

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE, FOR TRAVEL MAR. 22-28, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ronald McNamara:									
Hungary	Dollar		348.00						348.00
Czechoslovakia and Slovak Federal Republic	Dollar		390.00						390.00
Poland	Zloty	25,850.00	272.10					25,850.00	272.10
United States	Dollar				820.15				820.15
Delegation expenses:¹									
Hungary	Dollar				1,491.76		1,608.09		3,099.85
Yugoslavia	Dollar				3,275.00		5,957.00		9,233.00
Albania	Dollar				940.00		543.90		1,483.90
Total			9,451.03		11,694.91		8,108.99		29,254.93

¹ Delegation expenses include direct payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384.

DENNIS DeCONCINI,
Chairman, Commission on Security and Cooperation in Europe,
Apr. 30, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER, FROM APR. 1, TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. William V. Roth, Jr.:									
Romania	Dollar		202.00		15.12				217.12
Czechoslovakia	Dollar		94.00						94.00
Spain	Peseta	210,522	2,036.00					210,522	2,036.00
United States	Dollar				1,397.00				1,397.00
R. Ian Butterfield:									
Romania	Dollar		202.00						202.00
Czechoslovakia	Dollar		94.00						94.00
Spain	Peseta	210,522	2,036.00					210,522	2,036.00
United States	Dollar				314.00				314.00
Janis Budge:									
France	Franc	11,040	1,840.00					11,040	1,840.00
Patricia McDonald:									
France	Franc	11,040	1,840.00					11,040	1,840.00
Total	Total		8,344.00		1,726.12				10,070.12

ROBERT J. DOLE,
Republican Leader, Aug. 14, 1991.

AMENDED CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL, AUTHORIZED BY THE REPUBLICAN LEADER, FROM JAN. 1 TO MAR. 31, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Mark O. Hatfield:									
Japan	Yen	84,649	659.00					84,649	659.00
United States	Dollar				352.64				352.64
Hon. Alfonse M. D'Amato:									
Bahrain	Dollar		130.53						130.53
Saudi Arabia	Dollar		235.31						235.31
United States	Dollar				5,262.00				5,262.00
Michael Kinsella:									
Bahrain	Dollar		130.53						130.53
Saudi Arabia	Dollar		235.31						235.31
United States	Dollar				5,436.00				5,436.00
Total			1,390.68		11,050.64				12,441.32

ROBERT J. DOLE,
Republican Leader, Aug. 14, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, APR. 25-29, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. J. James Exon:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	446.25	119.00					446.25	119.00
Hon. Carl Levin:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	412.50	110.00					412.50	110.00
Hon. Charles S. Robb:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	412.50	110.00					412.50	110.00
Richard D. DeBobos:									
Turkey	Dollar		75.00						75.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER, APR. 25-29, 1991—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Saudi Arabia	Riyal	547.50	146.00					547.50	146.00
Peter Calbraith:									
Turkey	Dollar		41.00						41.00
Saudi Arabia	Riyal	414.98	110.66					414.98	110.66
Andy Johnson:									
Turkey	Dollar		24.00						24.00
Saudi Arabia	Riyal	439.99	117.33					439.99	117.33
Jan Paulk:									
Turkey	Dollar		24.00						24.00
Saudi Arabia	Riyal	412.50	110.00					412.50	110.00
Sarah Sewall:									
Turkey	Dollar		24.00						24.00
Saudi Arabia	Riyal	421.01	112.27					421.01	112.27
Delegation expenses: ¹									
Turkey						854.45			854.45
Saudi Arabia						2,601.21			2,601.21
Kuwait						854.45			854.45
Total			1,246.26			4,310.11			5,556.37

¹ Delegation expenses include direct payments and reimbursements to the Department of State and to the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179, agreed to May 25, 1977.

GEORGE J. MITCHELL,
Majority Leader, July 24, 1991.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE MAJORITY LEADER FROM APR. 1, TO JUNE 30, 1991

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Wyche Fowler, Jr.:									
Spain	Peseta	205,747	1,989.82					205,747	1,989.82
Total			1,989.82						1,989.82

GEORGE J. MITCHELL,
Majority Leader, July 31, 1991.

THE MAGELLAN MISSION

• Mr. FOWLER. Mr. President, even as we speak, the Magellan spacecraft is busily orbiting the planet Venus, collecting radar images to build global maps of this mysterious, cloud-shrouded world. Magellan has been orbiting Venus for 14 months and has already mapped 90 percent of the planet. One of the things I find remarkable about the Magellan mission is the fact that we now have better global maps of Venus than of Earth.

But that's not all that is remarkable about this mission to Venus. Magellan's history is a tale of canceled missions in times of tight budgets, stop and start funding profiles, innovative use of technology and problem-solving approaches, and NASA-industry partnerships at their very best. What is truly remarkable is the fact that the Magellan mission, coming from this seemingly desperate profile of funding and programmatic crises, is doing its job beautifully.

The Magellan mission was originally called VOIR—the Venus orbiting imaging radar mission. It was a clever name, for not only do the letters of the acronym stand for the work the mission was destined to perform, but "voir" also means "to see" in French. In spite of its name, however, VOIR was not to see the light of day. In 1981,

VOIR was canceled due to its high cost and risk. It was then de-scoped to the VRM, or Venus radar mapping mission.

The VOIR mission was originally designed to be a large, multi-instrument space platform, with a complex arrangement of atmospheric instruments as well as a radar mapper. As Magellan, the mission was de-scoped to a single instrument spacecraft with a highly focused mission. Its primary mission has already been superbly executed.

The orbit for Magellan was another serious problem occasioned by de-scoping the VOIR mission. VOIR required a low circular orbit—which meant either carrying a large orbit insertion rocket to Venus, using an expensive launch vehicle, or aerobraking into a circular orbit, which represented a daunting operational risk.

Confronted by this obstacle, the Magellan team came up with an ingenious innovation—they designed radar and data acquisition operations to work in an elliptical rather than a circular orbit.

There were other challenges, the first of which was a problem with the antenna. Normally, radar imagers use large rectangular and very expensive antennas. In order to save money, the Magellan team figured out how to use an ordinary communications antenna both as the radar antenna and as the communications antenna to relay the

radar data back to Earth. They were able to acquire a spare one from the *Voyager project*.

The Magellan team was able to innovate largely as the result of the experience base established in the Seasat and the shuttle imaging missions. In turn, the Magellan radar advances will benefit follow-on shuttle radar imaging missions such as SIR-C and EOS SAR, helping to make these radars the most advanced in the world. This is a perfect example of how experience and innovation gained in one set of missions can help reduce the cost of future missions.

Money was always a problem for Magellan. The Magellan team acquired equipment from other earlier approved programs to make up their spacecraft. For instance, they acquired Galileo on-board computers, spare Ulysses transmitters, Voyager-derived gyros, and other hardware.

What it boils down to is this: The Magellan mission demonstrates NASA's resilience and ability to achieve success in the face of dramatic obstacles—funding, technical, and programmatic obstacles. The Magellan team was successful both in design innovation to meet mission objectives and in finding ways to develop low-cost spacecraft. A poet might even call the Magellan mission the phoenix of its time, for it has indeed risen in splendor

from its ashes. And ashes they often were.

Magellan has also experienced its share of problems in flight. Shortly after orbital insertion, the operations team was faced with the harrowing loss of spacecraft control and communications. It is a testimony to the resiliency of the spacecraft and the ingenuity of the operations team that all spacecraft problems have been overcome without major loss of mission data. In fact, much to the Magellan scientists' delight, the imaging data are pouring in faster, sharper, and clearer than ever imagined.

Magellan's team is also an example of NASA-industry cooperation and teaming at its best. The team is comprised of: employees from the Jet Propulsion Laboratory, who have project and mission operations responsibility in Pasadena, CA; Hughes Aircraft personnel who operate the radar with JPL in Pasadena; and Martin Marietta personnel who operate the spacecraft remotely in Denver. Hughes built the radar and Martin Marietta built the spacecraft. The Magellan team is a cohesive and dedicated team, and deserves high praise for overall excellence in carrying out its mission.

To date, Magellan has returned more data than all other planetary missions combined. Unlike most planetary missions which have short, intense encounter periods interspersed with long quiet cruise periods, Magellan has been in intensive, 24-hour-a-day, 7-days-a-week, reconnaissance mode since September 1990. The mission team has taken great pains to insure quick distribution of data to the general science community and proper archival of these data at the National Space Science and Data Center at Goddard Spaceflight Center in Maryland. Here, Magellan is also breaking new ground and will serve as the data production model for future planetary reconnaissance missions.

For all these reasons, the story of the Magellan mission to Venus is a story of dramatic challenges which have been met with equally dramatic successes.

I urge my colleagues to remember this outstanding example of success, especially next year when we go through the complex budget process again. And, if you are ever up early, you can see Venus in the eastern sky a few hours before sunrise. If you spot the planet—that bright morning star, remember that the Magellan spacecraft is up there, busily orbiting Venus, gathering data.●

THE COMING LIBERATION OF CUBA

● Mr. SEYMOUR. Mr. President, the British historian Paul Johnson wrote that in the 20th century, "The power of the state to do evil expanded with awesome speed. Its power to do good grew

slowly and ambiguously." He went on to observe that the legacy of communism unfolded in a pattern of blood, force, and poverty that constantly pummeled otherwise civilized people in this so-called enlightened age. With a sad sense of irony, Mr. Johnson made these conclusions in a book called *Modern Times*.

And so we face Castro's Cuba as one of the largest prisons of humanity in modern times. Less than 10 years after Castro emerged from the hills and marched his way to power, over 1 million of his fellow citizens had escaped to the free world. In 1980 alone, the Castro government had created 150,000 political refugees, and in the same year, the creaky boats and crude rafts left the Port of Mariel with some of the most tragic victims of Castro's rule. Quiet, terrified, and devoid of hope, they flooded into Key West as the unwilling messengers of Cuban tyranny.

In the meantime, Mr. President, Castro has built an ironclad, but hollow, empire with over one-fifth of the population living in exile, an annual income of only \$812 a person, and the largest military power in Latin America. Artistic, religious, and journalistic freedoms simply do not exist.

In the midst of this repression, the poet Armando Valladares suffered in jail for more than 20 years. With courage and perseverance, he witnessed the pain, torture, and death that Castro had engraved on Cuban society. He struggled, as the title of his book tells us, "against all hope." But even in the darkest cellblock, Mr. President, Valladares would catch a precious glimpse of God. At one point, he writes of a visit to the Bonaito jail by a group of ruthless soldiers:

The soldiers entered the hallway leading to the blackout cells and began to open the doors. As the prisoners came out, they were pushed and kicked down to the end of the hall. The prisoners, beaten, were stumbling and tripping through the hail of blows from sticks and truncheons, bayonets and chains. But suddenly, as though to protect them, there appeared a skeletal figure with white hair and flaming, blazing eyes, who opened his arms into a cross, raised his head to the invisible sky, and said, "Forgive them, Lord, for they know not what they do." Lieutenant Perez fired his submachine gun. The burst of fire climbed the Brother of Faith's chest, up to his neck. His head was almost severed, as though from the blow of an ax. He died instantly.

But his faith, Mr. President, most certainly endured. And so Mr. Valladares has illuminated a truth that none of us can afford to forget. As much as the Cuban Government fills the gulag and tramples on the rights of its citizens, communism only makes the spirituality of its captives more vibrant, and the crowded jails represent not a victory for the political order, but the very weakness of its authority.

