am particularly supportive of provisions directed at problems facing the agricultural community because of the activities of Legal Services Corporation grantees.

While I support the concept behind the Legal Services Corporation, I believe many legal services attorneys have overstepped their authority in the past few years and forced many good farmers to go bankrupt and lose their farms.

The proposal offered by Mr. STENHOLM and Mr. MCCOLLUM would address many of the problems in my congressional district which are not adequately addressed in the bill before us.

In my district, good farmers have been targeted for lawsuits by overzealous LSC attorneys. These farmers have had great difficulty defending themselves against manufactured and frivolous claims. A provision in this motion would simply require that plaintiffs be identified by name. This is only fair. Enactment of this amendment would allow the defendant an opportunity to prepare a legitimate defense in cases brought by LSC attorneys; this is nothing less than his or her right. Enactment of this provision would also lead to a decline in false claims and manufactured charges created by these overzealous attorneys pursuing their own agenda with little regard for the long-term welfare of the farmworkers.

Another provision would prevent the recovery of attorneys fees from nongovernmental defendants. A well-known case in my district illustrates the need for this amendment.

Mr. Roth, a farmer for over 30 years in my congressional district, became a target of LSC attorneys after testifying before a congressional hearing on legal services problems in 1987. It was the third time Roth had been sued by a particular legal services grantee since 1985.

The key issue in the Roth case involved two women claiming to be Roth's employees. The legal services grantee claimed that because Roth was aware of the presence of the two women in his orchard, he owed them 1 year's wages, as well as punitive damages. Roth acknowledged that he knew they were present in his orchard during working hours visiting their husbands. However, he denied they were ever employees and told the court he had directed the women not to perform work.

The plaintiffs were awarded only $2,074. Then the legal services grantee sued to recover its attorney's fees of $66,000 from Roth.

Mr. Roth had already spent over $250,000 to cover his own attorney's fees and then the LSC grantee filed suit to recover its costs which were paid by the Federal Government.

In general, the cases I have described in "dear colleague" letters and in this statement, and there are a number of others in my congressional district, highlight the need for reform of the current LSC system and the Stenholm-McCollum motion to recommit. Unless this motion to recommit is passed, I fear the predatory practices of certain LSC attorneys will continue.

Mr. Chairman, I support the original mandate of the Legal Services Corporation to provide affordable, effective legal representation to those who cannot otherwise afford it. What I question, however, is the unfair treatment of hardworking farmers by certain Legal Services Corporation grantees whose efforts are of questionable long-term benefit to the well-being of migrant workers.

I urge my colleagues to support the motion to recommit offered by Mr. STENHOLM and Mr. MCCOLLUM aimed at providing accountability to stem the unethical and predatory practices of some grantees.

Mr. FISH. Mr. Chairman, I rise to urge we vote in favor of final passage of H.R. 2039. We have a chance today to provide long-term stability for the Legal Services Corporation, and the House must seize this opportunity to affirm access to justice for all Americans regardless of their economic circumstances.

Despite the critical role it plays in providing legal counsel in civil matters for low-income Americans, the Legal Services Corporation has not been reauthorized in 15 years. Since 1980, due to political differences over a number of issues, Legal Services has been forced to exist on annual funding through Commerce, State and Justice appropriations bills. I am pleased that we were able to work out many of these differences in the Judiciary Committee, and that the House has had an opportunity to work its will by adding several restrictions to H.R. 2039 during floor debate.

Mr. Chairman, this is not a perfect product. I voted for amendments that did not prevail. Nevertheless, the bill, as amended, assures continuation of an effective legal services program. The committee bill addresses the legitimate concerns of critics of both legal services programs and the Corporation itself, while preserving the rights of poor people to adequate legal representation. It preserves and strengthens local control, and provides access by the poor to legal assistance similar to that available to other citizens under our system of laws. The bill as corrected by my amendment also strengthens the Corporation's ability to assure fiscal integrity and effective accountability of the program to Congress and the clients who are served.

The reaction across America to recent events in Los Angeles has clearly demonstrated the belief of many low-income Americans that our legal system does not work in their behalf. The alienation they feel will only be compounded if we do not act on this vital piece of legislation. I urge my colleagues to join me in supporting final passage of H.R. 2039.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. SKAGGS] having assumed the chair, Mr. MFUME, chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 2039) to authorize appropriations for the Legal Services Corporation, and for other purposes, pursuant to House Resolution 444, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. SKAGGS). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT OFFERED BY MR. MCCOLLUM

Mr. MCCOLLUM. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MCCOLLUM. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MCCOLLUM moves to recommit the bill H.R. 2039 to the Committee on the Judiciary with instructions to report back the same forthwith with the following amendment:

Strike everything that follows the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Legal Services Reauthorization Act of 1992".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title.
Sec. 2. Reference to the Legal Services Corporation Act.
Sec. 3. Authorization of appropriations.
Sec. 4. Protection against theft and fraud.
Sec. 5. Prohibitions on lobbying.
Sec. 6. Enforcement and monitoring.
Sec. 7. Class actions.
Sec. 8. Prohibition on use of funds for redistricting.
Sec. 9. Restrictions on use of funds for legal assistance to aliens.
Sec. 10. Governing bodies of recipients.
Sec. 11. Solicitation.
Sec. 12. Certain eviction proceedings.
Sec. 13. Procedural safeguards for litigation.
Sec. 14. Procedural implementation of competition; distribution of grants and contracts.
Sec. 15. Training.
Sec. 16. Abortion.
Sec. 17. Limitation on use amendments.
Sec. 18. Recordkeeping and noncorporation funds.
Sec. 19. Evasion.
Sec. 20. Attorneys' fee provisions.
Sec. 21. Reprogramming provisions.
Sec. 22. Authorities of Inspector General.
Sec. 23. Staff attorneys.
Sec. 24. Study on legal assistance to older Americans.

SEC. 2. REFERENCE TO THE LEGAL SERVICES CORPORATION ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Legal Services Corporation Act (42 U.S.C. 2996 and following).

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 1010(a) (42 U.S.C. 2996i(a)) is amended by striking the first three sentences and inserting the following: "There are authorized to be appropriated for the purpose of carrying out the activities of the Corporation such sums as may be necessary for each of fiscal years 1992, 1993, 1994, 1995, and 1996.".

SEC. 4. PROTECTION AGAINST THEFT AND FRAUD.

Section 1005 (42 U.S.C. 2996d) is amended by adding at the end the following:

"(h) For purposes of sections 286, 287, 641, 1001, and 1002 of title 18, United States Code, the Corporation shall be considered to be a department or agency of the United States Government.

"(i) For purposes of sections 3729 through 3733 of title 31, United States Code, the term 'United States Government' shall include the Corporation, except that actions that are authorized by section 3730(b) of such title to be brought by persons may not be brought against the Corporation, any recipient, other grantee or contractor of the Corporation, subgrantee or subcontractor of any such entity, or employee thereof.

"(j) For purposes of section 1516 of title 18, United States Code—

"(1) the term 'Federal auditor' shall include any auditor employed or retained on a contractual basis by the Corporation,

"(2) the term 'contract' shall include any grant or contract made by the Corporation, and

"(3) the term 'person', as used in subsection (a) of such section, shall include any recipient or other grantee or contractor receiving financial assistance under section 1006(a)(1) or 1006(a)(3).

"(k) Funds provided by the Corporation under section 1006 shall be deemed to be Federal appropriations for the purpose of all Federal criminal laws when used by a recipient, another grantee or contractor of the Corporation, or any subgrantee or subcontractor of any such entity.

"(l) For purposes of section 666 of title 18, United States Code, funds provided by the Corporation shall be deemed to be benefits under a Federal program involving a grant or contract.".

SEC. 5. PROHIBITIONS ON LOBBYING.

Section 1007(a)(5) (42 U.S.C. 2996f(a)(5)) is amended to read as follows:

"(5) ensure that no funds made available to any recipient or other grantee or contractor of the Corporation are used at any time, directly or indirectly—

"(A) to pay for any publicity or propaganda intended or designed—

"(i) to support or defeat legislation pending before the Congress or State or local legislative bodies,

"(ii) to influence any decision by a Federal, State, or local agency, or

"(iii) to influence the passage or defeat of any State proposal made by initiative petition or referendum;

"(B) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or other device, intended or designed to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a recipient or other grantee or contractor to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities and which does not involve the issuance, amendment or revocation of any executive order or similar promulgation by any Federal, State, or local agency; or

"(C) to pay for any oral or written communication, personal service, advertisement, telegram, telephone communication, letter, printed or written matter, or any other device intended or designed to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body, or intended or designed to influence any Member of Congress or any other Federal, State, or local elected official—

"(i) to favor or oppose any referendum, initiative, constitutional amendment, or any similar procedures of the Congress, any State legislature, any local council, or any similar governing body acting in a legislative capacity,

"(ii) to favor or oppose an authorization or appropriation directly affecting the authority, function, or funding of a recipient, other grantee or contractor, or the Corporation,

"(iii) to influence the conduct of oversight proceedings of a recipient, other grantee or contractor, or the Corporation, or

"(iv) to favor or oppose any Act, bill, resolution, or similar legislation; and ensure that no funds made available to recipients or other grantees or contractors are used to pay for any administrative or related costs associated with an activity prohibited in subparagraph (A), (B), or (C);".

SEC. 6. ENFORCEMENT AND MONITORING

(a) ENFORCEMENT.—Section 1006(b)(1)(A) (42 U.S.C. 29963(b)(1)(A)) is amended—

(1) by inserting "(i)" after "(b)(1)(A)", and

(2) by adding at the end the following:

"(ii) Unless required by law, the Corporation shall not make the findings of an investigation public until a final report is issued or unless such disclosure is made with the consent of the recipient or other grantee or contractor involved. If, at the conclusion of the investigation, the Corporation determines that it will take action under section 1011, it shall notify the recipient, grantee, or contractor of the right to request a hearing. A hearing must be requested not later than 30 days after receiving the notification."

(b) MONITORING AND EVALUATIONS OF PROGRAMS.—At the end of section 1007(d) (42 U.S.C. 2996f(d)), add the following: "The Corporation may require disclosure of such records as are pertinent and necessary to effectively monitor and evaluate recipients and other grantees and contractors of the Corporation.".

SEC. 7. CLASS ACTIONS.

Section 1006(d)(5) is amended——

(1) by striking "No" and inserting "(A) Subject to subparagraph (B), no"; and

(2) by adding at the end the following:

"(B) No recipient, other grantee or contractor of the Corporation, or employee of any such recipient, grantee, or contractor may bring a class action suit against the Federal Government or any State or local government unless—

"(i) the project director of the recipient, grantee, or contractor has expressly approved the filing of such an action in accordance with policies established by the governing or policy body of the recipient, grantee, or contractor and the filing of such action has not been expressly disapproved by such governing or policy body;

"(ii) the class relief which is the subject of such an action is sought for the primary benefit of individuals who are eligible for legal assistance under this title; and

"(iii) before filing such an action, the project director of the recipient, grantee, or contractor determines that the government entity is not likely to change the policy or practice in question, that the policy or practice will continue to adversely affect eligible clients, that the recipient, grantee, or contractor has given notice of its intention to seek class relief, and that responsible efforts to resolve without litigation the adverse effects of the policy or practice have not been successful or would be adverse to the interest of the clients.".

SEC. 8. PROHIBITION ON USE OF FUNDS FOR REDISTRICTING.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended—

(1) in paragraph (10) by striking the period and inserting "; or"; and

(2) by adding at the end the following:

"(11) to—

"(A) advocate or oppose, or contribute or make available any funds, personnel, or equipment for use in advocating or opposing, any plan or proposal, or

"(B) represent any party or participate in any other way in litigation,

that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census.".

SEC. 9. RESTRICTIONS ON USE OF FUNDS FOR LEGAL ASSISTANCE TO ALIENS

Section 1007 (42 U.S.C. 2996(f)) is amended by adding at the end the following:

"(i) No funds appropriated to the Legal Services Corporation may be used to provide legal assistance for or on behalf of any alien unless the alien is present in the United States and is—

"(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)), including aliens who acquire the status of lawful permanent resident aliens under the provisions of section 210, 210A, 216 or 245A of that Act (8 U.S.C. 1160, 1161, 1186a, 1255a);

"(2) an alien who is either married to a United States citizen or is a parent or an unmarried child under 21 years of age of such citizen and who has filed an application to adjust status to lawful permanent resident under the Immigration and Nationality Act, and such application has not been finally adjudicated;

"(3)(A) an alien who is lawfully present in the United States pursuant to an admission as a refugee under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), who has been granted suspension of deportation under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), or who has been granted asylum under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158), or

"(B) an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act as in effect immediately before April 1, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion or because of being uprooted by catastrophic natural calamity;

"(4) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

"(5)(A) a nonimmigrant agricultural worker to whom section 305 of the Immigration Reform and Control Act of 1986 applies, but only to the extent that the legal assistance provided is that described in that section,

"(B) an alien who is in the status of an alien lawfully admitted to the United States for temporary residence under section 210 or 210A of the Immigration and Nationality Act (8 U.S.C. 1160, 1161);

"(6) an alien who has been provided a record of permanent residence under section 249 of the Immigration and Nationality Act (8 U.S.C. 1259); or

"(7) an alien who is eligible for medical assistance for treatment of an emergency medical condition under title XIX of the Social Security Act, if the legal assistance to be provided is needed in order to help obtain such medical assistance.".

