

and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

**MANDATORY PASSENGER RAIL SERVICE  
PAYMENTS**

Notwithstanding any other provision of law, funds provided under this head are available to enable the Secretary of Transportation to pay obligations of the National Railroad Passenger Corporation for repayment taxes due under section 3321 of the Internal Revenue Code of 1986.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 110: Page 38, line 7, after "amended" insert *Provided further*, That notwithstanding any other provision of law, before apportionment of these funds, \$15,000,000 shall be made available for the purposes of section 18 of the Urban Mass Transportation Act of 1965, as amended".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moved that the House recede from its disagreement to the amendment of the Senate numbered 110 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "\$13,000,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 118, Page 40, line 9, strike out "\$16,300,000" and insert "\$15,916,000".

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moved that the House recede from its disagreement to the amendment of the Senate numbered 118 and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert "\$15,833,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 129: Page 54, strike out lines 3 to 6, and insert:

Sec. 325. Notwithstanding any other provisions of law, of the discretionary funds available to New York State under the Interstate Transfer Grants—Transit Account of this Act, \$11,000,000 shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Westside Connector Rail Line Project in New York City.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 129 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

Sec. 325. (a) INTERMODAL URBAN DEMONSTRATION PROJECT.—Funds appropriated in this Act for "Intermodal Urban Demonstration Project" shall remain available until expended.

(b) WESTSIDE CONNECTOR RAIL LINE PROJECT.—Notwithstanding any other provision of law, of the discretionary funds available to New York State under the Interstate Transfer Grants—Transit account of this Act, \$11,000,000 shall be transferred to the Federal Railroad Administration, which shall make such funds available to Amtrak for the Westside Connector Rail Line Project in New York City.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 130: Page 54, strike out lines 12 to 16, and insert:

Sec. 327. (a) Notwithstanding any other provision of law, and subject to the provisions of section 2 below, title to a certain 102 acres of property located at West Sayville, town of Islip, Suffolk County, New York, as described in a deed dated November 4, 1918, from the Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York on February 2, 1921, in Deed Liber 1016, page 43; a quit claim deed dated January 20, 1920, from Mary E. Shell; Executrix of the Estate of Edward Shell, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 443; and a deed dated September 2, 1920, from Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 438, and known as the Federal Aviation Administration's International Flight Service Transmitting Facility, shall be conveyed to the Fish and Wildlife Service of the United States Department of the Interior in order to ensure the continued protection of the sandplain gerardia (*Agalinis acuta*) a federally listed endangered plant species.

(b) The conveyance of the property identified in section 1 shall become effective upon certification by the Administrator of the Federal Aviation Administration that the International Flight Service Transmitting Facility currently located on such property has been completely relocated to an alternate site in Barnegat, New Jersey, and that the relocated International Flight Service Transmitting Facility is fully functional.

(c) Pursuant to the provisions of 40 U.S.C. 484(e)(3)(H), a certain 19.2 acres of property located on the west side of Cherry Avenue in West Sayville, town of Islip, County of Suffolk, New York, as described in a Declaration of Taking, Civil Number 60-CD-853, filed in United States District Court for the Eastern District of New York, dated September 9, 1960, shall be transferred, as a public benefit transfer and without cost, to said town of Islip for recreational purposes.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 130 and concur therein with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following:

Sec. 327. (a) MAXI-CUBE VEHICLES.—Section 411(d) of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2311(d)), relating to length limitations on federally assisted highways, is amended by inserting after "boat transporters" the following: "and maxi-cube vehicles".

(b) INTERNATIONAL FLIGHT SERVICE TRANSMITTING FACILITY.—(1) Notwithstanding any other provision of law, and subject to the provisions of subsection (b)(2) below, title to a certain 102 acres of property located at West Sayville, town of Islip, Suffolk County, New York, as described in a deed dated November 4, 1918, from the Atlantic Communication Company, New York on February 2, 1921, in Deed Liber 1016, page 433; a quit claim deed dated January 20, 1920, from Mary E. Shell; Executrix of the Estate of Edward Shell, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 438; and a deed dated September 2, 1920, from Atlantic Communication Company, recorded in the office of the County Clerk of Suffolk County, New York in Deed Liber 1016, page 443, and known as the Federal Aviation Administration's International Flight Service Transmitting Facility, shall be conveyed to the Fish and Wildlife Service of the United States Department of the Interior in order to ensure the continued protection of the sandplain gerardia (*Agalinis acuta*) a federally listed endangered plant species.

(2) The conveyance of the property identified in subsection (b)(1) shall become effective upon certification by the Administrator of the Federal Aviation Administration that the International Flight Service Transmitting Facility currently located on such property has been completely relocated to an alternate site in Barnegat, New Jersey, and that the relocated International Flight

Service Transmitting Facilities is fully functional.

(3) Pursuant to the provisions of 40 U.S.C. 484(k)(2), a certain 19.2 acres of property located on the west side of Cherry Avenue in West Sayville, town of Islip, County of Suffolk, New York, as described in a Declaration of Taking, Civil Number 60-CD-853, filed in United States District Court for the Eastern District of New York, dated September 9, 1960, shall be transferred, as a public benefit transfer and without cost, to said town of Islip for recreational purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 132: Page 56, after line 14, insert:

SEC. 329. AUXILIARY FLIGHT SERVICE STATION PROGRAM.—(a) GENERAL RULE.—The Administrator of the Federal Aviation Administration shall develop and implement a system of manned auxiliary flight service stations. The auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. Auxiliary flight service stations shall be located in areas of unique weather or operational conditions which are critical to the safety of flight.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress with the plan and schedule for implementation of this section.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 132 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 330. (a) AUXILIARY FLIGHT SERVICE STATION PROGRAM.—The Administrator of the Federal Aviation Administration shall develop and implement a system of manned auxiliary flight service stations. The auxiliary flight service stations shall supplement the services of the planned consolidation to 61 automated flight service stations under the flight service station modernization program. Auxiliary flight service stations shall be located in areas of unique weather or operational conditions which are critical to the safety of flight. Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall report to Congress with the plan and schedule for implementation of this section.

Mr. LEHMAN of Florida. Mr. Speaker, I request time on this amendment.

The SPEAKER pro tempore. The gentleman from Florida [Mr. LEHMAN] is recognized for 30 minutes.

Mr. LEHMAN of Florida. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, the aviation reauthorization bill (H.R. 5170) contained a provision directing the Federal Aviation Administration to establish a system of manned auxiliary flight service stations to supplement the 61 automated flight service stations [AFSS].

Prior to House passage of H.R. 5170, the Public Works and Transportation Committee fully considered the auxiliary flight service station issue. The results of the committee's deliberations are fully reflected in the committee's report (101-581).

Now I see that the same auxiliary flight service station provision is in this conference report. But of course, in this context, it does not carry with it the legislative history developed by the Public Works Committee.

Therefore, I would like to ask the Chairman of the Transportation Appropriations Subcommittee whether, in adopting the auxiliary flight service station provision, the conferees accept the legislative history that came with it and whether it would be proper for the FAA, in implementing this provision, to be bound by the Public Works Committee's report on this provision.

□ 1620.

Mr. LEHMAN of Florida. For the gentleman's information, I would certainly expect the FAA to follow whatever legislative intent exists, whether it would be provided by the authorizing committee or by the Appropriations Committee.

Mr. OBERSTAR. I thank the gentleman for those comments.

May I further express my deep appreciation and that of my colleagues on the committee for the splendid job the chairman has done in negotiating these provisions, which were very difficult ones, concerning aviation, and bringing aviation to a new level of excellence for the decade ahead in all of the aspects, both the airport improvement program, auxiliary facilities and equipment account and the operations and maintenance account. The gentleman had done yeoman service, and we are very grateful.

Mr. LEHMAN of Florida. Mr. Speaker, I thank my friend from Minnesota [Mr. OBERSTAR] for his support and cooperation in helping us work out the difficult provisions in our own legislation today.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 137: Page 58, after line 7, insert:

SEC. 335. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 137 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

SEC. 335. Notwithstanding section 127 of title 23, United States Code, the State of Wyoming may permit the use of the National System of Interstate and Defense Highways located in Wyoming by vehicles in excess of 80,000 pounds gross weight, but meeting axle and bridge formula specifications in section 127 of title 23, United States Code: *Provided*, That this section shall remain in effect until December 31, 1991.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 139: Page 58, after line 7, insert:

SEC. 337. Notwithstanding any other provision of law, the air traffic control facilities known as the John F. Kennedy International, LaGuardia, and Newark International Airport air traffic control towers, shall be included in the pay demonstration project as approved and published by the Office of Personnel Management in the Federal Register on March 10, 1989. Further, that these facilities shall be administratively determined by the Administrator of the Federal Aviation Administration to be level V terminals and the grades of the air traffic control specialists in the GS-2152 classification series, assigned to such facilities, shall be adjusted accordingly.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 139 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 337. Within 180 days of the effective date of this Act, the Federal Aviation Administration shall undertake and complete a study on the classification of air traffic controllers at level IV limited radar approach facilities which includes airspace complexity as a factor in determining grade classification. The results of this study, along with an implementation plan, shall be provided to the House and Senate Committees on Appropriations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 140: Page 58, after line 7, insert:

Sec. 338. None of the funds in this Act shall be used to withhold funds for any section 3 and section 9 operating and capital assistance grants for the City of Phoenix, Arizona, based on the inclusion of a "preference in hiring" provision in the employee protective arrangements developed pursuant to 49 U.S.C. 1609(c), and such grant funds shall be awarded to the City of Phoenix within 30 days of the enactment of this Act.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 140 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 338. Notwithstanding any provision of the Urban Mass Transportation Act of 1964, as amended, the Urban Mass Transportation Administration shall not withhold fiscal year 1989, 1990 or 1991 funds for any section 3 and section 9 operating and capital assistance grants for the City of Phoenix, Arizona, based on the inclusion of a "preference in hiring" provision in the employee protective arrangements developed pursuant to 49 U.S.C. 1609(c).

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 141: Page 58, after line 7, insert:

Sec. 339. Notwithstanding subsection (d) of section 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for States which have received only development grants under such section 402 and which have participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration

Program, the Secretary shall only approve a plan under such section 402 for fiscal year 1991 which provides that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding the date the plan is approved.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 141 and concur therein with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

Sec. 339. Notwithstanding subsection (d) of section 402 of the Surface Transportation Assistance Act of 1982 (Public Law 97-424, 96 Stat. 2155, 2156) for States which have received only a development grant for fiscal year 1989 under such section 402 and which have participated in the Commercial Motor Carrier Safety Inspection and Weighing Demonstration Program, the Secretary shall only approve a plan under such section 402 for fiscal year 1991 which provides that the aggregate expenditure of funds of the State and political subdivisions thereof, exclusive of Federal funds, for commercial motor vehicle safety programs will be maintained at a level which does not fall below the average level of such expenditure for the last two full fiscal years preceding fiscal year 1990.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the final amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 143: Page 58, after line 7, insert:

Sec. 341. (a)(1) None of the funds appropriated by this Act may be obligated or expended to enter into any contract for the construction, alteration, or repair of any public building or public work in the United States or any territory or possession of the United States with any contractor or subcontractor of a foreign country, or any supplier of products of a foreign country, during any period in which such foreign country is listed by the United States Trade Representative under subsection (c) of this section.

(2) The President or the head of a Federal agency administering the funds for the construction, alteration, or repair may waive the restrictions of paragraph (1) of this subsection with respect to an individual contract if the President or the head of such agency determines that such action is necessary for the public interest. The authority of the President or the head of a Federal agency under this paragraph may not be delegated. The President or the head of a Federal agency waiving such restrictions shall, within 10 days, publish a notice there-

of in the Federal Register describing in detail the contract involved and the reason for granting the waiver.

(b)(1) Not later than 30 days after the date of enactment of this Act, the United States Trade Representative shall make a determination with respect to each foreign country of whether such foreign country—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than \$500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) In making determinations under paragraph (1), the United States Trade Representative shall take into account information obtained in preparing the report submitted under section 181(b) of the Trade Act of 1974 and such other information or evidence concerning discrimination in construction projects against United States products and services that are available.

(c)(1) The United States Trade Representative shall maintain a list of each foreign country which—

(A) denies fair and equitable market opportunities for products and services of the United States in procurement, or

(B) denies fair and equitable market opportunities for products and services of the United States in bidding,

for construction projects that cost more than \$500,000 and are funded (in whole or in part) by the government of such foreign country or by an entity controlled directly or indirectly by such foreign country.

(2) Any foreign country that is initially listed or that is added to the list maintained under paragraph (1) shall remain on the list until—

(A) such country removes the barriers in construction projects to United States products and services;

(B) such country submits to the United States Trade Representative evidence demonstrating that such barriers have been removed; and

(C) the United States Trade Representative conducts an investigation to verify independently that such barriers have been removed and submits, at least 30 days before granting any such waiver, a report to each House of the Congress identifying the barriers and describing the actions taken to remove them.

(3) The United States Trade Representative shall publish in the Federal Register the entire list required under paragraph (1) and shall publish in the Federal Register any modifications to such list that are made after publication of the original list.

(d) For purposes of this section—

(1) The term "foreign country" includes any foreign instrumentality. Each territory or possession of a foreign country that is administered separately for customs purposes shall be treated as a separate foreign country.

(2) Any contractor or subcontractor that is a citizen or national of a foreign country, or is controlled directly or indirectly by citizens or nationals of a foreign country, shall be considered to be a contractor or subcontractor of such foreign country.

(3) Subject to paragraph (4), any product that is produced or manufactured (in whole or in substantial part) in a foreign country

shall be considered to be a product of such foreign country.

(4) The restrictions of subsection (a)(1) shall not prohibit the use, in the construction, alteration, or repair of a public building or public work, of vehicles or construction equipment of a foreign country.

(5) The terms "contractor" and "subcontractor" includes any person performing any architectural, engineering, or other services directly related to the preparation for or performance of the construction, alteration, or repair.

(e) Paragraph (a)(1) of this section shall not apply to contracts entered into prior to the date of enactment of this Act.

(f) The provisions of this section are in addition to, and do not limit or supersede, any other restrictions contained in any other Federal law.

MOTION OFFERED BY MR. LEHMAN OF FLORIDA

Mr. LEHMAN of Florida. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. LEHMAN of Florida moves that the House recede from its disagreement to the amendment of the Senate numbered 143 and concur therein with an amendment, as follows:

In lieu of the section number "341", insert "340".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. LEHMAN].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

CONFERENCE REPORT ON H.R. 5313, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1991

Mr. HEFNER. Mr. Speaker, I call up the conference report on the bill (H.R. 5313) making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1991, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 16, 1990, at page H10444.)

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. HEFNER] will be recognized for 30 minutes, and the gentleman from California [Mr. LOWERY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. HEFNER].

GENERAL LEAVE

Mr. HEFNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report and the amendments in disagreement on the bill, H.R. 5313, and that I may include extraneous tabular material.

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

There was no objection.

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

Mr. Speaker, the conference report we present to the House today for military construction and family housing contains agreements on about 300 line items.

Before I continue, I would like to take this time to thank the ranking minority member of the military construction subcommittee, Mr. LOWERY, for his cooperation and diligence all year long so we can be here today to present this conference report to the House. I also want to thank all the other members of the subcommittee for their bipartisan support, and to especially thank our committee chairman, JAMIE WHITTEN, for his leadership.

Mr. Speaker, the conference agreement on H.R. 5313 that we are presenting to the House provides for \$8.36 billion of which almost \$1 billion is to capitalize the base closure account.

The bill is within our section 302 allocations for both budget authority and outlays. It is below the budget request by \$764 million and \$132 million below last year's level. When the base closure amount is excluded from the comparison the bill is almost \$630 million below last year's level.

Mr. Speaker, the bill before us cuts the budget request for overseas spending by about \$600 million. The bill reduces spending for NATO Infrastructure by 55 percent from the President's request and all other overseas programs by 30 percent. In addition, the bill will cancel previously funded projects overseas which will save the taxpayer over \$286 million. Mr. Speaker, these are responsible cuts in light of the changes occurring throughout the world, especially in view of the reduced threat that has occurred in Europe.

We need to put a hold on such funding overseas until the Department develops a responsible force and base structure plan that recognizes budget realities, the reduced threat, and the need for more burdensharing.

Mr. Speaker, on the domestic side, the conference report restores the Guard and Reserve programs to last year's level rather than support the administration's proposal to reduce the Guard and Reserve by 60 percent from last year's level. Let me just say that the funding for the Guard and Reserve program comes from the cuts we made in overseas programs.

On the issue of whether to build a new base in Italy when we are closing bases in the United States, the conference agreement retains the House position which prohibits the use of any new or prior year unobligated NATO infrastructure funds from being used for construction of a base to support the relocation of the 401st Tactical Fighter Wing to Crotone, Italy. The effect of the conference agreement is that it holds up U.S. funding for a year.

Military Construction Appropriations Bill, FY 1991 (H.R. 5313)

	FY 1990 Enacted	FY 1991 Estimate	House	Senate	Conference	Conference compared with enacted
Military construction, Army	819,129,000	774,900,000	747,087,000	897,987,000	748,137,000	-72,992,000
Rescission			-116,745,000	-116,745,000	-116,745,000	-116,745,000
Total, Military construction, Army (net)	819,129,000	774,900,000	630,322,000	581,222,000	629,392,000	-189,737,000
Military construction, Navy	1,139,250,000	1,113,300,000	1,137,278,000	1,043,828,000	1,132,808,000	-6,844,000
Rescission			-8,200,000	-8,200,000	-8,200,000	-8,200,000
Total, Military construction, Navy (net)	1,139,250,000	1,113,300,000	1,131,078,000	1,077,828,000	1,128,408,000	-12,844,000
Military construction, Air Force	1,227,298,000	1,378,200,000	949,448,000	891,784,000	949,094,000	-278,202,000
Rescission	-18,520,000		-25,790,000	-25,390,000	-51,390,000	-32,890,000
Total, Military construction, Air Force (net)	1,208,778,000	1,378,200,000	924,058,000	866,394,000	897,704,000	-311,092,000
Military construction, Defense agencies	537,440,000	787,500,000	625,328,000	600,113,000	601,288,000	+63,848,000
Rescission	-21,800,000		-68,119,000	-68,119,000	-68,119,000	-46,319,000
Total, Military construction, Defense agencies (net)	515,640,000	787,500,000	557,207,000	531,994,000	533,169,000	+17,528,000
North Atlantic Treaty Organization infrastructure	424,714,000	420,400,000	250,000,000	210,400,000	192,700,000	-232,014,000
Military construction, Army National Guard	230,490,000	68,878,000	201,558,000	235,549,000	313,224,000	+82,734,000
Military construction, Air National Guard	235,887,000	68,500,000	135,240,000	146,369,000	180,590,000	-55,307,000
Military construction, Army Reserve	99,124,000	59,300,000	63,297,000	75,228,000	77,428,000	-21,999,000
Military construction, Naval Reserve	58,800,000	50,200,000	63,300,000	75,207,000	80,307,000	+23,707,000
Military construction, Air Force Reserve	48,200,000	37,700,000	37,700,000	41,100,000	38,900,000	-7,900,000
Total, Reserve components	698,281,000	280,378,000	508,065,000	573,451,000	690,117,000	+21,838,000
Total, Military construction:						
New budget (obligational) authority (net)	4,775,810,000	4,752,878,000	3,698,758,000	3,841,087,000	4,069,488,000	-709,322,000
Appropriations	(4,818,110,000)	(4,752,878,000)	(4,215,212,000)	(4,087,541,000)	(4,311,942,000)	(-504,169,000)
Rescissions	(-40,300,000)		(-210,454,000)	(-210,454,000)	(-242,454,000)	(-202,154,000)
Family housing, Army:						
Appropriation	1,453,682,000	1,554,450,000	1,525,787,000	1,525,087,000	1,538,287,000	+84,285,000
Portion applied to debt reduction	-300,000	-250,000	-250,000	-250,000	-250,000	+50,000
Rescission			-12,884,000	-12,884,000	-12,884,000	-12,884,000
Total, Family housing, Army (net)	1,453,682,000	1,554,200,000	1,512,853,000	1,512,753,000	1,525,353,000	+71,871,000
Family housing, Navy and Marine Corps	798,321,000	904,500,000	878,101,000	828,708,000	898,018,000	+67,987,000
Rescission			-11,037,000	-11,037,000	-11,037,000	-11,037,000
Total, Family housing, Navy (net)	798,321,000	904,500,000	867,064,000	817,671,000	886,981,000	+58,880,000
Family housing, Air Force	939,728,000	971,900,000	958,542,000	910,430,000	934,388,000	-5,327,000
Rescission			-45,984,000	-45,934,000	-45,984,000	-45,984,000
Total, Family housing, Air Force (net)	939,728,000	971,900,000	910,578,000	864,496,000	888,435,000	-51,291,000
Family housing, Defense agencies	21,124,000	21,100,000	21,014,000	21,014,000	21,014,000	-110,000
Rescission			-300,000	-300,000	-300,000	-300,000
Total, Family housing, Defense agencies (net)	21,124,000	21,100,000	20,714,000	20,714,000	20,714,000	-410,000
Homeowners Assistance Fund, Defense	5,100,000	5,100,000	5,100,000	5,100,000	5,100,000	
Total, Family housing:						
New budget (obligational) authority (net)	3,217,953,000	3,458,800,000	3,314,308,000	3,221,704,000	3,294,583,000	+78,830,000
Appropriations	(3,218,253,000)	(3,467,050,000)	(3,384,324,000)	(3,291,919,000)	(3,384,798,000)	(+148,545,000)
Rescissions			(-99,885,000)	(-69,888,000)	(-89,883,000)	(-89,985,000)
Applied to debt reduction	(-300,000)	(-250,000)	(-250,000)	(-250,000)	(-250,000)	(+50,000)
Base realignment and closure account	500,000,000	918,500,000	998,100,000	918,500,000	998,100,000	+498,100,000
Grand total:						
New budget (obligational) authority (net) 1/	8,493,783,000	9,125,978,000	8,311,167,000	7,679,291,000	8,362,171,000	-131,592,000
Appropriations	(8,534,363,000)	(9,126,228,000)	(8,597,838,000)	(8,265,890,000)	(8,674,840,000)	(+140,477,000)
Applied to debt reduction	(-300,000)	(-250,000)	(-250,000)	(-250,000)	(-250,000)	(+50,000)
Rescissions	(-40,300,000)		(-286,419,000)	(-286,419,000)	(-312,419,000)	(-272,119,000)

1/ FY 1990 as enacted on November 10, 1989. Excludes subsequent rescissions. Includes sequestration.

I am opposed to building a new base at Crotona, Italy, especially when we are closing many bases in the United States and, at the same time, only making minor realignments in Europe thus far. I understand the Department's position in that we cannot have a massive pullout from Europe overnight and perhaps it is prudent to phaseout reductions overseas in a systematic way. However, I do not see where this justifies a hurry-up attitude in building a new base in Italy which may or may not be justified. After all, the planes will need to be based at interim locations until the base is completed.

All we have done in this bill is put a halt to the use of new and unobligated funds for a year. Members need to know that when the decision was made that the 401st Tactical Fighter Wing had to vacate Torrejon, Spain, and the decision was made to move to Crotona, Italy, we were in the cold-war era. Now, we have seen amazing changes occur in Europe over the past year. For this reason, there is a need for NATO to reexamine the need for the Italian base as well as whether there are other more cost-effective alternatives.

Mr. Speaker, I have seen too many times where we rush into situations like this and use the argument that it is in the interests of national security. Well, I am not going to say it isn't. What I am saying is that, let's stop and reanalyze our whole defense posture in Europe because the threat scenario has changed. We have at least seven major airbases in Germany and four in the United Kingdom. Do we need all these bases and at the same time, do we need to build a new airbase in Italy?

Earlier this year, during our hearings, I warned the Department that the building of this base was going to be a hard sell to the Congress. Have we seen the Department come back with alternatives? No. Have they considered building a bare-bones base? They have not. Now at the last minute, they recognize that we are serious about questioning the need for this base.

We have an opportunity to save \$300 million of taxpayers money if we stop or delay this project. We have seen the classic example in Comiso, Sicily, where we had to hurry up and build numerous support facilities only to close that base before many of the facilities could be used. That cost the United States about \$250 million. Now that base is for sale with no takers thus far.

Let me make one other point. The Crotona base is not a wartime base—it is a peacetime base. In the event of war, the F-16's would be deployed at other forward locations. So, there is nothing to prevent the wing from

being based at existing bases or dual based at bases in the United States.

Mr. Speaker, those are the more significant items in the bill. The conference report is a bipartisan effort and I encourage Members to support the conference report.

At this point, I reserve the balance of my time.

Mr. WHITTEN. Mr. Speaker, I rise in support of the conference agreement on the military construction bill. I commend my colleagues on the subcommittee for their hard work in reaching this agreement.

Mr. Speaker, we all realize the world situation has changed greatly since it became apparent that the Soviet Union's economic situation has proven so bad that its military threat against the West has greatly diminished. Thus, there is bound to be a reduction in personnel as we pull back troops from overseas and reduce troop levels overall.

However, we must continue to give attention to the possible expansion and maintenance of a strong Guard and Reserve where members contribute to the economy during the week and train on the weekend.

Mr. Speaker, the agreement provides funds for the following national programs in my area and State:

Navy:	
Gulfport Naval Construction Training Center:	
Applied instruction .....	\$1,170,000
Barracks .....	7,540,000
Air Force:	
Columbus Air Force Base:	
Flight simulator .....	400,000
Bachelor officer quarters.....	2,700,000
Army National Guard:	
Camp McCain:	
Tank training equipment and facilities .....	600,000
Troop subsistence storage facility .....	780,000
Ammunition supply station....	500,000
Camp Shelby:	
Bachelor officer quarters (phase III) .....	450,000
Ammunition supply point.....	280,000
Fulton Armory .....	535,000
Starkville Armory .....	975,000
Air National Guard:	
Allen C. Thompson Field, Jackson:	
Base civil engineering facility	1,600,000
Medical training and security police facility .....	1,500,000
Gulfport:	
Vehicle maintenance facility .	1,150,000
Base engineer maintenance facility .....	490,000
Base supply warehouse .....	250,000
Communications electronics training facility .....	2,300,000
Army Reserve:	
Vicksburg:	
Army reserve center and maintenance facility .....	6,978,000
Air Force Reserve:	
Keesler Air Force Base:	
Medical training facility .....	600,000
Total, Mississippi .....	30,798,000

And retained the language:

The conferees direct the Army National Guard to continue to maintain a balanced distribution of projects throughout the State of Mississippi and to report by February 1, 1991, on how equitable distribution is being assured.

Mr. Speaker, I urge adoption of the report.

Mr. LOWERY of California. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, first, I would like to thank the chairman of the Military Construction Subcommittee, the gentleman from North Carolina, for his leadership and diligence in bringing this bill to conference. As Chairman HEFNER said, we resolved over 300 differences. We are presenting to the House a conference report which is a balanced and fair compromise.

The conference agreement on H.R. 5313 contains \$7.4 billion for military construction and family housing. This represents a \$600 million decrease from last year's appropriation. Also included is \$998 million for continued funding of the base closure and realignment account. When combined, the total appropriation provided is \$8.4 billion. This is \$138 million under our revised 302(b) allocation; \$132 million below last year's bill; and, \$764 million below the President's request.

We have worked hard to bring this conference report to the House floor. It has not been an easy task. In this year of Defense Department building moratoria, cuts in defense spending and the needs of Desert Shield, this bill represents a good balance between the needs of our service men and women and the changing defense posture. We can and have cut military construction, but it cannot be axed. As we consolidate, close bases, and reduce manpower, the remaining bases and equipment must be maintained in top working order and personnel must be highly trained and adequately housed.

Mr. Speaker, there is one provision of this conference report to which I strongly object. It has the effect of prohibiting the U.S. contribution to the NATO Infrastructure Account for the construction of a base to relocate the 401st Tactical Fighter Wing to Crotona, Italy, for 1 year. The 401st are 72 F-16's currently based in Spain and are the only Land Based Fighter assets in the southern flank of NATO.

This decision is precipitous and should be made in the context of a complete analysis of the effect of base closures, relocations, realignments, and personnel reductions on the national military strategy for a changed world. This action by the conference committee will send the wrong signal to our allies and may seriously foreclose cost-effective options such as a bare bones base. By unilaterally reduc-

ing our capability in NATO's flanks, without regard for internal negotiations with our NATO allies or alliance negotiations for arms control with the U.S.S.R.—without regard for our future security requirements, the balance we seek to achieve through negotiations is undermined, our flexibility reduced, and the credibility of our commitment to the NATO Alliance is brought into question.

I understand this may invite a veto of the bill. Mr. Speaker, this committee does not operate in a vacuum. If something is this important to the Department, they need to do a better job of communicating with the conferees.

Mr. Speaker, this conference report does not include everything I would have liked, however, overall it is a good agreement and one which I support.

□ 1630

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

Mr. HEFNER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Speaker, I rise in favor of this bill.

I want to take this opportunity to compliment the chairman of the Military Construction Subcommittee of the Committee on Appropriations, the gentleman from North Carolina [Mr. HEFNER], and his committee for the work that he and they have done.

This is not an easy task in these days of tight budgetary constraints, particularly in light of the mood that we find in Eastern Europe and the challenges that we have here in the continental United States.

Being a member of the Committee on Armed Services and being the only member from the State of Missouri, I wish to add a special word of appreciation for the great effort that has gone into working with me on the Whiteman Air Force Base proposal. A new chapter is coming to pass for the Army National Guard headquarters in Jefferson City, our State capital, and for that I wish to express my appreciation of those in my State and myself.

To the gentleman and to the chairman, the gentleman from North Carolina [Mr. HEFNER], I say a job well done.

Mr. LOWERY of California. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I take this time to ask if the chairman of the committee, the gentleman from North Carolina [Mr. HEFNER] would engage in a colloquy with me.

Mr. Speaker, my inquiry is regarding the \$10 million provided in the bill for acquisition of easements or other interests on property located south of Vandenberg Air Force Base for the purpose of insuring the safety of the

public during launch operations. I would assume that it is the intention of the committee that in any such transaction, all property owners would be treated equitably and fairly?

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

Mr. LAGOMARSINO. I am happy to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, all I can say to the gentleman is that there is nothing in the bill that earmarks \$10 million, and I would expect that there would be fair treatment in the use of these funds in terms of considering the needs and the desires of all the affected landowners.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for that.

Mr. LOWERY of California. Mr. Speaker, will the gentleman yield?

Mr. LAGOMARSINO. I am happy to yield to the gentleman from California.

Mr. LOWERY of California. Mr. Speaker, I would concur with the gentleman in his assessment that we do not want to discriminate against anyone.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman.

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

Mr. HEFNER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered. The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 512, the amendments in disagreement and the motions to dispose of the amendments are considered as having been read.

The Clerk will designate the first amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 5: Page 4, line 2, strike out "\$949,446,000" and insert "\$891,784,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 5, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "\$949,094,000 and rescission of \$26,000,000 of the funds appropriated for "Military Construction, Air Force" under Public Law 101-148 in addition to the

rescissions listed subsequently in this paragraph".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 10: Page 6, line 4, strike out "\$250,000,000" and insert "\$210,400,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Speaker pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 10, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "\$192,700,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 14: Page 6, line 16, strike out "\$201,558,000" and insert "\$235,549,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The Speaker pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 14, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "\$313,224,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 15: Page 6, line 23, strike out "\$135,240,000" and insert "\$146,369,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 15, and concur therein with an amendment, as follows: In lieu of

the sum stricken and inserted by said amendment, insert "\$180,560,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 16: Page 7, line 6, strike out "\$68,297,000" and insert "\$75,226,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 16, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "\$77,426,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 17: Page 7, line 13, strike out "\$63,300,000" and insert "\$75,207,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 17, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "\$80,307,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 19: Page 8, line 4, strike out "\$61,800,000" and insert "\$61,700,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede for its disagreement to the amendment of the Senate numbered 19, and concur therein with as amendment, as follows: In lieu of

the sum stricken and inserted by said amendment, insert "\$74,300,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 20: Page 8, line 6, strike out "\$1,525,767,000" and insert "\$1,525,667,000".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion. The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 20, and concur therein with an amendment, as follows: In lieu of the sum stricken and inserted by said amendment, insert "\$1,538,267,000".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 26: Page 11, line 3, strike out "\$81,600,000 of the".

MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 26, and concur therein with an amendment, as follows: In lieu of the matter stricken by said amendment, insert "100,000,000 of the".

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

□ 1640

The SPEAKER pro tempore (Mr. MONTGOMERY). The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 28: Page 20, after line 5, insert:

Sec. 130. (a) CONVEYANCE.—(1) Except as provided in paragraphs (2), (3), and (4), and subject to subsections (c) and (g), the Secretary of the Army shall convey to the University of Utah all right, title, and interest of the United States in and to the land comprising Fort Douglas, Utah, together with improvements thereon.

(2) The Secretary shall except from the land conveyed under paragraph (1) such

land, not in excess of 64 acres, and improvements thereon as may be necessary for the Army to continue conducting Army Reserve activities at the Fort Douglas location.

(3) The Secretary shall also except from the land conveyed under paragraph (1) the land at Fort Douglas constituting the Fort Douglas Post Cemetery, consisting of approximately four acres.

(4) In connection with the land retained for Army Reserve activities and land constituting the Army Post Cemetery, the Secretary shall reserve to the United States in the land conveyed such rights-of-way and other easements as may be necessary for ingress to and egress from the land retained.

(b) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made only on the condition that the State of Utah and the University of Utah waive any entitlements that have not been exercised on behalf of the University of Utah before the date of the enactment of this section and that may be due to the State of Utah or the University of Utah on behalf of the University of Utah under—

(A) section 3 of the Act entitled "An Act to establish the office of Surveyor-General of Utah, and to grant Land for School and University Purposes", approved February 21, 1855 (10 Stat. 611); and

(B) sections 8 and 12 of the Act entitled "An Act to enable the people of Utah to form a constitution and State government, and to be admitted into the Union on equal footing with the original States", approved July 16, 1894 (28 Stat. 110).

(2) The waiver referred to in paragraph (1) shall be executed in such manner as the Secretary of the Army, after consultation with the Attorney General of the United States, determines necessary to effectively waive any unexercised entitlements under those laws.

(c) CONDITION.—(1) The conveyance provided for in subsection (a) may be made only on condition that—

(A) the State of Utah agree to maintain and operate, as provided in paragraph (2), the Army museum located on the land conveyed to the University of Utah pursuant to this section; and

(B) the University of Utah agree—  
(i) to maintain and operate, as provided in paragraph (2), the Army chapel and other historical buildings located on the land referred to in subparagraph (A); and  
(ii) to preserve and maintain, as provided in paragraph (2), the parade grounds that are a part of the land referred to in subparagraph (A).

(2) The Army museum, Army chapel, and other historical buildings referred to in paragraph (1) shall be maintained and operated, and the parade grounds referred to in that paragraph shall be preserved and maintained, in a manner consistent with Federal laws and regulations pertaining to the preservation of historical sites, buildings, and monuments, as specified by the Secretary of the Interior.

(d) REVERSIONARY RIGHT.—If the University of Utah uses the land conveyed pursuant to subsection (a) for other than educational or research purposes; all right, title, and interest in and such land shall automatically revert to the United States and the United States shall have the right of immediate entry thereon.

(e) DEADLINE FOR CONVEYANCE.—The conveyance under subsection (a) shall be made not later than one year after the date of the enactment of this section.

(f) **JOINT USE OF UTILITY SYSTEMS.**—The Secretary may enter into an agreement with the University of Utah under which the Army and the University would—

(1) jointly use the existing utility systems located at Fort Douglas at the time of the conveyance provided for under subsection (a);

(2) equitably share the cost of maintaining, operating, and replacing (as necessary) the systems; and

(3) pay on a pro rata basis for the utilities consumed by each of the parties.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance provided for under subsection (a) as the Secretary considers necessary to protect the interests of the United States.