It is the voice of Valladares, and the one of his brothers in faith, that must echo in our consciences as we try to

make sense of these modern times. If we constantly remind the Cubans with our message that the world is watching and that the world cares, they might release more men and women like Armando Valladares, squinting into the light of the Lord. I appeal, then, to all of my colleagues today to never give up on these Cuban prisoners who refuse to give up on themselves and their God. They can still make the hope of Valladares come alive once again: that agony suffered by the just may yet bring victory.●

A GRACEFUL TRANSITION IN AFRICA

● Mr. DECONCINI. Mr. President, I want to take this opportunity to congratulate Mr. Frederick Chiluba and his movement for Multiparty Democracy Party for their impressive victory in Zambia's first free and fair election since the country established independence in 1964. His party's victory in the elections, and Saturday's peaceful transfer of power, reflects the preference of a growing majority of the African people to claim their inherent rights of democracy and freedom of expression. Other African countries, especially those ruled by big men such as Kenya's Moi and Zaire's Mobutu, would greatly benefit by following Zambia's former President Kenneth Kaunda, by listening to their people, and by closely examining the realities of Africa today. The people of Africa yearn for freedom, Mr. President. It is time for these big men to peacefully step aside and accede to the will of the people.

Former President Kaunda should be commended for his courageous recognition of the wave of democracy sweeping across Africa and for his bold decision to allow elections and a peaceful transition from an authoritarian to democratic form of government. Unlike other African rulers, Mr. Kaunda accurately analyzed the political situation in Zambia and realized that his dictatorship would inevitably collapse—it was only a matter of time. Instead of allowing his country to deteriorate into chaos such as occurred in Liberia or fleeing his country as did Mengistu Haile Mariam in Ethiopia, Kaunda wisely acquiesced to the opposition and opened the door to democracy. Former President Jimmy Carter, who led the election monitoring team, is absolutely right when he describes Kaunda as a man of "the highest statesmanship." Despite 27 years of autocratic rule, Kaunda will go down in history as the man who twice liberated Zambia. He first freed Zambia from colonial rule in 1964. He then emancipated his people from an authoritarian government by gracefully relinquishing power last week. Had Dr. Kaunda followed the example of other African leaders, especially those in Zaire and Kenya, the transition could have been much more

violent. I applaud his decision to remain in the country. I can envision him playing an important role in the future development of African democracy.

While this Senator is pleased to see democracy prevail in Zambia, we must not lose sight of the many problems the country still faces. The corrupt legacy of Kaunda has left this mineral rich nation in abject poverty. President Chiluba has already taken some encouraging steps by publicly supporting democracy and the kinds of free-market principles which have historically stimulated economic growth. Now all he has to do is implement those promises successfully.

Mr. President, we have learned in the past decade that repressive governments can not hide forever. It is in the inherent nature of people to demand freedom. This phenomenon first hit Latin America, then Eastern Europe, then the Soviet Union, and now Africa. Kenya's President Daniel arap Moi, and President Mobutu Sese Seko of Zaire should take a good, hard look at what transpired in Zambia this week. Kaunda proved that the benefits of a smooth and graceful transfer of power far outweigh the devastating impacts of a civil war designed to support an illegitimate government. If Presidents Moi and Mobutu wish to go down in history as heroes and not villains, I would strongly encourage them to follow the bold example demonstrated in Zambia.

I ask unanimous consent that an editorial from the November 5, 1991, New York Times, entitled "Zambia Retires Its Liberator," be printed at this point in the RECORD.

The editorial follows:

[From the New York Times, Nov. 5, 1991]

ZAMBIA RETIRES ITS LIBERATOR

For Africa no less than Zambia, the electoral defeat of President Kenneth Kaunda is a significant and hopeful surprise. Ever since Zambia achieved independence from Britain in 1964, it has been led by a single ruler and party. Mr. Kaunda is the first senior leader in post-colonial Africa to be defeated in a truly free and contested election. That's a dubious distinction for him but a triumph for the people of Zambia.

The landslide victor in last Thursday's vote, Frederick Chiluba, is an experienced trade unionist who assailed the policies that have brought Zambia close to bankruptcy. Though Zambia has the highest per capita foreign debt in Africa, its regime has been squandering \$500,000 a day on subsidies to assure cheap food and placate urban voters. This blatant politicking misfired at the polls.

Mr. Kaunda's rise and fall followed a sadly familiar pattern. A hero of independence, he was admired as a principled foe of white racism; at some risk, he aided the rebellion against the Ian Smith regime in Rhodesia, now Zimbabwe. Foreign aid flowed, as did investments in its copper mines; school-children were given free notebooks and taught that their President was infallible.

But as copper prices sank, spending spun out of control on prestige projects like air-

ports. When Zambians challenged one-party rule, Mr. Kaunda responded by jailing opponents, among them Mr. Chiluba. Finally, yielding to swelling discontent and a collapse of foreign credit, the President agreed to multiparty elections. Yet in doing so, he warned that civil war might result if he were rejected.

Fortunately, the vote was monitored by international teams, one of them led by Jimmy Carter. By promptly stepping down, Mr. Kaunda has acted with honor and intelligence. A democratic transition in Zambia can send a message to all Africans who seek political change without bloodshed, economic reform without repression.●

THE VIOLENCE AGAINST WOMEN
ACT OF 1991

● Mr. BAUCUS. Mr. President, I rise today to state my strong support for S. 15, the Violence Against Women Act of 1991. I am pleased to add my name as a cosponsor and to join with Senator BIDEN, the chairman of the Judiciary Committee, and many other Senators in working to make this legislation a reality.

Over the weekend when I was home in Montana I met with a group of women leaders in Bozeman who encouraged me to push for passage of this important bill. One of the women, Kate McInnerney, was particularly interested and no wonder—she works at the Battered Women's Network in Bozeman. The arguments I heard at our meeting were indisputable and the statistics are shocking:

One in five women will be raped in her lifetime.

Three out of four women will be the victim of a violent crime.

Last year there were more women battered by their husbands than there were women who got married.

The rate of assaults against young women has skyrocketed over the past 15 years. Yet we know that less than half of all rapes, and even fewer domestic assaults, are ever reported. Women are held captive by the fear generated by these violent crimes—crimes that happen not only in the streets but in women's own homes.

This situation is unacceptable. We must do something to reverse these awful trends.

This bill makes violent crime against women a national priority. It creates new offenses and raises penalties, and provides legal protections and assistance to crime victims. It designates sex crimes as a violation of civil rights, allowing women to seek remedies under the Federal civil rights laws.

I am very pleased to note that S. 15 was approved by the Judiciary Committee and is awaiting consideration in the full Senate. I urge my colleagues to support this legislation and it is my hope that we may approve it very soon.●

PUSHCART PLAYERS TRAVEL TO
RUSSIA

● Mr. LAUTENBERG. Mr. President, I rise today to recognize the Pushcart Players, which recently took its show on the road all the way to the Ukraine. This acting troupe is from Verona, NJ. In taking their talents overseas, they have proved again how art can transcend cultural barriers. Through their play, "Three Cheers for America," they have created new friendships and promoted a cultural exchange.

The musical follows a family from their arrival at Ellis Island. Many Americans today can trace their lineage to Ellis Island and "Three Cheers for America" is a colorful tribute to the brave immigrants who left their homelands seeking freedom and a better life. It is also the story of the fight for freedom and social justice in their new country.

The musical touches on the immigrant experience beginning at the turn of the century, and takes the audience up to the days of the civil rights movement. The nonprofit acting troupe aims to bring history alive to family audiences through song and dance. The troupe left in September to perform before audiences in the Ukrainian capital of Kiev. Understanding is based upon knowledge and the musical gave Ukrainian audiences a view into our special and unique history.

The formulation of the trip began when Ruth Fost, the cofounder of the Pushcart Players, hosted a Russian couple, Tanya and Gregori Liptsyn through Operation Exodus II. The Liptsyns went to a performance of "Three Cheers for America" and felt that Russian citizens would have an interest in the production. They put the Pushcart Players in contact with their nephew who ran a theater in Kiev and from there, the actors and production staff were able to arrange a visit.

Mr. President, I extend my very best wishes to the individuals involved in "Three Cheers for America," and commend them for their contribution to a greater understanding between our two cultures.●

PRESIDING ELDER VICTOR
CARSON AND MRS. ROSE CARSON

● Mr. LAUTENBERG. Mr. President, I rise today to recognize two of my constituents, Rev. Dr. Victor Carson and his wife, Rose. They will be honored later this month by the AME Zion Church for their spiritual and civic contributions to their community.

As a presiding elder, Reverend Carson looks over 22 churches in the State of New Jersey and was ordained in 1936. He is a member of the African Methodist Episcopal Zion Church. He has been active in the Camden District of the New Jersey Conference since 1946. Reverend Carson's dedication and to his community is an inspiration.

Mrs. Rose Carson also supports the community by working for the church. She is the chairperson of the Life Members Committee of the Women's Home and Overseas Missionary Society. The Carsons have 7 children, 16 grandchildren, and 13 great-grandchildren.

I wish the Carsons a joyful celebration and the best for the future.●

THE NOMINATION OF ROBERT GATES TO BE DIRECTOR OF CENTRAL INTELLIGENCE

● Mr. KERREY. Mr. President, I have decided to oppose the nomination of Robert Gates to be Director of Central Intelligence.

I have reached this decision after watching portions of the hearings, after reviewing editorials and articles both in support of and in opposition to the nomination, and after talking with certain members of the Intelligence Committee, some who will vote to confirm and some who will not.

I am aware of the questions concerning Mr. Gates' knowledge, or non-knowledge, of the Iran-Contra diversions. I am, in fact, willing to accept the fact that he might not have had specific detailed knowledge of the operation. But, I am not willing to accept the proposition that he could not have had suspicions. And, I am unwilling to concede that he should not have known. He was there. He has, we understand, a superb analytical mind. He knows, we are told, the inner workings of the Agency. If that is true, then if he didn't know, he should have.

I am also troubled by the charges of politicization of intelligence. We all know that individuals bring their own views, their own backgrounds, even their own prejudices to analysis. We know that in the period in question, there were, in fact, differing views on what was happening not only in the Soviet Union but also in other parts of the world. Yet, it is the responsibility of the intelligence community to give us their best and most objective analysis. The danger when they give us a political judgment and not a factual understanding is that we will, indeed, make the wrong policy choices.

I would have reservations about the nomination on the basis of these two issues alone, but they are not my primary reason for deciding to oppose the nomination.

August 1991 rendered 45 years of U.S. foreign policy to background status. It signaled a watershed for our Nation and for the world. The resulting new world disorder, as one of our colleagues terms it, is going to require new in-

sights, new understandings and new approaches. I do not believe Robert Gates is the person to lead the Central Intelligence Agency into this new period of history.

To lead a CIA of the future, surely we can do better than a product of the past. Surely, we can do better than turn to a man with baggage from a recent foreign policy debacle. Surely, we can do better than a man whose dedication to objective analysis is in question. Surely, we send the wrong signal not only to the American people—who already wonder about their Government—but also to the world—where we must continue to lead—if we insist on continuing to wrap ourselves in the past.

It is a sign of this administration's dearth of foresight and lack of vision of the new world order, or disorder, that it wants—and wants the U.S. Senate to agree to—a nomination which could have been better, should have been better for the last decade of this century.

I understand that Robert Gates has an extensive background in the intelligence community. I understand that he has a brilliant mind. I understand that he has served this administration and previous ones well.