SEC. 10. GOVERNING BODIES OF RECIPIENTS.

Section 1007(c) (42 U.S.C. 2996f(c)) is amended—

(1) by striking "(1)" and "(2)" and inserting "(A)" and "(B)", respectively;

(2) by inserting "(1)" after "(c)"; and

(3) by adding at the end the following:

"(2) Funds appropriated for the Corporation may not be used by the Corporation in making grants or entering into contracts for legal assistance unless the Corporation ensures that the recipient or other grantee or contractor is either—

"(A) a private attorney or attorneys, or

"(B) a qualified nonprofit organization chartered under the laws of one of the States—

"(i) a purpose of which is furnishing legal assistance to eligible clients, and

"(ii) the majority of the board of directors or other governing body of which is comprised of attorneys who are admitted to practice in one of the States and are approved to serve on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in—

"(I) the locality in which the organization is to provide legal assistance, or

"(II) in the case of national support centers, the locality where the organization maintains its principal headquarters.

The approval described in subparagraph (B)(ii) may be given to more than one board of directors or other governing body.".

SEC. 11. SOLICITATION.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(j) Any recipient or other grantee or contractor of the Corporation, and any employee of any such recipient, grantee, or contractor, who has given in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action shall not accept employment resulting from that advice, or refer that nonattorney to another such recipient, grantee, contractor, or employee, except that—

"(1) a recipient or other grantee or contractor of the Corporation, or an employee of

any such recipient, grantee, or contractor, may accept employment by a close friend, relative, former client (if the advice given is germane to the previous employment by the client), or person whom the recipient, grantee, contractor, or employee reasonably believes to be a client because the recipient, grantee, contractor, or employee currently is handling an active legal matter or case for that specific person;

"(2) a recipient or other grantee or contractor of the Corporation, or an employee of any such recipient, grantee, or contractor may, accept employment or refer a nonattorney to another such recipient, grantee, contractor, or employee when the employment or referral (as the case may be) results from the participation of the recipient, grantee, contractor, or employee in activities designed to educate nonattorneys about their legal rights, to recognize legal problems, to make intelligent selection of counsel, or to utilize available legal services if such outreach activities are conducted or sponsored by the recipient, grantee, contractor, or other legal assistance organization; and

"(3) without affecting the right of a recipient or other grantee or contractor of the Corporation or an employee of any such recipient, grantee, or contractor to accept employment, any such recipient, grantee, contractor, or employee may speak publicly or write for publication on legal topics so long as such recipient, grantee, contractor, or employee does not emphasize his, her, or its own professional experience or reputation and does not undertake to give individual advice in such speech or publication.".

SEC. 12. CERTAIN EVICTION PROCEEDINGS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(k)(1) No funds made available by or through the Corporation may be used for initiating the defense of a person in a proceeding to evict that person from a public housing project if the person has been convicted of the illegal sale or distribution of a controlled substance and if the eviction proceeding is brought by a public housing agency because the illegal drug activity of that person threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency.

"(2) As used in this subsection—

"(A) the term 'controlled substance' has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802); and

"(B) the terms 'public housing project' and 'public housing agency' have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).".

SEC. 13. PROCEDURAL SAFEGUARDS.

Section 1007 (42 U.S.C. 2997f) is amended by adding at the end the following:

"(i)(1) No recipient or other grantee or contractor of the Corporation, or employee of such recipient, grantee, or contractor, may engage in precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless a written retainer agreement which enumerates the particular facts on which the claim or controversy is initially based has been signed by the plaintiffs (including named plaintiffs in a class action). Such retainer agreement shall be executed when representation commences, or, if not possible at that time because of an emergency situation, then as soon thereafter as is practicable. Such retainer agreement—

"(A) shall be kept on file by the recipient, grantee, or contractor in a manner that does not disclose information protected by the attorney-client privilege, and

"(B) shall be made available—

"(i) to any Federal department or agency that is auditing the activities of the Corporation or of any such recipient, grantee, or contractor, and

"(ii) to any auditor receiving Federal funds to conduct such auditing, including any auditor or monitor of the Corporation.

Other parties shall have access to such agreement only through the applicable rules of discovery after litigation has begun. Claims of attorney-client privilege shall not protect information contained in such agreement which, after the agreement is signed, is disclosed by the plaintiffs or the plaintiff's counsel to third parties during precomplaint settlement negotiations or litigation. The recipient, grantee, or contractor is not required to execute a written retainer agreement under this subsection when the only service to be provided is brief advice and consultation.

"(2) No recipient or other grantee or contractor of the Corporation, or employee of such recipient, grantee, or contractor may engage in precomplaint settlement negotiations, file a complaint, or otherwise pursue litigation against a defendant unless all plaintiffs have been specifically identified, by name, for purposes of such negotiations or litigation, except to the extent that a court of competent jurisdiction has granted leave to protect the identify of any plaintiff.

"(3)(A) Subject to subparagraph (B), any Federal district court of competent jurisdiction, after notice to potential parties to negotiations or litigation referred to in paragraph (1) and after an opportunity for a hearing, may enjoin the disclosure of the identify of any potential plaintiff pending the outcome of such negotiations or litigation, upon the establishment of reasonable cause to believe that such an injunction is necessary to prevent probable, serious harm to such potential plaintiff.

"(B) Notwithstanding subparagraph (A), the court shall, in a case in which subparagraph (A) applies, order the disclosure of the identity of any potential plaintiff to counsel for potential defendants upon the condition that counsel for potential defendants not disclose the identity of such potential plaintiff (other than to investigators or paralegals hired by such counsel), unless authorized in writing by such potential plaintiff's counsel or the court.

"(C) Counsel for potential defendants and the recipient, grantee, contractor, or employee counsel of the recipient, grantee, or contractor may execute an agreement, in lieu of seeking a court order under subparagraph (A), governing disclosure of the identity of any potential plaintiff.

"(D) The court may punish as a contempt of court any violation of an order of the court under subparagraph (A) or (B) or of an agreement under subparagraph (C).".

SEC. 14. PHASED IMPLEMENTATION OF COMPETITION; DISTRIBUTION OF GRANTS AND CONTRACTS.

Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(m)(1)(A) Ten percent of all grants and contracts awarded by the Corporation for the provision or support of legal assistance to eligible clients under this title shall be awarded under a competitive bidding system developed by the Corporation to test the use of competition in providing effective and efficient legal services of high quality. This competitive system shall—

"(i) ensure access to high-quality, economical, and effective legal services for eligible clients, consistent with section 1001.

"(ii) minimize disruption of client services, and

"(iii) ensure that every recipient or other grantee or contractor seeking a grant or contract through this competitive bidding process complies with all provisions of this title and the applicable rules, guidelines, and instructions issued under this title.

"(B) The competitive bidding system developed under subparagraph (A) shall be implemented in fiscal years 1993 and 1994.

"(C) The Corporation shall, not later than 18 months after implementation of the competitive bidding system under subparagraph (A), report to the Congress on the effectiveness of the system.

"(D) If at the end of fiscal year 1994 the Corporation determines that the competitive bidding system has met the requirements of subparagraph (A), the Corporation shall so notify the Congress and shall proceed to phase in, during the next 3 fiscal years, the implementation, for all grants and contracts awarded by the Corporation for the provision or support of legal assistance to eligible clients under this title, of a competitive bidding system that meets the requirements of subparagraph (A).

"(2) Rights under section 1007(a)(9) and 1011 shall not apply to the termination or denial of financial assistance under this title as a result of the competitive award of any grant or contract under paragraph (1), and the expiration of any grant or contract under this title as a result of such competitive award shall not be treated as a termination or denial of refunding under section 1007(a)(9) or 1011.

"(n)(1) Funds appropriated to the Corporation shall be distributed to each recipient or other grantee or contractor on a per capita basis pursuant to the number of poor people determined by the Bureau of the Census to be within its geographical area, in accordance with paragraphs (2) and (3).

"(2) The amount of the grants from the Corporation and of the contracts entered into by the Corporation under section 1006(a)(1) shall be an equal figure per poor person for all geographic areas, based on the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code, regardless of the level of funding for any geographic area before the enactment of the Legal Service Reauthorization Act of 1992.

"(3) Beginning with the fiscal year beginning after the results of the most recent decennial census have been reported to the President under section 141(b) of title 13, United States Code, funding of geographic areas served by recipients, grantees, and contractors shall be redetermined, in accordance with paragraph (2), based on the per capita poverty population in each such geographic area under that decennial census.".

SEC. 15. TRAINING.

Section 1007(b)(6) (42 U.S.C. 2996f(b)(6)) is amended to read as follows:

"(6) to support or conduct training programs for the purpose of advocating particular public policies or encouraging political activities, labor or antilabor activities, boycotts, picketing, strikes, or demonstrations, including the dissemination of information about such policies or activities, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegal personnel that is necessary to prepare them to provide adequate legal assistance to eligible clients, to advise any eligible client as to the nature of the legislative process, or to inform any eligible client of his or her rights under any statute, order, or rule;".

SEC. 16. ABORTION.

(a) PROHIBITION.—Section 1007 (42 U.S.C. 2996f) is amended by adding at the end the following:

"(o)(1) No funds made available to any recipient or other grantee or contractor of the Corporation from any source, including funds derived from Interest on Lawyer Trust Accounts (IOLTA), may be used to participate in any proceeding or litigation pertaining to abortion, or for any activity to influence the passage or defeat of any legislative or regulatory measure pertaining to abortion.

"(2) Nothing in this subsection shall affect the ability of a financially and physically separate entity that receives no funds from the Legal Services Corporation or its recipients or other grantees or contractors of the Corporation to engage in constitutionally-protected activities otherwise prohibited under this subsection.

"(3) As used in paragraph (2), a 'separate entity'.is an entity that—

"(A) does not share offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation, and

"(B) shares no control over workload with such a recipient, grantee, or contractor.".

(b) CONFORMING AMENDMENT.—Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (8).

SEC. 17. LIMITATION ON USE AMENDMENTS.

Section 1007(b) (42 U.S.C. 2996f(b)) is amended by striking paragraph (9) and redesignating paragraph (10) and paragraph (11) (as added by section 8 of this Act) as paragraphs (8) and (9), respectively.

SEC. 18. RECORDKEEPING AND NON-CORPORATION FUNDS.

(a) NON-CORPORATION FUNDS.—Section 1010(c) (42 U.S.C. 2996i(c)) is amended to read as follows:

"(c)(1) Any non-Federal funds received by the Corporation, and any funds received by any recipient or other grantee or contractor from any source other than the Corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds. Any funds so received, including funds derived from Interest on Lawyers Trust Accounts (IOLTA), may not be expended by recipients, grantees, or contractors for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1992. The Corporation shall not accept any non-Federal funds, and any recipient, grantee, or contractor shall not accept funds from any source other than the Corporation, unless the Corporation or the recipient, grantee, or contractor, as the case may be, notifies in writing the source of such funds that the funds may not be expended for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1992.

"(2) Paragraph (1) shall not prevent recipients and other grantees and contractors from—

"(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending them in accordance with the specific purposes for which they are provided; or

"(B) using funds received from a source other than the Corporation to provide legal assistance to a client who is not an eligible client or who is an alien prohibited from being provided assistance under section 1007(i) if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients, grantees, or contractors for any purpose prohibited by this title or the Legal Services Reauthorization Act of 1992 (other than the prohibition described in section 1007(i) or any requirement regarding the eligibility of clients.

"(3) Nothing in this subsection shall affect the ability of a financially and physically separate entity that receives no funds from the Legal Services Corporation or its recipients or other grantees or contractors of the Corporation to engage in constitutionally-protected activities otherwise prohibited under this subsection.

"(4) As used in paragraph (3), a 'separate entity' is an entity that—

"(A) does not share offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation, and

"(B) shares no control over workload with such a recipient, grantee, or contractor.".

(b) TIMEKEEPING.—Section 1008(b) (42 U.S.C. 2996g(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2) The Corporation, by regulation adopted pursuant to section 1008(e), shall require each recipient or other grantee or contractor of the Corporation to maintain records of time spent on the cases or matters with respect to which that recipient, grantee, or contractor is engaged in activities and to maintain a recordkeeping system that discloses the source of funds to be charged for each such case or matter. The specific time and recordkeeping system to be employed shall be determined by the recipient, grantee, or contractor in a manner that meets the requirements of a recordkeeping system as set forth in the preceding sentence and meets obligations that are imposed by other funding sources. Pursuant to regulations adopted under this paragraph, each employee of such recipient, grantee, or contractor, who is an attorney or paralegal, shall be required to keep contemporaneous records of the time spent by case or matter and the type of case or matter.".

SEC. 19. EVASION.

The Legal Services Corporation Act is amended—

(1) by redesignating section 1013 and 1014 as sections 1014 and 1015, respectively; and

(2) by inserting after section 1012 the following new section:

"EVASION

"SEC. 1013. The use of 'alternative corporations' to avoid or otherwise evade the provisions of this title or the Legal Services Reauthorization Act of 1992 is prohibited. The term 'alternative corporation' means any corporation, law firm, business association, group, entity, or enterprise which shares offices, staff, or facilities with a recipient or other grantee or contractor of the Corporation or shares control over workload with such a recipient, grantee, or contractor.".

SEC. 20. ATTORNEYS' FEES PROVISIONS.