(h) **ADDITIONAL EXCESS LAND.**—In the event that any lands constituting Fort Douglas, Utah, that are not conveyed pursuant to subsection (a) are declared excess to the needs of the Army after the date of the conveyance provided for in that subsection, the Secretary shall convey such lands to the University of Utah. Any lands conveyed pursuant to this subsection shall be conveyed subject to a reversionary clause in favor of the United States as provided in subsection (d).

**MOTION OFFERED BY MR. HEFNER**

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House recede from its disagreement to the amendment of the Senate numbered 28, and concur therein.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 30: Page 20, after line 5, insert:

**PAYMENT OF CLAIMS BY UNITED STATES NATIONALS AGAINST IRAQ**

Sec. 132. (a) Notwithstanding any other provisions of law, the President is authorized—

(1) to vest title in a portion of the property in which transactions have been blocked pursuant to Executive Order 12722 of August 3, 1990, which portion shall be equal to the total amount of obligations owed to United States Government (including the Department of Agriculture and the Commodity Credit Corporation) and United States nationals for which Iraq has suspended repayment; and

(2) to liquidate such property and pay United States creditors the amount of the obligations referred to under paragraph (1).

(b) In the event that property liquidated under subsection (a)(2) is less than the total amount of obligations described in subsection (a)(1), then obligations the repayment of which is guaranteed by the Commodity Credit Corporation shall be given priority in payment of creditors.

**MOTION OFFERED BY MR. HEFNER**

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House insist on its disagreement to the amendment of the Senate numbered 30.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will designate the last amendment in disagreement.

The text of the amendment is as follows:

Senate amendment No. 31: Page 20, after line 5, insert:

**ANTITERRORISM ACT OF 1990**

Sec. 133. (a) **SHORT TITLE.**—This section may be cited as the "Antiterrorism Act of 1990".

(b) **TERRORISM.**—Chapter 113A of title 18, United States Code, is amended—

(1) in section 2331 by striking subsection (d) and redesignating subsection (e) as subsection (d);

(2) by redesignating section 2331 as 2323 and striking the caption for section 2331 and inserting the following:

"§ 2332. Criminal penalties";

(3) by inserting before section 2332 as redesignated the following:

"§ 2331. Definitions

"As used in this chapter—

"(1) the term 'international terrorism' means activities that—

"(A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State;

"(B) appear to be intended—

"(i) to intimidate or coerce a civilian population;

"(ii) to influence the policy of a government by intimidation or coercion; or

"(iii) to affect the conduct of a government by assassination or kidnapping; and

"(C) occur primarily outside the territorial jurisdiction of the United States, or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum;

"(2) the term 'national of the United States' has the meaning given such term in section 101(a)(22) of the Immigration and Nationality Act;

"(3) the term 'person' means any individual or entity capable of holding a legal or beneficial interest in property; and

"(4) the term 'act of war' means any act occurring in the course of—

"(A) declared war;

"(B) armed conflict, whether or not war has been declared, between two or more nations; or

"(C) armed conflict between military forces of any origin."

"(4) by adding immediately after section 2332 as redesignated the following new sections:

**"§ 2332. Civil remedies**

"(a) **ACTION AND JURISDICTION.**—Any national of the United States injured in his person, property, or business by reason of an act of international terrorism, or his estate, survivors, or heirs, may sue therefor in any appropriate district court of the United States and shall recover threefold the damages he sustains and the cost of the suit, including attorney's fees.

"(b) **ESTOPPED UNDER UNITED STATES LAW.**—A final judgment or decree rendered in favor of the United States in any criminal proceeding under section 1116, 1201, 1203, or 2332 of this title or section 1472 (l), (k), (i), (n), or (r) of title 49 App. shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

"(c) **ESTOPPED UNDER FOREIGN LAW.**—A final judgment or decree rendered in favor of any foreign state in any criminal proceeding shall, to the extent that such judgment or decree may be accorded full faith and credit under the law of the United States, estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding under this section.

**"§ 2334. Jurisdiction and venue**

"(a) **GENERAL VENUE.**—Any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district where any plaintiff resides or where any defendant resides or is served, or has an agent. Process in such a civil action may be served in any district where the defendant resides, is found, or has an agent.

"(b) **Special Maritime or Territorial Jurisdiction.**—If the actions giving rise to the claim occurred within the special maritime and territorial jurisdiction of the United States, as defined in section 7 of this title, then any civil action under section 2333 of this title against any person may be instituted in the district court of the United States for any district in which any plaintiff resides or the defendant resides, is served, or has an agent.

"(c) **SERVICE ON WITNESSES.**—A witness in a civil action brought under section 2333 of this title may be served in any district where the witness resides, is found, or has an agent.

"(d) **CONVENIENCE OF THE FORUM.**—The district court shall not dismiss any action brought under section 2333 of this title on the grounds of the inconvenience or inappropriateness of the forum chosen, unless—

"(1) the action may be maintained in a foreign court that has jurisdiction over the subject matter and over all the defendants;

"(2) that foreign court is significantly more convenient and appropriate; and

"(3) that foreign court offers a remedy which is substantially the same as the one available in the courts of the United States.

**"§ 2335. Limitation of actions**

"(a) **IN GENERAL.**—Subject to subsection (b), a suit for recovery of damages under section 2333 of this title shall not be maintained unless commenced within 3 years from the date the cause of action accrued.

"(b) **CALCULATION OF PERIOD.**—The time of the absence of the defendant from the United States or from any jurisdiction in which the same or a similar action arising from the same facts may be maintained by the plaintiff, or any concealment of his whereabouts, shall not be reckoned within this period of limitation.

## §2336. Other limitations

"No action shall be maintained under section 2333 of this title for injury or loss by reason of an act of war.

## "§2337. Suits against government officials

"No action shall be maintained under section 2333 of this title against—

"(1) the United States, an agency of the United States, or an officer or employee of the United States or any agency thereof acting within his official capacity or under color of legal authority; or

"(2) a foreign state, an agency of a foreign state, or an officer or employee of a foreign state or an agency thereof acting within his official capacity or under color of legal authority.

## §2338. Exclusive Federal jurisdiction

"The district courts of the United States shall have exclusive jurisdiction over an action brought under this chapter."; and

(5) by amending the table of sections to read as follows:

## "CHAPTER 113A—TERRORISM

"Sec.

"2331. Definitions.

"2332. Criminal penalties.

"2333. Civil remedies.

"2334. Jurisdiction and venue.

"2335. Limitation of actions.

"2336. Other limitations.

"2337. Suits against government officials.

"2338. Exclusive Federal jurisdiction.

(c) TABLE OF CONTENTS.—The table of contents of part 1, title 18, United States Code, is amended by striking:

"113A. Extraterritorial jurisdiction over terrorist acts abroad against United States nationals..... 2331" and inserting in lieu thereof:

"113A. Terrorism..... 2331".

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to any pending case and any cause of action arising on or after 3 years before the date of enactment of this section.

## MOTION OFFERED BY MR. HEFNER

Mr. HEFNER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. HEFNER moves that the House insist on its disagreement to the amendment of the Senate numbered 31.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina [Mr. HEFNER].

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid upon the table.

## PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. MONTGOMERY). The gentleman will state it.

Mr. WALKER. Mr. Speaker, where are we with regard to the legislative day at this point?

The SPEAKER pro tempore. The Chair would advise the gentleman that we have finished with the various conference reports, and we are awaiting the gentleman from Minnesota

[Mr. FRENZEL] or his designee, the gentleman from Illinois [Mr. MICHEL], or his designee.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would make a statement. The Chair may have to resume legislative business for the purpose of establishing the adjournment time for tomorrow and possibly other purposes, but for the moment we will continue.

## A CALL FOR RESERVISTS DURING EMERGENCY

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

Mr. MONTGOMERY. Mr. Speaker, each Member of the House will receive either today or tomorrow a report from the chairman of the Committee on Armed Services, the gentleman from Wisconsin [Mr. ASPIN], the gentleman from Maryland [Mrs. BYRON], and myself, and it pertains to the National Guard and Reserves, and gives the history of the Guard and Reserve. The point of the paper is that we are concerned that the Defense Department has not seen fit to call up the combat units of the National Guard and the combat units of the different Reserve units that we have in this country.

They call up support units under the total force. It seems to me that we train together as Reservists, and as we train with the active forces when we have an emergency, Guards and Reserves should be called up at the same time as active forces.

I hope Members would take a look at this paper presented to Members, and they will find out that there are very good points about the use of Reserves during this emergency.

## HOUR OF MEETING ON TOMORROW SATURDAY, OCTOBER 20, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

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

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. YATES. Mr. Speaker, I ask unanimous consent the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

## HOUR OF MEETING ON SUNDAY, OCTOBER 21, 1990

Mr. YATES. Mr. Speaker, I ask unanimous consent that when the House adjourns on Saturday, October 20, it adjourn to meet at 2 p.m. Sunday, October 21, 1990.

Mr. WALKER. Mr. Speaker, reserving the right to object, and I shall not object, it is my understanding the House tomorrow will take up the D.C. appropriations bill, the HUD appropriations bill, and those will be the only things on the schedule for tomorrow, is that correct?

Mr. YATES. Mr. Speaker, if the gentleman will yield, the gentleman is correct. It is my understanding our consideration will be the conference reports on those bills.

Mr. WALKER. And it is my understanding further that the House on Sunday will take up the Legislative Appropriations bill, and that is the only thing for Sunday, is that correct?

Mr. YATES. That is the understanding that I have, too, I will say to the gentleman.

Mr. WALKER. Mr. Speaker, further reserving the right to object, I would inquire of the Chair, with these unanimous consents out of the way, that will be the end of the legislative business for today? The Chair had previously announced there might be additional legislative business. Will this be the end of legislative business today, so Members can feel free to leave?

The SPEAKER pro tempore. The Chair is so advised, except for the appointment of conferees on the Budget Reconciliation.

Mr. WALKER. And that would be the only other business left for today, is that correct?

Mr. YATES. My understanding is that the gentleman is correct. If the gentleman will continue to yield further with respect to the reply I gave the gentleman a few moments ago, there is a possibility that there may be changes in the schedule that may come up. If that occurs, both Cloakrooms will be notified immediately.

Mr. WALKER. Well, there is some concern on our side, I might say, and further reserving the right to object, an assault weapons bill was thought to be on the calendar at one point for the weekend, and now we hear that it is not going to be. Some of our Members would have to revise their schedules based upon whether or not that was going to be on the calendar this weekend.

What I am particularly interested in is whether or not that bill might get scheduled at some point during the week.

Mr. YATES. There is a possibility that that may occur, but it is remote, and a notice will be made available to the gentleman, we believe, by 6 o'clock tomorrow evening.

Mr. WALKER. I assume sometime on the weekend, should the Reconciliation Conference Committee complete its work, we will get the conference report on the floor?

Mr. YATES. That is correct.

Mr. WALKER. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

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

There was not objection.

**MODIFICATION OF APPOINTMENT OF CONFEREES ON H.R. 5835, OMNIBUS BUDGET RECONCILIATION ACT OF 1990**

The SPEAKER pro tempore. Pursuant to the previous order of the House of October 18, 1990, and at the request and direction of the Speaker, without objection, the appointment of conferees on H.R. 5835 is modified to read as follows:

From the Committee on the Budget, for consideration of the House bill, and the Senate amendment, and modifications committed to conference, and as exclusive conferees with respect to any proposal to report in total disagreement: Messrs. PANETTA, GERHARDT, and FRENZEL.

As additional conferees from the Committee on the Budget, for consideration of the title XIV of the House bill, and all other provisions of the House bill and the Senate amendment on which conferees from more than one of the other standing committees of the House are appointed, and modifications committed to conference: Messrs. RUSSO, JENKINS, and GRADISON.

From the Committee on Agriculture, for consideration of title I and subtitle B of title V of the House bill, and title I and subtitle A of title IV of the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, HUCKABY, and COLEMAN of Missouri.

From the Committee on Banking, Finance and Urban Affairs, for consideration of title II of the House bill, and title II of the Senate amendment, and modifications committed to conference: Mr. GONZALEZ, Ms. OAKAR, and Mr. WYLIE.

From the Committee on Education and Labor, for consideration of title III and sections 12403 and 13323 of the House bill, and subtitle F of title VI, part 4 of subtitle D of title VII, title X, and section 6401 of the Senate amendment, and modifications committed to conference: Messrs. HAWKINS, FORD of Michigan, and GOODLING.

From the Committee on Energy and Commerce (health), for consideration of subtitles A and B of title IV of the House bill, and part 2 of subtitle B and subtitle C of title VI of the Senate amendment, and modifications com-

mitted to conference: Messrs. DINGELL, WAXMAN, and LENT.

From the Committee on Energy and Commerce (transportation), for consideration of sections 4511, 4521, and 4522 of the House bill, and sections 3002 and 3003 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, THOMAS A. LUKEN, and LENT.

From the Committee on Energy and Commerce (energy), for consideration of sections 4501, 4502, 5101, and 10002 of the House bill, and subtitle B of title IV and section 502 of the Senate amendment, and modifications committed to conference: Messrs. DINGELL, SHARP, and LENT.

From the Committee on Government Operations, for consideration of part 1 of subtitle A and subtitles B through E (except section 14302) of title XIV of the House bill, and corresponding provisions of the Senate amendment, and modifications committed to conference: Messrs. CONYERS, WAXMAN, SYNAR, FRANK, HORTON, and NIELSON of Utah.

From the Committee on Interior and Insular Affairs, for consideration of title V and sections 4502 and 10002 of the House bill, and subtitles A and B of title IV and section 502 of the Senate amendment, and modifications committed to conference: Messrs. UDALL, MILLER of California, and YOUNG of Alaska.

From the Committee on the Judiciary, for consideration of title VI of the House bill, and title IX of the Senate amendment, and modifications committed to conference: Messrs. BROOKS, KASTENMEIER, and MOORHEAD.

From the Committee on Merchant Marine and Fisheries (tonnage duties, coast guard fees, and cargo preference), for consideration of sections 7101 and 7102 of the House bill, and section 3001 of the Senate amendment, and modifications committed to conference: Messrs. JONES of North Carolina, TAUZIN, and DAVIS.

From the Committee on Merchant Marine and Fisheries (EPA fees), for consideration of section 7103 of the House bill, and modifications committed to conference: Messrs. JONES of North Carolina, STUBBS, and DAVIS.

From the Committee on Merchant Marine and Fisheries (coastal zone management), for consideration of subtitle B of title VII of the House bill, and modifications committed to conference: Messrs. JONES of North Carolina, HERTEL, and DAVIS.

From the Committee on Post Office and Civil Service, for consideration of title VIII of the House bill, and title VIII of the Senate amendment, and modifications committed to conference: Messrs. FORD of Michigan, CLAY, and GILMAN.

From the Committee on Public Works and Transportation (aviation), for consideration of subtitles B and C

of title IX of the House bill, and subtitle B of title III, of the Senate amendment, and modifications committed to conference: Messrs. ANDERSON, OBERSTAR, and HAMMERSCHMIDT.

From the Committee on Public Works and Transportation (transportation trust funds) for consideration of subtitles A of title IX of the House bill, and modifications committed to conference: Messrs. ANDERSON, MINETA, and HAMMERSCHMIDT.

From the Committee on Public Works and Transportation (EPA fees), for consideration of subtitle D of title IX of the House bill, and modifications committed to conference: Messrs. ANDERSON, NOWAK, and HAMMERSCHMIDT.

From the Committee on Rules, for consideration of part 2 of subtitle A of title XIV and section 14302 of the House bill, and corresponding provisions of the Senate amendment, and modifications committed to conference: Messrs. MOAKLEY, DERRICK, BEIL-ENSON, FROST, QUILLEN, and PASHAYAN.

From the Committee on Science, Space, Technology, for consideration of title X of the House bill, and subtitle B of title IV and sections 3004 and 3024 of the Senate amendment, and modifications committed to conference: Mr. ROE, Mrs. LLOYD, and Mr. WALKER.

From the Committee on Veterans' Affairs, for consideration of title XI (except section 11051) of the House bill, and title XI of the Senate amendment, and modifications committed to conference: Messrs. MONTGOMERY, AP-LEGATE, and STUMP.

From the Committee on Ways and Means (revenues and debt ceiling), for consideration of title XIII, subtitles E and F of title XII, and sections 3102, 3121, 7101, and 11051(a) of the House bill, and title VII (except subtitle C), and subtitles D and E of title VI of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, GIBBONS, and ARCHER.

From the Committee on Ways and Means (medicare), for consideration of subtitles A through D of title XII and subtitle A of title IV of the House bill, and subtitle B of title VI of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, STARK, and ARCHER.

From the Committee on Ways and Means (Social Security), for consideration of part 5 of subtitle A of title VI, of the Senate amendment, and modifications committed to conference: Messrs. ROSTENKOWSKI, JACOBS, and ARCHER.

From the Committee on Ways and Means (child care and human resources), for consideration of parts 1 through 4 of subtitle A and subtitle F of title VI, and subtitle C of title VII of the Senate amendment, and modifications committed to conference:

Messrs. ROSTENKOWSKI, DOWNEY, and ARCHER.

As an additional conferee for consideration of subtitle B of title V of the House bill, and subtitle A of title IV of the Senate amendment, and modifications committed to conference: Mr. MRAZEK.

As additional conferees for consideration of title XIV of the House bill, and corresponding provisions of the Senate amendment, and modifications committed to conference: Messrs. WHITTEN, PICKLE, and PURSELL.

There was no objection.

□ 1650

#### DECEPTIVE MAILINGS PREVENTION ACT OF 1989

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2331) to amend title 39, United States Code, to designate as nonmailable matter solicitations of donations which could reasonably be misconstrued as a bill, invoice, or statement of account due, and solicitations which are offered in terms implying any Federal Government connection or endorsement, unless such matter contains an appropriate conspicuous disclaimer, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Senate amendments:  
Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

This Act may be cited as the "Deceptive Mailings Prevention Act of 1990".

##### SEC. 2. AMENDMENTS TO TITLE 39.

(a) PROHIBITION OF DECEPTIVE MAILINGS.—Section 3001 of title 39, United States Code is amended by redesignating subsections (f) and (g) as subsections (i) and (j) respectively, and by inserting after subsection (e) the following:

"(f) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a nongovernmental entity for the purchase of or payment for a product or service; and contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement is nonmailable matter and shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1) such nongovernmental entity has such expressed connection, approval or endorsement;

"(2)(A) such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS PRODUCT OR SERVICE HAS NOT BEEN APPROVED OR ENDORSED BY THE FEDERAL GOVERNMENT, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE FEDERAL GOVERNMENT.', or a notice to the same

effect in words which the Postal Service may prescribe; and

"(B) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.', or a notice to the same effect in words which the Postal Service may prescribe; or

"(3) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

"(g) Matter otherwise legally acceptable in the mails which constitutes a solicitation by a nongovernmental entity for information or the contribution of funds or membership fees and contains a seal, insignia, trade or brand name, or any other term or symbol that reasonably could be interpreted or construed as implying any Federal Government connection, approval or endorsement is nonmailable matter and shall not be carried or delivered by mail, and shall be disposed of as the Postal Service directs, unless—

"(1) such nongovernmental entity has such expressed connection, approval or endorsement;

"(2)(A) such matter bears on its face, in conspicuous and legible type in contrast by typography, layout, or color with other printing on its face, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS ORGANIZATION HAS NOT BEEN APPROVED OR ENDORSED BY THE FEDERAL GOVERNMENT, AND THIS OFFER IS NOT BEING MADE BY AN AGENCY OF THE FEDERAL GOVERNMENT.', or a notice to the same effect in words which the Postal Service may prescribe; and

"(B) the envelope or outside cover or wrapper in which such matter is mailed bears on its face in capital letters and in conspicuous and legible type, in accordance with regulations which the Postal Service shall prescribe, the following notice: 'THIS IS NOT A GOVERNMENT DOCUMENT.', or a notice to the same effect in words which the Postal Service may prescribe; or

"(3) such matter is contained in a publication for which the addressee has paid or promised to pay a consideration or which he has otherwise indicated he desires to receive, except that this paragraph shall not apply if the solicitation is on behalf of the publisher of the publication.

(b) DECEPTIVE MAILINGS AS FALSE REPRESENTATIONS.—Section 3005(a) of title 39, United States Code, is amended by striking out "section 3001(d)" each place that it appears and inserting in lieu thereof "section 3001 (d), (f), or (g)".

##### SEC. 3. REVIEW AND REPORT BY THE UNITED STATES POSTAL SERVICE.

No later than 90 days after the date of enactment of this Act, the United States Postal Service shall—

(1)(A) conduct a comprehensive review to determine if the provisions of section 123.33 of the Domestic Mail Manual (as in effect on such date of enactment) are being appropriately observed; and

(B) take appropriate measures to ensure that any misapplication or misunderstanding of such provisions is corrected among any postal personnel who are responsible for carrying them out;

(2) conduct a comprehensive review to determine the feasibility of establishing a procedure whereby a sender of mail matter which is denied entry into the mails on the basis of incorrect mail preparation, postage due, or addressing may, through expedited proceedings, obtain a final agency decision as to the mailability of such matter; and

(3) submit a written report to the Senate and the House of Representatives describing its findings and actions under this section.

##### SEC. 4. COORDINATION OF FUNCTIONS WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

The United States Postal Service shall consult and coordinate the functions and administration of the provisions of this Act and the amendments made by this Act with the Secretary of the Department of Health and Human Services and the functions of the Secretary in the administration of section 428 of the Medicare Catastrophic Coverage Act of 1988 (42 U.S.C. 1320b-10).

##### SEC. 5. STATE DEPARTMENT POST OFFICES ABROAD.

(a) POSTAL SERVICES AT DIPLOMATIC POSTS.—Chapter 4 of title 39, United States Code, is amended by adding at the end thereof the following new section:

###### "§ 413. Postal services at diplomatic posts

"(a) The Postal Service and the Department of State may enter into 1 or more agreements for field testing to ascertain the feasibility of providing postal services through personnel provided by the Department of State at branch post offices established by the Postal Service in United States diplomatic missions at locations abroad for which branch post offices are not established under section 406.

"(b) To the extent that the Postal Service and the Department of State conclude it to be feasible and in the public interest, the Postal Service may establish branch post offices at United States diplomatic missions in locations abroad for which branch post offices are not established under section 406, and the Department of State may enter into an agreement with the Postal Service to perform postal services at such branch post offices through personnel designated by the Department of State.

"(c) The Department of State shall reimburse the Postal Service for any amount, determined by the Postal Service, equal to the additional costs incurred by the Postal Service, including transportation costs, incurred by the Postal Service in the performance of its obligations under any agreement entered into under this section.

"(d) Each agreement entered into under this section shall include—

"(1) provisions under which the Department of State shall make any reimbursements required under subsection (c);

"(2) provisions authorizing the Postal Service to terminate the agreement, and the services provided thereunder, in the event that the Department of State does not comply with the provisions under paragraph (1); and

"(3) any other provisions which may be necessary, including provisions relating to the closing of a post office under this section if necessary because a post office under section 406 is established in the same location."

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 39, United States Code, is amended by adding at the end thereof the following:

"413. Postal services at diplomatic posts."

## SEC. 6. EFFECTIVE DATE.

The provisions of this Act shall take effect on the date of the enactment of this Act, except the amendments made by section 2 shall apply to matter deposited for mailing and delivery on or after 180 days after the date of the enactment of this Act.

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

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

There was no objection.

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

Mr. WALKER. Reserving the right to object, Mr. Speaker, I would ask the Chair, are we having legislative business or are we not having legislative business? A few moments ago we just had a dialog on the floor in which this gentleman was assured by the Chair that we were finished with legislative business for the evening.

We are trying to tell Members what to expect. If we are now going to get a whole host of new legislative business on the floor, then I think we need to understand what is going on.

I understood when I read the special orders here a little while ago, we were done with legislative business for the night.

Now, what is the status of the House at this point?

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

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. I will just note, Mr. Speaker, that this has been thoroughly and substantially cleared with the Republican leadership, including the gentleman from Indiana [Mr. MYERS].

Mr. WALKER. I understand. There are some other bills hanging around here that have been cleared by everybody, too; but we are either going to proceed with legislative business or we are not going to have legislative business, one or the other.

I am just trying to determine where we are. We would like to be able to tell the Members we are finished with legislative business, if in fact we are.

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

Mr. WALKER. I am glad to yield to the gentleman from Georgia.

Mr. GINGRICH. Mr. Speaker, I just want to make the point, because I do not want my friend to think that we are concerned at a leadership level about whether or not we have cleared something.

It seems to me there are 435 Members of the House whose rights have to be protected. None of us know for sure whether or not all 435 Members would agree about a particular bill and that their right to know a bill is coming up

and to know the House is in legislative session is a very, very important part of the rights of individual Members. That is all we want to clarify.

But I want to make this clear, this is not a Republican concern. This is a concern for the individual rights of all 435 Members.

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I am still awaiting an answer. Are we proceeding with legislative business this evening, or are we not proceeding with legislative business?

The SPEAKER pro tempore (Mr. FAZIO). No matters will come before the House that would be called legislative business at the conclusion of this motion. If the gentleman wishes this motion to be withdrawn, he may make that request of the gentleman from Indiana.

□ 1700

Mr. WALKER. Further reserving the right to object, Mr. Speaker, I did not even hear what the motion was. What are we doing?

The SPEAKER pro tempore (Mr. FAZIO). The Clerk will re-report the title—

Mr. WALKER. Mr. Speaker, this has been cleared by both sides?

This is the Deceptive Mailings Prevention Act of 1990, and it has been cleared by both sides? I have no problem with that.

But I would hope that this would be the last business we would do for the evening and that the other business that we have before us we can take that up first thing tomorrow?

The SPEAKER pro tempore. The Chair agrees, and the gentleman's point is well taken.

The Chair can assure the gentleman this is the last item of legislative business.

Mr. SAWYER. Mr. Speaker, I rise in support of H.R. 2331, the Deceptive Mailings Prevention Act, as amended. In particular, I want to express my support for the Pryor amendment, which covers solicitations that could be construed as implying a connection with the Decennial Census.

During 1990 census operations, I became aware of the numerous solicitations which implied that they were official Census Bureau forms. Because many of these solicitations were received during the mail out/mail back phase of the census, they caused considerable confusion for the recipient.

For example, the envelope for a questionnaire mailed by an environmental group was billed as the "1990 Environmental Census," and came complete with a "census household number." A mailing from a women's organization, in a plain brown envelope with a Washington, DC, return address, bore the following prominent legend: "National Census Documents Enclosed." That mailing contained an instruction to the Postal Service: "Important national census forms enclosed. Please deliver to addressee only." And a direct mailing for

a company selling blue jeans was labeled simply as a census form.

The Decennial Census is the largest peacetime activity conducted by the Federal Government. It is becoming increasingly difficult to obtain a full count of our Nation's population. Mailings that purport to be census-related only hamper the Census Bureau's ability to catch the public's attention. The mail response rate in 1990 decreased dramatically from the 1980 census, with only 63 percent of the Nation's households returning their forms by mail. Many people indicated that they simply overlooked the census form because they received so much direct mail.

A growing number of for-profit and non-profit organizations are promoting their services through the use misleading symbols or phrases, leading the recipients to believe that the mail is official information from a Government agency. The decennial census occurs only once every 10 years and reaches every household in the United States. Obviously, there are organizations and companies which believe they can take advantage of the national focus on this constitutionally required event to promote their cause or products.

The Direct Marketing Association took the unprecedented step in 1990 of encouraging its members not to engage in any direct mailings around the time of the census. I commend the Association for its sensitivity and constructive position on this important issue. Nevertheless, some mailers chose to ignore the Association's sound advice and couch their messages in terms of the census.

That is why the Pryor amendment to H.R. 2331 is so important. I urge my colleagues to support passage of H.R. 2331, as amended.

Ms. SNOWE. Mr. Speaker, it is with great pleasure that I rise in support of the adoption of the Senate amendments to H.R. 2331, the Deceptive Mailings Prevention Act. This marks the culmination of almost 4 years of effort in two Congresses. When signed into law, it will provide important consumer protection to individuals by requiring that conspicuous and legible disclaimers be placed on mailings which use signs, terms or insignias to imply a federal connection or endorsement.

Two deceptive mailings bills, based on proposed legislation which I introduced, have passed the House of Representatives. H.R. 4478 passed the House under suspension on August 8, 1988, in the 100th Congress, but no similar bill was passed in the Senate. In the 101st Congress, H.R. 2331 passed the House on July 31, 1989, and the Senate gave final approval to its amendments to H.R. 2331 on October 4, 1990.

I also want to commend the Post Office and Civil Service Committee of the House of Representatives and the Senate Committee on Governmental Affairs for their excellent work on this important legislation. In particular, I would like to thank Mr. McCLOSKEY and Mr. MYERS of the House Committee on Post Office and Civil Service, and Senator PRYOR and Senator HEINZ of the Senate Committee on Governmental Affairs for their strong and effective leadership on this issue.

I first introduced the deceptive mailings bill in February of 1987 because of my growing concern about individuals being misled or de-

ceived by organizations which use names, terms or seals to falsely imply that they are from the Federal Government. These scams were first brought to my attention in 1986, when a constituent complained about the Federal Record Service which offered to obtain his young child's Social Security card for a \$10 fee. The tone of the mailing and the name of the organization implied that the mailing was from the Federal Government, urging compliance with a requirement of the Social Security Administration.

Similar practices have been widespread and are growing rapidly. The official sounding names are similar—Federal Social Security Center, Internal Review Service, National Records Advisory, Medicare Information Department, Social Security Protection Bureau, Document Service of the National Processing Center, Social Security Management Association, National Health and Medical Services, and Senior Citizens Advisory Council Tax Division. Typically, these organizations send out mailings which look like official U.S. Government correspondence and try to sell services that are available free from Federal agencies, such as Social Security cards or estimates of Social Security benefits. And, typically, these mailings most often prey upon the elderly with a wide array of confusing and sometimes intimidating tactics, most often related to Social Security and Medicare.

Over the past few years, the Post Office and the Social Security Administration have received hundreds of complaints. And constituents have protested to Congress, urging that these practices be investigated and stopped. The bill which I introduced on January 3, 1989, H.R. 373, has over 100 cosponsors which certainly indicates strong congressional recognition of the issue and support for efforts to solve the problem.

Mr. Speaker, I am also pleased by some of the contributions made by the Senate to the deceptive mailings legislation, such as requiring a disclaimer for mailings which solicit information under the guise of the Federal Government. The Senate amendments also contain a provision allowing the State Department to subcontract its unclassified pouch system to the U.S. Postal Service. This provision was originally requested by the State Department to increase the efficiency and decrease costs of the unclassified mail system it maintains between Washington and overseas diplomatic posts. This also falls within my jurisdiction as the ranking minority member of the Foreign Affairs Subcommittee on International Operations.

This bill is an important first step in strengthening the rights of consumers from unscrupulous mailing practices. But I strongly believe we need to go much further. The original legislation which I introduced also required disclaimers for solicitations which might be construed as a bill, invoice or account due; and solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Federal Government. I believe that these protections are important and that we need to keep working to protect consumers from these dishonest practices as well.

Again, Mr. Speaker, I wish to thank my colleagues for their consideration of this impor-

tant legislation to help assure that individuals are not needlessly confused and alarmed by misleading mailing practices.

Is there objection to the initial request of the gentleman from Indiana [Mr. McCloskey]?

There was no objection.

A motion to reconsider was laid on the table.

**PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL NOON TOMORROW, OCTOBER 20, 1990, TO FILE A REPORT ON S. 2830, TO EXTEND AGRICULTURE PRICE SUPPORTS AND RELATED PROGRAMS**

Mr. ROSE. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until noon tomorrow to file its report on S. 2830, the farm bill.

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

Mr. WALKER. Mr. Speaker, reserving the right to object, has this been cleared by the minority?

Mr. ROSE. It has, absolutely.

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

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

There was no objection.

**THE CIVIL RIGHTS ACT OF 1990**

(Mr. HAWKINS asked and was given permission to address the House for 1 minute, and to revise and extend his remarks, and include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, the other day we passed a Civil Rights Act. I would like to file today a statement of the National Association of Attorneys-General in support of the act which we passed and to indicate that, contrary to the media, there is no compromise or negotiations now going on by the principals of civil rights with anyone.

It is now up to the President to sign the bill that we sent to him to help eliminate discrimination, and in the words of the attorneys-general of the several States, to sign the bill. Otherwise, it would threaten the peace, order, health, safety and general welfare of the several States. That is the statement made by the attorneys general. Now it is up to the President to act responsibly, as the Congress has acted.

**RESOLUTION ADOPTED BY THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL  
CIVIL RIGHTS ACT OF 1990**

Whereas, discrimination on the basis of race, color, religion, national origin and sex threatens the rights and proper privileges of people of the United States and threatens the peace, order, health, safety and general welfare of the several states; and

Whereas, the Civil Rights Law of 1866 and the Civil Rights Act of 1964 were intended to eliminate discrimination based on race, color, religion, national origin and sex in the workplace and elsewhere; and

Whereas, decisions of the United States Supreme Court during its 1988 term interpreting these laws significantly alter and burden victims of discrimination in their efforts to obtain redress for their injuries; and

Whereas, Congress has under consideration the Civil Rights Act of 1990, S. 2104 and H.R. 4000, which would reaffirm the national commitment to eliminating discrimination from our society; and

Whereas, as Attorneys General, we oppose discrimination based on race, color, religion, national origin and sex and favor civil rights laws to protect against discrimination;

Now, therefore, be it resolved that the National Association of Attorneys General:

(1) supports the passage of the Civil Rights Act of 1990;

(2) directs its executive Director and General Counsel to transmit this resolution of support to President Bush, the Congress, and other interested organizations.

**TRIBUTE TO GERALD J. PRETE, PRESIDENT, SENIOR CITIZENS HOUSING DEVELOPMENT CORP. OF CHICAGO**

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

Mr. ANNUNZIO. Mr. Speaker, I rise to call to the attention of my colleagues a groundbreaking ceremony that will take place in my 11th Congressional District of Illinois on the morning of October 26, at North Park Village on North Pulaski Road in Chicago.

The National Council of Senior Citizens and the Senior Citizens Housing Development Corp., which are sponsoring this groundbreaking ceremony, have indicated that the Prete Apartments will be comprised of a four-story building, adjacent to the Senate apartments, with 18 efficiency and 57 one-bedroom apartments for senior citizens of the city of Chicago. Completion is set for November 1991.

This is indeed a fitting tribute to Gerald J. Prete, president of the Senior Citizens Housing Development Corp. of Chicago, who has worked tirelessly during the past 4 years to bring to reality the dream of additional affordable housing for the city's senior citizens.

The following is a brief biography of Jerry Prete with an overview of his many significant contributions to the senior citizens of the Chicago land area:

Gerald J. Prete was honored recently at the 1988 Illinois State Council of Senior Citizens Convention in Peoria, IL, for outstanding services to senior citizens of Illinois. Jerry was also selected to receive the Silver Jubilee Award through Catholic Charities USA on behalf of the Commission on

Aging for his outstanding efforts to improve the quality of life for the elderly.

Jerry is president of the Illinois State Council of Senior Citizens and the Greater Chicago Council of Senior Citizens. He is executive director of the Chicago Senior Senate and a board member of the National Council of Senior Citizens. He is the former department director of Senior Services and currently is an associate division manager for Catholic Charities. He is responsible for nearly 1,000 units of housing in Chicago with more on the way. He is president of NCSC Housing Management Corp. and a consultant for Catholic Charities Housing Development Corp.