But, those are not necessarily the qualifications which will make for good intelligence in the years ahead. We need now as the Director of Central Intelligence, not the person who has been a man for all seasons for the policies of the 1980's, but a man for all times for the 1990's and beyond.●

ORDER OF PROCEDURE

Mr. MITCHELL. Mr. President, earlier today I expressed my intention to proceed to the Labor-Health and Human Services appropriation conference report and I stated at that time that I have been advised that the House would complete action on that measure in time for it to be considered by the Senate sometime between the hours of 5 p.m. and 6 p.m. I am now advised by staff that the House has not yet completed action on the measure and is not likely to complete action on the measure until sometime later this evening, the precise time being uncertain.

That being the case, Mr. President, I believe it the best course for the Senator to now recess until tomorrow morning and take the bill up in the morning, at which time we anticipate that House action will have been completed sometime during this evening and we will have a chance to see what action the House has taken with respect to the measure.

UNANIMOUS-CONSENT AGREEMENT

Mr. MITCHELL. Mr. President, I ask unanimous consent that at 10 a.m. on Thursday morning the Senate proceed to the conference report to H.R. 2707, Labor-HHS appropriations bill, that there be 30 minutes for debate on the conference report, with the time divided as follows: 10 minutes each under the control of Senators HARKIN, SPECTER, and DOMENICI.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MITCHELL. Mr. President, therefore Senators should be advised there will be no further rollcall votes this evening, but it is anticipated that there will be a rollcall vote on the conference report to the Labor-HHS appropriations bill at approximately 10:30 a.m. tomorrow if the 30 minutes just agreed to are used. We will go to the bill at 10 o'clock in the morning and we expect the vote on the conference report at or about 10:30 a.m.

ORDERS FOR TOMORROW

Mr. MITCHELL. Mr. President, I therefore now ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. on Thursday, November 7; that following the prayer, the Journal of the proceedings be deemed approved to date; that the time for the two leaders be reserved for their use later in the day; that upon disposition of H.R. 2707 there be a period for morning business with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. MITCHELL. Mr. President, if there is no further business to come before the Senate today, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 6:15 p.m., recessed until Thursday, November 7, 1991, at 10 a.m.

NOMINATIONS

Executive nomination received by the Senate November 6, 1991:

THE JUDICIARY

MORRIS S. ARNOLD, OF ARKANSAS, TO BE U.S. CIRCUIT JUDGE FOR THE EIGHTH CIRCUIT VICE DONALD P. LAY, RETIRED.

HOUSE OF REPRESENTATIVES—Wednesday, November 6, 1991

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. GEPHARDT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
November 4, 1991.

I hereby designate the Honorable RICHARD A. GEPHARDT to act as Speaker pro tempore on Wednesday, November 6, 1991.

THOMAS S. FOLEY,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. George W. Evans, Jr., pastor, Atonement Lutheran Church, Wyomissing, PA, offered the following prayer:

Lord of life, God whose choice is to dwell in the midst of people, mark well Your children in this House. Give them strength of vision to see through the chaos of interests that surrounds them and to discover Your clear will for them and Your people whom they serve. Be their strength and stay and thus provide the ground upon which they may marry words to actions. By Your grace, and by engaging the lives of these very women and men, cause the commerce and industry, and the fruits of homes, schools, farms, factories, and mines to result in a nation where the least of Your children may find a place to live and work. O God, bless the women and men of this House this day as they work for Your children across this land. In Your Name, Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 278, nays 107, not voting 48, as follows:

[Roll No. 376]

YEAS—278

Abercrombie	Emerson	Long
Ackerman	English	Luken
Anderson	Erdreich	Markey
Andrews (ME)	Espy	Matsui
Andrews (NJ)	Evans	Mavroules
Andrews (TX)	Ewing	Mazzoli
Annunzio	Fasceci	McCloskey
Anthony	Feighan	McCurdy
Applegate	Fish	McDermott
Archer	Flake	McGrath
Aspin	Frank (MA)	McHugh
Atkins	Gaydos	McMillen (MD)
AuCoin	Gejdenson	McNulty
Bacchus	Gephardt	Miller (CA)
Barnard	Gerens	Mineta
Bateman	Gibbons	Mink
Bellenson	Gillmor	Moakley
Bennett	Gillman	Molohan
Berman	Glickman	Montgomery
Bevill	Gonzalez	Moody
Bilbray	Gordon	Moran
Bonior	Gradison	Morrison
Borski	Green	Mrazek
Boucher	Gunderson	Murtha
Boxer	Hall (TX)	Myers
Brewster	Hamilton	Nagie
Brooks	Hammerschmidt	Natcher
Broomfield	Hansen	Neal (MA)
Browder	Harris	Neal (NC)
Brown	Hatcher	Nichols
Bruce	Hayes (IL)	Nowak
Bustamante	Hayes (LA)	Oaker
Byron	Hefner	Oberstar
Callahan	Hertel	Obey
Campbell (CO)	Hoagland	Olin
Cardin	Hochbrueckner	Oliver
Casper	Horn	Ortiz
Chapman	Horton	Orton
Clement	Houghton	Owens (UT)
Clinger	Hoyer	Packard
Coleman (MO)	Hubbard	Palone
Coleman (TX)	Huckabay	Panetta
Collins (IL)	Hughes	Pastor
Collins (MI)	Hutto	Patterson
Combest	Jefferson	Payne (VA)
Condit	Jenkins	Pease
Conyers	Johnson (SD)	Pelosi
Cooper	Johnson (TX)	Penny
Costello	Johnston	Perkins
Cox (IL)	Jones (GA)	Peterson (FL)
Coyne	Jontz	Peterson (MN)
Cramer	Kanjorski	Petri
Dardon	Kaptur	Pickett
de la Garza	Kennedy	Pickle
DeFazio	Kennelly	Porter
DeLauro	Kildee	Poshard
Dellums	Kleczka	Price
Derrick	Kotter	Pursell
Dicks	Kopetski	Quillen
Dingell	Kostmayer	Rahall
Donnelly	Lancaster	Rangel
Dooley	Lantos	Ravenel
Dorcan (ND)	LaRocco	Reed
Downey	Laughlin	Richardson
Dreier	Lehman (CA)	Rinaldo
Durbin	Lehman (FL)	Ritter
Dwyer	Lent	Roe
Dymally	Levin (MI)	Roemer
Early	Levine (CA)	Rose
Eckart	Lewis (GA)	Rostenkowski
Edwards (CA)	Livingston	Roth
Edwards (TX)	Lloyd	Rowland

Roybal	Smith (IA)
Russo	Smith (NJ)
Sabo	Snowe
Sanders	Solarz
Sarpalius	Spratt
Savage	Staggers
Sawyer	Stallings
Scheuer	Stark
Schiff	Stenholm
Schulze	Stokes
Schumer	Studds
Sharp	Swett
Shaw	Swift
Shuster	Synar
Siskis	Tallon
Skaggs	Tanner
Skeen	Tauzin
Skelton	Taylor (MS)
Slattery	Thomas (GA)
Slaughter (NY)	Thornton
Smith (FL)	Torres

NAYS—107

Allard	Grandy	Ramstad
Armey	Hancock	Regula
Baker	Hastert	Rhodes
Ballenger	Henry	Ridge
Barrett	Herger	Riggs
Barton	Hobson	Roberts
Bentley	Holloway	Rohrabacher
Bereuter	Hunter	Ros-Lehtinen
Bilirakis	Inhofe	Roukema
Bliley	Ireland	Santorum
Boehliert	Jacobs	Saxton
Boehner	Kolbe	Schaefer
Bunning	Kyi	Schroeder
Burton	Lagomarsino	Sensenbrenner
Camp	Leach	Shays
Campbell (CA)	Lewis (CA)	Sikorski
Chandler	Lewis (FL)	Smith (OR)
Clay	Lightfoot	Smith (TX)
Coble	Machtloey	Solomon
Coughlin	Mariennee	Spence
Cox (CA)	Martin	Stearns
Crane	McCandless	Stump
Cunningham	McCollum	Sundquist
Dannemeyer	McDade	Taylor (NC)
DeLay	McEwen	Thomas (CA)
Doolittle	McMillan (NC)	Thomas (WY)
Dorman (CA)	Meyers	Upton
Duncan	Michel	Vucanovich
Fawell	Miller (OH)	Walker
Fields	Miller (WA)	Walsh
Franks (CT)	Mollinari	Weber
Gallely	Moorhead	Wolf
Gekas	Murphy	Young (AK)
Glichrest	Nussle	Zellmer
Goodling	Oxley	Zimmer
Goss	Paxon	

NOT VOTING—48

Alexander	Hall (OH)	Mfume
Bryant	Hefley	Morella
Carr	Hopkins	Owens (NY)
Davis	Hydo	Parker
Dickinson	James	Payne (NJ)
Dixon	Johnson (CT)	Ray
Edwards (OK)	Jones (NC)	Rogers
Engel	Kasich	Sangmeister
Fazio	Klug	Serrano
Foglietta	LaFalce	Slaughter (VA)
Ford (MI)	Lipinski	Torricelli
Ford (TN)	Lowery (CA)	Towns
Frost	Lowey (NY)	Vander Jagt
Gallo	Manton	Wells
Gingrich	Martinez	Weldon
Guarini	McCrery	Wilson

□ 1024

So the Journal was approved.
The result of the vote was announced
as above recorded.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Montana [Mr. WILLIAMS] will kindly come forward and lead the House in the Pledge of Allegiance.

Mr. WILLIAMS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. HALLEN, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 1117. An act to establish the Bureau of Land Management Foundation;

S. 1671. An act to withdraw certain public lands and to otherwise provide for the operation of the Waste Isolation Pilot Plant in Eddy County, New Mexico, and for other purposes; and

S. 1745. An act to amend the Civil Rights Act of 1964 to strengthen and improve Federal civil rights laws, to provide for damages in cases of intentional employment discrimination, to clarify provisions regarding disparate impact actions, and for other purposes.

"COME HOME" IS MESSAGE TO PRESIDENT BUSH

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

Mr. BONIOR. Mr. Speaker, I have a message for the President. Arrivederci!

Yesterday's elections sent a clear message from voters. It's time to take care of our own. It's time to create a health care system that works. It's time for a tax break for middle-class Americans. Not the wealthy.

But the President is jetting off for yet another trip. This time it's Rome. Mr. Speaker, doesn't the President get it?

I think the President should consider an impromptu drop-in on another exotic place. The United States. He's got to think about our economy, our jobs, our taxes, our growth.

Come home, Mr. President; come home.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Members are reminded to direct their remarks to the Chair.

MAKE CONGRESS FOLLOW THE LAWS

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

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

Mr. BALLENGER. Mr. Speaker, if the Republicans were in charge of the House today, we would insist on making the House follow the same laws we impose on every other business. It is wrong for Congress to pass laws that it does not itself follow. Whatever reason we have relied on in the past to justify this hypocrisy are not good enough. Separation of powers problems can be surmounted, budget problems can be met, and the inconveniences will be a good lesson to us as lawmakers.

The American people are tired of this double dealing. Every law that Bob's grocery store has to follow, we ought to follow. If Republicans were in charge we would repeal every existing provision that exempts Congress from coverage of laws and we would start with the civil rights bill due on the floor this week.

No public policy change would have more impact on the country than to require Congress to follow each law it passes. Why? Because Congress wouldn't pass laws that were to great a burden on its own operation. Just watch how fast many of my colleagues on the other side of the aisle drop their interest in new bureaucratic oversights and paperwork requirements once they realize that every new regulation will apply to themselves. Talk about deregulation, it will make your head spin.