Section 1006(f) (42 U.S.C. 2996e(f)) is amended to read as follows:

"(f)(1) A recipient or other grantee or contractor of the Corporation, or any client of such recipient, grantee, or contractor, may not claim or collect attorneys' fees from non-governmental parties to litigation initiated by such client with the assistance of such recipient, grantee, or contractor.

"(2) If any court finds, based on substantial evidence, that a recipient or other grantee or contractor of the Corporation commenced an action for the purpose of harassment or retaliation or maliciously abused legal process, or that the plaintiff's action was frivolous, unreasonable, or without foundation, the court shall award reasonable costs and attorneys' fees incurred by the defendant in defending the action. Any such costs and fees shall be paid directly by the Corporation. The Corporation may recover the amount of any costs and fees paid by the Corporation from the recipient, grantee, or contractor against whom the award was made by offsetting that amount against future grant awards or contracts made by the Corporation to such recipient, grantee, or contractor. Unless otherwise agreed to by the Corporation and the recipient, grantee, or contractor involved, the Corporation, in any one grant year, may not deduct more than 5 percent of a grant award or contract for purposes of recoupment of such costs and fees under the preceding sentence.".

SEC. 21. REPROGRAMMING PROVISIONS.

Section 1008 (42 U.S.C. 2996h) is amended by adding at the end the following:

"(f) The Corporation may not promulgate rules under this title unless the Corporation has so notified the Committees on Appropriations and on the Judiciary of the House of Representatives and the Committees on Appropriations and on Labor and Human Resources of the Senate at least 15 days before final publication of the rules.".

SEC. 22. AUTHORITIES OF INSPECTOR GENERAL.

Section 1009 (42 U.S.C. 2996h) is amended as follows:

(1) Subsection (a)(1) is amended to read as follows:

"(a)(1) The accounts of the Corporation shall be audited annually. Such audits shall be conducted in accordance with the Inspector General Act of 1978.".

(2) Subsection (c)(1) is amended to read as follows:

"(c)(1) The Inspector General of the Corporation shall conduct, or require each recipient, grantee, contractor, or person or entity receiving financial assistance under this title to provide for audits in accordance with the Inspector General Act of 1978.".

(3) Subsection (c)(2) is amended by striking "Corporation" the first place it appears and inserting "Inspector General".

SEC. 23. STAFF ATTORNEYS.

Section 1002(7) (42 U.S.C. 2996a(7) is amended to read as follows:

"(7) 'staff attorney' means an attorney who receives more than one-half of his or her annual professional income from a recipient other grantee or contractor of the Corporation, which has as one of its purposes the provision of legal assistance to eligible clients under this title; and".

SEC. 24. STUDY ON LEGAL ASSISTANCE TO OLDER AMERICANS.

The Legal Services Corporation shall conduct a study to determine the extent and effectiveness of legal assistance provided to older Americans by recipients and contractors under the Legal Services Corporation Act. The Corporation shall submit to the Congress, not later than 6 months after the date of the enactment of this Act, a report on the study, together with any recommendations that the Corporation has on ways to improve the provision of such legal assistance to older Americans.

Mr. MCCOLLUM (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. MCCOLLUM]

is recognized for 5 minutes in support of his motion to recommit.

Mr. MCCOLLUM. Mr. Speaker, I think that the comment needs to be made right up front that this bill in its present form is subject to a Presidential veto for the simple reason that it does not do the things that are necessary to reform the Legal Services Corporation, and parts of it are very damaging to the existing functions of the corporate board.

For example, the ability of the Legal Services Corporation board of trustees to monitor and audit grantees is destroyed by what is in this bill. The restrictions that are placed on their ability to do this make it virtually impossible for them to go out in the field and to fulfill their duties and obligations to find out what those grantees are doing.

Second, there are more loopholes being allowed by the bill in its present form for lobbying than in the current law, and we are going to wind up seeing a whole lot more lobbying of our body as well as State legislatures. In addition, the bill fails to reform litigation abuses by Legal Services attorneys, and so on and so forth down the line.

Mr. Speaker, a "no" vote for the final passage of this bill and no authorization does not mean the end of the program. It simply means we are going to continue what we have done for 12 or 14 years, unfortunately, through an appropriations process.

I have an amendment today in this motion to recommit with instructions that is a complete authorization substitute which would allow us to proceed with something the President would sign. This particular amendment, this particular proposal, is something that the gentleman from Texas [Mr. STENHOLM] and I have worked on for a long time. It involves the reauthorization for 5 years, it involves the changes, such as closing the loopholes on lobbying, it involves the competition issue, it involves issues that we have worked on to try to help the agriculture community and so forth. It is very important, I think, today for us to see that happen.

Mr. Speaker, rather than going to greater length to explain this amendment in the period of time that I have, I yield to the gentleman from Texas [Mr. STENHOLM], who has coauthored the proposal that is before us today.

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

Mr. Speaker, I rise today to support the motion to recommit with instructions. But, first I want to again commend Chairmen JACK BROOKS and BARNEY FRANK for bringing to the House floor H.R. 2039, the reauthorization bill for the Legal Services Program. Also, I appreciate the House leadership and Rules Committee Chairman JOE MOAKLEY for giving this Chamber the opportunity to openly debate the issue of Federal legal services. It has been 10 years since the Congress has debated the reauthorization of the oftentimes controversial Legal Services Corporation. And, the debate has been lively at times. But, this is what the people's House is all about, it is good for this institution, the country, and the people.

Despite my best efforts, there are still some people who remain confused about my intentions with regard to the Legal Services Program. I believe in this program. I believe that the majority of Legal Services attorneys are providing the services that Congress intended back in the early 1970's. I believe that legal representation for the poor is vital in our American legal system and I feel that much good is being accomplished today by many LSC attorneys.

The reforms that my colleagues and I have offered during this debate would not have affected the activities of the majority of LSC recipients. And, this motion to recommit with instructions is a substitute including these reform measures. They would not affect the majority of legal services recipients because these programs don't engage in political activities, or union organizing, and they don't engage in legislative lobbying or administrative rulemaking.

Rather, they give legal assistance to eligible clients who are in need of help on matters from landlord/tenant problems to delinquent child support payments. Unfortunately, it is estimated that only 20 percent of America's underprivileged legal needs are now being met. By restricting legal services' attorneys from engaging in activities outside of these basic legal services, it would free up limited resources to help some of the 80 percent that are currently going without.

For example, in 1991, Federal legal services employed 361 attorney/lobbyists who spent 14,437 hours in legislative and administrative lobbying. Over 14,000 hours of legal services' attorneys' time for lobbying. That's equivalent to 7 attorneys working 40 hours a week for 52 weeks. There are people being turned away because the Federal Legal Services Program continues to engage the Federal Lobbying Services Corporation, that is fine. Let's debate the merits of such a program. But this is the Federal Legal Services Corporation, vote for the motion to recommit with instruction. It will help more of this country's poor by freeing limited legal services funds to meet their daily legal needs.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from Texas for his support of this. We together have offered it, and what we are dealing with at this point as we conclude the debate on the motion to recommit with instructions are two basic points: First, the bill before us now, without the kind of proposal that is in this motion to recommit with instructions, is simply not acceptable. It is a retreat from the present restrictions and powers of the Legal Services Corporation board nationally to deal with the problems we have seen crop up over the years. It invites a Presidential veto that is almost certain.

If we are going to have the opportunity to pass a reauthorization that is going to get the President's signature and finally have authorization for Legal Services after nearly 14 years of waiting for that, then we need to pass this motion to recommit with instructions. It provides that reauthorization with the safeguards that are appropriate, it provides it by the procedures that would end the lobbying that has been going on, that otherwise would be expanded in the bill that is before us. It allows the monitoring that is required, and it results in changes that will reform the litigation abuses by Legal Services lawyers.

Mr. Speaker, I urge a "yes" vote on the motion to recommit with instructions, and should it fail, a "no" vote on the final passage of this bill.

Mr. BROOKS. Mr. Speaker, I rise in opposition to this motion to recommit.

As I remarked during general debate, all the citizens of this great Nation must have access to our system of justice. This is part of our Constitution's compact with the people, and the bill today reaffirms the resolve of this body to keep that promise.

H.R. 2039 is a balanced bill, a bipartisan compromise, a bill that carefully avoids extremes. But, this motion to recommit once again asks the House to move toward extremes and away from practical consensus. This radical approach to policymaking has been rejected at every step of the way—from the committee markup to the House votes on all amendments thus far.

While the gentleman has the procedural option to repackage proposals already rejected by this body, we are under no obligation to cast away the wisdom that led us to vote down such extreme amendments in the first place.

I urge my colleagues to reject the motion.

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

Mr. VENTO. Mr. Chairman, I rise in support of H.R. 2039, which would authorize the Legal Services Corporation through fiscal year 1996.

I want to commend the chairman of the Judiciary Committee, Mr. BROOKS, and the chairman of the Subcommittee on Administrative Law and Governmental Relations, Mr. FRANK, for their work and the work of their colleagues on the Judiciary Committee in bringing this measure to the floor today. I would also observe that it has been over a decade since Congress last reauthorized the Legal Services Corporation. During the Reagan administration, the Legal Services Corporation withstood annual attacks which threatened to abolish this important program to provide legal services for the poor. Fortunately, Congress con-

tinued to find the means to keep the Legal Services Corporation functioning.

For nearly 80 years, in my home State of Minnesota, civil legal services programs have served the needs of the poor, the disabled, the elderly, the homeless, and refugees when they have sought redress in our judicial system. Today, the 6 innovative Legal Services Corporation programs in Minnesota help nearly 40,000 people each year by using the legal system to protect persons from physical and emotional abuse, enabling children, the disabled, and the elderly to gain access to medical care, social security, and other public benefits which they often need to survive. LSC attorneys have fought to protect the rights of refugees, minorities, and others when they have been exploited.

Southern Minnesota Regional Legal Services, founded originally as the Legal Aid Bureau of Associated Charities in 1912, is the oldest legal aid provider in my home State. They have provided comprehensive, quality legal representation and advice in civil legal matters annually to approximately 13,000 low-income residents in Minnesota and North Dakota. Each year, they must turn away in excess of 6,000 potential clients because they don't have sufficient resources.

Mr. Speaker, over 90 percent of Minnesota's LSC-funded program resources go to individual service work on behalf of clients. This includes representation before judicial, quasi-judicial, administrative, and legislative tribunals similar to the services provided by the private bar to paying clients. These programs also include community education, outreach, and referral services. Such assistance has improved the quality of life in our State for those with special problems and has provided substance to the promise of justice for those who are served.

It is important that we recognize that representation of the legal interests of eligible clients is not always most effectively resolved in the courts. While the legislation before us today maintains the existing limitations on lobbying, we must recognize that there are occasions where resort to a legislative body for relief is the most efficient and effective form of representation for the interest of an individual client and for others who may be similarly situated. Legislative representation on a nonpartisan basis permits the cost-effective use of resources by preventing the inclusion of a harmful provision in an agency rule or by the adoption of a statute which legitimately addresses a problem faced by many low-income persons.

The codification of judicial rulings and the grassroots reality of experience is almost always of good use to the regulatory, legislative, or executive processes.

There has been a disturbing tendency by some in this House to want to tie up Legal Services attorneys and the Legal Services Corporation in a straitjacket of regulations which inhibit their ability to represent their clients and accomplish their charter. If we truly believe in the concept of equal justice for all and access to the legal system to resolve disputes, we cannot allow one side's attorney to fight for their client without constraints while impairing the LSC attorney by tying their hands.

When I served as a State legislator in Minnesota, I worked closely with legal services advocates as well as landlords and their representatives to successfully write landlord-tenant and housing laws. Minnesota legal services advocates have been active in the Minnesota Legislature since the 1920's when the legislature passed laws regulating interest rates charged by loan sharks. More recently, statutes and regulations establishing the Minnesota State Housing Finance Agency, the Order for Protection process for battered women, and the system through which all disabled children have the right to a free, appropriate, nondiscriminatory education are, in part, the products of excellent service and work accomplished by legal services advocates.

I urge my colleagues to continue supporting the committee draft and reaffirm the rejection of the Stenholm-McCollum amendment and other similar proposals to mandate competitive bidding for the distribution of LSC services. The committee bill requires LSC to develop standards and guidelines for evaluating the quality of program representation and cost effectiveness. In contrast, the proposed Stenholm-McCollum amendment would have mandated the immediate implementation of a competitive bidding system even though no guidelines or standards have been established. Programs now receiving grants could be defunded without the right to a hearing even if they are providing excellent service. Programs would be subject to political judgments about their effectiveness without firm criteria.

The presumption that the Legal Services Corporation awards today are high-priced is not grounded in fact or experience. Quite the contrary, the risk of losing the institutional memory and experience would be a real setback to the people being served by LSC today and tomorrow.