Twenty-one years ago, Jerry took a 1 year leave from his successful career as sales manager for Ekco Products. Inspired by his work with the Christian Family Movement, he agreed to organize and develop a new program for seniors at Catholic Charities. Twenty one years and over 500 senior citizens clubs later, Jerry is still fulfilling his mission and taking leadership in many other community, charitable, and senior citizen organizations.

Jerry's commitment and dedication to others are strongly rooted in family and faith. He and his wife, Anne of 47 years, exude a love of life and each other that is contagious. Together they have 6 children and 15 grandchildren.

As the Congressman for the 11th District of Illinois, where Jerry Prete has labored long and lovingly in behalf of his fellow senior, it gives me great pride and pleasure to extend to him my sincerest congratulations for a lifetime of selfless service to his fellow citizens. Because of Jerry, the senior citizens in the Chicago area are enjoying a better quality of life.

The Prete Apartments will be a fine reminder of Jerry Prete's hard work, generosity, and dedication to the best interests of senior citizens in our city, State, and Nation. May he continue to enjoy good health and may he continue to win many more victories for senior citizens.

#### THE BUDGET PACKAGE AND CLASS WARFARE

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

Mr. DELAY. Mr. Speaker, I probably will not take the whole 60 minutes, but I felt it incumbent to come down to the well of the House and talk a little bit about what has gone on this week because of the limitations of time and what is going on in debate time.

Mr. Speaker, because of the lack of and limitation on time of debate, especially on the budget reconciliation

package, I wanted to take time so that I could discuss my feelings not only about budget reconciliation package but this whole issue of the rich and class warfare that has been brought to this House and to this Congress, pitting middle-income, poor-income Americans against high-income America. But I will get to that later.

Mr. Speaker, I yield to the gentleman from California.

Mr. DREIER of California. Mr. Speaker, I congratulate the gentleman from Houston for taking the time to discuss what clearly is a very important issue. The discussion of class warfare is something that has been going on for the last several months in this House. During the debate on the budget package a couple of days ago I made the statement that it seems that our friends on the other side of the aisle are winning this battle because there is a sense out there—many of the staff members and our colleagues are wearing these green pins—I do not know if my friend has seen them—and it says "Tax the Rich."

I rarely—I do not think I have ever praised Columbia Broadcasting System [CBS], even though my father's uncle was one of the vice presidents up there many, many years ago. But last night on the CBS Evening News there was an interesting account of what actually would happen if we were to bring about this dramatic tax increase on the rich.

CBS pointed out very clearly that of those in this country who earn \$200,000, they may comprise 1 percent of the taxpayers, and today they pay 15 percent of the taxes in this country. And they said that if we do impose this surtax on the rich, as it has been discussed, that we might generate \$10 billion, a total of \$10 billion.

Now, that is not a big chunk of that \$500 billion that we are talking about. Today it is very interesting that in the Soviet Union, the Politburo is taking these dynamic steps to move toward a free-market process. They seem to be recognizing the fact that this constant attack on wealth and success is not the way to go. We in this Congress, it seems to me, are putting together a package that would do the opposite of what they are trying to do as we sit here today, in the Soviet Union. The realization that must come about, of course, is that what we have got to do is we have to bring about a reduction in spending.

On that same CBS report last night, Arthur Laffer, the economist from the University of Southern California, in my part of the world, made it very clear that spending cuts are absolutely essential. We have said this over and over again. I wish that we had bit the bullet during the 1980's. Lord knows we tried. But unfortunately this place continues right down the road toward more and more spending.

Article I, section 7 of the Constitution, as my friend from Houston knows very well, places the responsibility for all taxing and spending not over in the other body, in the U.S. Senate, or at 1600 Pennsylvania Avenue, but right here in the U.S. House of Representatives, the body of the people. This is the only place in this entire Government where one has to be elected to serve. As we all know, one could be appointed President if he served as Vice President, as Vice President Ford did. Easily one could be appointed in the U.S. Senate, but no Member of this body has ever served without having been elected. We have that responsibility. My friend, as a member of the Appropriations Committee, knows full well how difficult it has been to bring about those cuts.

The year I was born was the last time a Republican Congress was elected here.

I would like to see us in just a couple of weeks make a change because it seems to me that is exactly what the American people are reaching out for.

This class warfare, soak-the-rich, us-versus-them campaign that seems to be going on is the biggest bunch of baloney around.

Mr. DELAY. The gentleman is so right. His insight into what is going on is so deep because he absolutely understands what is going on. It is interesting that the gentleman commends CBS for an objective program.

Let me condemn ABC because last night on Primetime News I saw the most biased piece of journalism I have ever—in fact, I hesitate to call it journalism—it was Sam Donaldson in his piece, he did nothing but read the book of "The Politics of Rich and Poor" by Kevin Phillips, which has been repudiated as being false—maybe not false, but at least suspect in its figures and the way it reaches its conclusion. Kevin Phillips has been used time and time again and the book has been used and the figures in the book have been used as recently as on the floor of this House in 1-minute, showing the situation where the rich are getting richer and the poor are getting poorer and the middle class are getting poorer, which is not the case at all. If you look at the last few years, everyone's income has increased.

Now, the value of that dollar has decreased somewhat because of Government spending, Government borrowing, and Government-caused inflation. It is interesting, the gentleman talks about the rich and since he brought up the subject of the rich I will get to the second half of what I wanted to bring to this House, first, and let us just talk about that issue of the rich.

In my own hometown newspaper, the Houston Post, a very well-known and respected journalist by the name of Len Ashby points out in an article

just today about the issue of the rich, and he states, and I quote:

In Washington, when money is needed, which is most of the time, the favorite target is the rich. In 1987, the latest figures available, 43 percent of all Federal income taxes were paid by the highest 5 percent of taxpayers.

□ 1710

Mr. Speaker, that is a significant jump from the 37.6 percent in 1979. More than half the taxes were paid by the top 10 percent, and almost 77 percent of all Federal income taxes came from the highest 25 percent based on adjusted gross income. In contrast, the lowest 50 percent of income paid less than 6 percent of the taxes.

Looking at it another way in 1987, there were 36,299 people who made more than \$1 million. If we confiscate all of that group's taxable income, about \$50 billion, it would have run the Government for 17 days in 1988. Having spent that, we would have to take all the taxable income of those who made \$200,000 or more, some 545,000 among us. It would have given us \$121.8 billion, enough to run the Federal Government for 1 month and 11 days. Then we come after you.

Mr. Speaker, it is not the case, as has been said on this floor over and over again, that the rich are not paying their fair share, and I beg the House's indulgence because I think it is very important to read into the RECORD two articles done by a very respected syndicated columnist by the name of Warren Brookes who succinctly points out who pays what in this country, and I start on an article published in the Washington Times on October 12, 1990, by Warren Brookes.

It is nothing new for partisan politics to engage in lying. What is troublesome is the way in which the Bush administration is lying down and taking it. President Bush's willingness to accept the notion of raising the top income, bursting the bubble, is an explicit acceptance of the liberal Democrats' persistent argument that the Reagan tax cuts benefited only the rich while the poor and the middle class wound up paying more. Even though this argument is patently and factually false, it is being buttressed by citing the so-called tax bubble.

By the way, we call that the Bradley-Gephardt tax bubble because it was those two gentlemen that put the tax bubble on as part of the 1986 Tax Reform Act whereby those with family incomes between \$70,000 and \$170,000 pay a temporary 5-percent surcharge on the 28-percent top marginal rate.

That creates an implicit temporary 33-percent marginal rate, which then drops back down to 28 percent on the highest incomes. This looks ludicrously unfair. Yet the whole reason for the bubble was to raise more taxes from

the rich by taking away all personal exemptions and the lower threshold rate of 15 percent on the first \$30,000 from those in the highest income brackets.

That phaseout adds about \$6,000 to the average tax bill of those earning more than \$200,000. To avoid an abrupt income cutoff for that addition, and to raise more money, Congress divides the 5-percent surcharge over a bubble of about \$120,000 in income from \$82,000 to \$202,000 for families of four.

The effect of this bubble transition is to cause a gradual rise in average tax rates from about 25 percent for those at the start of the bubble to 28 percent for those at the top and beyond. Thus, the effect of the bubble is to increase the progressivity of the system.

The real reason for this concoction was that in 1986 tax reformers needed billions in additional revenues at the last minute and decided to soak the rich to get them. That is why there was bipartisan support for this arrangement, especially from Senator BILL BRADLEY, a New Jersey Democrat, a sensible liberal. Now the Democrats want to use this apparently—

Mr. DORNAN of California. Mr. Speaker, will the gentleman yield?

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

Mr. DORNAN of California. Mr. Speaker, was the gentleman from Texas [Mr. DELAY] guilty of an oxymoron? He said "a sensible liberal."

I am just kidding. There are a few, and the gentleman is correct. He created the bubble, but I do not see him on television shows, our good colleague in the other Chamber, defending the bubble he created to raise taxes, not to lower it for people who are hard-working and have a little bit higher income.

Mr. Speaker, I want to join with the gentleman from Texas [Mr. DELAY] when he gets to a good point with that column he told me about yesterday.

Mr. DELAY. Mr. Speaker, I welcome the gentleman's remarks, and let me get this into the RECORD, and then I will yield to the gentleman from California [Mr. DORNAN].

Mr. Speaker, the Democrats want to use this unfair device called the bubble that they helped invent as an excuse to impose an entirely new 33- to 36-percent rate on the rich with no personal exemptions or income threshold who will see their average tax rate rising a shocking 18 to 29 percent, wiping out all of the Reagan tax cuts, less than 20 percent, and I might parenthetically here insert that all over my district, all over the State of Texas, I urge in my speeches that we go to one tax rate, 10 percent; the lower does not want any more than 10 percent, it spreads the burden over everyone at the same rate. It is the only

way to go, and in the 1986 Tax Reform Act we got back down to two tax rates basically, 15 percent and 28 percent, yet in this House we passed a bill that created a third rate, once again starting to raise income tax rates back the way it used to be in the 1970s, and I get back to the article.

The alleged justification for this is that the rich supposedly got all the benefits of the 1981 cuts, and the rest got nothing, or worse. That is a baldfaced lie, and those who repeatedly tell it know it, as do readers of this column.

Not only was the 1981-83 percentage rate cut the same for all income brackets, but the lower top rates induced a massive reduction in the exploitation of tax shelters, and that increased the taxes paid by the rich.

Let's go through the numbers one more time, this time in constant 1982 dollars. From 1981 to 1987 (the latest year for which we have data by income percentile) the income taxes actually paid by the top 1 percent of the taxpayers (those with incomes of more than about \$130,000) rose by 49 percent in real terms. The income taxes paid by the top 5 percent rose nearly 43 percent real and those paid by the top 10 percent rose 20 percent in the same period.

By contrast, the income taxes paid by the nation as a whole rose only 4 percent real, and those of the middle class (the 50th through the 90th percentile) fell in constant dollars by 9 percent, while the bottom 50 percent paid 15 percent less.

That is to say, the real income taxes paid by 90 percent of Americans fell by 10 percent from 1981 to 1987 while the real income taxes paid by the richest 5 percent rose by nearly 43 percent.

Aha, say the liberals, but the rich got so much richer in this period while everyone else lost income ground. That's also not true. From 1981 to 1987, it's true the top 5 percent saw their median income rise in constant dollars 24.5 percent, but the middle income median also rose by 9 percent. That's less than half as much, but it rose. Yet in that same period the income taxes paid by the top 5 percent rose nearly twice as fast as their median income, while the income taxes on the middle actually fell by nearly 10 percent.

I might say there was a 1-minute on this floor earlier this morning that showed figures where middle income fell and upper income rose. What people probably did not see is that they selectively chose a time period from 1977 to 1989, so on the one hand they blame our problems on Reaganomics, yet on the other hand they take the failures of the Carter years, 1977 through 1980 and lump them into the Reagan years to dilute the success of the Reagan years. It is very selective statistics. That is why the share of income taxes paid by the top 5 percent rose dramatically, from 34.4 percent in 1981 to 43.3 percent in 1987. That is a 22-percent raise in tax share in a period when their share of total income rose by 10 percent.

□ 1720

Finally, as middle incomers listen to the Democrats trash the Reagan tax cuts, they should remember that with-

out those 25 percent rate cuts, the average middle class family would now be paying \$2,400 more than they now do. Indeed, the main reason for the Democrats' vicious assaults on those cuts is precisely because they so massively reduced the actual tax collections from ordinary Americans. Americans also would do well to remember that under the Democrats' soak-the-rich policies of the 1970's, the average marginal tax rate on middle-income families soared from 23 to nearly 28 percent in 1981. Today that average marginal tax rate is less than 18 percent.

The real irony is that the wealthy, by and large, would love to trade a higher marginal tax rate for a major capital gains exemption of 40 to 50 percent. Their net taxes would be reduced in the right combination.

The danger is the moment we start trading higher rates for more loopholes, the whole rate structure that now so benefits the middle class would be under siege all over again, and the likely losers would be the middle class. So beware the green-eyed bubble blowers.

While I am waiting for the gentleman from California to come back, I want to read something that I sent out as a "Dear Colleague" that came from the Wall Street Journal yesterday that I thought was very appropriate in this poor versus rich class warfare initiated by the Democrats. It is the editorial in the Wall Street Journal, yesterday, October 18, entitled "Soak the Poor."

Who speaks for the poor in the current budget drama? The Democrats? George Mitchell? Dan Rostenkowski? Bob Dole? Dick Darman? We suspect the short answer is that no one much thinks about the poor in Washington these days. The battle is over the middle class, because that's where the votes are and that's where the tax money is. The poor and the working poor are along for the ride. Some ride.

The Democrats in Congress abetted by at least three or four members of the Bush administration, purport to stave off a recession by raising taxes \$149 billion across five years. Yes, we know, they have attached a theory to this: Short-term interest rates will drop maybe 100 basis points and the American economy will climb to the stars. A few folks, however, hold to the view that this game plan is more likely to drive any recession deeper and that the people hit hardest aren't the soaked rich or even the middle class. It's the poor. Both the U.S. Commission on Civil Rights and Jack Kemp are now trying to raise this argument in Washington.

On Tuesday, the Civil Rights Commission voted 6-0 in support of a resolution warning that the current thrust of the budget could cause economic difficulties for minorities, women and the disabled (Commissioner Mary Frances Berry abstained from the vote). "We request on behalf of America's disadvantaged" the commission said, "no general spending increase and no general tax increase." Instead, the commission would freeze spending at the fiscal 1990 level.

It called on the President and Congress to be aware of "the importance of continued economic growth to the advancement of civil rights in this country. In bad economic times, black and Hispanic unemployment rates rise the fastest."

Of course, none of the current budget incarnations has specifically growth-oriented provisions in the budget. So the Civil Rights Commission proposed one of its own: a capital gains rate of zero for those who "live, work and invest" in the depressed inner cities. This proposal, of course, has zero chance at the moment; the Democrats' soak-the-rich philosophy is colorblind.

No one has attacked the hopelessness of the status quo more than HUD Secretary Jack Kemp, and he did so again in a speech earlier this week, calling on Congress to get growth back into its deliberations. Secretary Kemp would raise the top marginal rate on incomes to 31%, while cutting gains to 15%. He also usefully pointed out that the grand plan to cut \$500 billion over five years "began when the economy was stronger and there was no foreign policy challenge as we face in the Middle East today. In my view, its not logical to adopt sharp tax increases in the face of such an uncertain future." He too favors a one-year spending freeze.

As to economic opportunities for the poor, Mr. Kemp pointed out that the number of black-owned businesses grew almost 50% from 1977 to 1982, a period that began with the Steiger Amendment cutting the capital gains rate to 28% from 49%.

We can already hear the solons of Washington pooh-poohing the Kemp and Civil Rights Commission interventions. It looks to us, though, as if the Beltway is giving the poor little more than more of the same. With a recession looming, Mr. Kemp and the commission are at least trying to do better than that.

Mr. DORNAN of California. I was going to read an article that the gentleman from Texas [Mr. DELAY] told me to look for. Let me do this quickly. This was one of President Reagan's Assistant Secretaries of the Treasury, and it was Thursday, October 18, the Washington Times. It is about everything you have been discussing, this whole chimera of getting the rich, getting the rich. And while they are doing it, the networks, the easy allies of the demagogues in Congress, that keep pushing this politics of envy and greed theme, here is his concluding paragraph, Craig Paul Roberts.

He says, "Turn to America's 66 super-rich people, proportionately fewer than Germany or Japan," the two major axes powers that we beat less than 50 years ago, "it is amazing how few began with inherited wealth."

I just had an argument this afternoon with one of our liberal colleagues, and Sam Donaldson of ABC said last night, what right do people have to build up a massive wealth? Kinsley said it on "Crossfire" last night, we have to get at this inherited wealth.

We were doing that to such an unfair degree in California, we finally had to completely revise our inheritance tax a few years ago.

He starts naming off the richest people in America.

Sam Walton of Wal-Mart worked for J.C. Penney for \$85 a month. Ross Perot started his company with \$1,000 of his wife's savings. Alfred Taubman started his firm with a \$5,000 loan. Sumner Redstone is the son of a drive-in theater owner. Leslie Wexner borrowed \$5,000 to open his own store. Walter Annenberg inherited a debt-ridden firm. Harry Helmsley started in the mail room. "King of malls" E.J. DeBartolo gave up truck driving to attend Notre Dame. Daniel Ludwig began with \$5,000 borrowed to convert an old steamer. David Packard founded Hewlett-Packard with \$538 in a Palo Alto garage. David Murdock, a high school dropout, began with a \$1,800 loan. Richard DeVos and Jay Van Andel started Amway in a basement. Harold Simmons started with \$5,000 equity in a Dallas drugstore. Kirk Kerkorian began as a manual laborer at 40 cents an hour. Paul Allen dropped out of college to start Microsoft. Jack Kent Cooke sold encyclopedias door to door.

I did that one for a while. I rather enjoyed it.

Curtis Leroy Carlson started Gold Bond Trading Stamp Co. with a \$50 loan. Carl Icahn grew up middle class in Queens. Philip Knight developed Nike while moonlighting as an importer of Japanese track shoes.

Cut to the bottom line: Mr. Roberts says,

Their reward for creating millions of jobs and billions of taxable income is to be demagogued by two-bit politicians who have never created anything but disaster.

Hit the nail on the head. I have got a couple other things I would like to talk about.

Mr. GEKAS. Would the gentleman yield?

Mr. DELAY. I would be glad to yield to my good friend from Pennsylvania.

Mr. GEKAS. I have been listening to the discourse you initiated here. It is very important. I was going to send a congratulatory letter to the Democrats for winning the argument across the air waves in demagoguery. They were very clever, and they have substantially convinced a lot of people. It is our job to refute it. They have convinced people that the Democratic tax package is foisted against the rich, and then it goes one step further, and only against the rich, as they put it.

□ 1730

In fact, it is not true, and this is the thing that we cannot get out. The way they have structured their tax package, the middle class are in for a tax soaking of their own, and the substantial, biggest portion of the billions of dollars that they are raising as taxes will be coming from the middle class, is that not so?

Mr. DELAY. It is absolutely so, to the tune of about a 6-percent tax increase on the middle-income American.

Mr. GEKAS. Then what do we have to do? How can we struggle to get Sam Donaldson and the news commentators to acknowledge that that is so?

But they keep reverting back to the Democrats are willing to soak the rich. While they are doing that they are getting the middle class wet at the same time.

So what I am saying is it is one thing that they could be the heroes of the American public who go by the politics of envy. "I got that guy because he makes a lot of money." If they would say we have soaked the rich and have let you off or given a tax cut, but no, they in soaking the rich, they dip the middle class in the same bath water.

Mr. DELAY. What they do by their tax package is that they define who the rich are. It is everyone that works for a living, because if they indeed are taxing the rich, and by their tax package tax everyone that has an income, then everyone that works for a living is the rich. And there they come, they are coming after their income.

Mr. GEKAS. I thank the gentleman for yielding.

Mr. DELAY. I think the gentleman from Pennsylvania for his comments.

Mr. GEKAS. I for one, if we have lost the public relations battle to the Democrats, because every time they say soak the rich the media covers it fully, I am willing to suffer the penalty of the PR as long as somehow, through things like the gentleman is trying to do here, we get across the people that a tax package is a tax package is a tax package, and it looks a duck, and it acts like a duck, and it is a tax package, and it taxes everybody in the country.

Mr. DORNAN of California. I did not tell my friend, the gentleman from Texas [Mr. DELAY] this yet, but I went down the stairs to ambush the President. He was coming over here to meet with all of the old summit budgeteers down in EF-100, East Front 100, right here.

Mr. DeLary. A reunion.

Mr. DORNAN of California. Under the steps where Presidents are sworn in, except for Ronald Reagan and George Bush who liked to look out across the country and were sworn in on the West Front, but the President was very gracious. I gave him one of these new Desert Shield bracelets which says, "Desert Shield, a call to freedom," patterned after the POW bracelets.

Well, my good friend and pal, former Governor of New Hampshire, John Sununu, comes around the car and he says, "Well, Bob, are you here to apologize?" the heat is on, again. And I just looked at the President and I said, "Do I get a second chance? Here we go again." Mr. Sununu says, "You bet you will." And I guess they are working at the second chance where we have to take the heat again.

Do you know what the President said, and this is why I love the man, and I think he is a great Chief Executive, he turns to Sununu and he says,

"Now, look, Bob signed a pledge, an antitax pledge, and you know a lot of Members have a problem with that."

Thank you, Mr. President. I do not want to break my pledge, my word. That is a Congressman or Congresswoman's bond with the people, plus I did not like the first package.

Now I have here the chart that we were looking at in the Wall Street Journal of the two tax plans. I just want to go down this with you and make sure we share this with any visitors who happen to blow through this Chamber, or are waiting through national technical means, the great video monster.

Notice when it comes down to luxury goods, now this is amazing, it says a 10-percent tax on any amount of a car which exceeds \$30,000. So if they think they are getting a German-made car, who has the reputation for quality cars under \$30,000? The Japanese. So this is going to hurt Detroit.

You know how cars will brag that everything comes with this car, you do not pay for any accessories because they are all there, just watch that reverse, right? They will start saying to buy basic car and we will get it at \$29,995. That is where all the Lincoln Continentals are selling anyhow, and the Town Cars, and everything, and the car will be suddenly \$29,999. Then they will say while we are preparing your car, the preparation fee is separate, and tell us what accessories you want on it, and they will be on it by Friday. Or they'll say we will go to the factory to get it, and we are going back to the factory and wait 3 months, 3 weeks, and then you will be charged separately, and just like you buy a car and you get a radio changed, change the radio, you know.

But get this, \$100,000 for boats. The Senators agree with our distinguished, beloved colleague on the Ways and Means Committee, Mr. Rostenkowski, \$100,000 for boats. Do you know what that is for? The hull. Then you buy separately, you know, the boat will be \$99,999, and then you will buy the diesel engines, or the high powered merc cruisers, and the radar, and all of the instrumentation, and the new waterproof seats and all of that.

Then for airplanes, do you feel the fine hand of our distinguished Republican leader in the Senate? It says on our side \$100,000 for planes, but on the Senate side it goes up to \$250,000 for planes with a rebate for planes used by businesses.

Now, who is this going to end up punishing? Only those adventuresome people who save up all of their lives to buy a World War I War Bird, because they are all up there at \$250,000. If you buy a plane for acrobatics, or just to enjoy, like a Citabria, that is under \$250,000, but the big airplanes, or antiques, they cover antiques here, like the World War II planes, or collect-

ibles, and even the little small stuff, and I collect small stuff, like stamps, you know, and there are people who collect automobiles and things as investments, and anybody who operates through the Franklin Mint, or anything, suddenly they are taking a hit here from the U.S. Congress. And there are a lot of people out there who collect everything from guns, to dolls, to coins, and they are going to be very angry that collectibles, a great investment, is suddenly being hit by the Congress.

So they give you a rebate for airplanes used for business, and the House even said any boat, car or plane used to carry fare-paying passengers. Well, when you are taking your friends out to take them water skiing, charge them all 10 bucks for the day, and then you do not have to pay that fee on your boat.

In other words, this newspaper ad says it all from today's Wall Street Journal. It has Cadillac, a beautiful car, Cadillac, and I had not seen the 1991 models, but look at what it says down at the bottom. "Your tax consultant can show you how leasing a Cadillac for business can be a brilliant deduction."

What Sam Donaldson well knows, and I just told him so out in the parking lot 2 days ago, any person worth their salt who has created jobs, and the gentleman in the well has created jobs, my friend, as a private entrepreneurial businessman in Houston, and you have tax accountants, and when you get up to these lofty incomes, the first thing that the tax accountant must do is to find his own salary, or what is the sense of hiring him, and the same goes for your tax lawyers. And the bigger your team is, if you are a corporation with about 20 of these people on the payroll, they all had better get rid of their own salaries. And the bottom line then is they then hire the lobbyists to come back here and to start finding loopholes.

I think the rich fall into several categories. The inherited wealth that you see occasionally on "Lifestyles of the Rich and Famous," and some of them waste their lives, and I do not know why they waste their lives. But there are so few of them, and we are not going to get a blip of money out of them on any economic charts.

Then there are the entrepreneurial rich that I just read off the top 66, and they spend their whole lives creating jobs. Andrew Carnegie, one of the richest Americans ever, this little dour Scot came to the United States, became a multimillionaire, by today's terms a billionaire many times over, founded United States Steel, and then gave it all away. He said it was as much fun, more fun to give it away as to make it, and what a kind person

like that, who spends his whole life productively creating jobs.

And then there is the third category of rich people, and those are the ones that lie and cheat and steal. And are they going to live up to the Tax Code anyway? They are only a small percent, and we all realize that we are not going to get to them. They will continue lying, stealing and cheating on their 1040 forms, and we are trying to get at this tiny little segment of Americans in a middle class country, which is what we are, the envy of the world, the largest middle class country ever.

That is why if we look at this chart and come down to item No. 8, other income tax increases, it starts out with your name, so you read it.

□ 1740

No. 8, it says "Delays."

Mr. DELAY. It says "Delays inflation."

Mr. DORNAN of California. It does not mean TOM DELAY.

Mr. DELAY. "Adjustment to tax brackets and personal exemptions for 1 year."

Mr. DORNAN of California. The Senate dumps that on the chart next to it. Who does that hit?

Mr. DELAY. That is everybody, everybody that makes an income of any size. It forces them up, because it delays for 1 year indexing that protects the taxpayer against inflation, driving him up into higher tax brackets, but the most important thing that signals is that this is the beginning of the end of indexing that has allowed the American people to stave off Government policies creating inflation driving them into higher tax brackets, the old process that we used to call bracket creep.

Mr. DORNAN of California. Exactly, and I saw that our colleague, the gentleman from Illinois [Mr. CRANE], one of our senior Republicans on the Committee on Ways and Means, just showed me in the cloakroom on Mr. ROSZKOWSKI's chart that with that one alone they get \$23½ billion of new taxes out of the working lower middle class and middle class in this country. This is hardly a soak-the-rich plan.

One final thought about Sam Donaldson, because I said to him, and it was actually because the days are flying back here because we are cooped up here, and it was about 3 days ago, I said, "Sam," and I walked up to him, and he goes like this, "you coming to get me?" I said, "Sam, you are not going to join this soak-the-rich demagoguery, are you?" "How else are we going to raise taxes?" So I say, "Sam, you are making several million dollars a year. Do you not have tax accountants trying to figure out how to build your portfolio?" "No, I have always done my tax myself."

Well, strangely enough, I have never hit \$100,000 a year in my life until last

year, 57 years of age. I have done my own 1040 with never a consultant, and probably lost some money being smug, but I wanted to feel the pain, as Ronald Reagan said, doing my own taxes, since I was 14, so that is 43 years of filling out my own 1040's. I only got audited 2 years in a row. Once they got \$1,300, and once I got \$400 back. I was glad they came out. I made them come to my living room to go over my boxes of paperwork.

But I could not believe Sam Donaldson told me that. I said, "Sam, do not kick in to this demagoguery." Last night, Diane Sawyer opened up PrimeTime with one of the greatest pieces on a Soviet defector I have ever seen, put to rest, this top defector from the KGB, that back when it was called the NKVD, he said, oh, the Rosenbergs were guilty. Alger Hiss was a spy and was guilty, that this actual Russian in a fake beard and hairdo to disguise himself, because they would still love to kill him, he prepared the briefing papers for Gorbachev to meet with Mrs. Thatcher, this guy was terrific, a terrific segment on PrimeTime.

Then they come to Sammy Donaldson on soak-the-rich, the most demagogic piece to stir envy up in his fellow American citizens I have ever seen, and CBS News did it the night before. CBS News says, in a big graphic card, purple background, the rich, 45 percent up in their income. We have had a bully economy since November of 1982; people who invest, people who create jobs, people who started companies, people who, and guys, in their late twenties and early thirties getting into the electronics business, entrepreneurial people, men and women, yes, yes, up.

Mr. DELAY. Twenty-three million new jobs created.

Mr. DORNAN of California. All these new jobs created, and he says income up 45 percent for the rich. Now, we are not saying super-rich, like the 66 in Roberts' article, and then it says tax rate down, and I am waiting for the third line, share of what they are paying; the top 5 or 10 percent carrying most of the load, the top 50 percent carrying 95 percent of the load, taxes for the very poor, those who even pay, down; the lower middle class down. He does not say a word about their contributory percentage.

You know what Kinsley said on "Crossfire" the other night, that that is the biggest lie being perpetrated around this city, that the rich are paying more money. It is so deceptive.

Mr. DELAY. Those figures, by the way, those figures we cited here tonight and the figures the gentleman just cited come directly from the IRS, because the IRS knows who has what income and what taxes they pay. Those are figures taken directly from the IRS's file.

Mr. DORNAN of California. Well, I hope, because I have five kids and eight grandkids, I hope the voters do not do what they did after Watergate, punish a bunch of people that had nothing to do with this. If the anger out there is to replace one of our superb colleagues, STAN PARRIS, who is one of the best people I have ever seen, at this, with a moron mayor of Alexandria, because STAN is part of a process here where he is perceived to be part of a tax raid on the public when he has fought it all of his career, and he was punished, along with 51 other Members in our party in 1974, and not one of them had a scintilla of involvement with Watergate, but the people turned around and threw them out and then got a tax raise in Watergate that brought us under President Jimmy Carter to 21½-percent interest and 14-percent-plus inflation.

I had one of our capable young pages go down and get the definition for usury, because the gentleman was talking about what is an immoral rate of taxes. I had a little nun in the seventh grade, a sister of the Sacred Heart named Marian Brida, long gone to that reward in heaven where there are no taxes at all, and she taught me the word "usury," pronounced with that little "z" sound, u-s-u-r-y; it is an unconscionable or exorbitant rate on an amount of interest, and this grew out of the Middle Ages when people were gouging people, when interest first started on borrowed money, and before that I guess it was wampum, you know, the figure was 10 percent; this little nun taught me anything over 10 percent was unethical, immoral, and under Carter it was up to 21½ percent.

What taxes? Here we have a little more flexibility. The great religions of the world having spoken out with precision, and we are taught as conservatives in all of our seminars, and by our heroes Milton Friedman, or those that have gone to that heaven, Ludwig von Mises, Hayek, all the heroes we have had, that about 18 percent is the max that a government should take out of its people.

I was mentioning 39 on the floor the other day, and I noticed all of our New Yorkers were voting for one of these tax plans. It is because if the State deductions do not stay in the income tax as a deduction, New York taxes its citizens so highly, that for most Americans, the 50-State average is 39.7 or something, starting with a sales tax every time we buy something in all States except New Hampshire, I guess, and a few others, and if you go up and take New York into account, their citizens are paying taxes of all levels at about 45 percent or more, and if Sister Marian Brida were here, she would say just as a percent on borrowed money is a sin, immoral, unethical over 10 per-

cent, taxes pushed, taken out of somebody's working wages, what the Communists used to call the sweat of our brow, and all you have to lose are your chains, that is immoral, and this demagogic argument about soaking the rich has gone way beyond political fairball or political hardball. It is a conceived operational plan to crush some of our fellow Members in a tight election because most of our guys are on the challenger side. We are about a third of this place. It is an unethical, immoral engendering of one of the seven deadly sins in our fellow taxpayers, envy, and I hope to heavens it backfires in their face.

I say to the gentleman from Texas [Mr. DELAY], I have got a 5-minute special order here in a little while on the one form of bigotry in our country, and I know, as a fellow Christian, you will not mind me being a little hurt that it is open season on Christians in general, but Catholics in particular, and that it backfires on all Christians, but I want to read a Buchanan article and talk a little bit about the one bigotry that liberals accept in our country, actually praise it, and that is a vicious bigotry against the Roman Catholic Church and Christians in general.

So I thank the gentleman for letting me share his special order, and let me put, if he does not mind, in his special order, what we were talking about the other day, the Government in general, where are the cuts, starting with pork in the 1990 bill, \$19 million to study methane from cattle as it relates to global warming, and we all know which end the methane comes out of, all the way down to an old one from yesteryear, thousands of dollars to study, \$84,000, to study why people fall in love, and I have got some 1989 pork, 1988, 1990 pork. It is incredible.

We did not cut anything; \$3 million to study leafy spurge and knapweed control, and we did not take out any of this. How did Ted Turner get \$5 million for his disaster in Seattle called the Good Will Games? Why are we underwriting that when the man is another one of these billionaires?

I will put this in the RECORD in the gentleman's special order.

Mr. DELAY. I appreciate the gentleman's submitting that in the RECORD. Let me just say that the gentleman from California is one of the most eloquent Members of the House, and what he has said is so well said and so to the point of what we are talking about here, that the soak-the-rich argument, as he so well put it, is nothing but demagoguery, and it has been demagoguery for so long that people are starting to believe that demagoguery.

What are we talking about, all of these taxes? Where are they going for it? At approximately this time last year, that was when it started.

□ 1750

The media and liberals on the other side of the aisle start setting up the American people to the notion that they cannot run this Government unless they raise taxes. There is just no way that they can run this Government without raising taxes.

Well, the Republicans this week had a proposal to bring to the floor of this House that froze spending, cut defense spending, adjusted entitlement spending, with no new taxes. Now, we were criticized it did not meet the target. Our package, as we presented it, and we had to put it together very quickly, only saved \$410 billion in deficit reduction. It did not meet the Democrats' rule of \$500 billion. We had plenty more, plenty more savings that we were going to offer if we could ever get our package to the floor, but the Democrats would not allow the Republicans to bring a package to the floor that froze spending and did not raise taxes and met deficit reduction targets.

What are we talking about here about taxes?

Prior to the passage of the Democrats tax package this week, for every \$1 Congress raised in taxes, they spend \$1.58. Now, according to the Heritage Foundation, under the Democrats' plan that was passed here on the floor on Tuesday, for every \$1 of taxes raised Congress will spend \$1.90.

They did not cut spending. They raised taxes and raised spending.

Mr. Speaker, this proves all along what the Republicans have been saying: The Democrats are the ones who want to raise taxes. It is clear that they are the ones responsible for the deficit. This week in Congress the Democrats had a prime opportunity to change this trend of taxing and spending and they chose not to. They had a chance to cut spending, but instead they chose to cut Medicare and raise taxes on the middle class.

Here are the facts: Under the Democrats' tax package overall spending on average will increase by 6 percent and taxes will be raised \$170 billion and Medicare recipients will pay yearly an additional \$211.20 in premiums. The blame for the out-of-control taxes, out-of-control spending, and out-of-control deficit lies clearly on the Democrats.

It is interesting to find that when the Democrats had a choice of whether to cut spending or raise taxes, they chose to raise taxes. And it is certainly worth noting that they were so set against any spending cut alternatives that the Democratic leadership in the House refused to allow a Republican no new tax package to be offered on the floor for a vote.