Let's put the whole country under the same laws.

MAKE NATIONAL HEALTH CARE TOP PRIORITY

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

Mr. RUSSO. Mr. Speaker, as I have been saying for a long time, Americans want comprehensive health care reform. Nowhere has this been made more apparent than in yesterday's Pennsylvania Senate race.

The Democratic candidate decisively defeated former Attorney General Richard Thornburgh because he had a strong message. He emphasized his commitment to guarantee health care to all Americans. National health insurance is what Americans want and they aren't going to settle for anything less.

Americans want us to contain skyrocketing health care costs and they want universal coverage with comprehensive benefits. Only one bill has been introduced that can guarantee high-quality health care to all Americans for less money: H.R. 1300, the Universal Health Care Act of 1991. The Russo bill is the only bill that will save money for 95 percent of Americans while providing comprehensive benefits, including long-term care.

I'm tired of the inside-the-beltway mentality that says national health insurance isn't politically feasible. The American public has made it clear. National health insurance is politically feasible. The Russo universal health care bill is the only politically feasible plan around because it is the only plan that benefits all Americans by containing costs and increasing coverage.

The polls have told us, experts have told us, and now a major election has turned on this issue. Americans want comprehensive health reform now. It is time for the President and the Congress to wake up and listen to the American people and make the enactment of national health care their top priority.

□ 1030

EXTENDED UNEMPLOYMENT BENEFITS

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

Mr. LEWIS of Florida. Mr. Speaker, Americans who need extended unemployment benefits are tired of waiting for the House Democrat leadership to stop playing games with this issue. It seems they would rather have an issue with which to bash the President than pass a bill the President can sign and get these benefits to the people who need them.

We need to pass legislation that extends unemployment benefits without raising taxes on the very businesses that will get us out of the recession. I call on the Democrat leadership to work with the President to give us a responsible extended benefits bill as well as an economic growth package. Let us solve our country's economic problems, rather than extend them into 1992. The American people are tired. They want lower health care costs, no more taxes, and no more rhetoric from this House.

They want the economy turned around. They are challenging us to move ahead. I speak from the conservative side of the aisle and challenge the Democrat leadership, conservatives, moderates, and liberals, let us work together and turn this economy around. The American people expect no less and give us this challenge to this House and to this Congress.

THE ADMINISTRATION CHANGES ITS MIND ON THE RECESSION

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

Mr. TALLON. Mr. Speaker, finally, finally the administration is telling us, yes, the recession is here, a fact that my constituents have known for a long

time. There is a record 23.6 million Americans receiving food stamps. People who have lost their jobs are suffering in this tough economy and have turned to this vital program for help.

Mr. Speaker, the average food stamp benefit is 70 cents per person per meal. Over 50 percent of the recipients are children. Remarkably, at this same time the administration is proposing regulations that threaten to cut the benefits in many ways.

As chairman of the subcommittee which oversees the Food Stamp Program, I am outraged that this administration is pulling the rug out from under the most vulnerable in our society. The President is telling us that he cares about people who are out of work and who have been hurt by this rocky economy. Unfortunately, the actions of this administration speak louder than words, and these actions are hostile to those most in need.

DO UNTO OTHERS?

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

Mr. SCHAEFER. Mr. Speaker, what do the following laws have in common: the Social Security Act of 1933, the National Labor Relations Act of 1935, the Minimum Wage Act of 1938, the Equal Pay Act of 1963, the Civil Rights Act of 1964, the Freedom of Information Act of 1966, the Age Discrimination Act of 1967, the Occupational Safety and Health Act of 1970, the Equal Employment Opportunity Act of 1972, title IX of the Higher Education Act Amendments of 1972, the Rehabilitation Act of 1973, the Privacy Act of 1974, the Age Discrimination Act Amendments of 1975, the Ethics in Government Act of 1978, and the Civil Rights Restoration Act of 1988? What do these laws have in common? They all represent sound principles? Yes, and they are all laws from which the Democrat-controlled Congress has exempted itself.

Why, Mr. Speaker, does the Democrat-controlled Congress not apply these principles to itself? Shouldn't laws and standards which we believe best serve our country also best serve this institution? That is a question which the majority should have to answer.

Mr. Speaker, I'd like to commend our Republican colleague from the other body, Senator CHUCK GRASSLEY of Iowa, for his effort to force Congress "to live by the same laws that apply to everyone else," as highlighted in the Wall Street Journal's October 16 editorial. Let's support this effort.

MESSAGE FROM PENNSYLVANIA

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

Mr. TRAFICANT. Mr. Speaker, it does not take a brain surgeon to figure out what happened yesterday in Pennsylvania. The message is clear. Stop closing bases in America and close a few military bases overseas. Stop worrying about NATO and start worrying about Blue Cross. Stop worrying about fast track and start worrying about illegal trade and the American worker.

Mr. Speaker, the people of our country are fed up. They are fed up with \$170 billion a year going to protect Japan and Germany, another \$25 billion in foreign aid, and they are getting food stamps.

The message is clear: Take care of No. 1, take care of America.

THE HOUSE OF PUBLIC MISTRUST

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

Mr. ALLARD. Mr. Speaker, if Republicans were in control of the House, we'd move immediately to regain the public trust lost through 38 successive years of Democrat majorities.

In a recent Gallup Poll, Congress ranked behind the following organizations in public trust: The military, organized religion, the Presidency, Supreme Court, public schools, newspapers, banks, television, organized labor, and big business.

Under fundamental American principles, our Government derives its authority through the consent of the governed. Consent is unlikely to flow for long to one that is not trusted.

By the looks of things, Mr. Speaker, the trust Americans have in their Democrat-controlled Congress has all but disappeared.

THE STATE OF THE UNION MESSAGE

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

Mr. WILLIAMS. Mr. Speaker, yesterday in Pennsylvania the people said again to this Government that they want us to turn homeward. Many of us have believed that for a long time. We can bet that President Bush finally heard it last night and this morning.

I am just willing to make my colleagues a bet this morning. Within 70 days, the President will stand right there and deliver his State of the Union message, and for the first time in his 4 years, he will focus domestically.

He will talk about the economy; bet on it. He will talk about employment; bet on it. He will declare himself to be the economy President.

Yes, sir, George Bush is going to come home now. In his upcoming State of the Union speech the President in

the last year of his term will say, "Trust me. I mean it. I am worried about the domestic economy. I am the economy President."

TAX REFORM

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

Mr. DANNEMEYER. Mr. Speaker, by abandoning the solid, progrowth economic policies of the Reagan administration and enacting higher taxes, budget busting spending bills, and burdensome regulations, the Democrat majority in Congress has caused this recession from which the American people are currently suffering. Moreover, this recession will not end until Congress changes policy.

The time to act is now. Congress must pass a broad-based tax cut and limit future increases in Federal spending before we adjourn this year. Let me outline the shape of such an economic growth package.

First, we must lower taxes on labor. Congress should repeal the increase in Social Security taxes that became effective in January 1990 and the ridiculous and counterproductive earning test on Social Security benefits.

Second, we must help middle class families by increasing the dependent child exemption to \$3,500.

Third, we must lower taxes on savings and investment. We should again allow all Americans to have individual retirement accounts [IRA's] and permit penalty-free withdrawals for first-time home purchases, college tuition, and catastrophic medical expenses. We should index the basis and lower the maximum rate on all capital gains for both individuals and corporations to 15 percent. We should repeal the passive loss rule.

Fourth, we must stop penalizing American businesses with punitive taxes. We should adopt a neutral cost recovery system either by enacting full expensing or indexing depreciation schedules. We must repeal counterproductive foreign tax provisions on American multinational firms that only help their Japanese and European rivals.

Fifth, we must enact an enterprise zone program to revive the inner cities.

Sixth, we must repeal all of the 1990 tax increases, including the stupid luxury excise tax.

Finally, we must enact a 4-year hard spending freeze to allow the additional revenue from economic growth to gradually bring the budget into balance.

□ 1040

HEALTH CARE FOR EVERY AMERICAN

(Mr. AUCOIN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. AUCCOIN. Mr. Speaker, yesterday the people of Pennsylvania sent a message to their national leaders: if every criminal defendant has the right to a lawyer, every American family has the right to a doctor at a price it can afford.

Some of us have stood for this for a number of years, but powerful interests have long kept national health care off the national agenda. Those days are now over, because working families are fed up with worrying whether they can afford adequate medical care; because people are tired of being afraid that employers will have to cancel health care benefits because of exploding medical costs; because older Americans now are paying a higher percentage of their incomes for health care than they did 25 years ago; and because those who are out of work, including many people in Oregon timber country, face the terror of a serious illness without any health care coverage at all.

Mr. Speaker, when I first came to the Congress I advocated a national health care program that provides universal access to health care. I am now convinced, based on events in Pennsylvania and the stirring across this country that we now can finally give all American families quality health care as their birthright. It is a fight I joined in the 1970's, and it is a fight that I intend to help Americans win today.

WELCOMING SLOBODAN RAKITIC

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

Mrs. BENTLEY. Mr. Speaker, I rise today to welcome Mr. Slobodan Rakitic to our Nations Capital. Mr. Rakitic is the senior vice president of the Serbian Renewal Movement, the largest opposition, anti-Communist Party in the Republic of Serbia and Yugoslavia.

Mr. Rakitic is recognized as the leading advocate of tolerance and negotiation in the current conflict in Yugoslavia. In his capacity as a member of both the Federal and Serbian Parliaments, he has taken the lead in the parliamentary fight to abolish Communist rule throughout all of the republics of Yugoslavia.

In Serbia, Mr. Rakitic works most closely with other opposition leaders such as Prof. Dragolub Micunovic, leader of the Democratic Party, leaders of the SDA, and leaders of the Hungarian Minority Group.

I will be holding a reception for Mr. Rakitic in room 1416 Longworth from 11 o'clock to 12:30 this morning, and invite any Members or their staffs to drop by and talk with him about the thriving political opposition in Serbia, and also the overall situation in Yugoslavia.

WOMEN NEED TO HEAR THE TRUTH ABOUT FAMILY PLANNING

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

Mr. WYDEN. Mr. Speaker, the President's new policy statement on family planning is actually nothing new at all. The President's statement says that a woman can get no information about her pregnancy options from a family planning program, but can only get a referral to a general practice health facility. Mr. Speaker, that is no change in the gag rule at all. Women are entitled to the truth, the whole truth, and nothing but the truth when they go to a family planning clinic, but under the President's statement that was issued late last night they will not get it. The President still does not believe that the first amendment ought to apply at federally funded family planning clinics.

I urge all our colleagues to support Chairman NATCHER's excellent labor-HHS bill today and ensure that women in this country have an absolute right to the truth.

WE MUST ENCOURAGE SMALL BUSINESS JOB CREATION

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

Mr. IRELAND. Mr. Speaker, over the next 25 years, the United States needs to create 48 million jobs. Some 75 percent of those jobs will come from small businesses.

For the sake of all Americans, we ought to be doing whatever we can to encourage small businesses as they lead the way in creating the new jobs we so desperately need.

Instead, we will consider later this week a bill to mandate employee leave policies—even though 89 percent of Americans surveyed say that Government should not get involved in deciding what benefits employees receive. This bill would trade jobs that employees certainly do need for benefits that they may not even want.