I urge my colleagues to join me in voting for this important legislation to guarantee access to the legal system for those who otherwise cannot afford it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

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

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

The Chair will announce that pursuant to the provisions of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote, if ordered, will be taken on final passage.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 173, nays 236, answered "present" 1, not voting 24, as follows:

[Roll No. 117]

YEAS—173

Allard	Hansen	Rahall
Allen	Hastert	Ravenel
Applegate	Hefley	Ray
Archer	Henry	Regula
Armey	Herger	Rhodes
Baker	Hobson	Rinaldo
Ballenger	Holloway	Ritter
Barnard	Hopkins	Roberts
Barrett	Huckaby	Roemer
Barton	Hunter	Rogers
Bateman	Hutto	Rohrabacher
Bentley	Inhofe	Ros-Lehtinen
Billrakis	Ireland	Roth
Bliley	Johnson (SD)	Roukema
Boehner	Johnson (TX)	Rowland
Broomfield	Kanjorski	Santorum
Bunning	Kasich	Sarpalius
Burton	Klug	Saxton
Byron	Kolbe	Schaefer
Callahan	Kyl	Schulze
Camp	LaFalce	Sensenbrenner
Chandler	Lagomarsino	Shaw
Clement	Laughlin	Shuster
Clinger	Lent	Skeen
Coble	Lewis (CA)	Skelton
Coleman (MO)	Lewis (FL)	Smith (NJ)
Combest	Livingston	Smith (OR)
Costello	Lowery (CA)	Smith (TX)
Coughlin	Marlenee	Snowe
Cox (CA)	Martin	Solomon
Crane	McCandless	Spence
Davis	McCollum	Stearns
DeLay	McCrery	Stenholm
Dickinson	McDade	Stump
Doolittle	McGrath	Sundquist
Dornan (CA)	McMillan (NC)	Tanner
Dreier	Meyers	Tauzin
Duncan	Michel	Taylor (MS)
Edwards (OK)	Miller (OH)	Taylor (NC)
Edwards (TX)	Miller (WA)	Thomas (CA)
Emerson	Mollohan	Thomas (GA)
English	Montgomery	Thomas (WY)
Ewing	Moorhead	Upton
Fawell	Morrison	Valentine
Fields	Murphy	Vander Jagt
Franks (CT)	Murtha	Vucanovich
Gallegly	Myers	Walker
Gekas	Nichols	Walsh
Geren	Nussle	Weber
Gillmor	Orton	Weldon
Gingrich	Oxley	Wilson
Goodling	Packard	Wolf
Goss	Parker	Wylie
Grandy	Paxon	Yatron
Gunderson	Petri	Young (AK)
Hall (TX)	Poshard	Young (FL)
Hammerschmidt	Pursell	Zeliff
Hancock	Quillen	

NAYS—236

Abercrombie	Chapman	Fazio
Anderson	Clay	Feighan
Andrews (ME)	Coleman (TX)	Fish
Andrews (NJ)	Collins (MI)	Flake
Andrews (TX)	Condit	Foglietta
Annunzio	Conyers	Ford (MI)
Anthony	Cooper	Ford (TN)
Aspin	Cox (IL)	Frank (MA)
Atkins	Coyne	Frost
Bacchus	Cramer	Gallo
Beilenson	Darden	Gaydos
Bennett	de la Garza	Gejdenson
Berman	DeFazio	Gephardt
Bevill	DeLauro	Gibbons
Bilbray	Dellums	Gilchrest
Blackwell	Derrick	Gilman
Boehlert	Dicks	Glickman
Bonior	Dingell	Gonzalez
Borski	Dixon	Gordon
Boucher	Donnelly	Gradison
Boxer	Dooley	Green
Brewster	Dorgan (ND)	Guarini
Brooks	Downey	Hall (OH)
Browder	Durbin	Hamilton
Brown	Dwyer	Harris
Bruce	Early	Hatcher
Bustamante	Eckart	Hayes (IL)
Campbell (CA)	Edwards (CA)	Hayes (LA)
Campbell (CO)	Erdreich	Hefner
Cardin	Espy	Hertel
Carper	Evans	Hoagland
Carr	Fascell	Hochbrueckner

Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Kopetski
Kostmayer
Lancaster
Lantos
LaRocco
Leach
Lehman (CA)
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moody
Moran
Morella
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Price
Ramstad
Rangel
Reed
Richardson
Ridge
Riggs
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Schiff
Schroeder
Schumer
Serrano
Sharp
Shays
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Volkmer
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Yates
Zimmer

ANSWERED "PRESENT"—1

James

NOT VOTING—24

Ackerman
Alexander
AuCoin
Bereuter
Bryant
Collins (IL)
Cunningham
Dannemeyer
Dymally
Engel
Hyde
Jefferson
Kolter
Levine (CA)
Lightfoot
McEwen
Moakley
Mrazek
Oakar
Scheuer
Staggers
Tallon
Whitten
Wise

□ 1620

The Clerk announced the following pairs:

On this vote:

Mr. Lightfoot for, with Mrs. Collins of Illinois against.

Mr. VOLKMER, Mrs. UNSOELD, and Mr. PAYNE of Virginia changed their vote from "yea" to "nay."

Messrs. MOLLOHAN, MURTHA, and YATRON changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the passage of the bill.

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

RECORDED VOTE

Mr. FRANK of Massachusetts. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. As previously announced, the time for this vote will be reduced to 5 minutes.

The vote was taken by electronic device, and there were—ayes 253, noes 154, answered "present" 1, not voting 26, as follows:

[Roll No. 118]

AYES—253

Abercrombie
Anderson
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Annunzio
Anthony
Aspin
Atkins
Bacchus
Beilenson
Bennett
Berman
Bevill
Bilbray
Blackwell
Boehlert
Bonior
Borski
Boucher
Boxer
Brewster
Brooks
Browder
Brown
Bruce
Bustamante
Campbell (CO)
Cardin
Carper
Carr
Chapman
Clay
Clement
Coleman (TX)
Collins (MI)
Condit
Conyers
Cooper
Costello
Cox (IL)
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dooley
Dorgan (ND)
Downey
Durbin
Dwyer
Early
Eckart
Edwards (CA)
Edwards (TX)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Gaydos
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Glickman
Gonzalez
Gradison
Green
Guarini
Gunderson
Hall (OH)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hoagland
Hochbrueckner
Horn
Horton
Houghton
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Johnston
Jones (GA)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kennedy
Kennelly
Kildee
Kleczka
Klug
Kopetski
Kostmayer
LaFalce
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (FL)
Levin (MI)
Lewis (GA)
Lipinski
Lloyd
Long
Lowey (NY)
Luken
Machtley
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McDermott
McHugh
McMillen (MD)
McNulty
Meyers
Mfume
Miller (CA)
Miller (WA)
Mineta
Mink
Moody
Moran
Morella
Murtha
Nagle
Natcher
Neal (MA)
Neal (NC)
Nowak
Oberstar
Obey
Olin
Olver
Ortiz
Owens (NY)
Owens (UT)
Pallone
Panetta
Pastor
Patterson
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Porter
Poshard
Price
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Richardson
Ridge
Riggs
Roe
Roemer
Ros-Lehtinen
Rose
Rostenkowski
Roybal
Russo
Sabo
Sanders
Sangmeister
Savage
Sawyer
Scheuer
Schiff
Schroeder
Schumer
Serrano
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Slaughter
Smith (FL)
Smith (IA)
Snowe
Solarz
Spratt
Stallings
Stark
Stokes
Studds
Swett
Swift
Synar
Tanner
Thomas (GA)
Thornton
Torres
Torricelli
Towns
Traficant
Traxler
Unsoeld
Vento
Visclosky
Walsh
Washington
Waters
Waxman
Weiss
Wheat
Williams
Wolpe
Wyden
Wylie
Yates
Yatron
Zimmer

NOES—154

Allard
Allen
Applegate
Archer
Armey
Baker
Ballenger
Barnard
Barrett
Barton
Bateman
Bentley
Bilirakis
Bliley
Boehner
Broomfield
Bunning
Burton
Byron
Callahan
Camp
Campbell (CA)
Chandler
Clinger
Coble
Coleman (MO)
Combest
Coughlin
Cox (CA)
Crane
Cunningham
Darden
Davis
DeLay
Dickinson
Doolittle
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Ewing
Fawell
Fields
Franks (CT)
Gallegly
Gallo
Gekas
Gillmor
Gingrich
Goodling
Goss
Grandy
Hall (TX)
Hammerschmidt
Hancock
Hansen
Hastert
Hefley
Henry
Herger
Hobson
Holloway
Hopkins
Huckaby
Hunter
Hutto
Inhofe
Ireland
Johnson (TX)
Kolbe
Kyl
Lagomarsino
Lehman (CA)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Marlenee
Martin
Mazzoli
McCandless
McCollum
McCrery
McDade
McGrath
McMillan (NC)
Michel
Miller (OH)
Molinari
Mollohan
Montgomery
Moorhead
Morrison
Murphy
Myers
Nichols
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pursell
Quillen
Rahall
Rhodes
Rinaldo
Ritter
Roberts
Rogers
Rohrabacher
Roth
Roukema
Rowland
Santorum
Sarpalius
Saxton
Schaefer
Schulze
Sensenbrenner
Shaw
Shays
Shuster
Skeen
Skelton
Smith (NJ)
Smith (OR)
Smith (TX)
Solomon
Spence
Stearns
Stenholm
Stump
Sundquist
Tauzin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (WY)
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—1

James

NOT VOTING—26

Ackerman
Alexander
AuCoin
Bereuter
Bryant
Collins (IL)
Dannemeyer
Dymally
Engel
Gilman
Gordon
Hyde
Jefferson
Kasich
Kolter
Levine (CA)
Lightfoot
Lowery (CA)
McEwen
Moakley
Mrazek
Oakar
Staggers
Tallon
Whitten
Wise

□ 1632

The Clerk announced the following pair:

On this vote:

Mrs. Collins of Illinois for, with Mr. Lightfoot against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, I was inadvertently detained and was unable to vote on rollcall 118, final vote on the passage of Legal Services authorization. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. WISE. Mr. Speaker, I missed the votes on H.R. 2039 because I was in West Virginia to vote in the State's primary election. Unfortunately, I was unavoidably detained and unable to return in time to cast my votes. I would like to record how I would have voted had I been in town:

Rollcall vote No. 115—"no."
Rollcall vote No. 116—"no."
Rollcall vote No. 117—"no."
Rollcall vote No. 118—"yes."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2039, LEGAL SERVICES REAUTHORIZATION ACT OF 1991

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R., 2039, to authorize appropriations for the Legal Services Corporation, and for other purposes, the Clerk be authorized to correct section numbers, cross references, citations, punctuation, and grammatical and spelling errors, to make appropriate revisions in the table of contents, and to make such other technical and conforming changes as may be necessary.

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

There was no objection.

GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 2039, the bill just passed.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall vote, if postponed, will be taken tomorrow, May 13, 1992.

APPEAL RIGHTS FOR CERTAIN EMPLOYEES OF THE VETERANS HEALTH ADMINISTRATION

Mr. SIKORSKI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4384) to amend title V, United States Code, to provide that employees of the Veterans Health Administration excluded from subchapter II of chapter 75 of such title as a result of the enactment of Public Law 101–376 be restored to coverage under such subchapter, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4384

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

SECTION 1. RESTORATION OF COVERAGE.

Section 7511(b) of title 5, United States Code, is amended—

(1) by amending paragraph (7) to read as follows:

"(7) whose position is within the Central Intelligence Agency or the General Accounting Office;";

(2) in paragraph (8) by striking "or" after the semicolon;

(3) in paragraph (9) by striking "title." and inserting "title; or"; and

(4) by adding at the end the following:

"(10) who holds a position within the Veterans Health Administration which has been excluded from the competitive service by or under a provision of title 38, unless such employee was appointed to such position under section 7401(3) of such title.".

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—The amendments made by section 1 shall apply with respect to any personnel action taking effect on or after the date of enactment of this Act.

(b) SPECIAL RULE.—In the case of an employee or former employee of the Veterans Health Administration (or predecessor agency in name)—

(1) against whom an adverse personnel action was taken before the date of enactment of this Act,

(2) who, as a result of the enactment of the Civil Service Due Process Amendments (5 U.S.C. 7501 note), became ineligible to appeal such action to the Merit Systems Protection Board,

(3) as to whom that appeal right is restored as a result of the enactment of section 1, or would have been restored but for the passage of time, and

(4) who is not precluded, by section 7221(e)(1) of title 5, United States Code, from appealing to the Merit Systems Protection Board,

the deadline for bringing an appeal under section 7513(d) or section 4303(e) of such title with respect to such action shall be the later of—

(A) the 60th day after the date of enactment of this Act; or

(B) the deadline which would otherwise apply if this subsection had not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota [Mr. SIKORSKI] will be recognized for 20 minutes, and the gentlewoman from Maryland [Mrs. MORELLA] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. SIKORSKI].

GENERAL LEAVE

Mr. SIKORSKI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the bill, H.R. 4384.

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

There was no objection.

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

Mr. Speaker, H.R. 4384 amends title V, U.S.C., to provide that employees of the Veterans Health Administration, excluded from the right to appeal adverse personnel actions to the Merit Systems Protection Board [MSPB] as a result of the enactment of the civil service due process amendments in 1990, be restored their appeal rights.

The Pendleton Act of 1883, which serves as the foundation of the current civil service system, established two categories of Federal workers: Competitive service and excepted service employees. Competitive service employees are required to pass an exam designed to determine their fitness for employment prior to hiring and excepted service employees are not, either because there is no practical way to test the position or because certain occupations such as teachers, nurses, and lawyers already require certification of a minimum proficiency as a prerequisite to licensing.

The other major difference between the two categories of employees is that excepted servants were not allowed to appeal adverse personnel actions to the MSPB, the body of the Federal Government established to hear such appeals. The civil service due process amendments, enacted into law on August 17, 1990, granted excepted servants the right to appeal to the MSPB, ending the disparate treatment between the two categories of employees. However, employees of certain agencies, such as the Veterans' Administration, were excluded from the due process amendments for various reasons.