The Democrats' tax and spend package is an insult to all hard-working American taxpayers. Democrats talk

about how their package taxes the rich. This is their usual hate rhetoric, designed to hide what their package really does. The smoke and mirrors of this misleading rhetoric, Mr. Speaker, is designed to cover up the fact that their tax-and-spend budget package is really designed to soak the hardworking middle class.

It is a single person making \$21,000 a year rich? I think not. Under the Democrat package, his taxes will go up another 5 percent. Is a married couple making \$31,000 a year rich? Of course not. Yet under the Democrat tax-and-spend, spend, spend package, their taxes will increase by an additional 6 percent a year. This may be small potatoes to the Democrats, Mr. Speaker, but it is not small potatoes to the middle class people who are going to have to pay these additional taxes.

The cat is out of the bag. Democrats are no longer coy about what their interest is, and it is certainly not cutting spending. Taxes are what it is all about, Mr. Speaker, and taxes are what it has always been about.

When the Democrats had a choice between cutting their profligate spending, or raising taxes, what course did they take? That is right—raising taxes. No amount of rhetoric can disguise the fact that their most recent budget package represents the largest tax increase in American history. Let me repeat that: The tax package of the Democrat majority increases taxes by \$170 billion.

It boggles the mind, Mr. Speaker. Earlier this year, a citizens group staffed by businessmen of all types identified \$170 billion in Government waste, fraud, and mismanagement. That group, the Citizens Against Government Waste, pointed out specific changes that could be made that would save this amount of money. The Democrat majority which controls this House has consistently ignored this approach and instead chooses to do it the easy way: tax, tax, and tax so that they can spend, spend, spend. When the Republicans sought to offer their own plan, which contained not a single tax increase, the Democrat majority refused.

Let me tell Members, and I will finish with this, the differences between the tax-and-spend Democrats and the Republicans are being starkly contrasted this week. These differences cut to the very soul of our respective parties. When faced with a massing budget deficit that the Democrats created, they fall back on their old instinct—raise America's taxes. The thought of cutting spending is never seriously entertained in the Democrat's Cloakroom, although the idea does provoke laughter as outside the beltway nonsense.

This budget has tested the Democrats mettle and they have been found

wanting. The Democrats had an opportunity to either reduce spending or cut Medicare benefits. They, of course, cut benefits to the elderly. The Democrats had a choice to either decrease spending or increase taxes. True to their nature, they chose to raise your taxes. As a campaign ploy, they like to bash Bush for favoring the wealthy, yet they have the audacity to force the working men and women of America to finance the largest tax increase in our history. They tax your beer, your cigarettes, and airplane tickets then whine that the Republicans aren't sensitive to the needs of the middle class.

For all the things this budget is lacking, audacity is certainly not numbered amongst them. The Democrats refused to allow a minority leadership-backed budget alternative to the floor that would balance the budget without raising taxes. Perhaps they are the sole holders of truth. Yet, one wonders that if the Republican no new taxes budget is as outrageous on its face as the Democrats claim, then why was it not debated before the American people giving them the opportunity to decide its merits. I think we know and I think they know, when it comes right down to it the Democrats can't resist the call of taxes.

#### BUDGET THOUGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes.

Mr. WISE. Mr. Speaker, I do not intend to give too much of a partisan speech, but the gentleman who have just preceded me have gotten my juices flowing, and it is my intention to talk about the budget. I just want to say before I try to become more objective, it was probably the best partisan explanation for why we ought not to tax the rich, who are not paying their fair share, that I have ever heard.

I would, having heard this, I will say that I am going to try to divide my presentation into an objective presentation as possible, and then the partisan presentation.

I would like to start with the objective part because this is a quiet time. It is Friday afternoon, and at midnight tonight the funding for the Federal Government expires. Hopefully, the President will see fit to sign a continuing resolution so that we do not get into the debacle we saw last week of the Washington Monument closing down, and vital services and Federal employees not knowing what is happening. I think it is important to look back for a minute and to see what has been going on, and to discuss that, because that is, of course, the question I get from my constituents in West Virginia so much as what in the world is

going on. No. 2, why can Congress not do their job?

□ 1800

So I think it is important to reflect on that in this talk about exactly what is happening.

First of all, I think it has got to be realized that we are not talking about a budget in this battle that is going on. That is part of it, but it is a far greater picture than just that, a far greater battle. This is not just a 1-year budget to handle fiscal year 1991. This is a basic battle over fundamental priorities that should have been resolved years ago and have not been, and the result is that it is finally coming to a head in this year for several reasons.

The first reason is because probably we have banged at each other so much that there is such a crunch that it is just natural that things spill out.

The second reason is that there is no more money to let this go unresolved. It used to be you could continue to fund defense to some extent. You could continue to fund the domestic programs. You could put it on the Federal Visa card and you could just kind of roll on. You cannot do that any more. Indeed, the bills are coming due.

Finally, there is just simply a fundamental attitudinal battle that is taking place over what people want from Government, and it is coming to a head this year.

Some say, "Listen, this is just a 1-year budget. Why can't you guys simply work this thing out and go about business as usual?"

Because it is not business as usual and it is not just a 1-year budget. This budget starts a process of locking us in, and locking us, meaning the country, into 5 years of budget priorities. It is not an attempt to just do a 1-year budget. It is a 5-year budget with certain basic budget procedural reforms as well as certain taxing decisions and certain Federal revenue cuts.

So that is the 5-year battle that you are talking about, 5 years of priorities. That is 1995 that we are talking about.

Do we want to be in 1995 where some of the items that have been put forward in the last few weeks say we should be? I do not think so.

This is a country that wants to grow. This is a country that knows there are some new items and priorities on the agenda. This is a country that is feeling restless again and knows the problems that must be addressed. So it is not just a 1-year battle. It is a battle for at least the next decade.

So that is why it is important to fight these battles out now, as unpleasant, as uncomfortable and as untidy as they are.

This is a budget process of trying to hash out who stands for what. In the 8 years that I have had the privilege of serving in this body, I have never seen

come to loggerheads in such a sharp, clear conflict as much the priorities of the different parties. Indeed, you are seeing on both sides of the aisle even some strain and stress within each party as we try to sort out where we are and who we are. What is it that we are talking about and to whom are we talking? What is it we want to achieve?

So I think for the first time you are not seeing a fuzzed up debate in which after a while it is tweedledum and tweedledee, and through all the partisan rhetoric, and there is enough posturing that goes on with both sides, and through all the rhetorical excess, and there has been a lot of that in the past few weeks and months, but through all that you are hearing this clear clash of views.

It is a battle, quite frankly, that the country has to have. I am sorry that it is on the Federal employee's time. I am sorry that it is in some ways causing as much inconvenience as it is, but it is a battle that must be fought and it is a battle that will not end on Wednesday or Thursday of next week or whenever this Congress adjourns for the year. It is going to be a battle that continues, but the opening salvos are being fired right now. So that is what it is all about.

It is also a battle if you are going to raise taxes, where do they come from?

Mr. Speaker, I would just like to note, nobody wants to raise taxes. The gentleman who preceded me made an excellent case for why they do not want to raise taxes. I hope that no one thinks it is a lot of fun for a member of the Democratic Party to raise taxes, either.

Do you know how exciting it is to go home to a town meeting and the first question you get is, "Why did you raise my taxes?" It is not something designed to give you political pleasure or any kind of joy. It is an unpleasant task which people do not appreciate, but yet at times needs to be done. Even the President of the United States came around to that point of view several months ago, recognizing what is happening.

Speaking of recognizing what is happening, I think it is important to put some things in context about what has brought us to this point. Yes, the deficit today, I believe it was last estimated for this fiscal year to be \$293 billion. When the Budget Committee, of which I am a member, convened in January of this year, that budget deficit was estimated to be \$100 billion, so in the space of 10 months you have seen that deficit soar in projected terms, at least, from \$150 billion to almost \$300 billion.

What caused that? Several things have caused it. One, of course, is the continuing and ongoing S&L debacle for a whole host of reasons, which

could be the subject of another special order; but you see the cost of the S&L restructuring rise quickly. In fact, I believe that they are going to be coming back in and looking for another \$57 billion just to keep the RTC going for this year. That has risen much faster than projected.

The economic projections that the Budget Committee was given in January, that is growth, economic growth, GNP, unemployment, revenues coming in, inflation, all of those or most of those at least have proven to be totally inadequate. So when you made your revenue projections and you made your economic projections based on one set of figures, and what interest rates would be, for instance, they are now revealed to be badly off the mark and therefore another contributing factor.

Then, of course, throw in what has happened in the Persian Gulf in the last couple of months, which I think you are going to see as an even greater factor in the next fiscal year, throw in what has happened there, and where you were paying \$1.10 per gallon just 3 months ago, today you are paying \$1.42 to \$1.60 or \$1.70 a gallon, you can see the impact it is having on inflation, as well as this Government's own revenues, on taxes, and on our own economic growth.

A lot of reasons have meant then that this deficit is suddenly soaring. It is not something that just happened yesterday.

So that, too, brings us to this point. What are we learning out of all this process? Well, I think probably the first thing we have learned is that summits do not work. The summit is an attempt and has been, there have been three budget summits in the last 4 years, the summit is an attempt to bring the Republican and Democratic leadership together with the White House, two of the three branches of Government, and to work out among the leadership of those branches a budget agreement and then to bring it back.

The problem is that the 435 separate Members in this chamber and 100 in the other body, and everyone has their own concerns, everyone has their own points of view, everyone has their own approach to budgeting, and there needs to be a careful working of people along in a process, getting their input, getting their participation.

Also, we all have different axes to grind, and that is true in political system.

Also, I might add, some people say, "Why can't you guys, this Congress, just agree on something and get it done?"

I would point out to the American people, as I do at home a good deal, I wish that 435 people could easily sit down and work out how to spend \$1.3 trillion a year, but tell me any church,

tell me any high school, tell me any small town that can sit down, tell me any Chamber of Commerce or Rotary Club or labor union that does not have great disputes waging within it. Give me any organization of seven people and I will show you eight points of view much of the time.

So that is the process that occurs here. This is raw, raucous democracy, probably more raw raucous recently than it has been for quite a while.

As I say, it can be painful to watch, but it is occurring. I am not saying that it is always in the best public interest, but it is something you expect in a democracy and it is setting the stage, I think, for continuing debate.

So I think it is important to put it in that context. It is not an apology. It is just a statement of fact.

Also I think it has to be recognized that this is not the final deficit reduction package. I know everybody is hoping, well, thank goodness, lock this thing in for 5 years. It is roughly a \$500 billion deficit reduction package over 5 years, \$40 billion hopefully the first year, thank goodness, this will get us on our way.

I am here to tell you, you heard it here first, this is not the end. In fact, this reminds me of the S&L restructuring in which people have come in and said that we had a \$15 billion S&L problem a couple of years ago. Whoops, it just jumped to \$30 billion. Come back a few months later and now it is up to \$70 billion. Come back a little bit later and it is \$125 billion. The last projection I heard is \$500 billion over a 30-year period.

Mr. Speaker, this is not the final deficit reduction package, and I fear that it probably is not the last summit we are going to have, either. This is a first step down the road. So I am going to make a prediction that this Congress will be here next year doing the same thing, and the year thereafter.

The deficit is soaring so fast and so quickly that this package by itself will not be able to do the job.

That then leads us into something else. What about all the concern about special interests having an impact on this Congress during the deficit reduction battles? I guess I am one who takes some exception on that, because it seems to me that in the period particularly from the time that the summit broke up, I guess I did not hear from a lot of special interests. What I did hear from were senior citizens at home. I heard from people who drive to work in the construction trades at home. I heard from a lot of people at home. Many of those people are represented in Washington by various groups, whether senior citizen groups, labor unions, business groups and so on.

□ 1810

But basically the message that came through loud and clear was from home. Those are the special interests that you hear so much about. I have been pilloried for voting "no" on the first budget resolution. I voted "yes" on the second one. I have voted "no" on the summit package and was pilloried for caving in to special interests. Who are those special interests? Those special interests are my constituents. What's more, my constituents reflected, I felt, what was the national interest.

I think that needs clearly to be stated. But that goes hand in hand with this deficit reduction package, the fact that it is not final, because it is not. The second point is that in dealing with the budget, this year, these final weeks of the session, this budget package can only be the first step because it does not deal with all the forces at work. Until this Congress and this President take on some of the real forces at work outside the budget and that drive the budget deficit, we are never going to get a real handle on it. I will give you a couple of examples. Rising health care costs. Medicare is one of the fastest-growing entitlements in the budget. It was up around \$114 billion this year, somewhere a little under \$100 billion last year, and \$80 billion the year before that.

Even the cuts that are going into place, presumably, in this reconciliation package still will make Medicare one of the fastest-growing areas.

So until somehow health care costs are gotten under control, there will be no real solution of the budget deficit.

Until defense costs are gotten under control, there will be no resolution. Until, for instance, energy, until this country has a true energy policy that works not only to make us more energy-independent but also works to make us less dependent on certain foreign sources, encourages domestic production, encourages us to develop new energy sources domestically, whether it be the fossil fuel area or renewable energy resources or automotive fuels or whatever it is, until we are able to do that, we are always going to be hostage to what is presently occurring in the Persian Gulf.

So this budget is driven by that. There is no way that you can see energy prices shoot up to 50 percent in a few months' period and not expect there to be great budget ramifications.

The S&L situation drives this budget. So, even though much of the cost is technically off budget, yet it certainly has an impact in the marketplace which, in turn, has an impact on the budget.

So the Congress must address the budget directly, but it has to be willing and cannot shrink from tackling those

other issues, particularly in the upcoming session of Congress.

There is another message that I have heard loud and clear that I think is important, and that is shared sacrifice.

I have had a number of senior citizens come to me in the past and say, "You know, Bob, I am willing to take a freeze for a period of time on the Social Security cost-of-living adjustment, the COLA, if I could be assured that everyone else would do the same. But if one group takes the hit and others don't, don't put me in there, because I think I have given enough."

Mr. Speaker, I have heard that message across a wide spectrum. That is another area that I think has to be dealt with, the shared sacrifice.

The first point I was making about the deficit reduction package not being final, I would suggest if you did not get hit this time, do not worry, it is coming around. There must be shared sacrifice. Indeed, I suspect whether it is spending cuts, tax increases, or whatever, even if it does not fall in your particular interest this time, most likely somebody is going to be looking at you in the future. Because once again it must be shared sacrifice if it is to be accepted.

There is another important point here that needs to be looked at in the future budget decisions, and possibly not only would it reduce the deficit but it is also, I think, necessary to help our country grow.

So far we have talked about two ways to reduce the budget deficit; one is tax increases, and the second is spending cuts. But we also have to be very straightforward with one another. We can have Gramm-Rudman-Hollings III, Gramm-Rudman-Hollings IV, Gramm-Rudman-Hollings V, or whatever, but the fact of the matter is you are not going to be able to cut your way out of this budget deficit, you are not going to be able to tax your way out of it. The national debt now is over \$3 trillion; the budget deficit this year is running close to \$300 billion, is going to take tax increases, spending cuts, and growth. That means we have to, within our budget, be encouraging growth.

Now, my friends on the other side of the aisle may have some disagreements on what growth means. Let me put forward a few that I think are very important.

First of all, this country requires a capital budget. We do not have one. Most businesses do, many States do. What that says is that you do not look at a road that you are building and account for it the same way that you do an entitlement check that is only good for that 1 month. A mile of road that you lay out today has a useful life of 10 to 15 years. You ought to be able to expense that road in the same manner so that if you expend \$1 million for a

mile of road today there are going to be tax revenues derived from that road, there are going to be a lot of benefits derived, and also there is a useful life to that road. So why not permit that to be accounted for over a 10- to 15-year period, spread the cost over the useful life of the asset.

So capital budgeting, I think, would do a lot toward, first, increasing our public investment in building our infrastructure which is so vital, and second, would legitimately reduce the deficit. Even if the Congress chooses not to go to capital budgeting, and I understand there are a lot of concerns about it, even if it is not going to go to capital budgeting, there is still the price of something being spread over the useful life of the asset.

I believe we need honest public investment. What concerns me is that we do not do that adequately in our economy. I have made previous speeches on the floor about the fact that public investment has already proven demonstrably that it can lead to greater productivity, and greater productivity leads to greater economic growth, more tax revenues and more people working. Yet, we do not have the kind of public investment that we need. Specifically, for instance, we have seen our public investment drop from roughly a little over 3.6 percent of GNP down to something like less than 2 percent of gross national product. At a time when a nation like Japan has increased its public and private investment, I might add, in absolute dollars and is spending more than the United States of America is, not in relation to their population but in absolute dollars they are investing more.

Of course, you can only cut so much out of vital investment projects, whether roads, bridges, education, whether it is sewer plants, airports, harbors, and all that which goes to make us more competitive. You can only do that so long without recognizing that you are robbing Peter to pay Paul and that you are eating your seed corn.

Seed corn is that which you plant and you tend very carefully, drive the birds off, nurture it, so that it grows and eventually you have a crop that is much greater than the seed corn that you put in initially.

We have been eating our seed corn in this country, unfortunately, for too many years in terms of public investment.

I want to return for just a moment to something where there is absolutely no way you can tax your way out of this deficit. The amount of taxes would be too great. There is no way you can cut your way out of this deficit.

So that means that we have to focus on those too, because you have to have both, but at the same time you also have to have growth, and you need to

put together a budget that reflects that.

There is a definite need for leadership at all levels, within the Democratic Party, within the Republican Party, from the White House.

I am afraid over the last few years my observation has been it has been too easy for everyone to duck this one. I feel certain decisions were made in the early years of the Reagan administration that permitted that. We learned to feel good with the way things were coasting along. We ignored the fact that while "I am okay, Joe" seemed to be our motto more and more, what we were doing was building up a trade deficit to where we went to having a \$1.3 trillion national debt that we are paying for today and we went, in 10 years, from being the largest creditor nation in the world to the largest debtor nation.

I wish it had not happened, but it did.

And now it is going to take leadership to get us out of this situation.

So the leadership is going to have to come from all levels. There is something here that I believe is important for those of us who have the privilege of elective office and those of us who have the privilege of electing, because it is going to call for tough measures all the way around. There is no easy vote on this summit package that came up a few weeks ago or on the deficit reduction package and reconciliation package coming along shortly.

Make no mistake about it, I heard someone say nobody did any cutting. There may be 170 billion dollars' worth of tax increases in this \$500 billion package, and the rest of it is cuts or, hopefully, loss in interest that will not have to be paid.

There are some very painful cuts in there, Medicare cuts, for example, post office and civil service cuts, agriculture cuts, cuts in other programs. This is not an easy package. So when somebody suggests to you it is just, somehow, just taxes, that is totally erroneous.

□ 1820

Mr. Speaker, I say to my colleagues, "Look at the package, and you'll see there are some painful cuts coming, and there are going to be more cuts coming, I predict. By the same token, there are going to be tax increases coming."

While I was greatly distressed about 3 years ago when President Bush was running saying something that I thought he knew better on, which is, "Read my lips; no new taxes," and he held that out, I do respect the fact that he finally ponied up to the bar and said, "Listen. We've got to face a situation that's such that I'm going to have to backtrack on some of the things I said, and I'm going to ask

others to backtrack on some of the things they said," and the fact is no one wants to raise taxes because popularity cannot be gained out of it. No one wants to do spending cuts. That is not a popular thing to do either.

However, Mr. Speaker, there is going to be a need for leadership, and so there is going to be a need for the American people to also respect that. I hear a lot of the need for that, and so elected officials and electors are going to have to look eyeball to eyeball and say to one another, "We know that there are tough choices coming, and we expect you to make the decisions that have to be made, and while painful they may be, as long as you assure us of shared sacrifice, and that everybody is in this ball game together, then we'll support you on it."

Mr. Speaker, I am going to have to be telling my constituents some things I would just as soon not be saying over the next few months and, hopefully, over the next session of Congress. But we know that we have to do this, and we know that they can come out stronger because of it.

There is also one other message, I think, that comes from this budget, the whole budget process, and it has been playing out over the American airwaves, and that is: "What happens when you don't pay? What happens when we haven't been generating the revenues that are necessary for the programs that people want? What happens when you cut certain programs that you probably shouldn't have cut?"

Let me give my colleagues one example: Energy for instance. It is so crucial to West Virginia. We are one of the major energy suppliers for the Nation. Whether it is coal or natural gas, oil, West Virginia is there. In the terms of energy, this Government made a conscious decision in 1981-82 to cut back greatly on fossil fuels research and other types of energy research, spending almost a billion dollars cut back to somewhere around \$200 million in that year. We have never recovered, and so many of the projects that could have gotten this country moving, and where we would be far less dependent upon foreign oil; we are 50 percent dependent today, I might add, than we are today, those decisions, that research, was shelved.

Mr. Speaker, I remember going to a research center in my State in 1983 and asking the director, "What's your job right now?"

He told me, "Congressman, basically my job is to take all the research that's been done, and we've been doing at the center, particularly using coal, and to put it on the shelf, to inventory it, file it, put it on the shelves so people know where it is and so one day, if they ever need it, they can go back and get it and hopefully start at that point."

However, Mr. Speaker, we know it is not that easy, and then, I say to my colleagues, look at other decisions. Look at the fact where we had 4,000 rigs actively drilling 20 years ago. We have less than a thousand today. Look at the increase in foreign dependency. Look at the number of mines, and oil and gas rigs and other energy ventures, whether it is in renewable energy resource, geothermal, alternative fuels, or whatever that got put on the shelf, and my colleagues will see what the price is.

Some people say, "Well, we enjoyed it for a while, but what are we paying today?"

What are we paying for Operation Desert Shield? Over \$1 billion per month. It is a vital operation, but look at the cost to defend that one area.

What are we paying, for instance, to have others participate with us? Talk of forgiving the debt that Egypt owes, and Israel, that is roughly \$12 billion right there. What is it going to cost in the future to prop up that supply line?

Mr. Speaker, I am estimating right now that we are somewhere around \$20 billion. That represents, incidentally, for 1 year that represents, about a 20-cent gas tax that American taxpayers are going to be paying. What do we pay to maintain a standing force, to protect those vital supply lines? And what have we lost in job opportunities here in this country?

So, I submit to my colleagues that there was a basic cost that was paid by not continuing and not honing, by not developing more fully, an energy policy. Hopefully that can be corrected.

Mr. Speaker, I would like to talk for a second though now. I am going to turn partisan. I just want everybody to be alerted to that. I have been as objective as I probably can, and now I want to comment on some of the things that I have heard over the last few days.

First of all, there has been a lot of focus on taxes. I did not vote, incidentally, for the summit budget proposal because I thought the tax package was basically regressive. Essentially all excise taxes that fell upon the middle income and low income persons the hardest. I thought that the Medicare cut was totally out of bounds because it was \$60 billion over 5 years divided between providers and beneficiaries, neither of which could handle it very well, and I thought that there were other decisions in there that simply did not reflect sound budget policy, and I was not going to lock us into that for 5 years.

That is not the package before us today. The package that was voted on the other night in the House is a far different package.

First of all, there was a suggestion that somehow Democrats wanted to tax or wanted to slash Medicare. Well,

it is interesting because the Medicare part of that package, the \$60 billion in the House package, is reduced now to \$42 billion of cuts over 5 years. The fact that the senior citizens was going to be asked to go from paying \$75 deductible, when they went to a doctor under the part B program; now it is going to be increased to \$150 billion over a 5-year period. That has been cut back to a hundred dollars. The sharp increase in the part B monthly premium, presently around \$28 to \$29 a month; that was cut back in so that the total cost to the senior citizen, the senior citizen will be asked to maintain 25 percent of that program cost, as he or she is presently doing, not go up to 30 percent, as was suggested out of the summit.

Also what I thought was most onerous was the fact that people who are unemployed would have a 2-week period in which they would not be eligible to receive benefits instead of a 1-week period. Those are all gone. And so there were basic changes made.

For those who once again say that this package does not cut, I would point out, while the tax increase have gotten most of the attention, look at the fact that more than half of this package, easily more than half, are spending cuts, and they are painful cuts. I do not like cutting Medicare as much as it has been, but yet that is going to be the price, I think, that is paid for deficit reduction, and the beneficiary, at least, has been shielded largely from bearing the brunt of those costs.

But now I think it is time to talk about taxes because, as I said, I voted against the summit package because of its strict, very, very great reliance upon what I consider to be regressive taxes that fell heavily on the low income. And the Members of the other party came to the floor, and they were upset because the Committee on Rules did not permit them to offer their package which had no tax cuts; I am sorry, had no tax increases, but had only spending cuts, and they had the same Medicare figure, as I understand it, so where were those spending cuts going to come from?

It is a little unspecified, but the gist of it, as I picked it up, was it is going to come out of those very important public investment programs that I have already discussed, the programs that can help us grow and partially grow out of that mess instead of setting us back. That is where those cuts were going to come from. They were going to come from, incidentally, education, and they were going to come from infrastructure, and they were going to come from important programs, I assume, like WIC, Women, Infants and Children, those programs that have a very important bedrock constituency. That is where those cuts

were going to come from. Nobody talked about those, but we were not going to get 410 billion dollars' worth of cuts over a 5-year period without cutting those programs greatly.

There were no taxes, this proposal was represented to us, and, therefore, that is what supposedly made it preferable. The Members of the other party were not permitted by the Committee on Rules to put that out on the floor. Perhaps they should have been because I would have liked to have had a chance to perhaps see the bankruptcy of it. The reason was though because the summit had agreed on a \$500 billion figure for 5 years that was signed off on by the Republican leadership, the Democratic leadership, and the President of the United States. Any package that comes forth must have \$500 billion of true deficit reduction signed off, as I said before, by the President, the Republican leadership, and the Democratic leadership. The package that was wanted to be brought to the floor fell far short of that, \$410 billion. It did not even hit the mark that everyone had agreed upon. The Democratic package, on the other hand, and the measure brought down to the floor did hit that mark.

Second is: "Can you do this thing without taxes?"

I say to my colleagues, "Boy, I sure wish you could. It would make my life a lot easier," I will tell you, and "I wish you could do this package without taxes."

However, Mr. Speaker, the President of the United States recognized several months ago that you could not be intellectually honest, could not talk to the American people about shared sacrifice, could not really be trying to make a dent in this deficit and now talk about taxes, and so he put taxes on the table, and he signed off on a tax package.

□ 1830

I did not agree completely with that package, but I recognized the fact that the President thought taxes had to be in it, and others in that summit felt taxes had to be in it. So taxes have to be on the table.

Seventy-one Members of the other party, the Republican Party, felt that too, because they voted for that summit proposal. They were back again about a week later denying that there was ever a need for taxes, but so be it.

Now, who does pay, because I think that is important. If you accept the fact that much of the House package and the summit package and the Senate package, if you accept the fact that about 90 percent of that has probably been agreed on, the Medicare cut is basically agreed upon, what the level will be, the cuts in other areas such as agriculture and Federal em-

ployees and Post Office and Civil Service, have basically been agreed upon.

If you accept the fact that the contentious issues have basically been agreed upon, about 90 percent, what is left to fight on? So the clear item is taxes.

The President has acknowledged that taxes have to be on the table. Democrats acknowledge that taxes have to be on the table. Republicans in the summit and by their votes on the summit package, 71 of them at least, acknowledge that taxes must be on the table. So taxes are on the table, and that is not an issue.

Then what is at issue? The issue is who pays. Who forks over the money.

I voted against the summit package because it put undue reliance once again upon the same folks paying all along, middle class and low income. Nine-cent gas tax, ten-cent gas tax. We know who that hits. It hurts the construction worker, driving to work every day. It hurts the person in the rural area. It hurts all of us.

The beer tax, the alcohol tax, the wine tax, the tobacco tax, excise taxes that fall most heavily upon the middle income.

Indeed, you look at the charts, the distributional charts, and you see that.

But the plan that came out of the House is far different. I have been interested to hear the reasons that people should not vote for that plan advanced by Members on the Republican side.

First of all, it is because it is wrong to soak the rich. Well, I do not know that it soaks the rich. I think it gives them a little more immersion, but it is certainly no Baptist total immersion revival, I will tell you that. They do get a little wetter, maybe up to the ankles.

So that is argument one.

Argument two is, and I like this argument the most, argument two is if you do ask the wealthy, those over \$200,000, to pay a greater portion of their income than they are presently paying, and indeed a lower percentage than what middle income people are paying, if you do ask them to do that, you ought not to do it, because you know what will happen. Then the Congress will go after the middle class, who is already bearing an inequitable burden, an unfair burden.

What that defense is, it says put the middle class in the trenches to defend the existing inequity, because if you go ahead and clear it up for the upper income person, that person over \$200,000 a year, then eventually it may come back around to the middle class.

I suppose we are all supposed to be happy with our burdens. Just go ahead and continue the existing disparity, the existing unfairness, rather than clear it up, because maybe at

some point then they will come back around and get me.

It is a unique point of view, and I do not think it is one shared by most of those who say wait a minute, I thought we were talking about shared sacrifice. If we are talking about shared sacrifice, how about if that person shares some.

I have heard a lot of concern about the bubble. I understand there are a lot of arguments that can be made about defending, I suppose, the fact that middle income people pay a portion of their income at 33 percent, and then it drops down after \$200,000 and they are paying at 28 percent. Some would argue there are sound reasons for that.

I understand the reasons that were given in 1986. They did not make a lot of sense then. They almost upset the whole tax bill. I do not think they are valid today.

That is one reason I would urge breaking that bubble.

If you want to give a limited capital gains, do it the way the Democratic package did, to persons under \$100,000, concentrating on longer held assets, for assets such as homes and vintage automobiles and things like that, rather than making sure that all we do is lower the tax burden on the upper income person.

I do not want to discourage entrepreneurship, but let us also recognize in this country that from 1977 on, in 1977 the upper income person was paying 70 percent of their income in income taxes. A 70 percent income tax rate. It went down to 50 percent. Today it is down for the very upper income at 28 percent. So you have seen an incredible ability to keep income in this country for the upper income.

So I just think that before we begin weeping and wailing and worrying about the decline of entrepreneurship and punishing those that generate jobs, fine, just ask them to pay the same share as those people whom they are generating jobs for are paying. So I think that is important.

I heard a lot during the floor debate about how this was really soaking the middle income, and that is why the Democratic package was bad to do.

I think it is important to look at the distributional effects that have come out since then, particularly from Congress' Joint Committee on Taxation, in which it is recognized, for instance, that in terms of percentage change in taxes, that those making less than \$10,000 will actually have a 1.3 percent tax cut as a result of the House-passed package; \$10,000 to 20,000 will have a 1.6 tax cut; roughly for those from \$20,000 all the way up to \$200,000, they will see their income taxes increase something like 1 percent to 1.5 percent.

Now, where it does jump, though, is those making over \$200,000. They will see a 7.4 percent hike.

How does that work out in a distribution chart? What it says is that this House-passed package will ask those making over \$200,000 a year to pay 63 percent of tax increase. Thirty-seven percent then falls to the rest of the population. I do not think that is unfair, given the fact that those people over \$200,000 are the ones that have seen their income soar in the past 14 and 15 years at a far greater rate than those in the middle class.

It is true they are paying more income taxes than they did, but their income taxes went up something like this amount, while their income over here went up this amount. So I think it is important that that be put into context.

This is not a soak-the-rich bill, but it certainly is not a bash-the-middle class bill. I hope what it is is a tax fairness bill. I think the American people see it that way.

The gas taxes, the excise taxes, tend to be the most regressive. Those are not the taxes we should be involved in.

I have heard a lot of figures tossed around about what this is going to cost the average person. I think the charts once again from the Joint Tax Committee show well.

It is estimated, for instance, that the summit package that was defeated here on the floor, that that package probably for the person making \$20,000 to \$30,000 would have resulted in a \$165 increase over a year. The House-passed package, the Democratic plan, would have meant a \$50 increase. The summit package would have been a \$212 increase annually for the \$30,000 to \$40,000 wage or income earner. The Democratic package is \$68.

It goes on in roughly that area until you get to the \$75,000 to \$100,000 wage earner, in which the summit package, that was defeated once again, basically relying upon regressive tax structure, excise taxes, and so on, the summit package would have provided \$462 of additional taxes for the \$75,000 to \$100,000 wage earner. The House-passed package would have been roughly \$330. I think it is important to take that into context.

This is a battle over tax fairness. Some call it demagoguery or whatever, but it is asking people who have enjoyed the benefits of this country, who have done quite well at a time when others have not done quite well, to pay their share. Not more, not an inordinate share. Certainly not as much as they were paying 15 years ago, but to pay their share, and to pay that portion that reflects what others are paying.

It is hard for me to go home and look that middle-income person in the eyes who says, "Why is it that I pay a

higher percentage of my income in taxes than does the person who makes over \$200,000?" That is a lot of what this is about.

□ 1840

I suspect there is going to be a hybrid come out of there, Mr. Speaker, in the conference, and that you will see a gasoline tax in some form. My hope is you will see some elements of tax fairness that went into the House package, and that we will get a budget deficit reduction package that makes that down payment, but it will make only that.

As I get ready to close I would like to say that I applauded the President when he went on television and addressed the Nation. He addressed the Nation for the first time, as I recall, to talk about the need to adopt the summit package. And I think it took some courage for him to do that, because once again he had to talk about spending cuts and he had to talk about tax increases.

But what I took great exception to, and what struck me as an amazing statement is when he looked at the camera and he looked us in the eye and he said that he was proud of the fact that this did not raise income tax rates on any American, and he took pride in that. What that said to me was that there was pride in the fact that those who are paying lower percentage of their income in income tax would continue to be that way, that there would be no relief for the middle income person who was paying already a higher portion. So, therefore, that was the excuse to let the folks that were not paying the same portion of their income in income taxes, that was the excuse to get them off the hook.

But that was an amazing statement to me. That is what this debate is about.

I think that is a clear difference between the Democratic side of the aisle in this area and the Republican side of the aisle. I suspect that the final conclusion of this is going to be that there will be some hybrid measure. But I think it is a debate that is going to continue, and it is a debate indeed that ought to continue as we fight for tax fairness.

I guess I wonder sometimes. I know the arguments about why capital gains increases are necessary to put more cash or more savings into the economy so that that person, particularly the person at the \$200,000-plus level has more money to invest, hopefully in true investments and not in two Mercedes-Benzes. I understand that argument, but I never have understood why it is that we should not be given some kind of capital gains, which the Democratic package incidentally tries to do a little bit of, for some kind of recognition of the fact that the middle-income person is the one who

makes it possible for there to be upper income persons, because if there are not a whole bunch of us out there buying television sets, buying refrigerators, buying automobiles at a lot less than \$30,000, buying homes and getting those mortgages, putting the kids in school, if there were not a whole bunch of us out there, then who is it that makes it possible for the upper income persons to continue enjoying their wealth? Yes, they create jobs, and we applaud entrepreneurship, but at the same time there is recognition of paying the fair share. But if we tax the middle-income person and at the same time fail to recognize that the middle-income person is the one who has lost ground in the past 10 years, not gained ground, and if we continue to come back to that well, we make it impossible eventually for even the upper income person to enjoy the fruits of their labor.

So those are my objective remarks in the early part and my partisan remarks at the end. Those are some of the observations I would make about this budget process.

Finally, I would say once again, in conclusion and in summing up, that this is not the end; it is the beginning. There are more tough choices to be made, and I hope that what comes out of it, and it has been a painful ordeal for all of us, for constituents and for elected office holders alike because we have had to confront ourselves and our own inadequacies in some cases, it has been a painful ordeal for all of us, but if we can grab a silver lining it is that this debate is finally under way, that it is crystallizing, and that we are recognizing the need not only to define who we are, but also what we want, and that hopefully is what positive thing will come out of this debate.

Hopefully this Congress is going to be adjourned and we are all going to be able to find out how well crystallized it is as we head home.

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

Mr. WISE. I am happy to yield to the gentleman from Pennsylvania.