We also may be asked to vote on yet another unemployment compensation bill—paid for through increased payroll taxes. If the bill contains such tax increases, it will be trading decent, full-time jobs for a few more weeks of Government handouts.

My colleagues as we consider these bills, stop, think and remember it is easy to say that you're for small businesses and the jobs they create. But it's how you vote that really counts.

WASHINGTON STATE VOTERS DEFEAT TERM LIMITATION INITIATIVE

(Mr. DICKS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, yesterday the voters of Washington State made a deliberate and very wise choice to defeat an initiative that would have unilaterally diminished Washington State's congressional delegation. Supporters of initiative 553 in Washington State were arguing for a three-term limitation on Members of Congress from just this one State, and they tried to capitalize upon the frustration that has spread across the Nation this year.

I am pleased to state this morning, however, that a majority of the voters in our State were able to see through this proposal, and despite the frustration that we know is there, they chose to defeat the measure.

I want to especially note the role that Speaker TOM FOLEY played. He campaigned across our entire State. Speaker FOLEY defended the Constitution, which this initiative clearly violated. He defended the citizens' right to decide. He defended the Congress, and he defended Washington State's right to have an experienced congressional delegation. This was a personal victory for the Speaker and a political victory for the people of Washington State.

YOU CANNOT FOOL AMERICAN WOMEN

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

Ms. MOLINARI. Did you hear that, Mr. Speaker? That is the sound that was heard several weeks ago in the other body. It is the bell that warns: "Time is up. You cannot fool American women anymore." That bell is about to go off in the House today.

When my colleagues vote against the Labor-HHS and education conference report, they will tell us it is because it is an abortion vote. But you cannot fool American women anymore. They will tell us they voted no because it spends too much on breast cancer and toward Medicare, that it is over budget. But you cannot fool American women anymore.

To vote no today will be a vote to close family planning clinics, to restrain free speech between a woman and her doctor, and to deny women their legal right to know.

So when Members vote on this report today, Mr. Speaker, be honest in your response because you cannot fool American women anymore. Time is up.

PRESIDENT BUSH WILL TURN OUT THE LIGHTS ON THOUSANDS ACROSS THIS COUNTRY

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

Mr. SARPALIUS. Mr. Speaker, I think we finally figured out what the President meant when he talked about his thousand points of light. He must be talking about turning out the lights on over 1,000 hospitals across this country. In 1956 this body approved the Medicare Program which was designed to help senior citizens who lost their insurance policies, indigents, poor people, and children who did not have adequate health care. It was a unique program. It was a matching grant where the Federal Government put up money and the States and local hospitals put up money, and together they provided health care for those people.

Now the President, through the HCFA recommendations, is recommending to pull out the rug from the Federal Government's matching funds. It would cost my State \$1.1 billion. Mississippi would have to close every nursing home in their State.

Here we have a President on the one hand who will erase a \$6.7 billion loan to Egypt and will push for a capital gains reduction, a tax break for the rich; and on the other hand, pushes people out of nursing homes and hospitals across this country. Mr. Speaker, it is time for the President to come home and read his polls, and he will see that the No. 1 issue in this country is health care. And it is apparent that this President is standing in the dark.

□ 1050

VOTE FOR LABOR-HHS CONFERENCE REPORT

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

Ms. SNOWE. Mr. Speaker, the women of America have an extraordinarily high stake in this legislation in the Labor-HHS conference report. Approval of this conference report will have a direct, positive impact on our lives.

First, this bill provides money to begin boosting research into a heretofore arcane and obscure medical subject: The women of this country. There is funding for research on breast, cervical, and ovarian cancer; sexually transmitted diseases; mammography and pap smear screening programs; and a long-term study on women's health.

For the women who have been important in Members' lives, this bill is the most meaningful get well soon card you could ever hope to send.

Second, the Labor-HHS bill reverses the title X family planning regulations which shamelessly condemn poor women to inferior and inadequate medical information, the deservedly infamous gag rule.

By overturning the gag rule, Congress will finally take Uncle Sam's finger off the mute button controlling doctor-patient relations. To have the

government dictating the medical advice women can receive is discriminatory, harmful and insulting to women in this country. If you support the gag rule, you are telling American women that you just do not trust them.

So, Mr. Speaker, I urge my colleagues to demonstrate their support of and faith in American women by voting to approve this conference report.

WAKE-UP CALL FOR AMERICA

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

Ms. DELAURO. Mr. Speaker, for months now the American people have been calling out to its leaders in Washington, and for months the administration has turned a deaf ear.

Well, make no mistake about it: Yesterday, the people of Pennsylvania delivered a powerful message to 1600 Pennsylvania Avenue. By defeating President Bush's Attorney General and the head of his domestic policy council, the people have sent a message that they are tired of indifference in the face of growing economic bad times.

They are saying it is time for the President of the United States to do something for Americans for a change. It is time to recognize that we have emergencies here at home, too. It's time for the President to get out of the rut of tax breaks for the rich and start working for tax relief for struggling middle-class families. It is time for national health insurance, affordable health care for all Americans. My God, it's time to extend unemployment benefits for the 8.8 million Americans out of work.

That is the message of Pennsylvania. The President should listen. The Congress should listen, too.

Mr. Speaker, the people are looking for leadership and resolve to address this recession. Working- and middle-class families are on the line. They have just sent a wake-up call.

REDUCING TIME WITH BABY

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

Mr. DELAY. Mr. Speaker, strange as it may seem, the Family and Medical Leave Act—H.R. 2—is apt to reduce—rather than increase—the amount of time mothers devote to childrearing.

A recent Census Bureau report found that short-term, job-protected leave policies tend to encourage paid employment at the expense of mothering. According to the report, 71 percent of all women eligible for short-term maternity leave benefits return to the labor force less than 6 months after childbirth, while only 43 percent of those without short-term benefits do so.

That short-term, job-protected leave encourages a speedier return to paid work is not disputed by leading proponents of the Family and Medical Leave Act. In fact, some have expressed concern that if a longer term leave policy were offered, some women would subordinate careerism to mothering.

Given that the Family and Medical Leave Act is designed to build mother-job attachment more than mother-child attachment, policymakers interested in promoting the interests of families and children should not support H.R. 2.

TRIBUTE TO VOLUNTEER FIREFIGHTERS

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

Mr. WISE. Mr. Speaker, the smoke is still hanging over 200,000 acres of burning forest land in West Virginia, but it is time to say thank you to the tired, exhausted firefighters, National Guard and volunteers, men and women, who spent countless days, now weeks, fighting these blazes.

I had the privilege of spending only 14 hours with the Malden and Chesapeake Volunteer Fire Departments this weekend, but they have spent days, now weeks, on steep hillsides that deer cannot run up, using water when they are lucky enough to get close, but more often chain saws, leaf blowers, and that final fire weapon, the rake, and during cold, heat, and smoke, listening for that popping that means there is a tree falling overhead.

Firefighters have always been there, but now, more than ever, we recognize their importance. They are getting little help from the Federal Government. Revenue sharing has been cut off years ago, and so they all play bingo, and hold bake sales, and they stop cars in the streets with upraised fire helmets.

There is a reason that the loss of life and property has been miraculously low in the last couple of weeks, and that is because of the volunteer firefighters, Mr. Speaker.

Congress must remember what they have done, and when this is over, remember what they need.

THE OCTOBER SURPRISE

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

Mr. LIVINGSTON. Mr. Speaker, tomorrow the committee investigating the so-called October surprise goes before the Committee on Rules, this notwithstanding the fact that this week's New Republic and Newsweek magazines have totally destroyed any pretense of credibility in this bogus story. Those

articles appear in my special order in the CONGRESSIONAL RECORD of Monday, November 4.

Mr. Speaker, I call on you and your leadership to face reality. Renounce this foolish pursuit and apologize to President Reagan and President Bush for dragging this mythical fabrication as far as you have.

If you really want to launch a worthy investigation, ask your current and former Democratic Members to appear before an investigative committee to defend their questionable dealings with the Sandinista Communists of Nicaragua in the mid-1980's.

Now, that is a story.

WOMEN NOT GETTING FAIR DEAL WITH HEALTH CARE

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

Mr. REED. Mr. Speaker, I rise today to address the critical subject of women's health care. There is growing evidence that women are not getting a fair deal with respect to health care.

But today the House of Representatives has an opportunity to help correct this great injustice. The Labor-HHS-Education appropriations conference report significantly increases funding for research on women's health. This legislation calls on the National Cancer Institute to make breast cancer, ovarian cancer, and cervical cancer top priorities, and provides the funding for that research.

This conference report includes \$10 million for the National Institutes of Health for research on women's health and also funds the women's health initiative.

The Centers for Disease Control will receive funding for comprehensive early cancer detection programs for low-income women in eight States, and the conference report also blocks the administration from imposing the so-called gag rule. This administration policy would deny women the right to full and fair health information.

Mr. Speaker, women with diabetes, women with cancer, women with multiple sclerosis, these women need to know the effect a pregnancy has on their condition and all the options available to them. Any attempt to deny them this information is both mean spirited and extremely dangerous.

When we vote today for the Labor-HHS-Education appropriations bill offered by the gentleman from Kentucky [Mr. NATCHER], the Congress sends an important signal to women: we care about health care, we will fund research, we will fund the early detection, and we will block any attempt to deny women all the health care information they need.

WELCOME TO GEORGE ALLEN AND TRIBUTE TO THE HONORABLE FRENCH SLAUGHTER

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

Mr. WOLF. Mr. Speaker, I want to congratulate George Allen, who will be the new Republican Congressman who was elected in the Seventh Congressional District by an overwhelming vote.

George was the son of the former Redskin coach, George Allen, and distinguished himself in the general assembly, and I think he will be a credit to this body.

I also want to pay a special tribute to Congressman FRENCH SLAUGHTER, who will be leaving us. FRENCH was a very decent, honest, ethical man who, I think, has been one of the hardest workers and a good man whom we will deeply miss.

So I know all the other Members at an appropriate time will want to pay tribute to FRENCH and say, "FRENCH, we are going to miss you."

□ 1100

SUPPORT FAMILY AND MEDICAL LEAVE

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

Mr. LEWIS of Georgia. Mr. Speaker, I want to remind my colleagues that we have a mandate and a mission to stand up for the American people. As this Nation wallows in the pain of an economic recession, we have an obligation to put the needs of the American people above anything else!

We need to consider the needs of working Americans as we debate the Family and Medical Leave Act. Passing this legislation would send a message of hope to all working Americans. The family and medical leave bill would lift a tremendous burden off the shoulders of working people.

REMEMBER POW/MIA'S: WEAR RIBBONS

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

Mr. GOSS. Mr. Speaker, there is a family in my southwest Florida district that waits anxiously for news as to the whereabouts of a loved one—Capt. Donald Carr, who has been missing in action in Southeast Asia since 1971. Captain Carr's family is one of more than 2,200 families nationwide who have yet to know for sure what has happened to their relatives, known to the world as our POW's/MIA's. In recent days there has been a flurry of ac-

tivity—much of it hopeful—that has spurred the Pentagon to return this matter to the top of its priority list. Every lead is being followed—and every day the families become more hopeful that news and truth will be forthcoming.

Mr. Speaker, a local organization in my district has painstakingly assembled black and white ribbons joined with a flag lapel pin, designed to remind us all that there are still loved ones missing. I have sent one ribbon to each of my colleagues.

And I urge everyone to join me in wearing them, sending a message throughout the Nation that we have not—and we will not—forget.