The Veterans Health Administration employees were excluded because these workers had already established procedures, *specifically "peer review* boards," by which employees could appeal personnel decisions. In an effort to avoid disrupting the peer review boards, the due process amendments specifically prohibited all employees of the Veterans Health Service—later changed to Veterans Health Administration under Public Law 101–376—from filing appeals of personnel actions with the MSPB.

The committee has since learned that approximately 156,000 employees who were covered by the MSPB prior to the passage of the 1990 legislation do *not have peer review boards to which* they can appeal personnel decisions. These employees are covered for hiring and other purposes under title 38 which establishes the peer review boards, however, title 38 also provides that these employees be treated as if they were under title 5 for adverse personnel actions. The effect of the 1990 law, therefore, was to deny the employees required by title 38 to be covered under title 5 for adverse personnel actions, any ability to appeal adverse personnel

decisions. H.R. 4384 restores to certain employees of the Veterans Health Administration the right to appeal to the Civil Service Merit System Protection Board personnel decisions having an adverse impact on these employees.

Now, Mr. Speaker, I would like to thank the gentlewoman from Maryland for her continued advocacy for Federal employees.

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

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

Mr. Speaker, I am pleased to rise in support of H.R. 4384, and I urge my colleagues to support this legislation which will give a group of VHA employees the right to appeal adverse actions.

Public Law 101-376, the Civil Service Due Process Amendments Act, was overly broad and inadvertently excluded some employees of the Veterans Health Administration [VHA] from the right to appeal adverse action to the Merit Systems Protection Board, a right which they had prior to that recent legislative action.

I commend the chairman of the Subcommittee on Civil Service for introducing this bill and I want to thank the American Federation of Government Employees for bringing this matter to our attention. There is no objection to H.R. 4384 by the Veterans Health Administration, the Office of Personnel Management, or the administration.

Mr. Speaker, I yield such time as he may consume to the ranking member of the full Committee on Post Office and Civil Service, the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I rise in support of H.R. 4384, legislation restoring due process rights to certain employees of the Veterans Health Administration.

H.R. 4384 is technical legislation correcting a mistake with the Civil Service Due Process Amendments Act, Public Law 101-376. That legislation inadvertently denied certain employees of the Veterans Health Administration [VHA] the right to appeal adverse actions to the Merit Systems Protection Board. H.R. 4384 restores these rights.

The Civil Service Due Process Amendments Act specifically excluded VHA employees because their peer review system precluded the need for MSPB appeal rights. After enactment, however, the committee became aware of a subset of VHA employees without peer review procedures who had their MSPB appeal rights stripped by the law. H.R. 4384 corrects this mistake by granting MSPB appeal rights only to VHA employees who once had them only to see them stripped due to enactment of Public Law 101-376.

I am advised that the administration does not object to enactment of H.R. 4384. Accordingly, I urge my colleagues to join me today in supporting H.R. 4384.

□ 1640

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for his leadership.

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

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

The SPEAKER pro tempore (Mr. SKAGGS). The question is on the motion offered by the gentleman from Minnesota [Mr. SIKORSKI] that the House suspend the rules and pass the bill, H.R. 4384, as amended.

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

A motion to reconsider was laid on the table.

REPORT ON H.R. 5132, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1992, FOR DISASTER ASSISTANCE TO MEET URGENT NEEDS BECAUSE OF CALAMITIES SUCH AS THOSE WHICH OCCURRED IN LOS ANGELES AND CHICAGO

Mr. WHITTEN, from the Committee on Appropriations, submitted a privileged report (Rept. No. 102-518) on the bill H.R. 5132) making dire emergency supplemental appropriations for disaster assistance to meet urgent needs because of calamities such as those which occurred in Los Angeles and Chicago, for the fiscal year ending September 30, 1992, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

Mr. MCDADE reserved all points of order on the bill.

APPOINTMENT OF CONFEREES ON H.R. 4990, RESCINDING CERTAIN BUDGET AUTHORITY

Mr. WHITTEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4990) rescinding certain budget authority, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The clerk read the title of the bill.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. MCDADE

Mr. MCDADE. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Mr. MCDADE moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill H.R. 4990 be instructed to consider rescissions committed to conference in response to all the rescission messages proposed by the President on March 10 and thereafter, including the messages submitted on April 9 which were not considered by the House, and to report back a conference report which does not include provisions committed to conference by either, but not both Houses, that are likely to provoke a veto.

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] is recognized for 30 minutes.

Mr. MCDADE. Mr. Speaker, this is a noncontroversial motion. It urges the House when it gets to conference to consider the level of rescissions which the Senate considered. I just want to remind my colleagues that there is over a $2 million differential, because the Senate considered about $2.2 billion in rescissions submitted by the President on April 19 that the House did not have time to consider. As the bill moved through the House, we made it quite clear that we were willing to work with the Senate on those rescissions when we got to conference, so what I am urging is that we put ourselves on a track to get to that higher level of savings. In addition, the motion instructs the House conferees to bring the bill back to the House from conference in a form that will not be vetoed by the President.

Mr. Speaker, that is my motion, and I so offer it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Pennsylvania [Mr. MCDADE].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. CARPER). Without objection, the Chair appoints the following conferees: Messrs. WHITTEN; NATCHER; SMITH of Iowa; YATES; OBEY; BEVILL; MURTHA; TRAXLER; LEHMAN of Florida; FAZIO; HEFNER; MCDADE; MYERS of Indiana; YOUNG of Florida; GREEN of New York; ROGERS; and SKEEN.

There was no objection.

THE 100TH ANNIVERSARY OF THE PLEDGE OF ALLEGIANCE

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

Mr. BURTON of Indiana. Mr. Speaker, a young Boy Scout from my district

recently wrote me the following letter from Seoul, Korea, where his father is temporarily stationed. His name is Spencer Rogers. Spencer wrote:

I have not seen or heard of anyone mentioning that this year is the 100th anniversary of the Pledge of Allegiance. Benjamin Harrison was the Hoosier, the only Hoosier, elected President. He introduced the Pledge of Allegiance to the school children of America on October 12, 1892. He felt that this was necessary because he wanted to connect it with the 400th anniversary of the discovery of America.

We should be proud that our Hoosier President did more than any other American President to instill respect for our flag. I would like, aside from celebrating the 500th anniversary of the discovery of America, to celebrate the 100th anniversary of the Pledge of Allegiance to the flag.

So, as my Congressman, could you make it known to the Congress that this year is the 100th anniversary, and I would wish that Congress could somehow make it known nationwide.

Well, Spencer, we just did that for you.

Mr. Speaker, I include the full letter, as follows:

MARCH 31, 1992.

Mr. DAN BURTON,
House of Representatives, Washington, DC.

DEAR MR. BURTON, I am in the Boy Scouts of America. I am taking a merit badge that requires me to write one of my congressmen and talk about a national issue. Here in Seoul, Korea, I am writing you because I just came from Fort Harrison, Indiana. Indiana also has to do with a topic that I want to write about.

The One-Hundredth Anniversary of the Pledge of Allegiance

I have not seen or heard of anyone mentioning that this year is the 100th anniversary of the Pledge of Allegiance. Benjamin Harrison was the Hoosier, the only Hoosier, elected President. He introduced the Pledge of Allegiance to the school children of America on October 12, 1892. He felt that this was necessary because he wanted to connect it with the 400th anniversary of the discovery of America. We should be proud that our Hoosier President did more than any other American President to instill respect for our flag. I would like aside from celebrating the 500th anniversary of the discovery of America, to celebrate the 100th anniversary of the Pledge of Allegiance to the flag. So, as my congressman, could you make it known to the Congress that this year is the 100th anniversary and I would wish that Congress could somehow make it known nation-wide.

Thank you for your time.

Sincerely,

SPENCER ROGERS.

P.S. My mom and I are proud of you because you didn't bounce those checks like ¾ of the rest of the Congress did.

ALAMEDA RECOGNIZES ITS FINEST

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

Mr. STARK. Mr. Speaker, I rise today to share with my colleagues a brief look at the lives of three citizens of Alameda, CA, who have proven themselves to be leaders in their community and examples for us all. They are Cris Corpuz, 1992 Alameda Man of the Year; Diane Coler-Dark, 1992 Alameda Woman of the Year; and Andy Pagano, 1992 Alameda Citizen of the Year. Each continues to serve his or her fellow citizens and is representative of the strong community bonds that make Alameda a great place to live.

Cris Corpuz has been a leader of the Filipino-American community for many years. His contributions to Alameda demonstrate a deep commitment to social service and action. Cris served in the U.S. Navy for more than 25 years and worked in Alameda in the real estate business. He founded and leads the United Filipinos of Alameda, the Filipino-American Community Services Agency, and the Filipino-American Veterans Association of Alameda. He works with the Alameda Police Department on the Committee on Cultural Awareness and the Committee on Youth Gang Prevention.

His service to Alameda has touched many lives, especially students at Encinal High School. Cris organized a multiethnic softball team, counseled suspected youth gang members and worked with their parents to develop alternatives to youth gangs. He has been active in voter registration and has helped many Filipino-Americans become self-sufficient, independent, and active citizens. He serves on the Alameda Shelter Committee and St. Barnabas School Board, and led a group of citizens against the closure of the Alameda Naval Air Station. Married for 43 years and a proud of father of three, Cris Corpuz richly deserves recognition as 1992 Man of the Year.

Diane Coler-Dark is a business and community leader who takes an active role in making Alameda better for those who live and work there. She has owned several area businesses and was a member of the chamber of commerce from 1968 to 1989. The Park Street Business Association was shaped by her service on its board from 1984 to 1986 and as president in 1987 and 1988. Her leadership was evident as she worked with the business and improvement district for Park Street in 1989 and chaired the Park Street Art and Wine Faire for 7 years. Diane has also worked with and led the Alameda Main Street project and helped make the Fourth of July Parade a success for several years.

Diane's active service with the Business and Professional Women of Alameda, Alameda Alliance of Homeowners, advisory board of the Alameda Historical Museum, and the economic development commission, and work on the business and waterfront improvement plan, has been a great example of citizen involvement. Outside the business community, she has served on the League of Women Voters and the Otis/Edison PTA, helped the Alameda swim team reach its goals, and guided local youth organizations, such as the Camp Fire, Blue Birds, and Girls Club. Diane Coler-Dark, a mother and grandmother, is truly a community leader and outstanding citizen. We should all be proud that she has been named 1992 Woman of the Year.

I think it's clear, Mr. Speaker, that choosing a citizen of the year is by no means an easy task in Alameda, CA. So many Alamedans deserve recognition for their leadership and involvement, but Mr. Andrew Pagano has been chosen this year for his contributions over many years. Born in Alameda, and raised there and in Italy, Andy opened Pagano's Hardware Mart in 1950. This store is an Alameda institution and Andy has been recognized by Ace Hardware as a Star Dealer and owner of one of the Nation's top-ranking stores. He is a longstanding member of the chamber of commerce and served as president for several years. He is among the leaders of the Alameda Kiwanis Club, Boy Scout Century Club, Encinal Yacht Club, Alameda American Italian League, and Italian-American Federation.

The historical preservation of Alameda is in safe hands with Andy Pagano. He helped found Historical High School and put considerable effort into having the old post office restored and preserving the chamber of commerce building. Most important, Andy keeps the community history of Alameda alive with his pictures, slides, and lectures on city history. He visits retirement homes and schools in the area and brings Alameda's rich past to life. He has spent countless hours and personal resources building a pictorial history of an Alameda from a time gone by. The senior citizens and youth of our community are able to share in a common civic heritage through Andy's efforts. Andrew Pagano has spent much of his life enriching Alameda with his tireless efforts toward building a better business and civic community. Alameda indeed has a favorite son.

Mr. Speaker, I have had the privilege of representing Alameda and outstanding citizens like these in Washington for a number of years. I offer them my congratulations and thanks for their spirit of voluntarism, commitment, and dedication.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Kansas [Mrs. MEYERS] is recognized for 60 minutes.

Mrs. MEYERS of Kansas. Mr. Speaker, it is a pleasure to be joined by several of my colleagues today to recognize the tremendous importance of small businesses to our economy and to our Nation. This week, May 10 to 16, 1992, is National Small Business Week, and the perfect time for all of us to take note of the contributions and achievements of America's 20 million small businesses.

Since 1963, the President has designated a week in May each year as Small Business Week. The theme for this year's Small Business Week, "Small Business Is Building America's Future," has been selected and is celebrated through events sponsored by the Small Business Administration [SBA]. Fifty-three of America's top small business persons, one from each State plus the District of Columbia, Puerto Rico/Virgin Islands, and Guam, are honored here in our Nation's Capital. From these winners, the "Small Business Person of the Year" was announced today by President Bush. In addition, several other awards are be-

stowed such as the Small Business Prime Contractor and Subcontractor of the Year; Young Entrepreneur of the Year; Small Business Exporter of the Year; and outstanding advocates of minority, women, and veteran-owned small businesses.