Mr. RITTER. I thank the gentleman for yielding, and I want to thank him for his perceptive statements and perceptive analysis. I would just like to add a few remarks and talk about tax rates and tax fairness.

There has been so much said about tax fairness that we have kind of gotten off what actually happened when tax rates were reduced in the early 1980's. I mean, when you look at the data, the 1 percent of top income earners, the top 5 percent, the top 10 percent, when the rates were reduced each of those categories of taxpayers ended up paying more in income taxes, substantially more in income taxes, and they ended up paying a substan-

tially greater share of the overall tax burden.

The top 20 percent paid more in income taxes and more of a share of the overall tax burden. That is what happened when we reduced the tax rates.

What happened was people, instead of squirreling money away in art, or keeping income from being declared because of punitive tax rates, they actually took their money, invested it, got into the real economy and ended up paying taxes, more so than they did when the tax rates were higher.

So it seems to me that we have got to be really, if we are concerned about tax fairness, we have got to really be careful about what we do with tax rates, I think what the gentleman from West Virginia and this gentleman would like to see is the rich paying more taxes, and that the upper income brackets pay more of the overall tax base, of the revenues collected by the Government. We want to see that.

What we do not want to do is reduce that tax take. What we do not want to do is reduce that share of the burden, and so we have to be careful when we deal with tax rate increases that we do not have what sounds good, but what actually does not work happen to us. We do not want the rich and the upper income and the upper middle income, and let us face it, there are not many of them, the middle class is the ones that get hit with all of this, we do not want them paying less, and we do not want them reducing their share of the overall burden, because if the legacy of the 1980's tells us nothing else, it tells us that when you reduce the rates, as we did in the Economic Recovery and Tax Act in the early 1980's, when you reduce those rates you actually get more out of those taxpayers, and they paid a greater share, which is what I am for. The 50th to the 90th percentile, which is your middle class, that entire segment of the population actually paid less of a total share of the tax rate reductions.

In other words, the share paid by the middle class after the tax rate reductions actually went down. We are talking about income taxes here. The bottom 50 percent of the earners in America went from 7 percent of the total burden to 6 percent. They actually went down.

So let us just be careful. I think the gentleman and I share the goal that those who can afford to pay pay, but let us not do something that maybe sounds good but has the unintended consequences of turning over the economic activity in those levels of income such that they end up paying less taxes, and less share of the overall tax burden.

Perhaps for tax fairness, therefore, you have to look at the actual collec-

tions and the actual share of the burden as opposed to talking about the rates that people pay at.

I thank the gentleman from West Virginia for yielding to me, and again thank him for his perceptive contribution to this debate.

Mr. WISE. I appreciate the gentleman's observations, and I would agree with some of what he said.

I was kind of struck by your opening remarks. I do not know how it was back in the late 1970's or early 1980's in your district, but we were not saving up and investing in art a whole lot. We just did not have a lot of it. I looked for a Rembrandt or two, but I really could not find one to sink the family farm into.

Mr. RITTER. I am just talking about the facts, you know. I am not trying to demagog this.

Mr. WISE. But I would not, and here I think we may differ, that one of the results though, one of the hoped benefits from the early tax cuts that happened in 1981 and 1982 was to increase savings and increase investment, investment tax credits as well as personal income tax credits.

□ 1850

As to investment tax credit as well as the personal income tax credits, actually what you saw was a decline. You had a decline in that, and so I happen to think that those rates had to come down as the gentleman had suggested, but I am also concerned about what I would call nontargeted tax cuts where we are hoping an activity happens, but we do not have control over it.

The other thing is the gentleman mentioned the middle class paying less, which is true; there are those who would argue, and I am one of them, it is because the middle class began to lose ground, and the gentleman is correct, the upper income did pay more, but they paid more because their income shot up at a much faster rate than the middle-income persons shot up.

Mr. RITTER. If the gentleman will yield further, again, I think the gentleman is well informed.

The middle class, however, if we look at what happened to their income and their brackets, what we witnessed in the middle class was a fairly substantial movement of middle class into what we would call upper income tax brackets, and to the extent the size of the middle class declined somewhat it was because that upper end of the middle class went into the upper income bracket, and that is sort of what happened.

I want to say to the gentleman, though, that one of the intended effects was to increase personal savings of these early tax cuts, and in terms of sheer personal savings, that did not happen, but in terms of overall national savings which included investment

in our future, building the factories in the gentleman's district and my district, reconstructing some of our older and more basic industries, that did happen and, frankly, the investment tax credit, the accelerated depreciation, the lesser rate of capital gains tax stimulated an investment and a growth boom in the United States that led to the longest period of peacetime recovery in the history of the country.

At the margins, however, there were flaws in both, or in all three, of these plans, whether it is in investment tax credit, accelerated depreciation, or lower capital gains differential, in that on the investment tax credit and accelerated depreciation, people bought some things that had nothing to do with economic growth. They almost could not afford not buy several Mercedes in a small business, because they could depreciate it and then sell it for more than what you paid for it. That has to be taken away.

But what happened in 1986, we threw the babies out with the bathwater. We threw out ITC, we threw out accelerated depreciation, we threw out the differential in capital gains, and what we ended up with was, I think, the recession that we are starting on today.

We then had a low, relatively low, tax rate, but we had no incentives for the kind of savings investment that the gentleman mentioned earlier, and I think, and I know that the gentleman's district and my district in some ways have a bunch of things in common, a lot of blue-collar workers, a lot of middle class, a lot of working class people. I do not have art collectors in my district either.

But what we needed to do in 1986 was to tailor those investment incentives for growth, for productive equipment, for facilities, for factories. We needed to make that capital gains differential maybe a little targeted toward long-term investment in America, in our work force, in our factories and facilities. We did not do that. We just threw them all out.

I think the recession that we are right on the brink of today and in some places, particularly my district, which I think we are in, is a direct result of a kind of real shock that the productive side of the economy took in the 1986 tax reform.

So when the gentleman talks about nontargeted tax cuts, I have some sympathies with what he is talking about, and I think we could have done a better job in 1986 in maybe taking away some of the abuses without throwing the whole kit and caboodle out, and I think that would have been much better for the gentleman's district and my district and the country, for that matter.

I thank the gentleman for yielding to me.

Mr. WISE. Mr. Speaker, I appreciate the gentleman's involvement.

I would just say that I think the 1986 tax act is going to be something that Congress is going to be revisiting, and that basic philosophical conflict that the gentleman discussed, which is that between do you try to get lower rates and eliminate all deductions, or do you use the Tax Code for tax policy, for economic policy.

The move in 1983, I think was the thought was let us try and make it as economically neutral as possible and just have the marketplace determine, now, particularly with the extenders being up, that is, the nonprograms that did provide some kind of economic policy and incentives to invest in certain areas, with those likely to be on the block and going this time, I have a feeling that the whole debate is going to be renewed, particularly if this country is headed into recession.

I think the gentleman and I are going to have a chance to talk about that a lot more. I appreciate the gentleman's comments.

Mr. RITTER. I appreciate the gentleman yielding to me.

#### VACATION OF SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I had a previous special order for 60 minutes that was swallowed because my staff had put me in for 5 minutes. I ask unanimous consent that my 5-minute special order previously requested for this evening be vacated.

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

There was no objection.

#### REQUEST FOR SPECIAL ORDER

Mr. DORNAN of California. Mr. Speaker, I ask unanimous consent that I be allowed a 60-minute special order on today.

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

There was no objection.

#### BIGOTRY AND CHRISTIANITY

Mr. DORNAN of California. Mr. Speaker, I was going to yield to my friend, but I have a problem. The Intelligence Committee is convening.

Could I ask the gentleman to be patient because of that for 15 minutes and watch?

Mr. RITTER. If the gentleman could give me just 6 minutes.

Mr. DORNAN of California. Can the gentleman do it in 4?

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. RITTER].

#### TRIBUTE TO ROBERT RODALE

Mr. RITTER. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I rise today sadly to pay tribute to a gentleman, to my good friend, and American pioneer, Robert Rodale, chairman and chief executive officer of Rodale Press, Inc., Emmaus, PA., who passed away September 21, 1990, at age 60.

Tragically, it was in the U.S.S.R. where a freak automobile accident took place, killing Bob Rodale and his Russian colleagues instantly, when an oncoming bus veered into the path of their van as they were headed to the Moscow Airport. Bob was en route home, to the U.S.A.

If there ever was a friend to the world, it was Bob Rodale. Through his publishing empire—Prevention, Organic Gardening, Runner's World, Men's Health, Backpacker, Bicycling and American Woodworker magazines along with books and newsletters—he touched countless people with his groundbreaking ideas in organic farming, conservation, regeneration, preventive health care, and education.

Bob was an environmentalist in the best sense of the word. His was an environmentalism that people could see, feel, touch, understand. His was an environmentalism that promoted the doable, the practical, the sensible. The Lehigh Valley of Pennsylvania, the Nation and the world have benefited from Bob Rodale's brand of environmentalism.

In 1949, he began working for the company, founded by his father, J.I. Rodale, but his passion in recent years was the nonprofit Rodale Institute, whose base in a 305-acre experimental farm in Maxatawny, Berks County, PA. "That set of plots has literally changed American agriculture," He said in an interview this summer:

It has proven that farmers can get the same yield with much less use of fertilizers and pesticides. And sometimes in a dry year we even had better yields.

And today, it is changing agriculture worldwide.

Typical of the Rodale approach is a new project in Guatemala "to basically recreate the lost agriculture of the Mayan culture". Ignoring techniques used in developed nations and being pushed in the African bush, Rodale showed the farmers in Tanzania how to better their lots without using the expensive chemicals and agricultural equipment being peddled by others—items the country could not afford. One day Tanzania's President mentioned to Bob his own communications problems. Later Bob gave the leader a computer system needed for the task. In China, he tried to convince officials to take advantage of some of the positive aspects of their ancient organic farming methods. His latest project, the Russian-language edition of the New Farmer will begin this fall.

Indeed his joint venture in the Soviet Union was reflective of Bob's endlessly creative mind. Crucial paper

and ink were to be purchased in Finland with foreign currency earned from producing and selling Russian salami!

Bob Rodale is also credited with founding the Prevention Index, a bell-weather of just how well the American people are doing with those life and health enhancing measures of prevention such as smoking, drinking, fastening seatbelts, hours of sleep, and exercise, air quality and others. Bob was at the forefront of the effort to create the Secretary's Council on Health Promotion and Disease Prevention where I had the pleasure to work with him as a link to the legislative process in Congress, and the Reagan White House and Department of Health and Human Services.

Back in January 1983, Bob took the lead against the hazards of tobacco smoking by implementing a smoking ban for the company's 800 workers and executives. It started a trend. Companies across the Lehigh Valley and America followed suit. Bob played a tremendous role in encouraging preventive health investments by corporate America such as the programs at nearby Air Products and Chemicals. He was also an adjunct professor of science, technology, and society at Pennsylvania State University since 1984. He was the epitome of the 21st century man comfortable with the humane uses of technology to enhance the spirit and the environment.

Bob received many prestigious awards for his work, including the Presidential World Without Hunger Award in 1984. He was among seven people selected by President Reagan to receive the honor. He was a member of the Lehigh County Agricultural Land Preservation Board; Pennsylvania Environmental Council, Farmland Preservation Task Force and board of associates of Muhlenberg College. He was also chairman of the board of Friends of the Parks, a project of the Wildlands Conservancy, a task force member of CAST, a member of the community health delivery systems task force and a founding member of the Allentown Prevention Council.

Bob Rodale understood that for real progress to occur, real people, working together, would have to accomplish real tasks. He was the enemy of large impersonal bureaucracy, government or corporate. He was a friend of those who believed that the success of America is based on people taking responsibility at the grass roots for themselves, their companies, and their communities.

Bob was a highly regarded sportsman. He was on the U.S. Skeet Shooting Team that won the world championship in 1962 in Cairo and on the U.S. team that won the Pan American Games championship in 1967. He was the only civilian on the U.S. team in

the 1968 Olympic Games in Mexico City. Bob was selected as an All-American skeet shooter almost every year from 1965 to 1970. Only 2 weeks before his death, he was inducted into the Pennsylvania Skeet Shooters Hall of Fame, and had already been listed in the national hall of fame.

Bob and the Rodale enterprise were at the forefront of bringing bicycling into the mainstream of American life for fitness, for recreation and for sport. He and his family donated land for the Lehigh County Velodrome in Trexlertown, PA, and they and Rodale Press continue to take a leadership role in Velodrome activities bringing top cyclists and teams from all over the world.

Bob loved life, he loved people, he loved his family. He had tremendous faith in the ability of the people to do good. He was a man for all seasons. Mr. Speaker, please join me in extending heartfelt sympathy to his lovely and creative wife, Ardath, their very special children, Heather, Stoneback, Heidi Rodale, Maria Rodale; a son Anthony Rodale; his mother, the indomitable Anna; seven grandchildren; two sisters, Nina Houghton of Wye, MD, Ruth Spira of Coopersburg.

Bob will be sorely missed but his legacy lives on with all who knew him, who learned from him, and who loved him. It is now our task to carry on that legacy.

□ 1900

Mr. DORNAN. Mr. Speaker, I was glad to yield to my good friend from Pennsylvania [Mr. RITTER] an excellent Member of Congress. I am sorry to hear about the tragic death of such an outstanding American.

Mr. Speaker, let me go over some of the rules of the House by way of reminding those who enjoy the fact that this Chamber is televised, sometimes carried on radio, as a living sight, sound, and motion extension of the CONGRESSIONAL RECORD that has been in the libraries and schools of our country for almost 2 centuries now.

The rules of the House, to keep decorum and tradition intact, is that everything is to be addressed through the Speaker. Even when we engage in dialog between ourselves, we usually address one and another through the Chair, except when permission is granted for a colloquy or direct exchange. We are not supposed to refer to our guests in the gallery. We are not supposed to refer to a television audience, which we are told is now over a million people, but I would like to discuss something that I hope to change in the coming Congress.

The 102d Congress, which believe it or not will convene, God willing, the first Monday of the first week in January. There is a ruling that the cameras, only during special orders at night, are to pan an empty Chamber,

indicating that no one is listening to the prior speaker's beautiful eulogy, to a friend of his, or that no one is going to be listening to my words about bigotry in this country against Christianity. Of course it is not true. People say, "I felt so sorry you are speaking to an empty House, and only I was listening." When I tell them a million people were listening with them they were shocked.

Now, two Speakers ago, a good beloved Speaker of the House, in a fit of pique, a moment of weakness which all human, frail human beings have, he was watching my colleague, also from Pennsylvania [Mr. WALKER], speak on a special order, and the camera shots are tight, as they are all day long, even during the empty House presentation of commemoratives, and this Speaker, two Speakers ago, said, "I don't like these special orders of Mr. WALKER and Mr. NEWT GINGRICH of Georgia, so let's pan the House, make them look foolish, show an empty Chamber." I will circulate a letter, explain it to the incoming freshman of our great parties in the 102d Congress and get about 2 or 300 signatures. If I get half of the House, 218, I am sure our current Speaker, a good and fair man, the gentleman from the great State of Washington [Mr. FOLEY] will end this deliberately embarrassing showing of an empty Chamber which indicates something that is wholly untrue. A million people follow, thank God, the activities of this House.

So, having said this, Mr. Speaker, let me talk about, as a Catholic, a sinful, stumbling Catholic, who is not holier than thou. I well know the Biblical story of the publican and the Pharisee. The Pharisee saying, "Look how wonderful I am praying, and look at that publican." I know that Jesus died on the cross for sinners, not for Pharisees, and those who find themselves personally so holy, I felt very badly for a lousy Catholic, who stood up before the world as a Vice Presidential candidate and said that she was devout. Believe me, when any person of any faith tells another they are devout, grab your wallet and start looking for what they want out of everyone, because devout people invariably do not ever express that, and they do not feel devout because they always know through the spirituality of how much they could give for their Creator and their Savior. Mother Teresa, who I believe is a living saint, is a living example. Never would we see that beautiful, tiny little Albanian-born lady say that she herself is devout. But I am loyal. I try to go to church every week. I try to keep my own frail spiritual condition such that I can, in the vernacular of Catholics when I was young, hit the rail, receive the sacrament of the Holy Eucharist, which loyal Catholics believe because of transubstantiation, is truly a reen-

actment of the Last Supper, and as the wine and bread became the body and blood of Christ at the Last Supper, I truly believe on Sundays that I receive in its fullness the body and blood of Jesus.

Now, as a stumbling, sinning, but loyal Catholic, I have had it up to here, Mr. Speaker, with the bigotry in this country, approved by the dominant media culture against Christianity in general, but with a special focus on the largest of all Christian denominations, and the oldest, the Catholic Church, the Roman Catholic faith.

Now, Mr. Speaker, from "The Last Temptation of Christ," and my staff wrote down here the title of this picture that has yet to come out of my mouth because the first word is a street word for urine, and then it is followed by the name of our Saviour, so I will take the title up and describe what this pseudo so-called artist did. Put a crucifix of Christ with a corpus Christ body on it, in a jar, and urinated on it, filled with his own urine, photographed it. His name is Serrano, a fallen-away Catholic, bigoted against the church of his fathers, and this, together with things like another fallen-away Catholic, the director of the "Last Temptation of Christ," Martin Scorsese, this type of outrage followed last December 10th, only 10 months ago, by this attack on the Catholic church were I was baptized, where my parents were married, the beautiful cathedral of New York, built with the dimes and pennies of Italian-Americans, Irish-Americans immigrants that attack by crazed homosexuals and pro-abortionist activists, on St. Patrick's Cathedral shows there is an open season on my faith and on Christianity. Believe it or not, Mr. Speaker, there is no group in America that suffers more open or blatant discrimination than Roman Catholicism.

□ 1910

Not black Americans, not African-Americans, not Jewish Americans, not Hispanic Americans, no one, not any group or person suffers the bigotry that my church does today. Say something nasty about African-Americans, about Jewish Americans or even homosexuals, and you are a bigot, a slimy bigot, no questions asked. Say something rotten about Catholics and you get a pat on the back, and everyone here in this Chamber or watching in their offices or following the course of our House, Mr. Speaker, by video, knows that is true.

The reason this discrimination does not receive more attention is the Dominant Media Culture, and I hope our reporters will record that with capital letters, Dominant Media Culture. It has been true for decades or more with the networks, and now CNN is piling on, and I had always hoped for

better out of our fourth network, which accomplished the impossible, joining the big three.

The popular culture actively participates in and indeed discourages discrimination against my beloved religion, because they do not like what it stands for, period.

Like many of my colleagues, they do not see a crucifix submerged in urine as bigoted. Let me revise that. My staff wrote down, as many of my colleagues do, let me revise that downward, like several of my colleagues, I hope to heavens a precious few. Instead the Dominant Media Culture and the popular culture, excuse these blasphemies, and not only that, some here fund it as important art. They do not see videos showing priests seducing women as bigoted. They will pay money to see it. They do not see "performance artist" Karen Findley equating my friend, John Joseph Cardinal O'Connor, with Hitler as a form of bigotry. They fight to get public funding for Findley's act.

They do not think the effort to pull the tax exempt status from the Catholic Church as bigoted, and by extension every Christian religion in this country, and the Jewish faith would of course suffer the same fate. They take the case to the courts.

Two days ago in our debate on the so-called civil rights bill, we heard about every type of discrimination under the Sun, except one. My friend, the gentleman from Texas [Mr. WASHINGTON] even provided a handy little list of modern-day bigotry. It included racial strife in New York, true; the ugly skinhead movement, true; defacing synagogues, ugliness personified; the David Duke campaign—the guy is the living pits; the Japanese racial slurs against Blacks, bigotry of course, all of it outrageous, no doubt about that, but not a word about discrimination against Catholics. It was not even mentioned.

I wish I had been on the floor. I have looked through the Record, not one reference to this debasing of the Catholic Church or this ridicule of my beloved clergy. There is nothing in my Texas colleague's list that even comes close to the blatant bigotry directed toward Catholics, as reported in Wednesday's column by Pat Buchanan in the Washington Times.

Let me quote just one paragraph which Buchanan quotes from another newspaper about what goes on, for example, at the Roxy Night Club in New York city.

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

The SPEAKER pro tempore (Mr. PRICE). The gentleman has 40 minutes remaining.

Mr. DORNAN of California. All right, I was going to feel bad about not making the gentleman from Pennsylvania [Mr. RITTER] wait.

I am going to read the whole paragraph. Patrick Buchanan's column is so good, I want to read most of it.

#### HORDES PAID TO SEE THIS CHAOS

This was in the Washington Times Wednesday, 2 days ago, October 17. I will give it to anybody, Mr. Speaker, who wants to write to my office to get it.

There is a new, valuable right in the land, the right to openly hate and insult all that Christians hold sacred.

Pat Buchanan writes:

I had just finished reading that line from Otto Scott's fine new newsletter, Compass.

I will subscribe to that.

When a copy of the New York City Tribune arrived and I read that John O. Edwards' page one story tells us this. At a gay night club in Chelsea—that is part of New York—the Catholic Church is enemy number one.

Reading this, Mr. Buchanan says, calls for a strong stomach.

It is the hottest place in gay nightclubbing, a taxi driver told Mr. Edwards of the Roxy Theater, probably the hottest place in town. Thursday nights are called Disco Interruptus. Interruptus refers to the interruptions by movies, solo singers, transvestite acts, that break into the almost continuous music and disco dancing. This night's theme, Holy Chaos, promises the revelers a night of side-splitting, biting ridicule directed at christianity in general and the Roman Catholic Church in particular.

The Tribune continues,

Giant mocking mug murals: face murals of a Catholic cleric wearing glasses, seemingly resembling Cardinal John O'Connor, glare at patrons like medieval gargoyles. Along both the walls of the rink, naked women are pictured on crucifixes, some wearing only a nun's habit. For the 200 people packed into the VIP room, singer Amy performs the Dung Dance—

Dung as in manure,

That entails eating what resembles human excrement and throwing it at three contiguous posters of Senator Jesse Helms. Each throw brings loud cheers.

Is this sick, Mr. Speaker and my colleagues?

The next interruptus is a showing of the video Our Father. While the video shows no graphic sex, it opens with a priest engaging in sexual intercourse with another man's wife. This continues for five minutes, and the priest ends by saying, "Love, honor, and obey." The priest eventually chokes the woman to death as excrement flows from her mouth. He then descends into the basement, where a young Jesus is bound to steam pipes. The priest then engages the Jesus figure with simulated anal sodomy, after which in a jealous rage the priest chases a child molester. When the molester bothers a child who the priest regularly molests. Many in the crowd smile and laugh as they watch the video.

The high point of the evening is the live crucifixion of a pregnant nun. On the stage a group of female performers dressed as nuns, along with a man dressed as a priest, escort the nun to a wooden crucifix. She is dressed only in head garb with gauze covering her genitalia. The woman portraying a nun is actually pregnant.

The crowd of young patrons seems affable, witty, intelligent, well-groomed. You know, the ultra-mundanes

clean-cut, all-American types; young lawyers, Wall Streeters, premed students, our future doctors. Some wore costumes. Many dressed as priests. Juxtaposed to this were the transvestites and other, in leather jackets complete with dangling handcuffs—the sadism and masochism crowd.

The crowd's antipathy toward the church seemed universal. One young man had fake blood on his face emanating from his eye sockets. His T-shirt read, "Fight AIDS, use a condom. Choke a priest." Another yells with a clenched fist, "Kill O'Connor."

Other acts include a transvestite Virgin Mary in a Snow White outfit, a transvestite Mary Magdalene who selects a "young Jesus" from the audience and simulates having sex with him; and "a San Francisco-imported act" titled "Sex in the Anus."

Holy Chaos was a smash; thousands paid to see it.

"A sacrilegious nightmare which only proves the homosexual groups are attempting to mainstream Satanism," is how a member of a profamily Catholic organization described it.

Buchanan writes,

He is correct.

With 80,000 dead of AIDS

May I correct you, Mr. Buchanan, Mr. Speaker, it hit 100,000 this week.

Dead in Korea in combat, 33,629. Dead in Vietnam, the names on the wall, 58,157, with one POW name on the wall, Charley Shelton, whose lovely wife, Marian, took her own life on November 4. What a tragedy; 58,157, plus one POW. Add those together, you get over 91,000.

Mr. Speaker, AIDS has taken over 100,000 Americans, 10,000 more than Vietnam and Korea added together. It is chasing now World War II and will eventually eclipse the Civil War before we are through with this death toll, a disease incubated by sodomy and spread by sodomy and now killing innocent people in every category in this country.

Now, back to "Holy Chaos."

With 80,000—

Correct that to 100,000 dead of AIDS—

3,000 more buried each month—

That figure is correct, a little more than 3,000—

Our promiscuous homosexuals appear literally hell-bent on suicide.

Read the new reports out of San Francisco. Younger homosexuals are no longer practicing safe sex. It is back to "live fast, live dangerously, die young, have a good-looking corpse."

No, more often it is a corpse all shriveled up with what Africans call the Thin Disease, the body covered with dark Kaposi sarcoma sores, but they are living in the fast lane all right.

But the Roxy Theater raises other questions. What does freedom mean? What is it for? Does the first amendment, which protects the free exercise

of the Christian faith, also protect scatological—that means glorifying excrement and other categories—and blasphemous assaults on Christian faith?

□ 1920

If "holy chaos" is not a hate crime against Christianity and Catholicism, then what is a hate crime? America has gone so far as the French or Soviet revolution that sought the total eradication of Christianity—has not gone so far yet, excuse me.

But we have installed, Mr. Scott writes, the pagan system of polytheism, all gods are equally honored, all religions are equally accepted. We have placed satanism, taoism, Buddhism, Islam, witchcraft, Christianity, Judaism and a variety of cults and sects on the same level.

What does it matter that a famous photographer—he is talking about Mapplethorpe now, who is dead from AIDS—takes a picture of himself with a bullwhip in his anus. Art is sacralized, perversion is normal.

Back to Buchanan: Our Founding Father, George Washington over here, Thomas Jefferson up there, John Adams, who did not make it into this Chamber, believed religion and morality to be inseparable and indispensable to a free society. What interest have we in defending such degraded assaults on what Washington calls the twin pillars of human happiness.

Let me go back and tell you what those twin pillars are from the Father of our Country, first in war, first in peace, first in the hearts of his countrymen.

What George Washington meant by "twin pillars of happiness" were religion and morality.

If America is a sick society and we sure have a cultural war on our hands, Mr. Speaker, it is because we drink daily at the polluted waters of a popular culture into which Hollywood—that is, left-wing Hollywood, these days—and an artistic avant garde continue to dump their filth. Cleanup time. Yes, Hollywood's left is out there hyping for the Big Green, a proposition in California to clean up the physical environment but meanwhile they have polluted the spiritual and moral climate of our country.

Back to Buchanan: Conservatives fail to capture the culture, Mr. Scott writes. Now we are on the edge of the third millenium. It is not our culture alone that is in peril but our entire civilization. We cannot afford any more short views. We must engage on more significant levels. We are, after all, heirs of a triumphant Christian civilization that once reigned throughout the world. We cannot recover from our fall from that high estate without first analyzing the defects of the modern world. That is the end of Mr. Scott. Back to Patrick Buchanan, who closes,

The enemy of what we believe the threat what we have is it would seem somewhat closer at hand than Saddam Hussein. In the news today we are told that Saddam Hussein is trying to develop not 2 new nuclear devices but 100 more at the same time and has spent hundreds of millions of dollars all over the world. That is a threat. But meanwhile, while we wait for our blockade to work under Operation Desert Shield, while 32 young Americans have died in the training exercise, the operational exercises there, thousands die of AIDS. Thousands are contracting syphilis, chlamydia, venereal warts, gonorrhea, and are dying of drug abuse. And in this town they are shooting one another, young males, at a rate that is even passing the 437 deaths in our beautiful Federal city. We are going to break that record easily. We are way beyond the 370 or 380 deaths at this point in October last year.

Back to my prepared remarks. I interrupted where I was just going to read a part of Pat Buchanan's column, so I read the whole thing.

Well, Mr. Speaker, this type of bigotry mentioned in this column by Mr. Scott being quoted by Mr. Buchanan, is eerily reminiscent of the way in which Nazis were depicting German Jews. Now I have been a student, as an Irish-American, of the worst crimes in my life, the crimes against the Jewish people.

Only 14 million existed in the whole world in the 1930's. The ship with Jewish citizens that came to this country on the ship, the *St. Louis*, begging for asylum, was turned away at U.S. ports, Caribbean ports, at Havana, Cuba, sat in the harbor and were sent back to Bremerhaven and 99 percent of those people died. Hitler managed to slaughter 6 million of the world's 14 million Jews.

I am sure that my older colleagues—and I was only 7 years old when World War II started—but I remember these propaganda films that we saw after the war when I was in high school. The films warning German citizens of the evil of the German Jews. I remember one particular film that begins with rats scurrying through some slime in an alley and the narrator's voice in German, which is translated down at the bottom, says, "The German Jews are like rats, just like rats." This was a film to be shown to grade-school children. And then the high school kids, 5 years later, were the guards at the prison camps that became the Ivan Terrible's of Treblinka. I remember one particular film that has like a Jekyll-and-Hyde film which had won Frederick March an Academy Award and in 1940 it won a nomination for Spencer Tracy, where a normal-looking man is transformed—an elderly, middle-aged man is transformed into the worst Nazi character-

ization, a twisted vision through Nazi eyes of a Jekyll-and-Hyde, a Mr. Hyde creature that was just evil incarnate. In other words, the Devil.

This is what Goebbels' propaganda ministry, the horrible Jew-hater Julius Stryker, who edited the paper "Thunderbolt," what they tried to tell their own people that their brother Jews were evil and just animals that could be slaughtered. Those propaganda films are what set up the Holocaust and the deaths of 6 million of their countrymen. I repeat this film was shown in grade schools and high schools.

Now, the message they said came right out and said that these people, these rats, they will molest children, they will steal your children, rape your wives, steal your money.

Now, I ask you, Mr. Speaker, what is different between that propaganda ministry, that Nazi film, and this film being shown at the Roxy Theater in New York, getting ready to show tonight as I speak? Imagine a video telling people that African-Americans, Black Americans are wife-stealers, child-molesting murderers. Would we ever tolerate a video in this country of Jewish Americans, wife-stealing, child-molesting murderers? The Anti-Defamation League would come down on them like a ton of bricks, and rightfully they should. I ask my fellow Catholics, where are your guts? Maybe we have 20 Catholics voting in this Chamber for abortion and they feel like such hypocrites betraying their faith that they cannot stand up on their hind legs like our Jewish brothers' and sisters' country and demand this type of bigotry be branded for what it is, hate bigotry.

I will tell you, Mr. Speaker, why we end up so quiet, why we tolerate this desecration of our nuns and our priests. Why are we the targets? That is a good question. Why are Christians, especially fundamentalists, Evangelicals, charismatic Christians, why are they targeted, but particularly my faith targeted? Here is the reason: Because real Catholics, moral Catholics believe abortion is a grave sin. As the Holy Father has said, the worst of sins, the slaughter of innocent life, shedding innocent blood, because Catholics who have not lost the faith of their fathers believe homosexual activity is a sin, sodomy, bisexuality, happenstance pairings in men's rooms around this town with abject strangers spreading and picking up diseases, that is a sin, a grievous sin, a sin against nature and a sin against God. Because the true Catholic, in other words, has a consistent belief in Judao-Christian—Christian values. No matter how they individually stumble, these traditional Christians oppose actions which the traditional community has always deemed immoral. These are

the people who have not given up the faith of their mothers and the faith of their fathers, that term that means centuries. If it feels good to do it, is not the church's credo.

Madonna is going to star on MTV in red see-through panties and bra wrapped in an American flag with two rock dancers telling the young people of her generation to vote.

To vote for what? The kind of popular culture degradation she is engaging in on a regular basis, doing it always with a cross around her neck and her song, "Like a Virgin," or the one crawling across the room at a crucifix, stripping herself, making the image of Christ on the cross cry? It is because we do not have this "if it feels good" credo, we loyal Christians, that is why it is okay to mock Christians and Catholics. Believe me, it is okay in today's society to hate Catholics and it is okay to mock and ridicule and hate Christian clergy.

□ 1930

You say that this rock group, so-called music group, 2 Live Crew, should be prosecuted for obscenity, and you are a racist because they happen to be black. You put down the Dice Man, Andrew Dice Clay, then you do not have a sense of humor. You are a censor. If you think that the deceased, Mr. Mapplethorpe; he died of AIDs, obviously, if his exhibit, you believe it is child pornography or contains the type of sick S&M garbage that killed him, then you are a homophobe.

Footnote: Yes, an infamous Dornan footnote. I just went over to that dictionary, Mr. Speaker. Now, granted, it is about 15 years old, but that dictionary, it is unabridged, that is the big Funk and Wagnalls, or Webster; I think it is Webster's Third Revised Dictionary, unabridged. That means everything is up there. There is no homophobe word in there, just like there is no word bisexualphobe, or heterophobe. It is a made-up word. There is no such psychological term of disorder in any modern medical science. It was a homosexual propagandist and activist who coined this word, homophobe, and it is used in this Chamber, mostly at those leadership desks, by people who do not know what in hell's name they are talking about.

What is heterophobia? There is no such thing. There is a phobia of all people where you stay locked up in the house, but homophobia is a trick word, and they slid it right in between racism and bigotry, and they are getting away with it, just like gay is an adjective.

You know, "Don your gay apparel," at Christmastime; have a gala ball, Bing Crosby singing, "I could be happy, I could be gay, I surrender, dear."

No, gay used to mean cheerful and happy, and they turn an adjective into a noun to try and tell young people that somehow or another active homosexuals of any age are happier than everybody else. What a P.R. trick! And they got the liberal, dominant media culture to buy it, and they turned a noun, homosexual, into an adjective, gay, and turned that into a noun.

Gay? This is not the Gay '90s. The Gay '90s was the 1890's. The gay 1990's is sad and tragic with a hundred thousand people dead and 3,000 people being buried monthly. It is going up to 4,000 this month.

Is that cheerful? Happy? A wonderful life style, coupling with strangers in back alleys, in men's rooms, like animals? Nothing happy or cheerful about that.

Here is another one. If you show a video depicting a priest sodomizing Jesus Christ, you are either a champion of the first amendment or an advocate of church reform. Where is our society's outrage?

We have 300 sitting bishops and about 50 or 60 retired. Where are you people? Why are only one or two courageous bishops joining the muzzled priests and nuns across this country who are sick of having their faces walked on?

When I grew up, the popular culture praised every religion. The Chaplain of the Senate, Peter Marshall, was portrayed beautiful by British actor Richard Todd. Gregory Peck portrayed an heroic missionary priest in Keys of the Kingdom. Bing Crosby, two or three times with Barry Fitzgerald, lovable priests, as Father Malloy, and Ingrid Bergman, Song of Bernadette. All these beautiful images of clergy, and now you rip clergy, and you are a hero of free speech.

Listen to this. Oh, you know, columnist Joe Sobran got it right recently when he wrote that the liberal left's credo, New York Times, is that the only good Catholic is a bad Catholic. If you are a disloyal Catholic, then they love to put you on television and radio, write you up in the press, if you attack the faith of your fathers. No doubt about it, some of my liberal colleagues in this Chamber share that view.

Here is a quote from Cybil Shepard, who, as you know, is very, very active in the proabortion movement. She was on Larry King's show. What is the one that does not work much anymore, the sex goddess of the sixties, married a guy name Pat Curtis—I got a mental block on her name, but she was on Larry King's the other night—oh, yes, now I remember, Racquel Welch—she turned into the camera and said, "Young women, I'm telling you out there it's OK to have an abortion. Have it."