A REPUBLICAN GAG RULE

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

Mr. GEJDENSON. Mr. Speaker, after we finish the 1-minute speeches, we are going to discuss another gag rule. Our colleagues on the other side of the aisle would like to gag our legal staff to only be able to say those things that they censor.

Now, what is worse about this gag attempt on the legal staff of the U.S. Congress is that they are going to divide the time. It is my understanding from the side that is always demanding that we give them half the time, which we do, they are going to give us 20 minutes on our side and they are going to take 40 minutes. It is an interesting lesson for us. Every time the Democrats bring a bill to this floor, we give half the time to the other side. We lean over backward to make sure there is a fair debate here.

Mr. Speaker, we will be watching to see how the Republicans handle their time when they control it.

THE LESSON OF THE ELECTIONS

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

Mr. HOLLOWAY. Mr. Speaker, we have listened to talk about the race in Pennsylvania yesterday. I am here to talk about a race in New Jersey. The people of New Jersey spoke and said, "We don't want any more taxes."

If the figures I have are correct, and I do not say they are final, but we saw a change that 58 Members of the House are going to be Republicans and 22 Members of the House are going to be Democrats; 23 Members of the Senate are going to be Republicans and 17 Members of the Senate are going to be Democrats.

I am here to tell you that business and people in this country are saying, "You can't be everything to everybody in government."

It is time that we give people a dollar's worth of good for a dollar's worth of taxes. It is time that America wakes up and realizes where our deficit spending is coming from, to realize that the legislative body here every year appropriates 15 percent more to run this House.

We all want affordable health care, but I will tell you, let us find out where we are going to pay for it and what we are going to cut in our present budget before we try to pass a bill.

PASS THE LABOR-HHS BILL

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

Mrs. BOXER. Mr. Speaker, I want to send my congratulations to the voters of Pennsylvania. They got a great Senator and they also did something terrific. They got the President to cancel yet another foreign trip, and he is going to stay home because he wants to watch Congress. Of course, he is going to Rome first. I wish he would watch us today, because today we are going to pass a great bill, the Health and Human Services Act. We are going to finally fund health programs for women at a higher rate to attack the problem of breast cancer and ovarian cancer and cervical cancer.

The President opposes this. He also wants to continue a gag rule which would in America in 1991 stop a physician from telling his or her patients the truth about that patient's legal options.

Mr. Speaker, this gag rule is not about abortion. It is about freedom of speech and freedom of speech in America is something we have come to rely on. It is what makes us so great, and I look forward to working with the chairman and passing the Health and Human Services Act.

A FAIR DIVISION OF TIME ON A PRIVILEGED RESOLUTION

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

Mr. COX of California. Mr. Speaker, at the conclusion of our 1-minute addresses this morning, the House will take up a very serious question and that is the question of whether the taxpayer's resources and the officials funds and resources of this House of Representatives should be used to weigh in and interfere with State elections on term limits.

As an individual Member of the House, I have brought a resolution on a question of privilege, of the whole House, not a personal privilege, but privileges of the whole House, to be consulted on a matter such as this.

Frankly, it is not an easy thing for an individual Member to challenge the

leadership in this fashion, but I thought it important to do so.

The rules of the House, which I want punctiliously to follow, give a Member bringing a resolution of this type 1 hour. They give me that entire time.

Now, even though that is what the rule does, I have agreed with the distinguished majority leader, and he is in concurrence with me on this subject, that the time will be divided 15 minutes to myself, then 20 minutes of time that the majority leader will distribute as he sees fit, and 20 minutes to my side, and I will conclude in 5 minutes; but I want to emphasize that under the rules, this Member is entitled to all of the time.

Frankly, if we follow those rules, there would not be any time whatsoever allocated to the other side. The minority in this House has a very difficult time bringing our matters of interest to the floor. This question of privilege, frankly, is about a decision taken without consultation whatsoever with the minority, without approval of our leadership, and without any debate or vote on the floor of this House.

Mr. Speaker, I think it is urgent that we precipitate that debate this morning, and that is the purpose of my action.

THE PRESIDENT SHOULD LEARN THE LESSON OF HEALTH CARE

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

Mr. DEFAZIO. Mr. Speaker, there is a valuable lesson that the President could learn during his trip to Europe today to visit our NATO allies. It is not about the Soviet-Warsaw Pact threat. It is not about new rationales and why the U.S. taxpayers should spend \$160 billion a year to defend our wealthy allies in Europe against a nonexistent threat.

No, if our NATO allies can afford to provide health care to each and every citizen, that is the lesson the President should bring back today, how to provide that needed health care here to every citizen of the United States of America, not how to perpetuate the cold war in Europe.

JOB CREATION AND ECONOMIC GROWTH NEEDED NOW

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

Mr. RAMSTAD. Mr. Speaker, in yesterday's election, the American people sent a clear message to the Democrats who control this House.

Jobs are in, higher taxes are out. In New Jersey, the people spoke loud and clear by throwing out the Democrats who raised their taxes, and

throwing in the Republican candidates who campaigned on a platform to cut taxes and ignite economic growth.

Using a progrowth, antitax message, Republicans took over the New Jersey Legislature for the first time in 20 years.

And in Mississippi, voters changed history by electing a progrowth, antitax Republican Governor—the first since Reconstruction.

The message from these elections is clear: the American people want jobs and growth, not higher taxes. And the people will change history to get the progrowth program they want.

Now, it is time for the Democrats in this House to give up on their higher tax agenda, and pass a progrowth, projobs, protaxpayer, and profamily economic growth package.

Mr. Speaker, the American people are hurting at home. And if the Democrats who control Congress do not take action to take care of the American people, then American people are going to take action to take care of the Democrats who control Congress.

These are historic times, Mr. Speaker. I hope the Democratic leadership is listening.

PRESIDENT SHOULD STAY HOME AND GET UNEMPLOYMENT BILL PASSED

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

Mr. OBEY. Mr. Speaker, this morning right before he left Washington for another trip overseas, the President said that he canceled a future overseas visit, this time to Asia, because "I hate going away with Congress still in session. Heaven knows what will happen."

□ 1110

Mr. Speaker, we do know what happens when the President goes on these foreign visits because the United States winds up giving more away. When the President visited several NATO countries that summer, he ended up promising Greece two Navy ships and millions of dollars in surplus Navy equipment. After he visited Turkey, the administration has been telling us they want to provide that country with 80 F-16's worth \$2.8 billion.

Mr. Speaker, so far my committee has objected because of the foreign aid implications, but the administration keeps putting the pressure on.

So, Mr. Speaker, I say, "Mr. President, I hope when you get home, you'll help us fashion an unemployment insurance bill, but when you're out there in Rome with our allies, I hope you don't go promising any more F-16's, or anything like that. We simply can't afford the foreign aid implications."

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Members are reminded to direct their remarks to the Chair.

DOCTOR-PATIENT RELATIONSHIP
IS NOT VIOLATED BY NEW TITLE
X REGULATION

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

Mr. SMITH of New Jersey. Mr. Speaker, the President in his title X memo yesterday shattered the myth that the doctor-patient relationship is violated by the new title X regulation. The President writes in part, and I quote:

We must insure that the confidentiality of the doctor-patient relationship will be preserved and that the operation of the title X family planning program is compatible with free speech and the highest standards of medical care. In order to clarify the purpose and intent of these regulations, I am directing that in implementing these regulations to insure that the following principles be adhered to: one, nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician; two, the title X projects are to provide necessary referrals for appropriate health care facilities when medically indicated.

The claim that doctors could not refer a pregnant woman for medical care with AIDS, cancer, or diabetes, as suggested in a recent Dear Colleague, is simply false. In fact, a doctor is required to refer a woman to a specialist even if such referral ultimately results in the loss of the baby's life.

Mr. Speaker, I urge Members to vote no on the conference report and preserve the President's prenatal care rule.

SUPPORT THE LABOR-HHS
CONFERENCE REPORT

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

Mr. DURBIN. Mr. Speaker, later on today we will consider the Labor-HHS conference report. I rise in strong support of this legislation.

Mr. Speaker, in addition to making a record of the fact that this House of Representatives opposes the Reagan-Bush gag rule, this conference report makes a significant stride forward in medical research for Americans. There is an increase of over \$400 million to the National Institutes of Health to find cures for the diseases which plague American families. Many of my colleagues, particularly the Congresswomen who serve with me, have stood up and said that they support the bill because of the strides we made in this legislation for women's health care, and I think that is critically important.

But I would like to correct the record. I say, "If you ask most Americans what is the No. 1 cancer cause of death among women in America, what would they say? Ovarian and cervical cancer? No. Breast cancer? No. The No. 1 cancer cause of death among American women is lung cancer caused primarily by smoking."

Mr. Speaker, I want to salute this conference committee for adding money in this bill for the Office of Smoking and Health to educate, not only women and men, but children, across America not to take up smoking. That is a step forward, not only for women, but for all Americans.

WHY AMERICA DISRESPECTS US

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

Mr. DORNAN of California. Mr. Speaker, in the 15-years that I have been here, which is a short amount of time comprised to the 50 years served by JAMIE WHITTEN of Mississippi who started his 51st year today, I have only seen one October surprise. And that was the cockamamie, so-called budget compromise that was, surprise, the mother of all tax hikes. But what about that other October surprise? You know, that October 11 years ago, just before Ronald Reagan was first elected in a landslide.

Listen to what the New Republic says about it. "What October surprise?" And below that is this:

But the truth is the conspiracy currently postulated is a total fabrication. None of the evidence cited to support the October surprise stands up to scrutiny. The key sources on whose word the story rests are documented frauds and impostors.

How about the cover of Newsweek? "The charge, treason; the evidence, myth." Eleven reporters worked on this Newsweek story from New York, London, Paris, Jerusalem, Moscow, Bonn, Chicago, Houston, and Los Angeles.

The two authors of the New Republic story, Steven Emerson and Jesse Furman, said they will finish their investigation for \$3,000, but the Congress is going to put up half a million. If Congress really has to go through with this charade, it should give Steve and Jesse the \$3,000 and save the taxpayers some money.

Mr. Speaker, this is why America disrespects this legislative body. If we just did our jobs around here the American people would certainly forgive the odd salad with Raquefort dressing. But when Congress consents to spending half a million dollars investigating a fairy tale, every little abuse of Congressional parks becomes magnified. The October surprise witch hunt is unworthy of this Chamber and all those pursuing it for political reasons should feel small.

THANK GOD THE DEMOCRATS
HAVE BEEN HERE FOR 40 YEARS

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

Mr. HEFNER. Mr. Speaker, someone from the Republican side mentioned earlier that people were irritated that people were going to get another couple of weeks of handouts from the Government. These are unemployed folks that are out of a job and cannot find jobs. They are going to get another handout.

Mr. Speaker, they paid into this fund, and the administration has barred the money. There is no trust fund.

Mr. Speaker, I say, "Your record ain't good, boys, on working folks. When we talked about 60-day notice for plant closing, you said, 'Oh, that's a terrible thing. You have to let people know they're going to be out of work in 2 months.' When we talked about minimum wage, you said, 'Oh, that's going to be terrible. It's going to ride the price of everything up, going to drive fast food people out of business.' It didn't work. It seems to me your record ain't too good."

One other thing somebody mentioned over here time and time again: If the Republicans had been here all these years, we would have had so and so. Well, let me tell my colleagues, "if the Republicans had been here all those years, I'll tell you some of the things you wouldn't have had. You'd have had less of Medicare, you'd have had less Social Security, and you'd have had a lesser safe place to work had the Republicans been here."