I'd like to take a moment to congratulate two special small businessmen from the great State of Kansas who are being honored this week. Mr. Frank Meyer, president of Custom Metal Fabricators, Inc. [CMF]/Vacu-Blast International in Herington, KS, has been selected as the Kansas Small Business Person of the Year. From rather humble beginnings in 1977, Mr. Meyer created a business that has grown from 2 employees to 61 employees, with sales of over $4 million. Today, CMF/Vacu-Blast International is a substantial custom manufacturer, marketer, and exporter of heavy industrial machinery and fabricated metal parts for handling equipment.

I am also proud to say that the National Small Business Subcontractor of the Year is from my home State. The Gordon-Piatt Energy Group, Inc., from Winfield, KS, has enjoyed worldwide prominence in the field of gas and oil combustion burners since 1949. However, a diversification of their product line in 1979 to pursue subcontract manufacturing for the aerospace industry has elevated the Gordon-Piatt Energy Group, Inc., from a local small business to a global competitor. My best wishes for continued success to James Salomon, president and CEO of Gordon-Piatt, and their 202 employees.

Mr. Speaker, I mention these two small businesses not only because they hail from Kansas, but because they exemplify the ingenuity and can-do attitude of the 20 million small businesses in America. Small enterprises represent 99.6 percent of all businesses in our country. They currently provide half of all new jobs created, and in the next 25 years will likely be responsible for creating 75 percent of the 43 million jobs needed in the United States. Despite the recession our country has been weathering, small businesses have continued to persevere, accounting for 90 percent of the net private sector job growth in 1990.

Much of the growth in small enterprises can be credited to the dramatic increase in the number of women-owned and minority-owned small businesses. Women-owned businesses are the fastest growing segment of the small business community. Between 1977 and 1983, women started businesses at twice the rate of men and currently own about 30 percent of all small businesses. By the year 2000, women are expected to own 40 percent of all small businesses. As contributors to the gross national product, the annual receipts of women-owned businesses rose by 81.2 percent in 1990, accounting for 4.5 percent of total U.S. business receipts.

Minority-owned businesses have also enjoyed tremendous growth over the past several years. From 1977 to 1982, the number of businesses owned by African-Americans increased by 46 percent. In 1990, African-American owned businesses increased by 37.3 percent—faster than the 26.2-percent rate for all small businesses. Small businesses owned by Hispanic Americans grew at the tremendous rate of 80 percent between 1982 and 1987, a growth rate nearly six times the rate for all businesses. Roughly 3.1 percent of all U.S. businesses are Hispanic-owned businesses.

These statistics take note of the success enterprising individuals have had in starting and maintaining their own small business. They took a risk in attempts to achieve part of the American dream—owning their own business. America owes these individuals a great debt of gratitude, as small businesses provide a majority of the new jobs available and will continue to do so in the foreseeable future. As technology advances, businesses and industries have become much more specialized. Small businesses are uniquely suited to adapt quickly to changing technologies and to tap new opportunities. However, unless Congress acts to prevent small businesses from being overburdened by needless regulations, growth in small businesses will be stymied, fewer jobs will be created, and we will all suffer the consequences.

In order for small businesses to build America's future, as the theme for Small Business Week suggests, Congress must realize the important role we play in providing the climate in which the idea for a new small business can be hatched and grow. This requires careful attention in crafting policies which do not place undo burdens on small businesses. Furthermore, we must ensure that small businesses will have a pool of adequately educated and trained workers to fill the challenging new jobs of tomorrow. The education of America's future work force is a top priority of SBA Administrator, Pat Saiki. A former teacher and former Member of this body, she has placed much-needed emphasis on the importance of education. As Administrator Saiki has noted, the caliber of our work force depends upon the products of our schools. In working to improve the American education system, Congress must look at those changes which will give students every opportunity to acquire the basic skills needed to succeed in the 21st century.

Mr. Speaker, as part of this year's tribute to Small Business Week, I thought it would be fitting to take a few moments to pay tribute to a very special Member who has organized the Small Business Week Special Order for the past several years.

I am honored today to recognize a longtime champion of the interests of America's small businesses and entrepreneurs, my colleague and friend, Congressman ANDY IRELAND.

Mr. IRELAND has worked diligently as ranking Republican on the Small Business Committee to develop an active small business agenda, firmly committed to the advancement of American enterprise.

Mr. IRELAND has been critical in the development of important legislation to help small businesses thrive and expand. He is the sponsor of legislation authorizing a White House Conference on Small Business and the Regulatory Flexibility Act, which requires Federal departments and agencies to consider the impact of proposed regulations on smaller firms.

In order to address the vital elements of small-employer health insurance reform, Mr. IRELAND introduced the Small Business Health Care Reform Act of 1991. This effort will enhance the availability and affordability of health care for small business owners and their employees, while taking steps to reach a comprehensive solution to the Nation's health care crisis. I am pleased to have joined as a cosponsor of this legislation to help ease the mounting financial burden of small employers who want to provide health benefits to their employees.

Congressman IRELAND has taken an active role as a leader in the House. In 1981, President Reagan appointed him a delegate to the United Nations General Assembly. He is also the regional minority whip for the South and sits on the executive committee of the House Republican Research Committee. Congressman IRELAND chairs the research committee's Small Business Opportunities Task Force.

Unfortunately, Mr. IRELAND is unable to be with us in our tribute to small business. Tonight, the Small Business Administration is presenting Mr. IRELAND with the SBA Award of Excellence for his work and dedication to the protection and advancement of small businesses. I am pleased that the SBA has chosen such a worthy recipient for this prestigious award.

As we all know, Congressman IRELAND has announced his retirement at the end of this Congress. We are not only losing a great leader and advocate for small business interests, but a friend, as well. I commend Congressman IRELAND for his extraordinary commitment to small business owners, employees and entrepreneurs. In addition to declaring small business interests a national priority, Mr. IRELAND has devoted an immense amount of time, talent, and honest effort to the protection and promotion of our Nation's economic driving force, America's small businesses. My sincere best wishes to Mr. IRELAND for success and happiness in all his future endeavors.

Mr. Speaker, I want to thank my colleagues who have participated in this tribute to Small Business Week.

□ 1700

Mr. Speaker, I would like to recognize some of my colleagues tonight, some of whom are on the Committee on Small Business and some of whom just have a number of small businesses in their districts.

At this time I would yield to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I am delighted to join my colleagues in celebrating national Small Business Week and in recognizing the accomplishments of our Nation's small businesses. America's 20 million small business owners are essential to the success of our free enterprise system, and their efforts deserve to be applauded.

Mr. Speaker, small businesses have been among the hardest hit by the current recession. As you know, small businesses in America employ almost 60 percent of the private work force and are responsible for 38 percent of the gross national product. Clearly, then, the continued vitality of these businesses is an essential element of any economic recovery plan.

I am pleased, therefore, that the House of Representatives will consider legislation this week to provide additional loan assistance to small businesses. This legislation is a product of the hard work of my colleagues on the Small Business Committee, and I commend their efforts.

I would also like to take this opportunity to express my respect for the ranking Republican member on the committee, Mr. ANDY IRELAND. All of us who have worked with ANDY admire his dedication to the concerns of small business. As a fellow member of the Florida delegation and a former small businessman, I would like to extend my sincere thanks to ANDY for his hard work and wish him well in his retirement.

Mrs. MEYERS of Kansas. Mr. Speaker, I want to thank my colleagues who have participated in this tribute to Small Business Week.

Mr. IRELAND. Mr. Speaker, several years ago, I had the great pleasure of initiating the first of many special orders to honor our Nation's courageous entrepreneurs during Small Business Week.

I deeply regret not being here today to deliver my remarks in person, but I hope my colleagues know that I am certainly here in spirit as we commend the more than 20 million men and women, of all religions, races and creeds, who have seized the American dream and made it their own.

Yet in view of my retirement at the end of this Congress, my absence may be appropriate, after all, as new faces take up the cause with skill, passion, and vigor. I thank them all for their dedication, and offer my special thanks to our good friend and colleague from Kansas, Mrs. MEYERS, for organizing this event and for all her excellent, inspired work on the Small Business Committee these last 7 years. She is a true champion of entrepreneurship in America.

Mr. Speaker, I already noted that I was here in spirit, but I am also here in this statement for the RECORD. As our colleagues know, I am not one to miss an opportunity to offer my thoughts on how we can help small businesses meet their potential, and, naturally, this is no exception.

I submit my ideas for consideration, Mr. Speaker, because a great debate over our Nation's economic future rages in Congress, in State assemblies, in universities across our country and around countless kitchen tables. The participants in this debate all share the nagging sense that the economy is not performing as well as it could, whether we measure our accomplishments in jobs here at home or in our ability to successfully compete for markets abroad.

Yet for all the ideas and words exchanged, one source of economic strength and vitality, one road to recovery inside and outside our borders, is too often overlooked—our Nation's 20 million small enterprises.

Despite the fact that all of us rely on small businesses in our daily lives for the goods and services we need, there exists an unfortunate tendency to neglect just how great a dynamic economic force small businesses are as a group. For this reason, we should review some of the facts:

Small businesses employ almost 60 percent of the private work force.

They contribute 44 percent of all sales in the United States.

They are responsible for 38 percent of our Nation's gross national product.

Small enterprises created more than 550,000 new jobs in 1990 while large corporations lost nearly 400,000 jobs.

Small businesses are expected to account for nearly 75 percent of the 43 million new jobs that will be created over the next 25 years.

They typically provide more than 50 percent of our Nation's innovations each year.

Mr. Speaker, lest we forget, we are not talking here of corporations with huge capital resources and CEO's paid at embarrassingly high levels. We are dealing with companies that typically employ fewer than 100 workers, and with enterprises skating on the very narrow edge of profitability.

As such, the actions of the Federal Government, for good or for ill, touch small businesses with an intensity and effect unknown to large firms. A move, or series of moves, in the wrong direction can push hundreds, perhaps thousands, of small enterprises to the brink of bankruptcy. Steps in the right direction can infuse them with a vitality that will reverberate throughout the economy in unimaginable ways.

Legislators in Washington and in the various State capitols tend to forget the consequences of their actions, too frequently thinking that each new program or tax or regulation they propose works in a vacuum.

True, meeting the requirements and possible penalties of the Americans with Disability Act, standing alone, may not break a small business. But add to that the complicated Federal and State tax deposit requirements; Environmental Protection Agency regulations; OSHA requirements; the new civil rights laws; the weight of income and payroll taxes; and on and on through mandated health benefits and a flurry of other proposals on the table—and pretty soon we're talking about real impediments to growth and job creation.

The cumulative effect of all these taxes and regulations is killing small businesses and the incentives to start them. We are closing the doors of new and existing enterprises to workers and customers alike—and in the process we block our route to economic recovery and prosperity.

Mr. Speaker, one solution both in the short term and the long term besides harping on our legislators to stop piling on small businesses, is to enforce and expand the Federal Regulatory Flexibility Act.

This law requires each Federal agency to review every proposed rule for its effect on small businesses and to develop a less onerous compliance system for smaller firms. Further, it requires agencies to review all their regulations every 10 years to see if they are still needed or if they could be changed to lessen regulatory burdens.

However, the act has been observed more in the breach than the practice. Congress needs to clamp down on the agencies and require compliance. Congress also needs to extend the scope of the law to cover the IRS, and to add some teeth to it by adding a judicial review process for agencies that fail to comply with the act.

For the long term, Mr. Speaker, Congress simply must reduce the Federal debt and deficit through spending cuts. When the Federal Government sucks out $400 to $500 billion from the pool of investment capital available in any given year, the demand for what remains will necessarily push interest rates up eventually. The lack of available capital and high interest rates hit small businesses hardest of all.

A capital gains tax reduction will promote investment in small enterprises, and a revived investment tax credit will help small businesses operating on the margin afford new and productive capital equipment.

Maintaining a stable Federal Tax Code will help small businesses reduce their paperwork burden and allow them to make investment decisions in 1 year that will not be penalized by the Tax Code in the next.

Finally, revising estate tax laws to protect small businesses from having to sell the family firm to pay the conscription can help these companies stay open and operating smoothly, and keep their workers employed.

Mr. Speaker, for the short term, we can begin by reauthorizing and expanding the Small Business Innovation and Research Program. Technological progress is the single most important factor for short- and long-term growth in the U.S. standard of living, and small firms contribute up to three times more innovations per employee than large firms.

The SBIR initiative takes advantage of small businesses' innovative skills through a Governmentwide research program reserved exclusively for smaller firms. Recent hearings before the House Committee on Small Business demonstrate that SBIR is a Government program that actually works—and works well—to help small businesses create, de-

velop, and commercialize the innovative products our country needs to compete in the global economy.

Congress should—and indeed may—extend five existing tax breaks that offer significant benefits to small enterprises and their employees: The research and development tax credit; tax-exempt small issue development bonds; the health insurance deduction for the self-employed; the tax credit for employer-provided education benefits; and the targeted jobs tax credit.

All five of these benefits help small businesses and their employees keep America in the forefront of innovation and productivity and should be expanded and made permanent.

Finally, Mr. Speaker, we are all aware of the devastating effects of the banking crisis on small businesses. In some regions of the country, most notably New England, small firms face bankruptcy because the FDIC is seeking full payment on perfectly good and performing loans held by failed banks. In other areas, the increased capital reserve requirements for lenders have sparked a credit crunch that blocks small businesses from the loans they need to survive and expand.

To meet these unique challenges, the House Small Business Committee has passed legislation to infuse the small business economy with another $1.3 billion in guaranteed loans for fiscal year 1992 and beyond. These new funds will allow banks to make more small business loans without depleting their capital reserves, and will allow the Small Business Administration to carry out its innovative New England Lending and Recovery Program that is keeping small businesses open —all at a direct government cost of about $60 to $65 million.