Mr. Speaker, Cybil Shepard on that same show, Larry King, was discussing

the proabortion movement, and, when King suggested to her that abortion would be legal if men got pregnant; that is always a cutesy, Ms. Shepard replied, "If priests could get pregnant, it would be a sacrament in the Catholic Church."

Is that not clever? Is that not witty? Is that not ugly? And is that not bigoted? And the answer is: Yes.

Jimmy the Greek Snyder, Jimmy Snyder, makes a controversial remark about blacks. He had had a few drinks. It was a stupid remark, but I do not think for a minute that Jimmy the Greek is bigoted. But he sure got fired. His career is over. I do not know if the punishment fit the crime, to end his career forever. He called up Jesse Jackson, an African American leader, and said, "Gosh, please, help me. My whole life I've never been bigoted that I know of. I grew up in a neighborhood where my ancestry was prejudiced against."

Warns you about drinking and talking on camera, but he certainly was not a bigot.

How about the Andy Rooney affair? Andy Rooney has been a civil rights crusader all his life. He has one little line at the New Year's Day wrap-up last year where he says, "Too much random sex among homosexuals was bad." This was at the end of too much drinking, too much this, too much that. Too much random sex with homosexuals. I wish he had thrown in bisexuals because that is the organized group I am still yet to find. And what happens? Instantly suspended by CBS. An outcry of outrage. I am sure some real bigots joined in. But real bigots did not know about Andy Rooney's lifetime support for civil rights causes, real crusader, and CBS had to cave in because of its gutless management. They suspended him and put him right back on the air. And he is a liberal, one of my favorite liberals, Andy Rooney.

Thanks for hanging in there, Andy, and not going off like a coward with your tail between your legs.

What about Cybil Shepard? She continues raking in the big dollars, attracting even more attention for her bigoted views. But it does not stop there, Mr. Speaker.

Philly Donohue, Notre Dame graduate and America's No. 1 anti-Catholic bigot; I have said it in this well, he took a tape of my saying it in this well, ran it on his show and says, "Now, you don't believe that; do you?"

He thought he could back me down on his show, and I said, "Yes, I do, Phil, but I pray for you, and someday you're going to come home for the faith of your Irish forebears. Now I'm here, Phil, to discuss Nicaragua," and I held up a Communist helicopter that was killing people in Nicaragua and changed the subject. And he was a

little shocked, and I stuck by my guns because he is—why is he the Nation's biggest anti-Catholic—Catholic anti-Catholic? Because his platform, his podium, his bully pulpit, is so big.

Geraldo Rivera, raised as a Catholic, like Donohue, baptized a Catholic, has not practiced his faith in many years, admits to having been a champion world-class womanizer, but now he tsk-tsks when he has on all the sexual deviates and perverts and he is trying to copy Phil Donohue's male stripper regular retinue of guests coming on the show.

Well, these two guys, Geraldo and Philly, seem to have made a career out of bashing the church. Geraldo seems to be getting a little better, while Phil is getting a little worse, if that is possible. They bash people who claim loyalty to 20 centuries of teaching. Their heroes though, who they book on their shows, are homosexual priests, lesbian nuns. They have not had any bisexual priests or nuns on yet. Maybe their producers will start looking for them. They have proabortion priests, quisling priests, and, yes, if Judas Iscariot were alive today, one of Jesus' original 12 priests; 11 became bishops, but, if Judas Iscariot were alive today, he would be a highly touted guest on all of these dominant media culture talk shows and interview shows, television and radio, and he would probably get a front-page interview in the Washington Post and the New York Times; I hope not the Los Angeles Times, my hometown paper.

In short, anyone who goes against Christian teaching or is an anti-Catholic, you are a big-time guest on the dominant media culture. Apparently these—I do not want to call them liberals anymore because we have got too many liberals in here who are responsible, these radical leftist liberals, they equate the church with a political party that can change its platform every 4 years, or eat their words or change what is on their lips. But the word of God is not amendable to loyal orthodox Jews, orthodox Protestants or orthodox Catholics.

So, I am going to state right now for the Record that from now on I am going to make it a point, God willing I get reelected, of exposing anti-Catholic bigotry whenever it occurs. To my other Christian brothers, who I speak for all across this country, who lovingly invite me to talk to every one of their groups, at least the orthodox and believing groups: You know I love you, and I have no problems between my Catholic faith or any of your faiths as far as the problems that we are facing together in America. You take care of your own. I will help you occasionally when you are under assault, but you know right now the reason they hate the Catholic Church is because we are pushing a billion members in this world out of 5¼ billion citizens, and

because of our size in the United States, about 55 million, I am afraid about 10 or 15 Members are cafeteria Catholics who pick and choose what they want and do not even go to church anymore. But we love them. They will all be back someday, God willing, if they live long enough and get a little wisdom with age.

□ 1940

But because of the size of the Catholic Church, almost a quarter of this country, we take the heat for most of you other Christians. So you help me too.

But if I see anti-Catholic bigotry in movies, television, or in this Chamber, I have drawn the line. This Catholic, as long as I have a breath of life in me, I am going to fight back. Oh, why don't I feel like a spiritual or a holier than thou Catholic? Because my job is so important here, I ought to get my tired fanny out of bed every morning and go over to church and receive communion, every day. Once a week doesn't cut it for someone in an important job like this.

So I am not standing on my pedestal or my high horse. I am a weak, barely hanging in there Catholic, but I know what the standards are, and I know why I love these priests that say Mass every day, and why I love the Sisters that taught me so well and the Jesuit priest that taught me in school.

They told me, "Bob Dornan, you have got an Irish loquacious nature. You had better get into politics or into the priesthood."

Well, I chose the lesser of those two great professions, but I am tired of watching Judas Iscariot, quizzling priests like Father McBrian of Notre Dame, the head of the theology department.

I am one of those people that consider myself a Notre Dame subway alumnus. I went to Loyola University in Los Angeles. I wish I had had the grades or money to go to Notre Dame, or worked hard enough to get a scholarship.

But I will tell you, football is not everything. I would not give a darn if Notre Dame lost every game for the rest of the years out to lay Father McBrian out of the theology department.

This clod sitting on Ted Koppel's Nightline show, I think there was a guest host that night, Forest Sawyer, saying that a Catholic can come into an abortion clinic with a submachine gun, kill the poor frightened mother that has been conned by the popular culture into killing her child in her womb, shoot the abortionist and all the people helping, and they will all be excommunicated, but not the guy with the machinegun.

What kind of an asinine statement is that for a Catholic priest, head of the theology department at Our Lady's

College, within sight of the golden dome and the Statue of Notre Dame, to say, that a person who machine guns seven people to death is not instantly excommunicating himself and endangering his soul to burn forever in eternity?

Then he says to follow it up, I could not believe my ears. My wife looked at me and said, "This man teaches students at Notre Dame?"

Then he says, "What are we going to do, excommunicate the cab driver who takes a woman to her abortion?"

Just think about that for a second. What is a frightened young woman going to do on the way to an abortion? Say to the cab driver, "Where are you from? I hear an accent. Are you from Puerto Rico? Are you from Nigeria? Are you from Somalia? You don't happen to be a Christian, do you, or an orthodox Jew, because I am going to an abortion clinic to kill a baby in my womb. Does that give you a problem?"

Then the guy has a moment of conscience and pulls over and says, "Madam, I am sorry, you will have to get out of the car. I cannot be a part of this."

The type of syllogisms that this man set up were a disgrace. A beautiful bishop from Alabama, not used to the slippery methods of those more attuned to the camera and the popular media culture, is sitting there, and this went right by him, and he did not even straighten out that piece of twisted teaching. Not just Christian, Jewish, Islamic, any teaching.

Nobody tells you that you are not in grave mortal sin if you machine gun to death seven people. Yesterday I did a 5-minute in the well. I held up a stuffed animal, a cute little white seal from the ice flows off Canada, and said that we protect those little white seals in this Chamber. I am on that legislation. We do not nearly protect them, at that time in 1978, a more endangered species. The ugly little alligators down in Florida, they are making a booming comeback, because they have been on the endangered species list.

But people who like to make little white handmuffs or white furry hats or white fur coats out of these little seals that they kill in front of their mothers, all that is very sad, but I left out my punchline yesterday.

The seal does not have a soul. It is not immortal. The seal's essence of its life does not live for all of eternity. That is what every practicing loyal Jew believes. That is what every practicing loyal Christian believes, every Muslim, and in their own different states of animism and spirit worship, Buddhism, Confucianism, Shintoism. I am not an expert on those faiths, but I know there is a respect for life in those faiths.

But that little seal that we protect does not have a soul.

Then I held up this little anthropomorphic tiny little fetus, this little doll, that to my little 2-year-old, Haley Dornan, she was 2 years and 3 months old, she grabbed it and said, "My baby."

Her mother was pregnant then 6 months with Robert K. Owen Dornan, III, my eighth newest, Robert, III. She pats her monther's tummy and says, "Your baby," and she puts this actual little anthropomorphic medical model for teaching women what is inside their womb at the twelfth week, she puts it inside her little diaper, it was last summer, it was very warm, or the late spring, and she says, "My baby," and pats Teresa's tummy, my daughter-in-law, "Mommy's baby; my baby."

A 2-year-old knew that this was a baby. That is what it looks like. Twelve weeks.

But I forgot my punchline last night. One of my staffers, before she went off to have her first child with her husband named Junior, Michael Walsh, Jr., she said, "Why don't you call him Michael, after the guardian angel," both the Jewish and the Catholics think, the defender of God, the crusher of Satan.

I said, "That is a good name for little Michael here." You cannot tell his gender, because his legs are crossed, exactly as they are in the womb.

This is a very expensive little model. All the little ribs show. This little guy Michael, unless it is Michele, the heart began to beat between day 18 and day 21. There were brain waves at day 40. This is 3 months old.

This is what we kill 4,000 times a day, a million and a half a year. But we also kill these little Michaels and Micheles when they are twice the size. And there are about 6,000 that are killed in the seventh month when they are over 7 pounds, 7 to 9½ to 10 pounds, that could live easily outside the womb.

We have not had a conviction of an abortionist doctor who has strangled to death a child, like a case right at the edge of my district in Fountain Valley, CA, where the nurses testified, crying in court, that the doctor said, as he strangles this little 8-month-pregnant delivery of a live child, "I cannot get this son of a b.," the full word, trying to respect the decorum here, "I can't get this son of a b. to die."

Then they broke down crying, all the nurses that testified against him. Put it in a utility closet, until it cried itself to death.

You know what the jury verdict was? A 11 to 1, a hung jury. Our great district attorney then in 1974 or 1975, whenever it was, came back, after Roe versus Wade, and retried him. This time it was 9 to 3, so the State gave up.

At least he went through the embarrassing trial twice and kind of left the

State. I understand he is performing abortions in Massachusetts, and he is a multi-multi-millionaire.

No, my punchline, folks, this little creature has a soul, a human mortal soul.

One of my Catholic colleagues, and I will be merciful and will not mention his name, a freshman, before I spoke the other day, I showed him the little seal and I showed him this little 12-week-old fetus. I am sorry to say, he cuddled the little seal, loved it, mentioned it to me today how cute it was. But he averted his gaze from this human being with an immortal soul, this model of a human being, and could not bring himself to look at it. He did not ask to see it.

You know what I found around here as I have carried this the last 3 months? Those who are proabortion, particularly the Catholics who claim I myself, am personally opposed, the hypocrite politician line. I know it is a human being with an immortal soul, brought into existence by God, with the parents as procreators, but I personally am not going to interfere with other people's choice, and if you want to kill it, I will help you with Federal money that I will take away from believing Jews and Christians, I will take the money away from them to kill these little guys.

I have found out that when I show this to people who are proabortion, they kind of cringe from it, unless it is those in this Chamber who believe none of us have souls.

They are the atheists. They never campaign as atheists. They cannot get elected in this country, yet, by proclaiming proudly you are an atheist. You can get elected by proclaiming you are a sodomite and engage in anal sex all the time. You will get elected. But not if you come right out boldly and say you don't believe in God. Even if you say I don't know whether it is true or not, I am an agnostic, you have a rough chance of getting elected. Those people will take and look at it. Yeah, that is interesting. That is a human being in early development. I admit we are killing life, but since none of us have souls, so what?

Those who say they are personally opposed, particularly my Catholic colleagues who have lost their faith, or defied the church on this particular teaching, they say, "I don't want to touch it. I don't want to see it." They just kind of recoil from it.

I want to point out something about people who are trying to bait the Catholic Church like this moron mayor of Alexandria, named James Moran. A good Irish name. Another Irish quizzling, Moran, Moran with these ugly proabortion commercials that he has now on television trying to fight with his church, and he hopes that he will be excommunicated, or that he will be denied communion

before election day, to defy the church, and it is at least 3 weeks to election, and that is another matter.

□ 1950

I defy my church all of the time on politics. I am not some rubber stamp for the Catholic Church as a Congressman, but when my church tells me that slavery is evil, and intrinsically and inherently evil, I do not defy my church. When they tell me that killing a newborn infant, putting a knitting needle through its heart because it has Down's syndrome, or its heart is outside of its body, or it has spina bifida, when they tell me infanticide is wrong, I do not defy them.

When they get involved in the Panama Canal debate, then I will debate my church on the politics. The church position on the Panama Canal did not have much to do with saving our immortal souls, or teaching transcendent religious values. I went against my church's pastoral letter on Central America, because they did not know what they were talking about. I was talking to their Catholic hero priest, the humble Archbishop Obando y Bravo. I followed my conscience, and my bishops were wrong on Central America.

And when my bishop put out a pastoral letter endorsing Jimmy Carter, and Walter Mondale, and Michael Dukakis, the taxist type economics, I laughed at that pastoral letter, and I was ashamed for them, because there is not a hard-hitting pastoral letter on human life, or on slavery, or on infanticide. Where is the big hard-hitting pastoral on drug abuse, even puffing on your first marijuana cigarette, and how you destroy the temple of the Holy Spirit, and how you wreck yourself, and throw you existence back in God's face, and how you fry those brain cells in this beautiful God-given compartment called a brain. Where are those pastoral letters?

But when my bishops and priests try to tell me about women priests, the ultra-mundane argument of altar girls, and teaching that masturbation may be all right at Catholic University. I want to bring with me an envelope that I had here in my pockets from the Catholic Church, wanting me to give money to Catholic University of America, and I feel bad, but I just could not give any money to the Catholic University ever since they declared that Tom Harkin was Catholic of the Year a few years ago, and he is trying to ride back in the Senate on a proabortion platform, and he claims that he is a good and loyal Catholic. How can I help that Catholic University when it took them 21 years to fire Charles Curran, a so-called theologian, who is telling freshmen students exactly what they wanted to hear, that it is okay to masturbate, it is okay to

shack up with somebody as long as you have a little feeling, but that is all your own conscience, that is situational ethics, and do what you feel like, and if it feels good do it. Now he is at another theological school, hired by them, another Irish quizzling who has taken the soup offered by the British conquerors, and another betrayer, another informer of his Irish Catholic heritage, you know the one, that God, thank you God, small minority, Tim Healy, priest over here of Georgetown, who is now running the New York Public Library. What has that got to do with saving souls, Tim Healy, but that you would tell one of our most courageous colleagues that he was a loud-mouthed Congressman. Do you know who he said that about? HENRY HYDE, HENRY HYDE who says that anybody who stands tall of any faith on these life issues today, will be welcomed to heaven by a chorus of little cherubs who have had the life snuffed out from inside of their mummies' wombs, and that they will sing. Some people will stand up tall, and give up their careers as did four courageous State Senators in Maryland, not all of them Catholics, but certainly all of them Christians trying to defend their belief. They all lost their seats, some of them to loud-mouthed, phony, fallen-away, cafeteria Catholics who follow the teachings of Curran and McBrian, and Healy when he called HYDE a loud-mouthed Catholic.

Now, I go against my church more often than not here because my church is spiritually off the reservation, sticking their nose into politics all of the time, squandering their spiritual currency of what they think, who are sworn to following Jesus's steps and to saving souls, and because they involve themselves in transitory, passing issues of politics and issues in this chamber, where none of us are going to know whether we are right or wrong on these material issues until we are dead. By squandering their currency, their voice is now being crushed out, as was said in the New York Wall Street Journal just 2 days ago, that the bishops have lost, that McBrian—I will never call him Father again until he is saved and redeems himself, McBrian, the so-called theology teacher at Our Lady's school, Notre Dame, says these bishops were medieval, and all the fight over life embarrassed them, and thus, they are out of it, and I am glad, and let us press on. To what? Women priests telling college kids that masturbation is okay, telling college kids that they can shack up, it is OK, but use safe sex so that you do not pass around diseases. I will not listen to my church when it sticks its nose into politics, because more often than not they are being ultra-sophisticates, and they are trying to go along with the drift of the dominant media culture, because that is what they get

interviews on, and they are being disloyal, sticking their nose in politics, when it is issues of faith, morals, and saving souls, that is where my church has gone suddenly silent. And then when it comes to bigotry like this, my clergy gets its face walked on.

Virgil Bloom, one of my heroes, formed a group 30 years ago, and I was proud to send money and join, called the Catholic League for Human and Civil Rights. Now they have changed the title, I think, just to the Catholic League for Human Rights because most civil rights battles have been won, and we are talking about quotas. So we have got bigotry, pockets of bigotry everywhere, and God knows there are enough voices, including idiots like David, and the Catholic League was supposed to be the antifamnation league of my faith. Where is it? Where is that group that is going on the pattern of the Knights of Columbus? What is the matter with you, Knights of Columbus? We are 2 years away from the 200th anniversary of Columbus bringing the word of Jesus to the New World. He also brought many thieves, and syphilis, and murderers along with him, but he also brought the word of Jesus, and where are you Knights of Columbus with defending your faith, letting members be propornography and proabortion instead of telling these members, quietly, that you are taking them off the rolls if they want to be propornography or proabortion, they can go ahead, but you will take them off the rolls. And what happens with Florio, the taxing champion of all American history as Governor? He tells the Knights of Columbus, "I am resigning from you, get lost." And that is what the church clergy deserves when they did not have the guts to kick him out. What are they good for, selling beer, throwing darts and selling insurance? Is that what the Knights of Columbus is all about?

I am about to resign publicly from the Knights, in this well, unless you, after this election, ask those Catholic politicians in both Houses who put the Knights of Columbus in their resumé as members of the fraternal order, and that they are Catholics so that the voters will know they are Catholics, unless you ask them, suggest privately at first that they get out of the Knights of Columbus, you are going to lose this Irish, 57-year-old grandfather of eight because the Knights of Columbus ought to stand for something.

So Mr. Speaker, I repeat, I am ready to do battle to defend my faith, because like St. Paul, no matter how many sins I have committed in my life, I want to be able to say, like Paul, I have run the race, I have fought the good fight, I have kept the faith, and I will try, in my stumbling way, to do my utmost, to stop this blasphemy in this country against my faith, and I

am putting you on notice, CBS, NBC, ABC, and even I say with a broken heart, CNN, my favorite network.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRANDY (at the request of Mr. MICHEL), for after 2:30 today, on account of illness in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WALKER) to revise and extend their remarks and include extraneous material:)

Mr. DORNAN of California, for 5 minutes, each day on October 20 and 22, in lieu of the 60 minutes each day on these days.

Mr. RITTER, for 60 minutes, today.

(The following Members (at the request of Mr. SISISKY) to revise and extend their remarks and include extraneous material:)

Mr. COYNE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. OWENS of Utah, for 60 minutes, on October 23.

Mr. OWENS of New York, for 60 minutes, each day on October 20, 21, 22, 23, 24, 25, 26, and 27.

Mr. WISE, for 60 minutes, today.

(The following Member (at the request of Mr. WISE) to revise and extend his remarks and include extraneous material:)

Mr. OWENS of Utah, for 60 minutes, on October 23.

#### EXTENSION OF REMARKS

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

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. OXLEY.

Mr. MILLER of Ohio in three instances.

Mr. DORNAN of California.

Mr. FIELDS.

Mr. SOLOMON.

Mr. BEREUTER in two instances.

Mr. HILER.

Mr. COURTER.

Mrs. MORELLA.

Mr. BURTON of Indiana.

(The following Members (at the request of Mr. SISISKY) and to include extraneous matter:)

Mr. TORRES.

Mr. MORRISON of Connecticut.

Mr. YATRON.

Mr. ROE in two instances.

Mr. UDALL.

Mr. MATSUI.

Mr. SIKORSKI.  
Mr. RUSSO.  
Mr. KILDEE.  
Mr. NOWAK.  
Mr. ECKART.  
Mr. RICHARDSON.  
Mr. HOCHBRUECKNER.  
Mr. LEVINE of California.  
Mr. MFUME.  
Mr. SKELTON in three instances.  
Mr. TRAFICANT in two instances.  
Mr. SOLARZ.  
Mr. LEHMAN of Florida.

#### SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1918. An act to provide for Federal recognition of the Jena Band of Choctaws of Louisiana, and for other purposes; to the Committee on Interior and Insular Affairs.

S. Con. Res. 153. Concurrent resolution to acknowledge the 100th anniversary of the tragedy at Wounded Knee Creek, State of South Dakota, December 29, 1890, wherein soldiers of the United States Army 7th Cavalry killed and wounded approximately 350-375 Indian men, women, and children of Chief Big Foot's band of the Minneconjou Sioux, and to recognize the Year of Reconciliation declared by the State of South Dakota between the citizens of the State and the member bands of the Great Sioux Nation; to the Committee on Interior and Insular Affairs.

#### ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 677. Joint resolution making further continuing appropriations for the fiscal year 1991, and for other purposes.

#### SENATE ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

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

S. 2104. An act to amend the Civil Rights Act of 1964 to restore and strengthen civil rights laws that ban discrimination in employment, and for other purposes;

S. 2753. An act to revise and extend the Development Disabilities Assistance and Bill of Rights Act;

S. 3091. An act to amend the act incorporating the American Legion so as to redefine eligibility for membership therein;

S.J. Res. 323. Joint resolution designating November 11 through 17, 1990, as "Geography Awareness Week";

S.J. Res. 346. Joint resolution to designate October 20 through 28, 1990, as "National Red Ribbon Week for a Drug-Free America."

S.J. Res. 351. Joint resolution to designate the month of May 1991 as "National Trauma Awareness Month";

S.J. Res. 270. Joint resolution to designate the period commencing February 17, 1991, and ending February 23, 1991, as "National Visiting Nurse Associations Week";

S.J. Res. 347. Joint resolution designating April 7 through 13, 1991, as "National County Government Week";

S.J. Res. 353. Joint resolution to designate September of 1991 as "National Rice Month";

S.J. Res. 362. Joint resolution to designate the period commencing on November 18, 1990, and ending on November 24, 1990, as "National Adoption Week"; and

S.J. Res. 366. Joint resolution to designate March 30, as "National Doctors Day."

#### ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Saturday, October 20, 1990, at 12 noon.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROE: Committee on Science, Space, and Technology. H.R. 1268. A bill to establish a national policy for the conservation of biological diversity; to support environmental research and training necessary for conservation and sustainable use of biotic natural resources; to establish mechanisms for carrying out the national policy and for coordinating related activities; and to facilitate the collection, synthesis, and dissemination of information necessary for these purposes; with an amendment (Rept. 101-901, Pt. 1). Order to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 2548. A bill to provide for the establishment of the Laguna de Santa Rosa National Wildlife Refuge in Sonoma County, California; with an amendment (Rept. 101-902). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5204. A bill to establish a tribal cattle herd pilot project, and for other purposes; with an amendment (Rept. 101-903). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. S. 321. An act to revise provisions of law that provide a preference to Indians; with an amendment (Rept. 101-904). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on the Judiciary. House Joint Resolution 657. Joint resolution granting the consent of the Congress to amendments to the Delaware-New Jersey Compact, and for other purposes; with amendments (Rept. 101-905). Referred to the Committee of the Whole House on the State of the Union.

#### SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

H.R. 2647. The Committee on Ways and Means discharged; H.R. 2647 referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

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

By Mr. WHITTEN:

H.R. 5870. A bill providing for the continued operation of the Government in the absence of appropriations, and for other purposes; to the Committee on Appropriations.

By Mr. HOPKINS:

H.R. 5871. A bill to amend the farm poundage quota provisions of section 319 (g), (h), and (i) of the Agricultural Adjustment Act of 1938, and for other purposes; to the Committee on Agriculture.

By Mr. CLAY:

H.R. 5872. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require qualifying employer securities to include interests in publicly traded partnerships; to the Committee on Education and Labor.

By Mr. BARTON of Texas:

H.R. 5873. A bill to provide limited extension for land treatment facilities for which there is pending a petition seeking to demonstrate that there will be no migration of hazardous constituents from the disposal unit; to the Committee on Energy and Commerce.

By Mr. COYNE:

H.R. 5874. A bill to amend the Internal Revenue Code of 1986 to increase the marginal tax rate for high-income taxpayers; to the Committee on Ways and Means.

By Mr. CRANE (for himself, Mr. ANNUNZIO, and Mr. HYDE):

H.R. 5875. A bill to transfer a portion of Fort Sheridan, IL, to the Department of Veterans Affairs for use as a national cemetery; jointly to the Committees on Armed Services and Veterans' Affairs.

By Mr. EDWARDS of California (for himself and Mr. FISH):

H.R. 5876. A bill to provide a Federal leadership role in the development of approaches to reduce community based tension at the local level; to the Committee on the Judiciary.

By Mr. HALL of Ohio:

H.R. 5877. A bill to provide for an automatic continuing appropriation for the U.S. Government; to the Committee on Appropriations.

By Mr. HEFLEY (for himself, Mr. UDALL, Mr. BROWN of California, Mr. STUMP, Mr. HANSEN, Mr. PICKETT, Mr. SCHAEFER, Mr. SISISKY, Mr. CAMPBELL of Colorado, Mr. KOLBE, Mr. RHODES, and Mr. BATEMAN):

H.R. 5878. A bill to amend the Federal Water Pollution Control Act to provide for the use of biomonitoring and whole effluent toxicity testing in connection with publicly owned treatment works, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOCHBRUECKNER:  
H.R. 5879. A bill to amend title 38, United States Code, to revise the formula for payments to States for care furnished to veterans in State homes; to the Committee on Veterans' Affairs.

By Mr. MORRISON of Washington (for himself, Mrs. LLOYD, Mr. SCHIFF, Mr. CHANDLER, Mr. SKEEN, Mr. STALLINGS, and Mrs. VUCANOVICH):

H.R. 5880. A bill to authorize private sector participation in designing, constructing, owning, and operating facilities which support Department of Energy waste clean-up and modernization missions; to the Committee on Energy and Commerce.

By Ms. OAKAR:

H.R. 5881. A bill to create an incentive to attract private sector capital to the thrift industry, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. SIKORSKI (for himself, Mr. MILLER of California, Mrs. BOXER, Mr. BATES, Mr. LEVINE of California, Mr. SCHEUER, Mr. FOGLIETTA, Mr. LIPINSKI, Mr. HOCHBRUECKNER, Mr. HAYES of Illinois, Mr. PERKINS, Mr. TOWNS, Mr. GEJDENSON, and Mr. VENTO):

H.R. 5882. A bill to entitle employees to family leave for attending school activities; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. FIELDS:

H.R. 5883. A bill to establish an Outer Continental Shelf revenue sharing fund from which coastal States shall receive block grants; jointly, to the Committees on Merchant Marine and Fisheries and Interior and Insular Affairs.

By Mr. BROOMFIELD (for himself, Mr. GILMAN, and Mr. BONIOR):

H. Con. Res. 385. Concurrent resolution expressing the sense of the Congress regarding human rights violations against the ethnic Albanian minority in southern Yugoslavia; to the Committee on Foreign Affairs.

By Mr. JOHNSON of South Dakota:

H. Con. Res. 386. Concurrent resolution to acknowledge the 100th anniversary of the tragedy of Wounded Knee Creek, State of South Dakota, December 29, 1890, wherein soldiers of the U.S. Army 7th Cavalry killed and wounded approximately 350 to 375 Indian men, women, children of Chief Big Foot's band of the Minneconjou Sioux, and to recognize the Year of Reconciliation declared by the State of South Dakota between the citizens of the State and the member bands of the Great Sioux Nation; to the Committee on Interior and Insular Affairs.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1221: Mrs. SMITH of Nebraska.  
H.R. 1500: Mr. KASTENMEIER, Mr. PRICE, Mr. NOWAK, Mr. FEIGHAN, and Mr. DIXON.  
H.R. 2025: Mr. MAVROULES.  
H.R. 2460: Mr. FASCELL and Mr. ENGEL.  
H.R. 2786: Mr. SOLARZ and Mr. PORTER.  
H.R. 3099: Ms. PELOSI.  
H.R. 3283: Mr. WILSON.  
H.R. 3603: Mr. MINETA, Mr. COSTELLO, Mr. HASTERT, Mr. EMERSON, and Mr. MCCANDLESS.  
H.R. 3936: Mr. SANGMEISTER and Mr. HAWKINS.  
H.R. 4289: Mrs. SAIKI.  
H.R. 4369: Mr. LIPINSKI.  
H.R. 4690: Mr. McGRATH and Mr. WOLFE.

H.R. 5306: Mr. ROSE, Mr. SMITH of Vermont, Mrs. UNSOELD, and Mr. WILLIAMS.

H.R. 5363: Mr. SKEEN, Mr. ORTIZ, Mr. BATES, Mr. TOWNS, Mr. UDALL, Mr. CHAPMAN, and Mr. MATSUI.

H.R. 5416: Mr. GRANDY and Mr. NIELSON of Utah.

H.R. 5551: Mr. RAHALL and Mr. MAZZOLI.

H.R. 5666: Mr. FAZIO.

H.R. 5672: Mr. SCHIFF and Mr. RICHARDSON.

H.R. 5724: Mr. LIPINSKI.

H.R. 5804: Mr. SCHIFF and Mr. LANCASTER.

H.R. 5827: Mr. CALLAHAN, Mr. LAFALCE,

and Mr. RICHARDSON.

H.R. 5830: Mr. GUNDERSON.

H.R. 5861: Mr. GEPHARDT.

H.J. Res. 201: Mr. MILLER of Washington.

H.J. Res. 202: Mr. MILLER of Washington.

H.J. Res. 636: Mr. MILLER of California,

Mr. MINETA, Mr. COLEMAN of Texas, Mr.

WATKINS, Mr. WALSH, Mr. TAYLOR, Mr. BUN-

NING, Mr. McMILLEN of Maryland, Mr. LA-

FALCE, Mr. SMITH of Texas, Mr. FORD of

Tennessee, Mr. LENT, Mr. NOWAK, Mr.

MARTIN of New York, Mr. CONTE, Mrs.

BOGGS, Mr. GOSS, Mr. WISE, Mr. DELLUMS,

Mr. PICKLE, Mr. SIKORSKI, Mr. WILSON, Mr.

HANSEN, Mr. ROGERS, Mr. MATSUI, Mr.

DONALD E. LUKENS, Mr. BROWN of Colorado,

Mrs. VUCANOVICH, Mr. WOLF, Mr. DENNY

SMITH, Mr. RHODES, Mr. BATEMAN, Mr. COX,

Mr. VOLKMER, and Mr. SKELTON.

H.J. Res. 642: Mr. JONES of North Caroli-

na.

H. Con. Res. 151: Mrs. BYRON.

H. Con. Res. 162: Mr. DENNY SMITH.

H. Con. Res. 378: Mr. WEISS.

H. Con. Res. 380: Mr. DONALD E. LUKENS

and Mr. LIPINSKI.

## SENATE—Friday, October 19, 1990

(Legislative day of Tuesday, October 2, 1990)

The Senate met at 10:45 a.m., on the expiration of the recess, and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

## PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

*Behold, how good and how pleasant it is for brethren to dwell together in unity!—Psalm 133:1.*

Eternal God of love and peace, from whom all authority derives, it is awesome to think of the power of the United States Senate when 100 Members are united. It is profoundly disheartening when diversity degenerates to divisiveness. Thank Thee, Lord, that the Senate is a symbol of the unity and diversity of the Nation. In their role of advocacy, representing the needs of region, State, county, city, constituents, organizations, and institutions, the Senators are as diverse as the desires, needs, demands of a pluralistic society. In their role as leaders, they are advocates of the common good, the welfare of a whole people, the Nation and world peace.

Gracious Father, full of grace and truth, by Your power protect the Senate from fragmentation when advocacy transcends leadership. Enable the Senators to maintain the fine line between advocacy and leadership that the greatest good for the greatest number shall be realized.

In the name of our Lord. Amen.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. BYRD].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 19, 1990.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## THE JOURNAL

Mr. MITCHELL. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SCHEDULE

Mr. MITCHELL. Mr. President, at 11 o'clock this morning the Senate will, under the previous order, resume consideration of the Foreign Operations appropriations bill, legislation on which action was begun last week, but other matters were taken up while that was held in abeyance. I hope we can proceed to complete action on that measure today.

There remains for action by the Senate the Interior appropriations bill and the legislative appropriations bill. With respect to the latter, we are awaiting final House action. The Interior appropriations bill is ready for Senate action, and we hope that we will be able to proceed to both the Foreign Operations and the Interior bill today.

As all Senators know, the conference with respect to the reconciliation bill will begin shortly this morning.

We hope that we will be able to make good progress on that measure. It is my hope that the Senate will promptly proceed to complete action on the continuing resolution, which will extend the funding for the operations of Government through next week. Yesterday, a Presidential spokesman indicated that the President is prepared to sign such a measure, which has previously been enacted by the House of Representatives, providing there were, and I am paraphrasing now, a good-faith effort to proceed with respect to the budget.

Mr. President, I can think of no more good-faith effort than what has transpired on the floor of the Senate in the last 2 days. We have made a good-faith effort, and we are continuing to do so. As we know, the matters involved in the reconciliation bill are complex, and while we hope to proceed as promptly as possible to conference, obviously it is going to take some

time, particularly given the differences in the measures passed by the respective Houses of Congress.

Accordingly, I strongly believe that there is no reason to delay on the continuing resolution, no reason to wait until the last minute and create anxiety and fear among many Americans as to whether or not the Government will continue operation through Wednesday. So I ask that we be able to proceed to the continuing resolution as soon as possible today so that we can get that matter behind us and concentrate all of our energy and effort on proceeding to complete action on the reconciliation conference and the remaining appropriations bills, and any other measures which will be appropriately before the Senate.

I thank my colleagues for their courtesy and patience, and I must say, stamina, in completing action on the budget reconciliation bill early this morning, after very lengthy debate and discussion. I look forward to prompt disposition of the measures to which I have earlier referred.

## RESERVATION OF LEADER TIME

Mr. MITCHELL. I reserve the remainder of my leader time, and I reserve all of the leader time of the distinguished Republican leader.

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## UNANIMOUS-CONSENT AGREEMENT—HOUSE JOINT RESOLUTION 677

Mr. MITCHELL. Mr. President, I ask unanimous consent that the majority leader, after consultation with the Republican leader, may at any time proceed to the consideration of House Joint Resolution 677, a joint resolution to continue appropriations and extend the debt limit through Wednesday, October 24.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it is my hope we could do this shortly in the afternoon and the President will sign it. I think there is no request for a vote that I know of on either side. So it should not take but a few seconds.

I agree with the majority leader, we should get it done so we will not have to go through the nightly news "Will

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

the Government shut down or will it not?" We tried that.

It seems to me we are making progress. We have a tough conference starting at 11 o'clock or a little after. I just hope that all of us in working together now, as we have been doing in the past several months and for the next few days, can get some resolution of the budget problem and hopefully have enough votes to pass it on a bipartisan basis.

Mr. MITCHELL. Mr. President, let me say that I share those hopes, and we will be doing everything we can to achieve that objective.

I might say to the distinguished Republican leader at every step of the way we encounter a huge obstacle and with great difficulty overcome it only to find there is even a larger obstacle confronting us thereafter. I think that is clearly the case now. But we can take comfort in the knowledge that this may finally be the last huge obstacle, I hope very much we can overcome it.