So, Mr. Speaker, I just thank God that the Democrats have been here for 40 years.

GOVERNMENT MUST TELL WOMEN
THE TRUTH ABOUT THEIR MEDICAL
OPTIONS

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

Mr. PORTER. Mr. Speaker, late last night the Members received a copy of a memorandum from President Bush to Secretary Sullivan pretending to change the gag rule.

This memo does nothing. It is rather a last-minute attempt to confuse the issue.

Please don't be fooled. The gag rule prevents a title X clinic from telling a pregnant woman coming to them for help, who has cancer or diabetes, that her pregnancy might kill her. Yes, that's right. Even in that extreme case the clinic, under the gag rule, could not tell the women about her right to have an abortion that would save her life.

Mr. Speaker, the memo purports to address this. But it is fascinating that

the President does not direct the Secretary to revise the gag rule regulations. He attempts to tell how clearly opposite language should be interpreted.

Mr. Speaker, the memo is obviously extralegal and could have no effect whatsoever. But most importantly, Mr. Speaker, the underlying problem with the gag rule remains. A woman who asks about her medical options cannot be told them. Eighty percent of the American women believe this is wrong. The AMA and the ABA believe this is wrong.

Citizens in our country are entitled to be told the truth by their Government. Support the conference report today and insure that they will be.

OVERTURN THE GAG RULE

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

Mr. McDERMOTT. Mr. Speaker, today the House will consider legislation to block implementation of the gag rule. This rule prohibits health care professionals from providing appropriate medical information concerning their patients' legal option to choose abortion—even when a woman's life may be endangered by a full-term pregnancy.

The gag rule is bad policy and bad medicine. It violates every principle of ethical medicine, increases the potential for malpractice suits, and places political ideology over sound medical judgment.

Physicians are sworn to uphold the Hippocratic Oath, not a political loyalty oath, and it is their responsibility to offer patients informed consent of all their medical alternatives.

I understand this administration wants to restrict abortions. But gagging doctors and withholding family planning funds is not the way to do it.

The Supreme Court has said that it is legal to prevent some women from obtaining reliable medical information. But it is neither right, fair, nor wise to do so. I urge my colleagues to vote for the Labor-HHS conference report today.

RESOLUTION ON TERM LIMITS

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

Mr. KYL. Mr. Speaker, in a few minutes the gentleman from California [Mr. COX] will present a privileged motion to rescind action taken on behalf of the House, but on which there was never any debate or a vote. Twenty-five thousand dollars has been made available for a brief to be filed in the Florida Supreme Court against the

term limitation proposal there, but we have never had a vote on that issue here in the House, and I suspect we are never likely to get one. Mr. COX has 1 hour of time under the rules of the House, but he was just criticized by the gentleman from Connecticut for giving opponents of his resolution 20 minutes of that 1 hour.

□ 1120

Mr. Speaker, I think it takes gall to constantly vote for closed rules precluding debate, precluding the offering of amendments, and precluding the making of points of order, and then criticize the gentleman from California [Mr. COX] for not being fair. I think it takes gall to support a secret decision made without debate, made without any vote anywhere, and then criticize the gentleman from California [Mr. COX] for being unfair. I think it takes gall to prevent a vote on the issue of term limitations, let alone filing the brief and then criticizing the gentleman from California [Mr. COX] for not being fair.

Whether the majority is given 15 minutes, 20 minutes, 30 minutes, or 5 hours, it is not going to be able to explain to the American people why it is fair to authorize the filing of a brief on behalf of the House when the House never acted on the issue and has not been given an opportunity to do so.

Mr. Speaker, I urge my colleagues to support the resolution of the gentleman from California [Mr. COX].

GUN VIOLENCE TARGETED BY DISTRICT OF COLUMBIA VOTERS

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

Ms. NORTON. Mr. Speaker, yesterday the people of the District of Columbia moved in the tradition of self-help and in the exercise of self-government against epidemic gun violence in the streets of the Nation's Capital. The Congress, through years of inaction, has in effect invited local jurisdictions to take care of the rampage of gun crimes themselves. To Americans who did not get it, this body hung out a mile-high, look-elsewhere sign last month when it defeated the assault gun provision of the crime bill the day after the tragic Killeen, TX massacre.

If the D.C. assault gun referendum had passed anywhere else in the United States, including any of the territories with nonvoting delegates, the Congress would have been compelled to defer to democracy. The people of the District of Columbia say to the Congress and to the country, "Do not let the place where our democratic government does its work be the place that disrespects and overturns the will of the people who live in this place."

VOTERS' RESPONSE TERMED "ANTIINCUMBENT, ANTITAX, AND ANTIBIG GOVERNMENT"

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

Mr. WELDON. Mr. Speaker, I just drove down this morning from Pennsylvania after having worked the entire day listening to the voters of my commonwealth and my district. I understand that many of my colleagues this morning, Mr. Speaker, have said that President Bush should listen to the lessons learned from Pennsylvania.

Perhaps my colleagues still have not gotten the message. Perhaps they should look at what happened in Mississippi and in Virginia, and perhaps they should look at the State of New Jersey where for the first time in 20 years the Republicans have established veto-proof majorities in both the House and the Senate.

Mr. Speaker, the message yesterday from my voters and across this country was not anti-Republican nor anti-Democratic. The message was antiincumbent, antitax, and antibig government.

Mr. Speaker, this institution is next. Congress had better take heed.

CAMPAIGN FINANCE REFORM IS A BETTER SOLUTION THAN TERM LIMITS

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

Mr. MAZZOLI. Mr. Speaker, among the many elections that were held yesterday was a referendum on the question of term limits. It was conducted in the State of Washington, and I am happy to say that the voters of the State of Washington rejected what I would characterize as a quick-fix solution to the problems of big government and political incumbency.

It seems to me, Mr. Speaker, that this fervor for term limits is really a symptom of an underlying uneasiness and underlying disaffection on the part of the American people and the voters toward the political system, not so much toward Congress itself but toward the system.

A better solution than term limits, which would get rid of a lot of Members, including the gentleman from Kentucky [Mr. NATCHER] who is on the floor with me today, is making sure that we have good, solid campaign finance reform. Later this month, Mr. Speaker, we will take up that issue. I certainly hope that the House passes this bill. That would be, to me, the best solution to our problems on Capitol Hill.

**REPUBLICAN CANDIDATES WIN
BIG IN NEW JERSEY**

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

Mr. RINALDO. Mr. Speaker, yesterday voters in my home State of New Jersey spoke out loud and clear against the Democratic majority's \$2.8 billion tax hike by turning out Democrat incumbents in droves. Not only did the Republicans recapture the State senate and the State assembly, but they did so by overwhelming margins that will assure them of veto-proof control of both houses—59 to 22 in the assembly and 27 to 13 in the senate.

In town after town, in county after county, Republican candidates were victorious.

This was probably the greatest single victory for any one party in the history of the State. In Middlesex County, for example, Republicans gained control of the county board of freeholders for the first time in 62 years, even before I was born. Republicans gained control of 17 out of 21 counties. The message was simple.

Mr. Speaker, these returns should leave no doubt in anyone's mind that the days of higher and higher taxes are over, and that you cannot ram tax increases down the throats of the people. The people are sick and tired of tax hikes, of more spending, and of the conventional wisdom. They are tired of the solutions of the past. They want a new vision for the future, and they are turning to the Republican Party for it. Mr. Speaker, they demonstrated that in New Jersey yesterday.

**PRESIDENT URGED TO STAND
FIRM ON TRADE ISSUES**

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

Mr. JENKINS. Mr. Speaker, it is interesting to see the spin that different Members put on the elections yesterday. It is very difficult to tell really what the true story is, but obviously in Pennsylvania the two big issues had to be health care and jobs, unemployment.

The rumors are that the President is going to Europe and will have an opportunity to go by and talk about trade, the trade agreement. If in fact this administration caves in on these trade talks and does away with the textile industry over the next 10 years, then that is the wrong signal to send to the rest of the country. I think the people of Pennsylvania have recognized that unemployment is real in this country and we do not need to be over in the Uruguay round telling the rest of the world that we will give up the rest of our industries, that "You don't have to worry, we will cave in at the last minute."

Mr. Speaker, I would hope that the President does not do that.

**A NEW DIRECTION FOR THE
GARDEN STATE**

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

Mr. GALLO. Mr. Speaker, yesterday was a momentous day in the Garden State. Yesterday the voters of New Jersey, men and women of all races, colors and creeds, and, Mr. Speaker, I do want to emphasize this, Republicans and Democrats alike, joined together to say no to arrogance, no to heavy-handed governance, and no to taxes.

In the end, when the dust had settled, the Republican Party took control of supermajorities in both Houses.

Mr. Speaker, I know that some Members were thrilled with the defeat of the term limit initiative. For my self, I am thrilled with the defeat of taxes in New Jersey.

Mr. Speaker, for 13 hours yesterday, record numbers of New Jersey voters poured into their polling places and cast their votes. And, in the end the message was crystal clear.

**VOTERS SEND A NEW MESSAGE
TO LEADERS IN GOVERNMENT**

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

Mr. FAZIO. Mr. Speaker, some Members are attempting to portray the results of yesterday's election as an anti-incumbent vote. It seems to me that it is much more of an antibusiness-as-usual vote. People across the country have said that this institution and the Presidency at the other end of Pennsylvania Avenue have to produce real results on the real problems of the American people, and do it now.

When people turned down term limits, they were not saying they were not angry and frustrated; they were saying that this system which our Founding Fathers put together can work if it is led properly.

I am convinced that this election will send a message to many on both sides that if we address the fundamental issues, health care, tax relief for the average American, and the other economic issues that have been so neglected for 12 years, the American people will continue to reject term limits, that easy solution to the problem of holding politicians accountable.

□ 1130

**VOTE AGAINST HEALTH AND
HUMAN SERVICES CONFERENCE
REPORT**

(Mr. HYDE asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HYDE. Mr. Speaker, I was sitting here listening to the revival of government by bumper strip when I heard phrases like "the gag rule."

I would just like to point out later on today when we vote on the Health and Human Services conference report, that they have loaded that otherwise good bill with proabortion legislation which is designed to give Planned Parenthood more money for abortions.

They want to make family planning clinics steer young women to the Planned Parenthood abortion clinics. They already make \$30 million a year for abortions. They want to take a program that is designed to make people fertile if they want children and to provide contraception if they do not want children, and turn it into a way station for abortion, the killing of unborn children.

Abortion has never been a part of family planning, but that is what they want.

They talk about a gag rule. The President has issued a directive yesterday that makes clear that the doctor-patient relationship is unimpaired. A doctor can give a pregnant woman complete and comprehensive medical advice, even if it involves an abortion. It is a receptionist, it is the nurse, it is the counselor, who are untrained volunteers, steering young, pregnant, frightened women to abortion clinics run by Planned Parenthood that we do not want giving medical advice.

That is the sad but necessary reason why I urge Members to vote against the conference report, so the President can veto it, and we can reconsider it and sent it back, unimpaired by the albatross of abortion language.

**PENNSYLVANIA SENATORIAL
ELECTION A STAIN ON THE
PRESIDENT'S MANTLE**

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

Mr. SMITH of Florida. Mr. Speaker, you can spin the bottle 1,000 ways, but you cannot wash away the results that were spoken by the voters of Pennsylvania last night when they rejected one of the closest people to President Bush. Mr. Thornburgh was the Attorney General of the United States. He has been a politician, elected and appointed, for many years. He served two terms as Governor of Pennsylvania.