Mr. Speaker, I commend your efforts to bring this vital piece of legislation before the House so quickly, and strongly urge our colleagues to support H.R. 4111 when it comes to the floor for consideration later this week. I can think of no more fitting way to commemorate Small Business Week.

Mr. Speaker, let me conclude by noting that in the context of long- and short-term actions to help small enterprises, we aren't talking here about great, macro economic policies that will decide the course of our country for decades to come. We are talking about commonsense actions that Congress can agree to take today that will have an immediate impact on small-business growth and job creation.

These are actions that, stripped of politics, posturing, and position, stand as fundamental ways to help people the best way their Government can: By giving them the choice and tools to guide their own destinies; by clearing a way unnecessary barriers to let our Nation's small businesses do some open-field running.

Simply put, the rallying cry of legislators and regulators, whether they operate at the Federal, State, or local level, should be: "If America will save small business, small business will save America."

If we abide by that motto, not just during Small Business Week, but throughout this year and the decades to come, the conversations in State houses and Congress, in lecture halls and kitchens, can turn to the brighter topic of how we can best use and enjoy our renewed prosperity for the benefit of us all.

My congratulations to small business men and women throughout our great country and thank you for a job well done.

Mr. FASCELL. Mr. Speaker, I rise to join our colleagues in recognition of Small Business Week and one of the best friends a small businessman could have, ANDY IRELAND. We all recognize that small businesses represent the core of the economies of many of our communities, and ANDY has worked tirelessly to remind us of their importance. As a source of employment, small businesses are indeed one of our Nation's most important resources, especially in times of recession.

I am sure that before ANDY retires at the close of the 102d Congress, he will remind us again that it is how we vote on small business issues that really counts. His friendly reminder has never been meant to embarrass or ridicule, it is his honest and sincere way of approaching an important issue which impacts every community in our country. This, I believe, is a reflection of what kind of person, and what kind of legislator, ANDY is. He is always willing to discuss differences in an attempt to build a consensus, but he also does not hesitate to tell you exactly how he feels on an issue and I, for one, have always valued that.

While we are here to pay tribute to the role of small business and ANDY's work in its behalf, it is not the only issue to which ANDY has dedicated himself. ANDY is a rational voice in the debate over our Nation's defense policy and for greater accountability in how our defense dollars are spent. He has also been a strong voice for a national energy strategy grounded in the principles of conservation and I have been pleased to work closely with him in leading the fight to prevent offshore oil and gas drilling in Florida.

One thing we can admire is ANDY's bipartisan approach to his work in the Congress and how he uses his talents to build bridges and make a difference. I will remember him for his tireless efforts on difficult issues and the outstanding contributions he has made to our Nation.

Jeanne-Marie joins me in extending our best wishes to ANDY and Nancy in the future.

Mr. ERDREICH. Mr. Speaker, I rise with my colleagues to recognize the contributions small business has made to Alabama's and our Nation's economy. American entrepreneurial spirit, determination, and hard work are synonymous with what has become our primary job creator and the lifeblood of our economy, small business.

Yesterday, I conducted a hearing, in Birmingham, AL, on small business and small business incubators. In Alabama, small business created 97 percent of all new private sector jobs between 1988 and 1990, that's almost 19,000 new jobs in this 2-year period. In 1990, small enterprises employed over 50 percent of Alabamians, almost 750,000 people. Although the recession has taken its toll on small business, the Small Business Administration claims that small companies are more likely to retain employees, expand operations and continue to start new businesses. The development and support of small business is critical to future economic development of new job opportunities.

One support tool that is working is the small business incubator. These facilities provide shared support services, equipment, office space and offer assistance.

Eighty percent of all incubator graduates are still in operation nationwide, compared with a 65 percent failure rate for small businesses that open without incubator assistance. Two small business incubators operate in my district and have created almost 700 new jobs and contributed almost $40 million to our economy.

I applaud the contributions small businesses make to our economy.

Mr. Speaker, I also want to take this time to thank my colleague, ANDY IRELAND, the ranking member of the Small Business Committee, for his efforts and work with small business. I certainly wish him well in his retirement. He will be missed.

Mr. BROOMFIELD. Mr. Speaker, for almost 30 years Americans have celebrated Small Business Week by honoring the small business community for its hard work, entrepreneurial spirit and outstanding contributions to our Nation. Small business plays a critical role in building a strong economy. By employing almost 60 percent of the private work force and providing two out of every three workers with their first jobs, small business affects Americans in every community across the country. Small business produces thousands of innovations that help spur the economy and is responsible for 44 percent of all sales in the United States and 38 percent of the gross national product.

As we take time to honor our Nation's small businesses, we should focus on ways we can help small enterprises thrive and expand. Over the years, I have received numerous letters from small business people, struggling to comply with the burdensome laws and regulations that Congress has heaped on the public. The explosive growth the Federal regulations has crippled job and capital creation, stifled economic growth and reduced America's competitiveness.

Something must be done to reduce the burden of these laws that are killing small business. That's why I signed a letter to President Bush asking him to extend his 90-day moratorium on unnecessary regulations and I am pleased that the President recently extended the moratorium for another 4 months.

One individual who has been especially dedicated to loosening the regulatory shackles that Government places on small business is the ranking minority member of the Small Business Committee, ANDY IRELAND. ANDY is committed to small business and has worked tirelessly as an advocate for the small business community, ensuring that small business concerns are addressed by the Congress. ANDY'S decision to retire at the end of this session of Congress surprised and saddened me. I have served with ANDY for many years and have appreciated his leadership and friendship. I am grateful to ANDY for his outstanding contributions and wish him well in his future endeavors.

As we pause to honor and recognize the small business community today and in the future, I hope we will remember the words of our colleague, ANDY IRELAND, who reminded us that "it's easy to say you're for small business, but it's how you vote that counts!"

Mr. EWING. Mr. Speaker, I would like to commend Representative MEYERS for organiz-

ing this special order to draw attention to Small Business Week. I also commend Mrs. MEYERS for her longstanding support of small businesses and her work on their behalf as a member of the House Small Business Committee.

Before I begin my remarks on Small Business Week, I want to recognize our colleague, ANDY IRELAND, the ranking Republican on the Small Business Committee, who will be retiring after the 102d Congress. While I have been in Congress for less than a year, I am honored to have served with this champion of America's entrepreneurs. ANDY has always been there to remind us that, as he says, "it's easy to say you're for small business, but it's how you vote that counts." ANDY IRELAND's departure from the House will be a loss for small businesses and a loss for the Congress.

Small businesses are the driving force of our economy. There are some 20 million small enterprises in our economy, and they generate an estimated 90 percent of all new jobs. Small businesses have been crucial to building this dynamic economy we have in America, and how small businesses fare in the future will determine the fate of our economy and our country.

Behind each small business is an entrepreneur who, in most cases, has worked long and hard to make his dreams of success come true. The challenges are great for small businesspersons, since many new businesses don't survive. Those who do succeed go through a great deal of blood, sweat and tears. They work grueling hours often seven days a week, with little or no vacation time. They sacrifice precious time with their families so they can struggle to make a profit. Small business persons do all this with no guarantee of making a profit. It is these courageous men and women who we honor during Small Business Week.

While much can be said about the state of small businesses in America, I would like to focus my comments on the effects of over-regulation on small businesses. In recent years Federal regulation has increased dramatically, and this impacts small businesses the most heavily because they are the most vulnerable to the costs of regulation. In most small businesses the profit margin is very small, and the more they must spend to meet Federal mandates, the less profit they can earn. Small business closings and bankruptcies are up sharply in the last few years, and there is a strong correlation between failing businesses and increased Federal regulation.

Recognizing this, in January President Bush ordered a 90-day moratorium on new Federal regulations. This order has received relatively little attention in the media, but has had a significant impact on the economy by reducing Federal interference in the marketplace. By stopping dozens of new regulations, the moratorium has saved the economy as much as $20 billion. The moratorium has offered some relief to small businesses, and they are glad that the President has extended the moratorium for another 120 days. Nearly 100 of my colleagues who are concerned about over-regulation, have cosponsored my resolution asking the President to extend the moratorium for a full year.

Not all regulations are bad, and indeed some Federal regulation is necessary to protect the health and welfare of the American people. Many Federal regulations have significant social or environmental benefits. However, Federal regulations do not come without direct and indirect costs to small businesses, and it ought to be the goal of the Federal Government to minimize these costs. This means that the costs of proposed regulations on small businesses must be carefully considered and weighed against the benefits of such regulations.

This is where I believe we have a serious problem. Too often the Federal Government has not adequately considered the impact of Federal regulations on small businesses. Indeed, many Federal regulations now on the books have little or no clear benefit, yet cost businesses millions or billions of dollars in compliance costs. And those costs are passed on to consumers. The Regulatory Flexibility Act, which was passed in 1980 to get Federal agencies to consider the costs of their rules on small businesses, has been largely ignored or circumvented.

I would like to give my colleagues some idea just how serious the problem of overzealous Federal regulation has become. One crude way of measuring the level of Federal regulation is to measure the number of pages used to print the Federal Register, which is the Federal Government's daily magazine listing new proposed and final regulations being promulgated by the various government agencies. In the last few years the size of the Federal Register has increased dramatically and some 67,000 pages were published in 1991. Stacked up together, they measure nearly 3 feet already this year. And we're only 4 months into the year.

Now, citing the number of pages in the Federal Register is not a very scientific way of measuring the level of Federal regulation. Let's take a closer look at the size of the Government's regulatory program. In order to maintain the explosive rate of Federal regulation, the Federal Government now employs an army of over 122,000 regulators, the largest number ever. We have over 50 regulatory agencies and the total Federal regulatory program costs the Government about $11 billion per year. Currently, these agencies are working on nearly 5,000 new regulations.

All the figures I've just cited only give us an indication of the resources which the Federal Government devotes to developing, approving, and implementing regulations. These figures say nothing about the costs to small businesses, consumers, and the private economy. Let me reiterate that small business, which we depend on to create the vast majority of new jobs, feel the greatest impact of over-regulation. Small businesses, which are often in the position of struggling to survive and have small profit margins, are the most vulnerable to the costs of Federal mandates.

In a study recently released by the National Chamber Foundation, Thomas D. Hopkins found that Federal regulation costs consumers about $400 billion every year. This translates to a cost of over $4,000 per household, and other estimates indicate that the cost may be significantly more than that. It is estimated that environmental regulations alone cost each household more than $1,000 per year.

This is where the true costs of Federal regulation can be seen. Hundreds of billions of dollars are spent every year by small businesses just to meet the demands of Federal regulations. This is money which is not spent on new plants or equipment, creating new capital and creating new jobs. In addition, the cost of complying with these regulations is passed on to consumers in the form of higher prices. For example, I have seen an estimate that emissions restrictions alone have added $1,500 to $2,000 to the cost of new automobiles.

Regulations are a significant drag on our economy and have contributed to the current recession. If we could reduce the amount of money small businesses must spend to follow federally mandated regulations, those businesses would have more money to invest in new activities, thus spurring growth and creating jobs. Job creation should be our top priority and there is a direct correlation between burdens on businesses and job creation.

Spending resources to abide by Federal regulations is, in many cases, a totally nonproductive exercise which adds nothing to economic growth. Take, for example, the resources expended just to complete the required paperwork. At least 5 billion man-hours are expended every year in meeting the Federal paperwork burden. Time spent filling out forms is time not spent creating a product or providing a service. With these excessive burdens, it is not surprising that new business start-ups were down over 4 percent last year.

Beside these directs costs associated with Federal regulations, there are immeasurable indirect costs for the economy in terms of technologies or products not developed because scarce resources are being spent to meet Federal regulations. There is no way of telling how many small businesses have been forced by the Government to forego new developments.

We must also consider the effect increasing Federal regulations of small businesses is having on America's international competitiveness. I believe that increasing mandates have hindered the ability of businesses to complete with less-regulated overseas corporations and has crippled our ability to enter new markets. What's worse, Federal regulations encourages jobs to go overseas by giving businesses an incentive to locate their facilities where costs are less prohibitive.

Federal regulations stifle small business entrepreneurship, drain scarce resources, cripple productivity, and inhibit economic expansion and job creation. We must work to scale back the level of unnecessary Federal regulations of small businesses, and to reform the regulatory process. I applaud President Bush's efforts in this area and believe the best thing we can do for small businesses is to get the Federal regulators off their backs.

I thank Congresswoman MEYERS for organizing this very important special order recognizing Small Business Week and thank her for inviting me to participate.

Mr. SKELTON. Mr. Speaker, 15 years and 5 months ago, when I entered Congress for the first time, I had already made one decision that seemed to fit perfectly with my constituency: I wanted to be a member of the Committee on Small Business. I had just finished a grueling campaign in a district, the Fourth District of Missouri, which encompassed 22 counties and 135 cities. It became crystal

clear to me as I visited all those areas that the glue that held the communities together was their small businesses.

Each town had a corps of business owners who provided much more than just goods and services to the community. They provided employment, capital, stability, leadership, commitment to make the tough decisions for the long term. And they really did not ask for much. They realize that there is a need for Government and they were ready to support it. All they asked is that we just use a little common sense, that Government leave them alone when it can so that they can do their business and that we in Congress try to get the Government to work with them, instead of against them. In return, the people back in Missouri are willing to pay their taxes and support their country.