I thank my colleague for the courtesy.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of morning business not to extend beyond 11 a.m.

Under the previous order, the Senator from Delaware is to be recognized for 10 minutes. I do not see him at this time.

Mr. GORE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee [Mr. GORE].

#### CABLE TELEVISION

Mr. GORE. Mr. President, I rise today in great disappointment with the unsuccessful conclusion of our efforts to bring cable television legislation to the Senate floor this year. It is painfully clear that the White House, with its anticonsumer ideology, has successfully killed cable legislation for this Congress by forcing a number of our Republican colleagues to stand in the way of the legislation.

The White House action is not only a blatant and arrogant affront to the public. There is no question that this legislation would pass overwhelming, that only a handful of Senators would be willing to oppose the most important consumer legislation in this Congress.

Once again, the public has been Sununu-ed. Once again, consumers have been Bush-whacked. They have sabotaged the congressional efforts to obtain a fair deal for cable consumers.

It is obvious that they have never talked to a farm family in Tennessee or Kansas, or South Carolina, or Ken-

tucky—a family that has been shut out by cable operators who are only interested in stifling any competition.

It is clear that the supposedly pro-competition White House staff has never faced the CEO of a major cable operation who demands from program suppliers that no other technologies be allowed to sell in his monopoly franchise area.

Mr. President, it is clear that this White House has no sympathy for cable consumers who have seen their rates more than double in many communities, seen service decline, and their options nonexistent.

The fact is, this White House, like its predecessor, has yet to find a monopoly it does not love.

How did we get to this point today, with the cable legislation on its deathbed?

Four months ago the Senate Commerce Committee passed S. 1880 by a vote of 18 to 1. Three weeks ago the leader called this bill to the floor for action. However, advocates of the cable industry objected, and blocked floor consideration.

At that time I joined my colleague Senator DANFORTH and others in criticizing the industry for its hardball obstructionist tactics in denying the Senate an opportunity to pass the single most important consumer legislation in this Congress.

I have been deeply at odds with many executives of the major cable companies about several issues in this debate—skyrocketing rates and the anticompetitive behavior toward new technologies, to mention two. These concerns were not based on isolated anecdotes in Tennessee or any other limited location or sector of the industry. In fact, the problems were—and are—pervasive.

This is why the committee acted decisively in passing S. 1880 earlier this year—because, after 2 years and a dozen lengthy hearings it was obvious that the 1984 Cable Act was deeply flawed and needed a correction in course.

In a spirit of compromise, to advance legislation before this Congress adjourns, I worked with my colleague Senator WIRTH to craft an adjustment to S. 1880 to resolve the so-called exclusivity issue. A week ago we came to the floor to announce an agreement, in the hope that the bill could then move.

Mr. President, let me take a moment to point out to our colleagues why this issue of exclusivity is so important.

Contracts granting cable operators the exclusive right to distribute satellite-delivered video programming are inherently exclusionary and anticompetitive. They provide cable operators with the most effective means of excluding actual or potential rivals and thus maintaining their control over

the retail price consumers pay for such programming.

Most cable operators face neither competition or rate regulation. As a result, they can determine virtually at will the price consumers must pay to access satellite programming. Development of alternative technologies for distributing satellite programming can substantially benefit consumers by exerting competitive pressure on cable operators and keeping retail prices in check. Such alternative technologies cannot be viable, however, unless they have access to programming comparable to that now provided over cable.

Exclusive video distribution contracts deny a vital input—indeed, the vital input—to actual or potential rivals of cable operators. Foreclosing the supply of this input is likely to discourage entry of potential rivals and could well force the few existing competitors to exit from the market.

A regulatory prohibition on most if not all exclusive satellite video distribution contracts is essential because the market cannot effectively curb anticompetitive effects. First, many programmers are already sister companies of major cable operators. Second, cable operators have the power to extract exclusive contracts from programmers even where such contracts are contrary to the programmers' own interests.

Under most circumstances, the cable system is an essential facility. Without access to it, the programmer may have no practical means of reaching consumers, given the limitations of presently available competing technologies. The cable operator determines: First, which programming services to offer on its system; second, which channel position any given programming service will occupy; third, what portion of its marketing budget, if any, will be devoted to advertising and promoting a programming service; and fourth, on which tier a programming service will be placed. All of these factors contribute to the size of the audience a programming service can reach, and audience size is the key to whether a programming service can survive. Through its manipulation of these conditions, the cable operator can severely punish any programmer who tries to hold out against the demand for exclusivity.

The risk of harm to consumers is particularly great at a time, such as now, when potential rivals to cable operators are struggling to gain a foothold. Few programmers, if any, would risk their existing cable revenue stream by denying exclusivity in exchange for distributing their programming to an untested competitor with little or no initial subscriber base. Given the high cost of entry and limited programming supply, it is unlikely that many new programming services

will emerge to feed these new distribution technologies. The result is a vicious circle: as exclusive contracts foreclose the potential sources of supply for fledgling competitors, it becomes harder and harder for new entrants to attract the substantial capital needed to develop new, often high-risk technologies. And as the prospects for success of these new entrants diminish, it becomes harder and harder for programming services to hold out against the cable operators' demands for exclusive contracts.

The consumer, in the end, will lose as services like CNN, TNT, HBO, Cinemax, Showtime, and MTV will only be available via cable.

To avoid further entrenching the cable operators' dominant position, video programming must be available to all distribution technologies, to present a reliably competitive alternative to cable, including high-powered DBS and telephone company through fiber optic networks.

The interests of consumers are best served when programmers are not forced to deal with any particular distributor. Consumers will then have multiple options from which to choose, and the availability of real alternatives to cable will ensure that cable operators set prices and provide services at competitive levels.

Mr. President, I want to also point out that not everyone in the cable industry worked through the back door of the White House to kill this bill. There were those who properly viewed this measure as a reasonable correction in course. These cable officials got behind the effort to forge a compromise and, in the process, took a great deal of heat from other major MSO executives for their willingness to even discuss a legislative proposal.

The willingness of these cable executives to seek a compromise represented leadership and, I believe, will be viewed favorably as the next Congress takes up a new cable bill.

Unfortunately, the White House has no interest in compromise. The White House, through several of our Republican colleagues, simply decided to kill the bill.

So today, we have no choice but to pronounce this legislation dead. The White House opponents to this consumer bill can enjoy only a very short-term victory, because tough, new legislation will be on this floor early next year. The administration may claim victory in this battle, but they will lose the war. The cable industry is not gaining supporters. It is cable consumers who are making new friends throughout the country and throughout this Congress, thanks in no small way to this administration's stonewalling on this issue. Next year, the cable industry will face stronger legislation with stronger, even more committed

advocates. I predict yet another round of rate increases.

Again, I want to thank all of our colleagues who supported my bill and that of Senator DANFORTH. And, again, thank the chairmen of the Commerce Committee and the Communications Subcommittee for their cooperation in getting this bill to the floor. And, of course, Senator DANFORTH, who has been such a tireless ally for reason in this debate, for his personal leadership on cable legislation in this Congress.

I look forward to working with Senator DANFORTH and others to begin crafting new legislation for early introduction next year.

#### DISADVANTAGED MINORITY HEALTH IMPROVEMENT ACT OF 1990

Mr. KENNEDY. Mr. President, I am proud to speak on behalf of H.R. 5702, the Disadvantaged Minority Health Improvement Act of 1990, which the Senate passed by unanimous consent on October 16, 1990. This legislation addresses a growing crisis in the health status of disadvantaged minorities.

H.R. 5702 is the successor to S. 1606, the Disadvantaged Minority Health Improvement Act of 1989, which passed the Senate last November. The House companion bill to S. 1606, H.R. 3240, was introduced by Congressman STOKES, a leader on minority health issues. The new bill has been crafted through bipartisan discussions among members of the relevant House and Senate committees and the administration.

Concern about the health status of minorities has been escalating since publication of the 1986 Report of the Secretary's Task Force on Black and Minority Health. That report estimated that 60,000 minority deaths are excess deaths, that is, they would not have occurred if death rates were the same for minorities as for nonminorities. In other words, 40% of all minority deaths might have been averted through prevention and earlier intervention.

Minority communities experience disproportionately high rates of disease and injury. For example, black Americans have consistently higher rates of heart disease, stroke, and cancer. They are almost twice as likely to die of diabetes than are white Americans. Only 62 percent of black women and 61 percent of Native American women received prenatal care during the first trimester of pregnancy. The infant mortality rate among black Americans is double that of whites.

Studies demonstrate that minority individuals who are educated as health professionals are more likely to practice in predominantly minority and underserved communities than non-

minorities. Yet minorities are underrepresented in the health professions. Black Americans comprise 12 percent of the population of the United States, but only 3 percent of physicians, and 6 percent of medical students. Hispanics comprise almost 8 percent of the population, but 4 percent of physicians and 5 percent of medical students. In nursing, dentistry and other health professions, disadvantaged minorities are similarly underrepresented.

A recent report by the Council on Graduate Medical Education concluded that minorities are underrepresented in medicine, yet noted that the minority applicant pool to medical school is decreasing. The council recommended that health professions schools develop early education intervention programs linked with public schools and community organizations, in order to increase the pool of qualified minority applicants. It was also recommended that funding priority be given to schools with demonstrated success in recruiting, enrolling and retaining underrepresented minority students. The report concluded that the Federal Government should encourage the training of minority health professionals by developing innovative loan, scholarship and loan forgiveness programs.

This legislation implements many of the recommendations of the Council on Graduate Medical Education. The bill recognizes the financial needs of disadvantaged individuals, including racial and ethnic minorities, in health professional education programs. It also fulfills a need for culturally and linguistically appropriate health information, enhances health services for residents of public housing, reauthorizes the community and migrant health center programs, and authorizes funding for scholarship programs to increase the supply of primary health care professionals in underserved communities.

Like S. 1606, H.R. 5702 establishes new authority and programs under the Public Health Service Act. Section 2 of this act authorizes the Office of Minority Health in the Office of the Assistant Secretary in the Department of Health and Human Services [DHHS]. The office is instructed to establish long and short term goals for improving the health status of disadvantaged individuals, including racial and ethnic minorities. It will coordinate health related activities in DHHS for disadvantaged minorities. The office will establish a minority health resource center, and will support research and demonstration models, including development of educational materials on health promotion, to increase health education and knowledge of health risk. It will coordinate efforts in the private sector to improve disadvantaged minority health status.

The Office of Minority Health will assist providers of primary care services to develop bilingual services, and will help to ensure that all services provided under its mandate are carried out in the appropriate language and cultural context. It is responsible for ensuring that information and services are equitably allocated among all groups served under this section. The Office of Minority Health is authorized to make grants and contracts in order to carry out its directives \$25 million is authorized.

Section 3 expands the PHS Act to include a program to provide health services to residents of public housing. Through the Health Resources and Services Administration, grants will be made to provide primary health services, referrals and health education to such individuals. This Federal funding will be matched dollar for dollar at the State level. The residents of the public housing units will be involved in the planning process for these health centers, and an ongoing quality assurance program will ensure that services provided at these new locations provide a full range of prevention and referral services. \$35 million is authorized for this new program.

Section 4 of the legislation expands the program for Centers of Excellence in Health Professions Education. The existing program provides funds to the historically black colleges and universities [HBCU's] in recognition of their commendable work in educating disadvantaged minority health professionals. The expanded program will provide support to other educational institutions that can demonstrate a similar commitment to educating disadvantaged minorities. Grant moneys will expand programs to improve academic performance, to recruit and retain minority students and faculty, and to improve the curricula and research agendas of schools with respect to minorities.

Grant funds will be distributed to schools which have a significant number of minorities enrolled, have assisted students in completing their educational programs, have successfully recruited minorities via such mechanisms as scholarships and loans or through linkages with secondary schools, and have made efforts to increase the number of minority faculty. A school which meets these criteria for either Black or Hispanic individuals may be designated a Center of Excellence in Minority Health Professions Education. With respect to Native American individuals, schools must also develop relationships with other institutions of higher education in order to facilitate pre-professional education. The health professions schools supported under this program are schools of medicine, dentistry and pharmacy.

In acknowledgment of the important role HBCU's have had in educating minority health professionals and in recognition of their relatively weak financial status, this legislation assures that the first \$12 million appropriated under this section will be used to continue support for these schools.

Under section 5 of the bill, Federal capital contributions to the student loan fund program will be increased. Schools that receive these funds may make loans to disadvantaged minority students. To be eligible, schools must be carrying out programs for recruiting and retaining faculty and students from disadvantaged backgrounds, including ethnic and racial minorities. Schools must also agree to incorporate minority health issues into the academic curricula, to establish educational relationships with clinics that serve disadvantaged groups and with educational institutions which prepare disadvantaged students to enter the health professions, and to establish a mentor program for assisting disadvantaged students. These programs must be in place 1 year after receipt of funds, and must continue throughout the period of the student loan. Schools that have enrollment of underrepresented minorities above the national average for such health professions schools will be given special consideration for capital contributions. \$15 million has been authorized for this loan fund.

An assistance program for students from disadvantaged backgrounds is created in section 6 of this act. Schools that have a program for recruiting and retaining students from disadvantaged backgrounds and minority faculty will receive scholarship grants. Scholarship preference will be given to students from disadvantaged backgrounds or for whom the cost of attending school is a severe financial hardship. Schools may also expend up to 25 percent of scholarship funds to facilitate undergraduate preprofessional education. Schools which receive scholarship funds must demonstrate their commitment to education of disadvantaged minorities through the academic programs and community relationships I mentioned earlier.

We have authorized \$17 million for scholarships under this title. Eligible entities include schools of medicine, nursing, osteopathic medicine, dentistry, pharmacy, public health, and others. Schools that have enrollments of underrepresented minorities above the national average for such health professions schools will be given special consideration. Thirty percent of these funds will be set aside for nursing scholarships.

A new loan repayment program is established for graduates of health professions schools. This program will increase the number of full-time faculty at health professions schools who are

from disadvantaged backgrounds. The Secretary will be able to contract with health professionals who agree to serve as faculty members in exchange for repayment of their educational loans up to \$20,000 per year for a maximum of 4 years. Schools would be required to match the Federal contribution, unless granted a waiver.

In section 7, data requirements for the National Center for Health Statistics are revised. The center is directed to collect data on the health and disability status of specific ethnic and racial populations, in order to improve the quality of information available on the health needs of such groups.

Section 8 of this legislation is derived from an initiative advanced by Senator MITCHELL and Representative MADIGAN that would create community health professions scholarship demonstration programs. Funds will be provided to States, which will distribute them fairly between rural and urban health manpower shortage areas. In turn, these communities will provide health professions academic scholarships in exchange for a commitment to return to the community after graduation to provide primary health care services.

Section 9 reauthorizes the Community and Migrant Health Centers Program. It requires that centers which serve a substantial number of individuals who are of limited English-speaking ability provide services by personnel fluent in the language of those individuals.

Finally, the health needs of Pacific Islanders are addressed in section 10. This grant program targets residents of the Territory of Samoa, the Commonwealth of Northern Mariana Islands, the Territory of Guam, the Republic of the Marshall Islands, the Republic of Palau, and the Federated States of Micronesia. An advisory council consisting of representatives of organizations experienced in providing health services to residents of the Pacific Islands is established to make recommendations to the Secretary for priorities in Public Health Service funding.

I want to express my appreciation to all those who have made significant contributions to this legislation. First, I would like to thank Secretary of Health and Human Services Louis Sullivan, whose commitment to improving the health status of disadvantaged minorities has been unflagging. The administration's support has been critical to the success of this legislative initiative. Representatives WAXMAN, STOKES, and MADIGAN have been diligent in pursuing legislation to improve the health of disadvantaged minorities, and should also be commended. I especially want to thank Members of the Senate, particularly those who co-sponsored S. 1606 and participated in

developing some of the programs in H.R. 5702, including Senators INOUE, HATCH, METZENBAUM, DODD, SIMON, and SPECTER.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time for morning business is closed.

#### ORDER OF PROCEDURE

Mr. WIRTH. Mr. President, I ask unanimous consent to speak as if in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WIRTH. Mr. President, last week Senator GORE and I announced an agreement we had reached on the program access/exclusivity provisions that were one of my major concerns with S. 1880, the Cable Television Consumer Protection Act of 1990. I appreciate the assistance and patience of the Senate Commerce Committee, particularly Senators HOLLINGS, INOUE, and DANFORTH, in helping us resolve this issue. Senator GORE and I hope to offer our agreement as an amendment to S. 1880.

The amendment is designed to promote competition in the distribution of video programming. The agreement strikes a fair balance that requires the FCC to promulgate regulations to prohibit any vendor of nationally distributed video programming, in which a multichannel video system operator shares ownership affiliation, from unreasonably refusing to deal with any other multichannel video system operator. At the same time, the provisions of the amendment assure that multichannel video system operators will have the opportunity to compete with one another through exclusive distribution arrangements.

Under the amendment, vertically integrated video programming vendors are required to make their nationally distributed programming available to all cable systems, operators, and buying groups on similar prices, terms, and conditions. Differences in prices, terms, and conditions that reflect normal business practices are permitted. In addition, bona fide volume discounts may continue to be offered.

Finally, the amendment includes provisions to address C-band satellite programming. C-band satellites have brought television programming to areas that cable and broadcasters cannot now serve and are unlikely to be able to serve in the future. The amendment establishes a limited exception for C-band programming to the general Federal policy permitting exclusivity in television distribution. This exception is designed to ensure that rural Americans share fully in

the growth and diversity of television programming.

To my knowledge, there are no objections to consideration of S. 1880 remaining on this side of the aisle. Apparently, however, there are still objections to the legislation on the minority side. Senator GORE and I have discussed and debated the issues of program access and exclusive contracts for several years. Important concessions were made on both sides. We were able to resolve some serious disagreements in order to see the important consumer provisions of S. 1880 pass. I encourage others with concerns about the legislation to make that same effort.

It is my hope that any serious problems remaining on the other side can be resolved in the very near future. Time is running short and if we are to enact cable legislation this year, we must act now.

Mr. President, I wanted to supplement the remarks of my distinguished colleague from Tennessee, Senator GORE, with whom I have enjoyed working over the last few weeks. After 10 years or nearly 10 years of skirmishing and sometimes open battles and occasional war over this issue, it is nice to know that accommodations can be reached. I thank him for his efforts on this legislation.

The Senator from Tennessee has pronounced the legislation dead and I am not sure that I understand why, and I want to go into that for a few minutes if I might.

I remember the drafting and passage of the 1984 Cable Act in which the final accommodation was reached between the distinguished senior Senator from Utah and myself and the Vice President's office right here off the Senate floor after everybody had declared the 1984 bill to be dead, how we went back to the House floor and it passed over there and came whipping through and became law, and that had been a great success.

The bill of 1984 has brought us extraordinary access to cable services around the country. Around 90 percent of the households in the United States now have access to cable and well over 50 percent, 55 or 56 percent are now subscribers. We have seen an explosion not only of access and subscription to cable but lots of those services. Those watching today are watching over C-SPAN II, a cable service.

We are all familiar with the CNN, which the President himself has said is a major provider of news and information and public affairs. We all watched Tianamen Square, watched what was going on in Central and Eastern Europe over CNN now run by a very distinguished journalist, Tom Johnson, who is the new CEO of that extraordinarily important service. Disney, HBO, Showtime become

household products in the United States as has ESPN, another cable service, Disney Channel, the learning channel, bringing children programming not brought by any commercial network but children programming being brought to millions of American children as Nickelodeon.

I raise these numbers to say since 1984 we have seen an industry that truly has matured. We have seen an industry that is now spending tens of millions of dollars on programming to fill out the enormous promise of cable, and I believe we have just begun. Are there problems along the way? Of course, there are, and I think some of those problems are legitimately addressed in this legislation.

There have been various places, Mr. President, and you are familiar with that, and all my colleagues are familiar with that in which the local cable company has from time to time abused the structure. We have seen rates go up unusually rapidly. We have seen people take advantage of the franchise that is wrong and is addressed in this bill and should be. We have seen times where cable services have been neglected and the distinguished Senator from Vermont [Mr. LEAHY] spoke about that the other day, getting the cable company on the telephone you cannot get the answers after 2 or 3 hours, nothing happens and no change. And the cable industry, I believe, has recognized that and has now embarked upon a major effort to right the problems that existed with customer service; there are growing pains, yes, death knells, no. I think it very important that we address those issues and those are legitimate sides of the cable legislation.

There was a part of the cable legislation, however, that I did not believe was legitimate at all. And that was a fundamental attack upon programming program access, the ability to offer volume discounts for cable services, a variety of issues in the cable industry in the structure of the cable industry that had nothing at all to do with the rate and customer service problems. Those program access issues were aimed right at the head of the cable television industry and in my opinion were not appropriate.

The cable television industry was the basic flat car of the rate and service issue. It was being used, I believe, by the other industries to go after this one that has been, since 1984, very successful. And it was upon that issue that, for the first time, as the majority leader tried to move the legislation, it foundered and it was upon that issue that the distinguished Senator from Tennessee and I were able to reach the compromise which has been much discussed and understood.

In doing so, I want to thank not only Senator GORE but Senator HOLLINGS

and Senator INOUE for their extraordinary patience in all of this. I think they have been patient.

I think we have reached a very reasonable way of approaching this structure program access marketing set of issues that had troubled the Senator from Tennessee and others. We now have a piece of legislation in front of us which addresses the rate issues and the service issue as they should be addressed and addresses the access issue, what I would say is the structure of the industry issue, in a reasonable fashion. That is the Wirth-Gore compromise.

So why do we not go ahead? We have cleared this legislation on our side, Mr. President. We did what is called a hotline in which we call around to everybody's office and say is there objection to bringing up the legislation, and the answer was there was no objection. We called all of the offices on the Democratic side and cleared that. It is cleared entirely on the Democratic side to move ahead. So it is very clear that we would like to move ahead with a piece of legislation.

I now hope that we would get to a point where we could find out if there is objection on the other side or, if people on the other side are objecting on behalf of the White House, if that is the case, who is doing that objecting and why.

It is very difficult to deal with a piece of legislation, as Senator FOWLER said during the negotiations on the budget, it is very difficult to negotiate if you do not know who you are negotiating with. On the budget situation, are we negotiating with Congressman GINGRICH in the House? Are we negotiating with the Republican leader in the House or are we negotiating with the minority in the Senate? Are we negotiating with John Sununu or Dick Darman in the White House? Who speaks for the Republican Party? That has been enormously frustrating in budget negotiations.

It appears that we finally got it worked out by doing it the way it should be done right here in the U.S. Senate and the other body. We deal with our colleagues and work it out on the floor of the legislative body. Why do we not do the same sort of thing with this piece of legislation here? We have cleared it on the Democratic side. I think it would be useful to know where the objections are on the Republican side, if they are substantive objections or if they are objections being lodged through Members of the Senate from the White House.

It is not at all clear what the situation is. What is clear is that it is set to go over here and I would hope that in these last few days—and there are always more days to the end of the session than we would imagine—that we might be able to do so.

Finally, Mr. President, there have been some suggestions in the last few days that the industry itself does not want to have a piece of legislation. I would like to put in the RECORD, if I might, a letter dated October 15 from the President of the National Cable Television Association, Jim Mooney, who wrote to me saying:

Dear Tim:

I just wanted to drop you a note and offer my congratulations on your agreement with Senator Gore.

The new language is a reasonable compromise, and while we, of course, remain concerned over what other amendments may yet be offered, we hope the bill will go forward and a reasonable result can be achieved.

With best regards,

The industry wants to move ahead, Mr. President. We have a number of amendments. Though most of those have been agreed to, I understand, by the managers of the bill, there are a few amendments outstanding.

I know Senator METZENBAUM has an amendment to the Wirth-Gore agreement which he is prepared to offer.

Senator BRYAN told me he had a study amendment that he wants to offer.

It is my understanding the other amendments, at least those on the Democratic side, have all been submitted and it is my understanding all of the remaining ones have been either directly cleared or it was suggested that they would be acceptable.

So we are again ready to go. I would be very sorry if we did not use the opportunity of these last few days of the session. The last few days which are always ripe with opportunity for making progress and for getting a lot of things done—legislative sessions often wait until the last minute. People are looking off the abyss, deciding whether "Do I want to go over the abyss or do I want to act now?"

I think we should act now.

I thank the distinguished Presiding Officer for his interest and concern as well in this issue.

Mr. President, I ask unanimous consent that the letter I read earlier be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL CABLE  
TELEVISION ASSOCIATION,  
Washington, DC, October 15, 1990.  
Hon. TIMOTHY E. WIRTH,  
U.S. Senate, Senate Russell Office Building,  
Washington, DC.

DEAR TIM: I just wanted to drop you a note and offer my congratulations on your agreement with Senator Gore.

The new language is a reasonable compromise, and while we, of course, remain concerned over what other amendments may yet be offered, we hope the bill will go forward and a reasonable result can be achieved.

With best regards,

Sincerely,

JAMES P. MOONEY.

Mr. GORE. Mr. President, I ask unanimous consent, with the indulgence of my colleagues, to speak in morning business for 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORE. Mr. President, I would welcome a Lazarus-like revival of this bill, but unfortunately it is just not going to happen. I am told there are seven holds on the Republican side. The Republican leader will not even run a hotline because there are so many of them.

I recall when the late Generalissimo Franco lingered on his death bed for seemingly months upon months—and it is not my purpose to make light of that event—but I remember the masses of remaining supporters who hoped that he might yet be resuscitated and lead Spain once more. It did not happen, Mr. President. And this bill is not going to get up off its death bed this year. But next year it will—a new bill, a fresh start—because the people want it.

This industry has no competition and no regulation, and no industry in America ought to be in a position like that. So we will be back next year. It is unfortunately, dead this year. I wish it was not.

I welcome the chance to be proven wrong on this. It is not going to happen. The White House is against this. They have come through the back door to get Republican Senators to stop them. It is too bad. But we will be back in January.

The ACTING PRESIDENT pro tempore. Under the previous order, the time for morning business was to have expired.

The Chair recognizes the Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### VIOLENCE AGAINST WOMEN ACT OF 1990

Mr. BIDEN. Mr. President, today the Judiciary Committee filed the report on the Violence Against Women Act of 1990, a bill I introduced last June and which the committee unanimously approved 2 weeks ago. This committee report, Mr. President, is a product of two hearings and countless hours of work by my fellow Senators on the Judiciary Committee and experts and interested persons in this area.

The report, Mr. President, documents a problem that desperately needs our attention—a growing crime epidemic that singles out one particu-

lar group of American citizens for devastation, and that is women in America.

The data found in this report that we are submitting today is staggering.

I would like the Chair to just consider a few facts and, as a former prosecutor, he is probably well aware of it.

The first is one out of every five American women, one out of five, will be raped during their lifetime. More women will be beaten by their husbands this year than will get married this year. Flight from domestic violence is the No. 1 reason why women are homeless in America.

Mr. President, no American woman is immune. Many fear abuse and attack every day, every hour. And, unfortunately, this report shows that the fears of these many women may very well be justified.

In this country, Mr. President, a woman is raped every 6 minutes; a woman is beaten every 15 seconds. This report not only documents the minute-by-minute and day-by-day violence against women, but it reveals a new and startling fact: A spiraling gender gap of violence. In every age group, in every single age group, the assault rate against women is rising twice as fast as the assault rate against men. And, in some age groups, Mr. President, the assault rates against women are rising five times as fast as the assault rate against men.

Young women are particularly at risk. While young women are being attacked today at a rate 50 percent greater than they were in 1974, young men are being attacked less often, by 12 percent, than occurred in 1974.

Quite frankly, Mr. President, it is appalling. The average age of a rape victim in America is 18½ years of age; A half-million girls now in high school will be raped before they graduate.

This is a national outrage, Mr. President, one that we have waited much too long to address, I might add, in large part because I suspect many of us did not know the extent of the devastation. Indeed, our committee's report shows the price that America has paid for waiting this long to attack the epidemic of crime against women today.

Today, a rapist is more likely to escape conviction for his crime than a car thief. The conviction rate for rapists has fallen 30 percent since the mid-sixties. We have built three times more animal shelters in America than we have built shelters for battered women. And there are still counties in this country where 200 rape complaints a year have gone unprosecuted.

In this city today, in 85 percent of the cases where a wife is physically injured and bleeding, police refuse to arrest the attackers who have beaten their wives. Not because the police are bad, I might add, Mr. President, but because they know that since the

woman is intimidated, she is ultimately not going to press the charge. So out of frustration, in 85 percent of those cases, they do not bring a charge.

We need our very best legislative efforts to combat this serious problem, Mr. President. As the committee report explains, the Violence Against Women Act is "more comprehensive and more ambitious than any legislative response undertaken before to address violence against women."

Mr. President, among other things, the bill I have written, which was reported out unanimously—the bill we are preparing for the Senate floor today—first, creates a new offense and new penalties for rapists, and new legal protections for battered women.

It further provides desperately needed help for crime survivors. It takes aim at the kind of attitudes that nurture violence and it makes violent crime against women a major law enforcement priority, adding police, lighting, and prosecutors in the areas most dangerous to women.

Mr. President, if I can just cite one study, a Rhode Island study in the recent past shows this. They asked junior high school students: Does a man have a right to force sex on a woman if he has spent \$10 on her on a date? And 25 percent of the junior high school males said yes. And even more startling, 20 percent of the high school girls said yes.

Mr. President, we have an attitude problem about the role of women in America and the right of men. No right at all.

Most important, the Violence Against Woman Act takes a strong moral stand against the antiwoman hate crime that is underway in this country. This legislation takes a dramatic step, for which I acknowledge I have been criticized, a dramatic step forward by declaring that these crimes, violent crimes against women, only because they are women, are entitled to the most important kind of condemnation, beyond the criminal justice system we have, and that we as a society can possibly use. And that is a declaration that gender-based crimes against women violate their civil rights.

As one witness before our committee stated crimes motivated by gender not only assault individuals, "they assault a publicly shared ideal of equality."

As the committee report concludes, this act says for the first time that crimes motivated by gender are important enough to deserve Federal civil rights protection. All Americans, men and women, children and adults, young and old, are entitled to live free from the fear of crime. They have a basic right to live their lives without wondering if they can safely walk down the streets, safely ride a bus,

safely stroll across a campus, safely go home at night, or safely live at home.

For half of Americans, this basic human right of living free of fear is now denied, and the legislation we report today takes a first step toward righting this wrong.

I hope my colleagues in the Senate will join my colleagues in the Judiciary Committee in supporting this legislation.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the time for morning business has expired.

Mr. KERREY. Mr. President, I ask unanimous consent to be able to proceed as in morning business for a period of 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### THE SAVINGS AND LOAN ISSUE

Mr. KERREY. Mr. President, I ask unanimous consent to have printed in the RECORD an article that appeared in this morning's New York Times by Stephen Labaton regarding the savings and loan issue.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

##### SAVINGS BAILOUT MAY BE HINDERED BY POLITICAL IMPASSE OVER MONEY

(By Stephen Labaton)

WASHINGTON.—The Government bailout of the savings and loan industry may be forced to slow down substantially for lack of money because neither the Bush Administration nor Congress wants to be seen as endorsing new spending for the effort right before the November elections.

The political stalemate centers on Congressional authorization for \$40 billion in new money that the Administration has requested for the bailout program over the next 12 months.

Yet the maneuvering over the issue is less about the financing itself than about the timing and the public perception of the move shortly before Congressional elections. This is not a time that Republicans or Democrats want to be associated with the savings and loan issue. And they especially do not want to champion additional spending on a bailout that has been criticized as being slow, expensive and inefficient.

The agency handling the rescue, the Resolution Trust Corporation, is virtually out of cash. The delay in providing additional money threatens to bog down the process of seizing ailing savings and loans, paying depositors, and selling or closing the institutions. And delays could add to the price of the bailout, which including interest payments on the program's debt is estimated to cost as much as \$500 billion over the next 30 years.

The political impasse over new financing for the rescue effort widened today, as the chairman of the House Banking Committee

abruptly canceled the second hearing in two days on the Administration request.

The chairman, Henry B. Gonzalez, told colleagues that he had canceled both proceedings because the Treasury Department had decided not to send any senior ranking officials to explain how the Administration plans to use the new funds and how the rescue effort has been faring so far.

No further hearings have been scheduled, and the Administration has remained adamantly opposed to sending a representative to Congress, saying that it has already provided in detail how much it is seeking for the current fiscal year, which began almost three weeks ago.

The wrangle over financing for the bailout is technically separate from the current debate over the Federal budget, since the costs of the rescue of the savings industry are not included in calculations of the Federal budget deficit. Still, both debates have been shaped by the election next month.

"With about 20 days to go before elections, there is certainly a lot of trepidation about the fallout of the savings and loan rescue," said Bruce F. Vento, a Minnesota Democrat who is a member of the Housing Banking Committee and the chairman of a panel overseeing Resolution Trust. "All sides know that anything that happens will cause a public backlash."

L. William Seidman, the chairman of Resolution Trust, said an impasse on the agency's budget would make it nearly impossible to sell or close 204 institutions under Government control, resulting in an additional initial quarterly cost of the least \$250 million to \$300 million.

He said Resolution Trust was studying the costs of closer Government supervision, but not the seizure, of those institutions that failed to meet the Government's capital standards but were nonetheless not losing large amounts of money and were being properly managed.

#### DELAY COULD BACKFIRE

Congressional aides and industry lobbyists argued today that failure to provide new financing for the bailout effort could backfire. They drew parallels between the latest inability to raise new funds and the situation two years ago, when a failure to appropriate money for a bailout led to a series of savings and loan deals with private investors that are now expected to cost the Government more than \$69 billion.

When those deals were executed, regulators had virtually no capital and, by some accounts, had to make the sales as attractive as possible to the buyers of the institutions.

Since the passage of a new financing measure is not in sight, saving and loan regulators have begun drawing up contingency plans to operate Resolution Trust without a fresh infusion of cash. The plans rely primarily on sales of the more than \$165 billion in savings and loan assets held by Government, including securities, "junk bonds" and real estate.

But the sales will take time, and because less money will be available to Resolution Trust, it will be unable to sell or close any institutions, although it will still be able to seize and run those in the worst shape, Mr. Seidman said.

#### \$57 BILLION AUTHORIZED

Last week, the Senate Banking Committee authorized \$57 billion for the fiscal year for Resolution Trust: \$40 billion to cover losses and \$17 billion for reserves. But committee aides said that it was questionable whether

legislation would reach the Senate floor before the recess.

Mr. Gonzalez, a Democrat of Texas, has demanded that Treasury Secretary Nicholas F. Brady explain to the committee why the Bush Administration is seeking \$40 billion in additional money for the current fiscal year.

In an interview, Mr. Gonzalez said the failure of Mr. Brady or any other Treasury official to appear was "politically motivated."

"They want to slip this through without any real oversight," he said. "In my 29 years in Congress, I have never seen a request for authorization of funds—even requests much smaller than R.T.C.'s \$40 billion—without the accompanying willingness of an agency or department head to defend the request in an open session."

#### IT'S THEIR RESPONSIBILITY

A spokeswoman for the Treasury Department, Desiree Tucker-Sorini, said that while the Administration had no intention of sending an official to a hearing, senior officials would be available for questions by any members of the House Banking Committee.

"There is no reason that the committee should not act," she said. "It's their responsibility to keep the process moving."

Acknowledging that a committee vote on financing the bailout could be close, Mr. Gonzalez said in a letter to committee members that legislation would "more likely be successful" if the committee had an opportunity to question Mr. Brady.

Mr. KERREY. Mr. President, this is a very disturbing article. It essentially says this Congress will end without providing the resources necessary to resolve many of the savings and loan problems that we have in this country.

William Seidman said without this money, we will probably have another \$250 to \$300 million in costs. They have too many institutions, we will not be able to resolve. The amount estimated that we need by the Department of the Treasury was about \$40 billion for losses next year; \$17 billion for operating capital; and a magic phrase called "such sums as necessary" to provide money for the 1988 deals.

This is a significant item for a number of reasons. Not only are we going to add additional taxpayer costs by not appropriating, but it exposes again the unwillingness of the administration to deal with this matter in a straightforward fashion. The administration has insisted upon controlling all the information in this process and revealing only such information as they think appropriate to Members of Congress.

I call the attention of my colleagues to what we have just done last night. We have ended a bitter fight to make real reductions in spending, a bitter fight to generate additional revenue to do something about this deficit. What the administration has on the table is a requirement for another \$57 billion minimum for next year, and that does not include "such sums as necessary" for the 1988 deals.

I point out to my colleagues the article says the administration would not

send a senior member of Treasury, and preferably Treasury Secretary Brady up to the Banking Committee of the House of Representatives to explain how the money is going to be spent. The Senate Banking Committee has been requesting the administration to provide that information. They finally got a letter on the 10th of October.

Mr. President, I ask unanimous consent the letter from the Secretary of the Treasury also be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,  
Washington, October 10, 1990.

HON. DONALD W. RIEGLE, JR.  
Chairman, Committee on Banking, Housing, and Urban Affairs, U.S. Senate,  
Washington, DC.

DEAR MR. CHAIRMAN: The Resolution Trust Corporation (RTC) has submitted a proposed operating plan projecting that RTC case resolutions will virtually cease within the next two months unless additional funds are provided and RTC borrowing authority is clarified. Accordingly, we repeat our request that Congress address both of these constraints before it adjourns in order to avoid an interruption of RTC operations. This request is fully consistent with the Budget Resolution, which assumes sufficient funding for RTC resolutions and which recognizes that RTC spending is a mandatory federal obligation. The request is also consistent with earlier requests made since last May in testimony before Committees of both Houses. As the end of the session draws near, the public interest requires that we proceed in a bipartisan manner to assure that the RTC can continue with its important work.

#### ADDITIONAL FUNDING

The RTC projects that it will use nearly all—about \$49 billion—of the \$50 billion in loss funds provided by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) by the end of this calendar year (this assumes resolution of the borrowing cap issue, discussed below). As we have indicated in recent testimony and correspondence, there are several acceptable approaches to providing additional funds.

While one appropriate method would be a permanent, indefinite appropriation—which recognizes the mandatory character of RTC spending—we understand that Congress may be more inclined to provide interim funding for some or all of fiscal year 1991. As we have stated previously, we would support such an interim approach. Forty billion dollars in appropriations beyond current authorized spending should be sufficient to fund the losses in RTC case resolutions through the end of fiscal year 1991, and is consistent with RTC Chairman Seidman's recent testimony.

#### THE BORROWING CAP

The RTC's second constraint is the limitation on RTC borrowing for working capital (the "borrowing cap"). The current RTC interpretation of the cap requires the RTC to set aside a reserve equal to 15 percent of outstanding borrowings, even though the borrowings must be fully backed with RTC assets marked to fair market value. This reserve cannot be spent to resolve losses in failed thrifts. Consequently, the RTC would

be forced to cease operations in the next two months, in the absence of Congressional action, even though it will still have over \$10 billion of the \$50 billion in loss funds provided in FIRREA.

This problem must be addressed, or the borrowing cap will continue to prematurely halt RTC operations before additional loss funds authorized by Congress are spent. There are two potential solutions.

First, Congress could provide additional funds to be used as the 15 percent reserve. These extra funds could not be spent, and would therefore constitute a kind of "sterile reserve." As a result, for the full fiscal year 1991, this option would require an additional \$17 billion appropriation for the sterile reserve above and beyond the \$40 billion appropriation necessary to pay for RTC losses.

Second, Congress could eliminate the 15 percent reserve, while still including strict safeguards to ensure that all RTC borrowing is backed by RTC assets. We believe this is the better way to proceed, because the effect on RTC spending would be exactly the same as the first option, but would not require a substantial additional appropriation that will not be spent.

Finally, as you know, the General Accounting Office has issued a report concluding that the literal language of the borrowing cap allows the RTC to spend the reserve to resolve losses in failed thrifts, notwithstanding the current RTC interpretation. This literal interpretation would also require no additional appropriations beyond those required to pay for actual losses.

#### CONCLUSION

In sum, to prevent a termination of RTC case resolutions, Congress must provide additional RTC funds and address the borrowing cap issue before it adjourns.

Sincerely,

NICK BRADY.

Mr. KERREY. The letter, Mr. President, is essentially a letter that covers them. That will be used as cover. Again I urge my colleagues to consider what is going to happen. What is going to happen is this. The administration is going to hold this letter up and say: We asked Congress for money. We asked Congress for money, but they did not give us the money. And because they did not give us the money, this thing costs more.

It is not true, Mr. President. They have not come to Congress and asked for the money. A letter is not enough for a \$57 billion minimum spending program. You have to come to Congress to sell that program, and they have not done it.

The American people, I think, are growing weary of this savings and loan rescue program, and in particular, Mr. President, they are growing weary of getting additional information released to them about the size of this thing and how it is growing.

They are angry about having to pay the cost. My suspicions are they are willing to pay the costs, but they have to be sold and they have to believe it is fair. Right now, that has not occurred.

The administration's letter of October 10 requesting money is not enough. It is not enough, Mr. President. The administration has not ful-

filled their responsibilities, and it will not work in a year or 2 years from now, to hold up a letter and say: See, we asked for the money.

They refused to send a senior member from the Treasury Department to the House Banking Committee to testify and explain how that money was going to be spent; \$57 billion, and they will not send somebody to Congress to explain how it is going to be spent. They send an Under Secretary, Mr. Glauber, to the Senate Banking Committee because Secretary Brady's schedule was busy for a \$57 billion spending program. His schedule is too busy to come to Congress to explain the details of how that money is going to be spent.

Mr. President, the executive branch has not fulfilled their responsibility. The letter they have sent to Congress saying that they have asked for the money simply falls way short—way short, Mr. President—of the mark. The taxpayers of the United States of America will spend more money on the savings and loan problem because of the administration's failure to come to the American people and to come to the peoples' representatives in Congress to explain what it is they want, and why it is they want this money.

Mr. President, I earlier made remarks concerning the S&L problem. I simply ask unanimous consent that a letter from Treasury Secretary Brady to the chairman of the Banking Committee, and indirectly to all Members of the Congress as well, be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE TREASURY,  
Washington, October 12, 1990.  
HON. DONALD RIEGLE, JR.,  
Chairman, Committee on Banking, Housing  
and Urban Affairs, U.S. Senate, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: I understand that the Banking Committee is scheduled to consider legislation to provide necessary additional funding for the Resolution Trust Corporation. You and Senator Garn are to be commended for moving ahead in this fashion.

Let there be no confusion among the members of your Committee or your colleagues in Congress about my position on providing additional resources to the RTC: Congress must act this year. As you know, since May I have advised your Committee and the House Committee of this imperative. The Banking Committee markup is the first step in this process.

Thank you for your leadership and cooperation in this important effort.

Sincerely,

NICK BRADY.

Mr. KERREY. Mr. President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. LEAHY. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### SANITARY FOOD TRANSPORTATION ACT

Mr. LEAHY. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on H.R. 3386.

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives:

*Resolved*, That the House agree to the amendment of the Senate to the bill (H.R. 3386) entitled "An Act to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and nonfood products, and for other purposes," with the following amendments:

In lieu of the matter inserted by said amendment, insert:

That, upon the adoption of this resolution, the bill (H.R. 3386) to prohibit the use of refrigerated motor vehicles for the transportation of solid waste, to prohibit the use of cargo tanks in providing motor vehicle transportation of food and nonfood products, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendment to the text of the bill be, and the same is hereby, agreed to with the following amendments:

In lieu of the matter proposed to be inserted by the Senate, insert as an amendment in the nature of a substitute the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Sanitary Food Transportation Act of 1990".

#### SEC. 2. FINDINGS.

Congress finds that—

(1) Americans are entitled to receive food and other consumer products that are not made unsafe as a result of certain transportation practices;

(2) the American public is threatened by the transportation of products potentially harmful to consumers in motor vehicles and rail vehicles which are used to transport food and other consumer products; and

(3) the risk posed to consumers by such transportation practices are unnecessary, and such practices must be terminated.

#### SEC. 3. DEFINITIONS.

As used in this Act—

(1) FOOD, FOOD ADDITIVES, DRUGS, DEVICES, OR COSMETICS.—The terms "food", "food additives", "drugs", "devices", and "cosmetics" have the meanings given to them by section

201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(2) **NONFOOD PRODUCT.**—The term “nonfood product” means any material, substance, or product (including refuse, and solid waste, as such term is defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903)) which (except as provided under section 4(a)(2)) is not a food, food additive, drug, device, or cosmetic. Such term includes any class of such materials, substances, or products.

(3) **REFUSE.**—The term “refuse” means any discarded material to be transported to or disposed of in a landfill or incinerator, or required by law to be transported to or disposed of in a landfill or incinerator, or required by law to be transported to or disposed of in a landfill or incinerator.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(5) **STATE.**—The term “State” means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, American Samoa, Guam, and any other territory or possession of the United States.

(6) **TRANSPORTS OR TRANSPORTATION.**—The term “transports” or “transportation” means any movement of property in commerce (including intrastate commerce) by motor vehicle or rail vehicle.

(7) **UNITED STATES.**—The term “United States” means all of the States.

#### SEC. 4. REGULATIONS.

##### (a) IN GENERAL.—

(1) **RESPONSIBILITY OF SECRETARY.**—In accordance with this Act, the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall issue regulations, pursuant to a rulemaking proceeding, with respect to the transportation of food, food additives, drugs, devices, and cosmetics in motor vehicles and rail vehicles which are used to transport either refuse or other nonfood products which, when so transported, would make such food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals.

(2) **TREATMENT AS NONFOOD PRODUCTS.**—If a drug, device, or cosmetic is transported in a motor or rail vehicle at the same time or before a food or food additive is transported in such vehicle, the Secretary shall treat such drug, device, or cosmetic as a nonfood product if such transportation would make such food or food additive unsafe to the health of humans or animals.

(3) **SPECIAL REQUIREMENTS.**—In issuing regulations under subsection (a)(1), the Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall establish standards, requirements, and other provisions relating to—

(1) appropriate recordkeeping, identification, marking, certification, or other means of verification required to promote compliance with the requirements of sections 5, 6, and 7;

(2) appropriate decontamination, removal, disposal, and isolation standards with respect to regulations implementing sections 5 and 6; and

(3) appropriate materials for construction of tank trucks, rail tank cars, cargo tanks, and accessory equipment to comply with regulations implementing section 5.

(c) **CONSIDERATIONS.**—In issuing regulations under subsection (a)(1), the Secretary,

in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall consider each of the following and may establish standards, requirements, or other provisions relating to any or all of the following:

(1) The extent to which packaging or similar means of protecting and isolating commodities are adequate to ameliorate or eliminate the potential risks of transporting food, food additives, drugs, devices, or cosmetics in motor vehicles or rail vehicles used to transport nonfood products. In packaging standards are found to be adequate by the Secretary, regulations issued under subsection (a)(1) shall not apply to food, food additives, drugs, devices, or cosmetics or nonfood products which are packaged in packages which meet such standards.

(2) Appropriate compliance and enforcement measures for carrying out this Act.

(3) Appropriate minimum insurance or other liability requirements for any person covered by this Act.

(d) **DEADLINES.**—The rulemaking proceeding referred to in subsection (a)(1) shall be initiated within 30 days after the date of enactment of this Act. The regulations referred to in subsection (a)(1) shall be issued within 270 days after such date of enactment.

#### SEC. 5. TANK TRUCKS, RAIL TANK CARS, AND CARGO TANKS.

(a) **PROHIBITION.**—At a minimum, the regulations issued under section 4(a)(1) shall prohibit any person from using, offering for use, or arranging for the use of a tank truck, rail tank car, or cargo tank used in motor vehicle transportation or rail transportation of food, food additives, drugs, devices, or cosmetics, if such tank truck, rail tank car, or cargo tank is used to transport a nonfood product (other than any nonfood product which is included on a list published under subsection (b)).

(b) **LIST OF ACCEPTABLE NONFOOD PRODUCTS.**—The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register a list of nonfood products which the Secretary has determined do not make food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals as a result of transportation in a tank truck, rail tank car, or cargo tank which is used to transport food, food additives, drugs, devices, or cosmetics. The Secretary may periodically amend such list by publication in the Federal Register.

(c) **IDENTIFICATION.**—The regulations issued under section 4(a)(1) shall, at a minimum, provide that—

(1) no person shall use, offer for use, or arrange for the use of a tank truck or a cargo tank to provide motor vehicle transportation of only food, food additives, drugs, devices, or cosmetics or nonfood products which are included on the list published under subsection (b) unless such tank truck or cargo tank is identified, by a permanent marking on such tank truck or cargo tank, as transporting such food, food additives, drugs, devices, or cosmetics or nonfood products;

(2) no person shall use, offer for use, or arrange for the use of a tank truck or a cargo tank to provide motor vehicle transportation of a nonfood product which is not included on the list published under subsection (b) if such tank truck or cargo tank is

identified pursuant to paragraph (1) as a tank truck or cargo tank transporting only food, food additives, drugs, devices, or cosmetics and nonfood products included on such a list; and

(3) no person shall receive, except for lawful disposal purposes, any food, food additive, drug, device, or cosmetic or nonfood product which has been transported in a tank truck or cargo tank in violation of paragraph (1) or (2).

(d) **DISCLOSURE.**—Any person who arranges for the use of a tank truck or a cargo tank used in motor vehicle transportation for the transportation of a food, food additive, drug, device, or cosmetic or nonfood product shall in making such arrangement disclose to the motor carrier or other appropriate person if the food, food additive, drug, device, or cosmetic or nonfood product being transported is to be used—

(1) as, or in the preparation of, a food or food additive, or

(2) as a nonfood product which is included in the list published under subsection (b).

#### SEC. 6. MOTOR AND RAIL TRANSPORTATION OF NONFOOD PRODUCTS.

(a) **PROHIBITION.**—At a minimum, the regulations issued under section 4(a)(1) shall prohibit any person from using, offering for use, or arranging for the use of a motor vehicle or a rail vehicle, other than a tank truck, rail tank car, or cargo tank described in section 5, to provide transportation of food, food additives, drugs, devices, or cosmetics, if such vehicle is used to transport nonfood products included on a list published under subsection (b).

(b) **LIST OF UNACCEPTABLE NONFOOD PRODUCTS.**—

(b) **PUBLICATION.**—The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register a list of nonfood products which the Secretary has determined would make food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals as a result of transportation in a motor vehicle or rail vehicle which is used to transport food, food additives, drugs, devices, or cosmetics. The Secretary may periodically amend the list by publication in the Federal Register.

(2) **CARDBOARD, PALLETS, BEVERAGE CONTAINERS, AND OTHER FOOD PACKAGING.**—The list published under paragraph (1) shall not include cardboard, pallets, beverage containers, and other food packaging except to the extent the Secretary determines that the transportation of cardboard, pallets, beverage containers, or other food packaging in a motor vehicle or rail vehicle which is used to transport food, food additives, drugs, devices, or cosmetics would make the food, food additives, drugs, devices, or cosmetics unsafe to the health of humans or animals.

#### SEC. 7. DEDICATED VEHICLES.

At a minimum, the regulations issued under section 4(a)(1) shall prohibit any person from using, offering for use, or arranging for the use of a motor vehicle or rail vehicle to provide transportation of asbestos, in forms or quantities determined by the Secretary to be necessary, or of products which present an extreme danger to human or animal health, despite any decontamination, removal, disposal, packaging, or other isolation procedures, unless such motor vehicle or rail vehicle is used only to provide transportation of one or more of the following: asbestos, such extremely danger-

ous products, refuse. The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, shall publish in the Federal Register a list of the products covered by this section. The Secretary may periodically amend such list by publication in the Federal Register.

#### SEC. 8. WAIVER AUTHORITY.

The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, and the Administrator of the Environmental Protection Agency, may waive, in whole or in part, application of any provision of this Act or any regulations issued under this Act with respect to any class of persons, class of motor vehicles, class of rail vehicles, class of food, food additives, drugs, devices, or cosmetics, class of refuse, or class of nonfood products, if the Secretary determines that such waiver would not result in transportation of food, food additives, drugs, devices, or cosmetics that would be unsafe to human or animal health and otherwise is not contrary to the public interest and this Act. Any waiver under this section shall be published in the Federal Register, together with the reasons for such waiver.

#### SEC. 9. FOOD TRANSPORTATION INSPECTIONS.

(a) **INSPECTION AUTHORITY.**—With respect to commercial motor vehicles, the Secretary may carry out the requirements of this Act and assist in carrying out compatible State laws and regulations through means that include inspections conducted by State employees which are funded with money authorized under sections 402 through 404 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2302-2304) to carry out the motor carrier safety assistance program, if the recipient States agree to assist in the enforcement of this Act or are enforcing compatible State laws and regulations.

(b) **ASSISTANCE OF OTHER AGENCIES.**—Upon request by the Secretary, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of other appropriate Federal agencies shall provide assistance, to the extent such assistance is available, to the Secretary for the purpose of carrying out this Act, including assistance in the training of personnel under a program established under subsection (c).

(c) **TRAINING PROGRAM.**—The Secretary, in consultation with the Secretary of Agriculture, the Secretary of Health and Human Services, the Administrator of the Environmental Protection Agency, and the heads of appropriate State transportation and food safety agencies, shall develop and carry out a training program for inspectors to conduct vigorous enforcement of this Act and regulations issued under this Act or compatible State laws and regulations. As part of such training program, the inspectors, including State inspectors or personnel paid with funds under the motor carrier safety assistance program, shall be trained in the recognition of adulteration problems associated with the transportation of food, food additives, drugs, devices, and cosmetics and in the procedures for securing the assistance of the appropriate Federal and State agencies to support such enforcement.

#### SEC. 10. POWERS AND DUTIES OF THE SECRETARY.

The Secretary shall have the same powers, duties, and authorities under this Act with respect to transportation regulated under this Act as the Secretary has under section 109 (other than subsections (c)(1), (d), and (e) of such section) of the Hazard-

ous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) with respect to transportation regulated under such Act.

#### SEC. 11. VIOLATIONS, PENALTIES, AND SPECIFIC RELIEF.

(a) **VIOLATIONS, PENALTIES.**—Civil and criminal violations of regulations or orders issued under this Act shall be determined, and civil and criminal penalties for such violations shall be imposed, in the same manner and to the same extent that violations are determined and penalties are imposed under section 110 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1809).

(b) **EQUITABLE RELIEF.**—The Secretary shall request equitable relief and take action to eliminate or ameliorate an imminent hazard with respect to any violation of regulations issued under this Act, or of an order issued under this Act, in the same manner and to the same extent that the Secretary is authorized to take under section 111 of the Hazardous Materials Transportation Act (49 U.S.C. App. 1810).

#### SEC. 12. RELATIONSHIP TO OTHER LAWS.

The provisions of the Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) relating to the relationship of that Act to a law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or of an Indian tribe shall apply with respect to the relationship of this Act to a law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or of an Indian tribe which concerns a subject covered under this Act.

#### SEC. 13. COORDINATION PROCEDURES.

Not later than 1 year after the date of enactment of this Act, the Secretary, after consultation with appropriate State officials, shall establish procedures to promote more effective coordination between the agencies of the United States and agencies of the States with regulatory authority over motor carrier safety and railroad safety with respect to implementation and enforcement of this Act.

#### SEC. 14. APPLICABILITY.

This Act shall take effect on the date of enactment of this Act, except that sections 11 and 12 shall only apply to transportation occurring on or after the date that regulations issued under section 4(a)(1) take effect.

#### SEC. 15. MOTOR CARRIER SAFETY.

(a) **SHORT TITLE.**—This section may be cited as the "Motor Carrier Safety Act of 1990".

(b) **MOTOR CARRIER SAFETY RATINGS.**—

(1) **AMENDMENT.**—The Hazardous Materials Transportation Act (49 U.S.C. App. 1801 et seq.) is amended by adding at the end the following new section:

#### "SEC. 117. UNSATISFACTORY SAFETY RATINGS.

"(a) **PROHIBITION ON TRANSPORTATION.**—Effective January 1, 1991, if a motor carrier receives a safety rating from the Secretary which is unsatisfactory, such motor carrier shall have 45 days to take such action as may be necessary to improve such safety rating to conditional or satisfactory. After the last day of such 45-day period, if such motor carrier has not received a safety rating from the Secretary which is conditional or satisfactory, such motor carrier shall not operate a commercial motor vehicle (as defined in section 204(1) of the Motor Carrier Safety Act of 1984)—

"(1) to provide transportation of hazardous materials for which placarding of motor

vehicles is required in accordance with the regulations issued under this title, or

"(2) to transport more than 15 passengers, including the driver,

until such motor carrier has received such a safety rating from the Secretary.

"(b) **REVIEW OF RATING.**—If a motor carrier who has received an unsatisfactory safety rating from the Secretary requests the Secretary to review the conditions and other factors which resulted in such motor carrier receiving the unsatisfactory safety rating, the Secretary shall conduct such review within 30 days after the date of such request.

"(c) **PROHIBITION ON FEDERAL AGENCY USE.**—No Federal agency may use a motor carrier who has an unsatisfactory safety rating from the Secretary—

"(1) to provide transportation of hazardous materials for which placarding of motor vehicles is required in accordance with the regulations issued under this title, or

"(2) to transport more than 15 passengers, including the driver."

(2) **PUBLIC AVAILABILITY OF SAFETY RATINGS.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Interstate Commerce Commission, shall issue a final rule amending the Federal motor carrier safety regulations contained in subchapter B of chapter III of title 49, Code of Federal Regulations, to establish a system to make readily available to the public, and to periodically update, the safety ratings of motor carriers which have been assigned unsatisfactory safety ratings by the Secretary.

(c) **IMMINENT HAZARDS TO SAFETY.**—Not later than January 1 of 1992 and 1993, the Secretary shall submit to Congress a report describing the actions taken under section 521(b)(5) of title 49, United States Code, with respect to any violation, or combination of violations, that poses an imminent hazard to safety.

(d) **PROCEDURES TO ENSURE TIMELY CORRECTION OF SAFETY VIOLATIONS.**—

(1) **ISSUANCE OF FINAL RULE.**—The Secretary shall, within 9 months after the date of enactment of this Act, issue a final rule establishing procedures to ensure the proper and timely correction of commercial motor vehicle safety violations noted during inspections funded with moneys authorized under section 404 of the Surface Transportation Assistance Act of 1982 (49 U.S.C. App. 2304) to carry out the motor carrier safety assistance program.

(2) **VERIFICATION PROGRAM.**—Such final rule shall establish a verification program for Federal inspectors and States which are participating in the motor carrier safety assistance program to ensure that commercial motor vehicles and operators thereof found in violation of safety requirements have subsequently been brought into compliance with such safety requirements. The final rule shall, among other things, institute—

(A) a nationwide system for random reinspection of the commercial motor vehicles and operators thereof that have been declared out-of-service as a result of such safety violations, the main purpose of which system shall be to verify that the violations have been corrected on a timely basis;

(B) a program of accountability for correcting all safety violations, which shall provide that—

(i) the operator of a commercial motor vehicle for which a safety violation has been noted shall be issued a form prescribed by the Secretary;

(ii) the making of the repairs necessary to correct such violation and the date, location, and time of such repairs shall be certified on such form by the person making such repairs;

(iii) the motor carrier responsible for such commercial motor vehicle or operator shall certify on such form that, based on the knowledge of the carrier, the repairs necessary to correct such violation have been made; and

(iv) appropriate State penalties shall be assessed for false statements on such forms or for failure to return such forms to the appropriate State entity; and

(C) a system for ensuring that appropriate State penalties are assessed for failure to correct any such safety violation.

(e) **SERIOUS SAFETY VIOLATIONS.**—

(1) **FINDINGS.**—Congress finds that—

(A) the present system for ensuring compliance with Federal motor carrier safety laws and regulations needs improvement;

(B) relying primarily upon voluntary compliance methods has not resulted in an acceptable level of commercial motor vehicle safety; and

(C) improvements in the existing enforcement authorities are required to bring about greater safety.

(2) **OPERATIONAL PROCEDURES.**—In light of the findings in paragraph (1), section 521(b)(1) of title 49, United States Code, is amended—

(A) by redesignating the existing text as subparagraph (A); and

(B) by adding at the end of the following new subparagraph:

“(B) The Secretary shall, not later than 60 days after the date of enactment of this subparagraph, establish operational procedures to require a highway safety specialist or other appropriate representative of the Secretary to initiate, at the time of a safety review, compliance review, or other inspection or audit activity, or within a reasonable time thereafter, an enforcement action whenever any of the offenses referred to in paragraph (2) (A) and (B) can be documented, except recordkeeping violations not specified by the Secretary as serious. The procedures shall—

“(i) specify those serious recordkeeping violations for which an enforcement action shall be initiated, including instances in which the falsification of records of duty status or drivers’ medical certificates is required or permitted, and such other recordkeeping violations as the Secretary determines to be serious; and

“(ii) authorize, but not require, initiation of an enforcement action for recordkeeping violations not specified by the Secretary as serious.”

(f) **TRUCK VISIBILITY.**—

(1) **INITIATION OF RULEMAKING PROCEEDING.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding on the need to adopt methods for making trucks or any category of trucks more visible to motorists so as to reduce accidents, particularly at night, taking into consideration such factors as truck illumination and truck color.

(2) **COMPLETION OF PROCEEDING.**—The proceeding under this subsection shall be completed not later than 2 years after the date of enactment of this Act or, if the Secretary determines that it is not feasible to complete the proceeding within such 2-year period, such proceeding may be extended by the Secretary for up to 1 additional year.

(g) **DEFINITIONS.**—As used in this section—

(1) **COMMERCIAL MOTOR VEHICLE.**—The term “commercial motor vehicle” has the meaning given such term in section 204(1) of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2503(1)).

(2) **TRUCK.**—The term “truck” means a commercial motor vehicle that meets the description set forth in section 204(1) (A) or (C) of the Motor Carrier Safety Act of 1984 (49 U.S.C. App. 2503(1) (A) or (C)).

Amend the title so as to read: “An Act to prohibit certain food transportation practices and to provide for regulation by the Secretary of Transportation that will safeguard food and certain other products from contamination during motor or rail transportation, and for other purposes.”

Mr. GORE. Mr. President, the measure I bring before you today for final consideration, the Sanitary Food Transportation Act, is the product of extraordinary effort on the part of all parties who will be most affected by provisions preventing backhauling. Since the introduction of my bill S. 1904, the Clean Food Transportation Act, in November of last year, I have participated in an exhaustive collaborative effort involving industry, consumer interests, governmental agencies, and staff from the House and Senate to craft a measure that protects public safety without imposing unnecessary restrictions.

We all share a commitment to passing legislation that will prevent the practice of backhauling—transporting dangerous substances in one direction and then without proper cleaning, using the same vehicle to transport food. When we put food on the table, we should not have to think twice about its purity or safety. We should not have to wonder if residue from a hazardous chemical travels across the country with loads of oranges or chocolate or vegetable oil. Yet, right now, there is no Federal law prohibiting this practice.

Benefiting from the good work of the House of Representatives, which first held hearings on this issue, I was pleased to join Senators Exon and Gorton to craft an improved Senate bill. This bill was the result of extended debate and consultation with all interested parties.

The Senate Commerce Subcommittee on Surface Transportation, of which we all are members, held hearings on backhauling; the Senate quickly passed an Exon-Gore-Gorton bill; and now, after solving minor differences with the House of Representatives, we are ready to pass this final measure and send it to the President for his immediate approval.

Throughout all our consultations, I am pleased to have won support of a key provision which I introduced encouraging Motor Carrier Safety Assistance Program inspectors to enforce decontamination requirements. Hopefully, these inspectors will help stop drivers who falsify shipping documents, drivers such as those who testified before House committees last summer.

And let me take this opportunity to say that we cannot forget about the courageous individuals who contributed to this legislation through their testimony to Congress. At these hearings, truckers told horror stories about backhauling. In many cases, these truckers risked their jobs by coming forward and bringing this issue to our attention. Their actions made this legislation possible—and with its final passage. I am confident that backhauling will soon be a thing of the past. I ask my colleagues to support the Sanitary Food Transportation Act.

Mr. HOLLINGS. Mr. President, I am pleased to be here today in support of final passage of H.R. 3386, the Sanitary Food Transportation Act. This measure was originally passed by the Senate on September 20, 1990. The legislation under consideration today helps to ensure the integrity of the food we eat and promotes safety on our highways. Both of these goals are noteworthy, and I am delighted that the Senate and House have resolved their differences and that the Senate is prepared to pass the compromise text.

The bill before the Senate addresses the issue of hauling garbage and hazardous substances in the same vehicles that haul food products. Commonly known as “backhauling,” this practice poses a number of serious problems that call for the enactment of legislation if we are to meet our responsibilities of ensuring a safe food supply to the citizens of our Nation.

Included within H.R. 3386 are many of the provisions of S. 819, the Motor Carrier Safety Act of 1989. Inclusion of most of the provisions of S. 819 within the Sanitary Food Transportation Act is intended to build on the progress that has been made in recent Congresses in the area of motor carrier safety.

In closing, I strongly urge my colleagues to support the final passage of this compromise legislation now before the Senate. A safe food supply and general highway safety are eminently worthwhile objectives, and this sound legislation will address both of these important issues.

Mr. EXON. Mr. President, on September 20, 1990, the Senate passed the text of S. 2393, the Safe Food Transportation Act of 1990, as an amendment to H.R. 3386, legislation previously approved by the House in this area. I am pleased to report that the Senate Commerce Committee has worked with the House Energy and Commerce and Public Works and Transportation Committees to resolve the differences between the House and Senate versions of the bill. The amendment being offered today represents the text of the agreement reached with the House on this issue.

The bill before the Senate is designed to address an abhorrent practice—the unregulated backhauling of food and consumable liquids in the very same vehicles that are used to transport municipal waste, hazardous chemicals, and other materials that endanger human health. This sort of backhauling poses a serious threat to the integrity of the food that we put onto our tables. The conclusion reached earlier this year at a Surface Transportation Subcommittee hearing I chaired on the problems of backhauling was that, in the absence of proper protections, this practice not only is dangerous but also can be deadly.

The Sanitary Food Transportation Act, as the bill is now called, requires the Secretary of Transportation to issue backhaul regulations in conjunction with the Department of Agriculture, the Department of Health and Human Services and the Environmental Protection Agency. These regulations would set standards of decontamination for rail and motor vehicles that haul nonfood products in the same vehicles that also haul food and related consumer products. Appropriate and properly targeted certification or other means of verification would be required to ensure compliance with these regulations. The regulations would require the Department of Transportation [DOT], after conducting a rulemaking to determine other nonfood products, including municipal waste or refuse, that could make food unsafe, to regulate any associated backhauling practices. The legislation is not meant to diminish, in any way, the roles of FDA, USDA, or EPA in regulating foods or food materials under their respective statutes but is intended to enhance their ability, in concert with DOT, to take action against any violative practice relating to an offer to transport or the transportation of foods or food materials which may cause such articles to become unsafe to the health of humans or animals. The bill establishes strict standards regulating tank trucks, cargo tanks, and rail tank cars that would allow only food and food compatible substances to be hauled in tanks marked as food grade. For such vehicles, shippers would be required to disclose that a product is suitable for use as a food product and such products would then be required to be transported as a food product. The legislation requires dedicated vehicles, which may never be used to haul food, for certain forms and quantities of asbestos designated by the Secretary and other products which present an extreme danger to human or animal health. The bill further sets stiff penalties for violations of this bill as in the Federal Hazardous Materials Transportation Act and provides authority for State motor carrier inspectors trained under the Motor Carrier

Safety Assistance Program to identify violations, assist the Federal government in enforcing the requirements of this act, and enforce compatible State laws and regulations.

Motor carrier safety in particular and highway safety in general have been issues of continuing concern for the Commerce Committee and the Senate. Included within S. 2393 are several of the substantive provisions originally contained in S. 819, the Motor Carrier Safety Act of 1989. This bill passed the Senate over a year ago. Although the House did not act on S. 819 as a separate measure during this time, the House and Senate were able to agree to include several of the provisions of S. 819 in the Sanitary Food Transportation Act. These provisions make a number of prudent improvements to current motor carrier safety programs. The committee believes that the continuing human and financial toll on the highways must be addressed.

One provision, on which we had agreed upon compromise language with the House Public Works and Energy and Commerce Committees, but which is not included in the compromise bill, would have doubled the penalty levels for distributing drugs at truck stops and rest areas. This provision was passed by the Senate twice, once in S. 819 and again in S. 2933, and once in the House-passed crime bill. This provision was included in the Senate bills in response to reports and studies which have shown that rest areas and truck stops are the primary locations where drugs are supplied to truck drivers. Unfortunately, the House Judiciary Committee refused to accept this language, and even opposed our including the exact same language on drug-free truck stops already included in the House-passed crime bill. Despite the regrettable actions by the House Judiciary Committee, it is clear that this provision has wide-ranging support, and I am hopeful that it can be passed in the context of another measure.

In the Senate-passed version of S. 2393, I included an amendment which allowed the States to waive application of the Commercial Motor Vehicle Safety of 1986 for farm supply dealers and custom harvesters. However, the House Public Works Committee, which has jurisdiction over this matter, has adamantly refused to date to accept any provision mandating a waiver for these two groups from the commercial drivers' license [CDL] requirements. I have worked closely with Senator BURNS on this waiver provision, but we both recognize the critical importance of passage of the food and truck safety provisions in this bill. It is absolutely essential, therefore, that the Senate act on a final measure as soon as possible. For this reason, Senator BURNS and I have

reluctantly agreed to drop from this bill the CDL provision that has raised such strong objections from the House. However, States should have the option to waive the CDL requirements for farm supply dealers and custom harvesters and treat these groups in the same manners as farmers are treated. Senator BURNS and I, and other Members of the Senate, are in agreement on this, and we will continue to make our views known.

I believe that this bill is a good measure which warrants the President's signature. It is a strong pro-safety bill with the public interest in mind. We have further worked with the administration in an attempt to resolve concerns that have been expressed regarding the bill.

The Sanitary Food Transportation Act of 1990 goes a long way toward protecting the integrity of our food supply as it travels across the country. It strengthens the enforcement of our motor carrier safety laws. I urge my colleagues to join me in supporting the amendment and final passage of the compromise that has been reached with the House on this measure.

Mr. McCAIN. Mr. President, I strongly support this important bill which will prohibit the hauling of food in a tank that has been used to transport toxic chemicals or other hazardous materials. I was amazed to discover that this kind of legislation is even necessary. I think most Americans would be equally surprised to find that this shocking practice of alternating loads of chemicals and liquid food products is perfectly legal. Newsweek has reported that some 28,000 tons of garbage travel our Nations' highways each day. What few people know is that the trucks which bring food to the family table are sometimes the same vehicles that carry all that waste to the landfills.

As the media and Congress began to investigate the practice of hauling food in trucks that have been used to transport hazardous or toxic materials or solid waste, one horrifying case after another was revealed. One Washington State driving team found a "white snotty substance" still clinging to the inside of their truck 2 months after they had hauled a load of plastic resin. In the meantime, they had been hauling whiskey, orange juice, and cooking oil in that selfsame truck. Their experience does not appear to be uncommon. Refrigerator trucks meant for perishable foods are filled with medical wastes, and cargo tankers alternate liquid chemicals with fruit juices.

Why do trucking companies ignore what seems so obvious a threat to human health and welfare? Simple economics. The freight fees for hauling chemicals are roughly double those for food commodities. The growing