It is the small business owner, at least in my congressional district, who keeps the place going, Mr. Speaker. They form committees to solve the problems because, more often than not, when business hours are over they walk across the street and run the government, too. These movers and shakers sponsor the Little League, buy Girl Scout cookies, support their church and chip in for fireworks on the Fourth of July. In short, they do the kinds of things that makes the collection of buildings around the square our hometown.

That was something I wanted to be part of. When I practiced law, I like to think I helped all kinds of small businesses grow and prosper. My feeling was that I could do the most good for the people back home as a member of the Small Business Committee here.

So I went to the first meeting of the Small Business Committee in the 95th Congress. I am sure that I sat there with a big smile on my face and who should sit next to me but another smiling freshman Democrat from Florida, ANDY IRELAND. My new colleague, it seemed, also had a warm spot in his heart for the small businessman.

Since that time his dedication to small business and to this body has been exemplary. We will sorely miss his presence and his vote on behalf of the small businesses of America.

Mr. SERRANO. Mr. Speaker, I rise today on the occasion of the observation of Small Business Week. In these difficult economic times, small businesses have played a significant economic role in keeping our economy moving ahead. Small businesses have struggled to overcome the serious obstacles created by our economic difficulties and provided millions of jobs for our workers. In districts as economically underdeveloped as my own particularly, the positive impact of successful small businesses on the area's economic state cannot be sufficiently underscored. On behalf of my constituents of the South Bronx, I would like to express my deep appreciation to the small business community of my district.

I would like to take this opportunity to recognize an institution whose contribution to the growth of small businesses in my district of the South Bronx has been invaluable: The Manhattan College Small Business Development Center. This institution is the Bronx regional center in a network of 18 regional centers administered by the State University of New York. The Small Business Development Center provides management, marketing and technical assistance to start-up and existing small businesses, with special emphasis on minority and women entrepreneurs.

This week the Bronx Small Business Development Center is sponsoring a Small Business Information Expo. This event will allow small businesses, both start-up or existing, the opportunity to meet, discuss and receive valuable insights and information from people who work with small businesses. The Expo is divided into two parts: A panel discussion and an exhibition. The panel discussion allows participants to learn practical information for obtaining financing; low cost marketing techniques; and deciding when, how and who to hire as an employee. The exhibition offers small business owners the opportunity to discuss their particular businesses with representatives of small business assistance providers. These assistance providers include banks, utility companies, government agencies and other public and private organizations.

I will be participating in the Expo, and it is an event to which I am looking forward enthusiastically. This Expo is a magnificent idea which will provide small businesspersons with the tools they need to ensure the complete success of their endeavors. Through projects such as the Expo, the Manhattan College Small Business Development Center has provided outstanding guidance and support to the small businesses of the South Bronx, and it is for this very valuable service that I thank the Small Business Development Center today.

Mr. GALLO. Mr. Speaker, I want to join with my colleagues today to recognize our colleague, the gentleman from Florida [Mr. IRELAND] for his many and significant accomplishments as a tireless fighter for our Nation's small businesses.

It is fitting that we are here today to pay tribute to the outstanding record of ANDY IRELAND during National Small Business Week. I want to thank our colleague JAN MEYERS for initiating and coordinating this effort.

As a member of the Small Business Committee for 4 years, I have had the distinct honor and privilege of working very closely with ANDY IRELAND to emphasize the importance of Government programs and policies that help small businesses to grow and create jobs.

I know from personal experience that ANDY IRELAND is an exceptional person, who looks beyond tomorrow or next week and recognizes the importance of preparing for the challenges that will face us for years to come.

Because I am a small businessman, I came to Congress in 1985 with a great enthusiasm about the prospect of making a significant contribution to Federal policy in this important, but all-to-often neglected area.

ANDY helped me to channel my enthusiasm, as well as that of others, into effective action.

Together with our colleagues on the committee, we were able to convince the Reagan administration that it was far better to reform the Small Business Administration than it was to close it and merge its operations with the Commerce Department.

These were in the days when SBA programs were under fire from many quarters and the credibility of the SBA had so eroded that many people wanted to see it closed down.

But, we recognized a real need for the SBA and because of ANDY IRELAND's leadership and experience, we were successful.

Andy's dedication has been consistent and his steady hand as a supporter of small business will be greatly missed.

ANDY, your decision to retire from Congress will have a great impact on this institution and on those of us who have worked closely with you over the years.

Mr. Speaker, I wish the gentleman from Florida every happiness as he undertakes new challenges.

Mr. HANCOCK. Mr. Speaker, according to the 1991 annual Report of the President on "The State of Small Business," the over 20 million small businesses of this country provide over 110 million jobs to our people. In fact, small businesses account for 90 percent of the new jobs created in 1990.

Small businesses are the backbone of our economy. Small businesses provide most of the jobs and economic opportunity in our Nation. Any economic recovery must involve our small businesses in a big way. That is where the jobs come from.

Small businesses are also the embodiment of the American dream. Entrepreneurs taking risks and building enterprises is what this country is all about.

To the degree it is still possible for men and women to start their own business and—through hard work, effort, and ingenuity—to succeed in their endeavor, the American dream is still alive. To the degree this is not possible, the American dream is in jeopardy.

But do we really understand what it takes to run a small business today?

As a small businessman myself, who founded a company from scratch and built it up from nothing, I can sympathize with the plight of today's small businessman. Government, particularly the Federal Government, is making it increasingly difficult, if not impossible, to start or maintain a small business in this country.

I founded my company in 1969. Back then it was tough. But today, I don't think I would even consider attempting to start a small business of my own. Why? Because of the harebrained regulations, mandates, liability laws, punishing taxation, and miles of red tape. It is too much grief for any human being to take. Today's small businessman is either a genuine hero or a sadist.

By making the life of a small businessman so difficult, is it any wonder our economy is in trouble? Why are we making it so hard for modern-day entrepreneurs to create jobs and economic opportunity? Why are we trying to kill the American dream?

Very few people in this Congress have a background in business. With all due respect to my colleagues, most of the people who serve here are lawyers.

The laws passed by this Congress are inspired by legal minds that have little understanding or concern for what it takes to run a small business. And even if one of us who does have a background in business does speak out now and then, our pleas seem to fall on deaf ears.

When this Congress starts meddling it inevitably ends up causing the waste of vast national resources. Tax dollars are consumed to pay for the bureaucratic enforcement of myriad regulations. The private capital of small businesses are consumed with the costs of

complying with one asinine regulation or mandate after another, and the costs of hiring armies of lawyers and accountants. All these resources are wasted, instead of invested in productive uses, including job creation.

When one considers the high risks and sometimes meager rewards of starting one's own small business, this kind of harrassment makes starting a small business is more trouble than it's worth.

Giving the small business community some respect is essential—not only to our economic recovery, but in preserving the hope of the American dream. It is appropriate we remind ourselves of that fact during Small Business Week.

To close it was any pleasure today to eat lunch with Robert Carter of Webco in Springfield, MO, who has been recognized as Missouri Small Businessman of the Year.

Mrs. VUCANOVICH. Mr. Speaker, I rise today to pay tribute to those who are the economic fiber of our Nation—small businesses. In a time when tremendous obstacles are being placed in the way of those who are such a vital and integral part, and indeed the greatest contributors to our Nation's economy, I want to commend them for their undying efforts to keep the Nation strong. A Nation that through regulatory malaise and other restrictions often slaps small business in the face.

I am glad that our small business people are keeping up the fight, and I want to pledge to them—as we commemorate Small Business Week—that I will continue to do all I can in Congress to lighten their burden and to create a more fair playing field for them as they often fight against all odds. I share the feeling of our distinguished ranking member of the Small Business Committee, "It's easy to say you're for small business, but it's how you vote that counts!" I have tried during my years in Congress to support legislation that will assist small businesses in their goal to be the cornerstone of our economy.

I applaud the efforts to our small business people who—in the face of decreased access to capital due to the credit crunch, an ever-increasing number of Federal, State, and local regulations; all the challenges of a recession—are continuing their plight to keep our Nation strong.

The figures are compelling: small businesses represent a staggering 99.6 percent of all U.S. businesses. Small businesses provide half of all the new jobs in the Nation. Moreover, they provide two of every three workers in America with their first job. They have contributed 40 percent of the Nation's new high-technology jobs during the past decade. They are more flexible than big business in responding to shifting markets and are able to bring new products to market faster than large businesses.

Small businesses contribute more to their communities, in terms of cash and in-kind services, on a per-employee basis than do their larger corporate cousins.

Being a woman myself, I am encouraged by the strides made by women in small businesses. Women continue to start businesses at nearly twice the rate of men. Additionally, women-owned businesses continue to demonstrate their growing importance as providers of jobs for American workers. Between 1982 and 1987, the number of women-owned businesses with paid employees very nearly doubled.

Something that perhaps many Americans are not aware of is that small businesses are responsible for more than half of all the innovations developed during the 20th century, including the zipper, the helicopter, the personal computer, and important advances in the medical world such as insulin, the artificial heart valve and the pacemaker.

These facts and many, many more demonstrate how vital small businesses are to the survival of our economy. It is my hope that we in Congress can continue to work toward lightening the burdens placed upon small businesses so that they can continue their excellent efforts to make our Nation strong. We must stop forcing businesses to close by regulating them to death and literally sucking the lifeblood out of our economy.

I stand in awe of small businesses and pay tribute to them today for their effort and entrepreneurial spirit which has fueled the engine of the U.S. economy and created millions of jobs for American workers.

In conclusion, Mr. Speaker, I would like to acknowledge the undying efforts of our distinguished colleague, Mr. ANDY IRELAND, who has worked tirelessly to defend the rights of small business owners everywhere. As he prepares for retirement, I would like to express our gratitude for his efforts on behalf of small businesses. Such an advocate of our Nation's most vital business people will be sorely missed.

Mr. RAMSTAD. Mr. Speaker, I rise today during Small Business Week to recognize the nearly 20 million small business owners in the country, and to pay tribute to a distinguished colleague of ours who is retiring and who has been an outstanding advocate for the small business men and women of this country.

ANDY IRELAND, the ranking Republican on the House Small Business Committee, has been tireless in his efforts on behalf of small business. He has focused attention on the unique problems faced by small businesses, and has been a model of integrity and courage for me during the time we have worked together.

This body, the members of the House Small Business Committee, and above all, the small business people of this country, will sorely miss ANDY IRELAND.

As a nation, we are blessed by the contributions small businesses make to our economy. The figures are familiar: small businesses employ 50 percent of the private work force, account for 44 percent of all sales, and are responsible for 38 percent of gross national product [GNP]; they produce about 2.4 times as many innovations per employee as large firms; smaller businesses contribute more to their communities, in terms of cash and in-kind services, on a per employee basis than do their larger corporate cousins; small businesses created all of the net new jobs from 1988 to 1990; and total output from the small businesses in this country was over twice the GNP of Great Britain—and nearly two-thirds the level of Japan, through 1990.

Mr. Speaker, I am proud to rise today to recognize our Nation's small business community. Our small business men and women are the key to our economic future, and will help ensure that our Nation will continue to prosper in freedom and opportunity.

Mr. LIPINSKI. Mr. Speaker, I am pleased to rise today to acknowledge Small Business Week and to pay tribute to our Nation's small businesses and their important role in our economy. Small businesses are the key to America's future and success in today's world market.

Today, there are more than 20 million small businesses in America. They produce 39 percent of the gross national product, employ 58 percent of the work force and generate 44 percent of all sales. These small companies are the dominant providers of workers' first jobs and serve as the basis for job training.

In today's depressed economy, the survival of small businesses is more important than ever. Small businesses are essential to our Nation's economic development and are vital to the creation of jobs. Despite these difficult times, the spirit of American enterprise has flourished, as small businesses continue to train and hire 9 out of 10 of America's private sector workers.

I salute the small businessowners, for they embody the entrepreneurial spirit of America. Their companies make up the backbone of American industry and enterprise, and we must continue to support this healthy commercial and industrial activity in our Nation's communities.

In addition to our small businesses, I would also like to commend our colleague and ranking member on the Committee on Small Business, Andy Ireland, for his tireless efforts on behalf of small businesses across America. After he leaves the House, we must continue to follow his fine example and be a friend to the small business people of America.

Mr. FRANKS of Connecticut. Mr. Speaker, today we take a moment to pay tribute to the small businesses of our country. As we celebrate the 29th annual Small Business Week, I encourage each of us to take a moment and reflect upon the importance that small businesses play in our Nation and to encourage participation in some of the special events planned this week.

America's 20 million small businesses are critical to our economy at every level—national, State, and local. Their creativity and entrepreneurial drive have produced remarkable results despite the recession-riddled environment of recent years. While larger businesses have continued to downsize during the past few years, small businesses have, once again, continued to account for the majority of new jobs. For example, in 1990 small businesses accounted for 90 percent of the new jobs created in the private sector. Furthermore, over the next 25 years the United States will need to create about 43 million jobs; small business will create 75 percent of these jobs.

Congress must make a renewed effort to support and promote policies that encourage growth in this vital sector of the economy if we expect 75 percent of new jobs to be created by small business. We must avoid policies that work against smaller businesses. We must also oppose mandated solutions that have the effect of placing the unfair burden of addressing our Nation's problems on the backs of small businesses. On important issues ranging