He was defeated last night soundly and roundly by Mr. WOFFORD, who was appointed just a few months ago to the Senate. And try as they will, no Republican is going to be able to wash that stain off the President's mantle.

The bottom line is that the people of Pennsylvania understood what the people of America understand: this admin-

istration has failed, and is failing, and it looks like it will fail in the future to come to grips with the real problems that Pennsylvania and Americans face; unemployment, a lousy economy, losing jobs overseas, and a tax structure which favors the wealthy.

This is being perpetuated by this administration. This Congress is going to change it, and, in the process, we are going to do for the average American a health care package that the President of the United States has not even talked about yet.

AMERICA TIRED OF BELTWAY CROWD NOT RESPONDING TO PEOPLE OF AMERICA

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

Mr. SANTORUM. Mr. Speaker, it is nice to hear people from Florida and Illinois, Michigan and California telling everybody here in America what the people of Pennsylvania say. Well, I happen to represent some people from Pennsylvania, and let me tell these gentlemen who are standing up here with such knowledge that the people of Pennsylvania are saying one thing: They are tired of what is going on down here.

Senator WOFFORD ran a campaign saying that he was the outsider and he too was tired of what was going on down here. That is the message.

Mr. Speaker, that is the message you should hear loud and strong, that they are tired of taxpayer dollars being used to pay for legal briefs down in Florida to fight term limits. They are tired of things going on where this inside-the-beltway crowd is not responding to the people of America. That is the message.

MESSAGE FROM NEW JERSEY ON TAXES

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

Mr. ZIMMER. Mr. Speaker, on the other side of the Delaware River in New Jersey yesterday the voters spoke out loud and clear. They spoke against the brand of government that the Democratic Party has forced on New Jersey for the last 2 years. They said no to New Jersey's enormous tax hike, which has stifled the economy, cost jobs, and chased business out of our State.

New Jersey said yesterday that high taxes are not the way to battle a recession, and they are not fair to hard working people. New Jersey residents knew that taxes did not have to be raised, but that State spending had to be reduced. They said cut the waste, stop the spending. But the Democrats

and the Democratic Governor ignored them, until yesterday.

The taxes were rammed through the legislature over the protest of thousands of New Jersey residents who took to the streets. While the people responded to higher taxes, bloated budgets, and arrogant Democrats, they took control of both houses of the New Jersey Legislature away from the Democrats and gave control to the Republicans by historic margins.

The Governor of New Jersey should heed this warning, as should Members on the other side of the aisle where the Governor once sat. America does not need more taxes and more spending. And if you do not listen to the people of New Jersey today, your constituents will tell you more clearly next year.

WE ARE THROUGH WITH THE EIGHTIES, AND THANK GOODNESS FOR IT

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

Mr. DERRICK. Mr. Speaker, well, the eighties have come to an end, finally. You know, when we started in 1980 we had an annual deficit of \$60 billion. By the mideighties the deficit had gotten up to about \$225 billion. Of course, under a continuing Republican administration, it is now up to over \$300 billion.

Of course, in the beginning of the eighties we were the largest creditor nation in the world. Today we are the largest debtor nation in the world.

I was just looking at statistics in my home State. The average person in my home State is making less today than they were in 1978.

The national debt at the beginning of the eighties was \$1 trillion; today it is \$3 trillion.

So we are through with the eighties, and thank goodness for it.

BOTH PARTIES CAN LEARN FROM 1991 ELECTIONS

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

Mr. GINGRICH. Mr. Speaker, let me say that both parties have something to feel good about yesterday. The Democrats can legitimately focus on Pennsylvania where they won an important Senate race. Republicans can look at New York, New Jersey, Virginia, Mississippi, Savannah, GA, and a wide range of places where we won.

But I think there is one consistent theme to the victories everywhere. I think it is a theme that every incumbent in this Congress ought to pay attention to, and it is a theme the President ought to pay attention to. The American people are sick and tired of

paying their taxes to a political establishment which accomplishes very little for the American people.

We had the fiasco in this House on Monday of a banking bill we worked on for 3 days that went down in flames. We have the Sergeant at Arms scandal. We have a restaurant scandal. We have all sorts of problems in the House.

All I would say to my friends, whether they are Democrats or Republicans, is the bipartisan message of election day yesterday is that the people who are currently in office had better take change very seriously. They had better fight for change. They had better represent the taxpayers, and they had better be concerned about changing government. Because if the taxpayers conclude that you are not on the side of changing government, they are going to change you.

BUSINESS IS NOT THE VILLAIN IN AMERICA

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

Mr. INHOFE. Mr. Speaker, I was not going to give a 1-minute today, but in response to the gentleman from Florida [Mr. IRELAND], who came in and talked about the fact that we are going to need to produce 43 million jobs in the near future, and we are going to be dependent upon small business for this, I felt compelled to do so.

In a few minutes we are going to be considering a resolution by the gentleman from California [Mr. COX] addressing limitation of terms.

I have long felt that we sit here in the House of Representatives and make it more and more difficult for businesses to employ the people of America, as if businesses were somehow the villains.

□ 1140

It was not long ago that George McGovern, who had been serving in the U.S. Senate for many years, ran for President twice, went out into the private sector, into Connecticut. And he bought a hotel to participate in that great American dream. Then the regulators started coming down on him, the EPA, OSHA, the IRS, the Health Department, I suspect everyone else.

Finally he had to throw this dream into bankruptcy. This is the statement that he made:

I wish I'd done this before I'd run for President. It would have given me the insight into the anxiety any independent businessman or farmer must have. Now I've had to meet a payroll every week. I've got to pay the bank every month. I've got to pay the State of Connecticut taxes. It gives you a whole new perspective on what other people worry about.

If we in this body knew that someday we would have to go out and make a living under the laws that we pass, we would behave differently.

**U.S. OIL IMPORT VULNERABILITY:
THE TECHNICAL REPLACEMENT
CAPABILITY**

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

Mr. MILLER of Ohio, Mr. Speaker, as a member of the Technology Assessment Board I am pleased to bring to my colleagues' attention a report which was released last week by the Office of Technology Assessment entitled "U.S. Oil Import Vulnerability: The Technical Replacement Capacity." While our demand for oil has increased, domestic oil production has continued to decline. We cannot afford to continue down this treacherous path. OTA's report on oil import vulnerability points out that oil as a source of energy remains deeply rooted in our country's economy, and policy options that maintain domestic production and encourage oil and gas development must be part of any oil replacement strategy. If we are to sever our dependence on imported oil, we must make the long-term commitment now to developing a long-term energy security plan. I commend this report to my fellow colleagues and I am confident that it will be very beneficial in guiding the Congress as the House gets down to work on developing legislation to implement a national energy strategy that encourages sound economic growth while at the same time meeting national security and environmental objectives.

THE REPUBLICAN CONGRESS

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

Mr. RIGGS, Mr. Speaker, in a column that appeared in the Washington Post last week, David Broder wrote that if Republicans were given the chance, they would govern effectively.

In an article that will appear in the Heritage Foundation's Policy Review, Republican Leader BOB MICHEL tells us how Republicans will govern when given the chance.

A Republican Congress will embark on a truly historic reform of the House. It will restore many cherished values of American democracy that have been lost over 37 years of Democrat control.

Chief among those values is the right to free and open debate. Too many times in this House, debate on crucial issues is curtailed, frustrating many who have no voice in the process.

Another of these values is thrift. By tightening our own belt, by cutting the staff and doing away with useless and wasteful subcommittees, we will restore the people's faith in the Congress.

A final value is one of accountability. A Republican Congress will adopt full and comprehensive campaign reform,

so that Members will be accountable to their constituents, not to powerful special interest groups.

Mr. Speaker, as David Broder put it, Republicans have the ability to govern well. Now, they just need the opportunity.

**SUPPORT FEDERAL COMMITMENT
TO WOMEN'S HEALTH RESEARCH**

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

Mrs. LLOYD, Mr. Speaker, just a few short weeks ago every Member of this body received letters from women in their district urging support for a Federal commitment in the fight against breast cancer. These letters, totaling 175,000, represent the number of women diagnosed with breast cancer this year alone. These women wrote of their struggle against a disease not well understood by our medical community.

Still many more family members wrote on behalf of loved ones who lost their lives to breast cancer.

A woman from my district asked me why there has not been a priority in research when breast cancer rates continue to rise unabated and mortality rates have remained largely unchanged.

I want to recommend to my colleagues a yes vote on the Labor, HHS conference report today. I want to commend the gentleman from Kentucky, Chairman NATCHER, and his colleagues for their support to increase the awareness, increase the funding for breast cancer research.

My colleagues, this bill increases the funding 46 percent to a total of \$133 million. It is very important. This is our chance. This bill does provide the startup funds to build a knowledge base to identify proper diagnostic, prevention, and treatment strategies for women.

Support the women in your district and their loved ones by voting yes on the Labor, HHS conference report.

RESULTS OF THE VOTE

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

Mr. WALKER, Mr. Speaker, I want to join with the gentleman from Pennsylvania [Mr. SANTORUM], in what he said a few minutes ago. It is rather strange to hear a lot of Members who are non-Pennsylvanians telling us what Pennsylvanians thought yesterday.

What Pennsylvanians wanted to say yesterday was they want a change, and they picked an outsider over someone they viewed as an insider.

They want some real change because they want change in bodies like this one where the Democrats have run things constantly for almost 40 years.

For example, the people of Pennsylvania think it is rather laughable that the Democrats in the House of Representatives were out here considering bank reform at the same time they could not even run their own little bank in the House of Representatives. The American people, who think it is a little bit strange and pretty tragic that the Democrats have been talking a lot about unemployment but cannot seem to pass a bill that actually becomes law to help the unemployed, they find that rather tragic.

Pennsylvanians also think it would be rather strange to hear the things on the House floor today where Democrats got up and talked about gag rules when time after time after time on the House floor that is all they will debate under. We have gag rule after gag rule on the House floor when we seek to debate the whole issue.

The American people think there is a real need for change. One of the places they would really like to change is the House of Representatives. End 40 years of Democratic control.

THE FIDDLING MAJORITY

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

Mr. DOOLITTLE, Mr. Speaker, while Rome burns the Democrat leadership fiddles, oblivious to America's plight. Americans are out of work. Taxes are forcing people out of their homes. We are taxed today at the highest percent of gross national product in our history.

Americans are suffering, and there is no prospect for relief.

Malcolm Forbes has written that this recession that we are in is the most unnecessary recession since World War II, dramatically worsened by Democratic tax increases.

Mr. Speaker, in a few minutes, the House is going to address the issue of the \$25,000 of the people's money spent on a brief opposing term limits in the State of Florida. That expenditure represents our fiddling while Rome burns.

If the Democratic leadership wants to lessen Americans' support for term limits, they should take a page out of history. Americans support our institutions when the economy is growing. They want the economy to grow again. We in the Congress should control our spending and cut the taxes now and put people back to work. That is our job, and we should set about doing it.

**CONGRESS CANNOT MAKE LAWS
WITHOUT THE PRESIDENT**

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

Mr. HOYER, Mr. Speaker, I had not intended to give a 1 minute, but I have

sat here and listened to what is happening here in Washington. I do not know who has the Presidency of this country. I hear these Members come forward and say, look what is happening in Washington, look at these tax bills.

This President has not had one veto overridden, not one. This Congress cannot make law without the President. This Congress has not passed one tax bill in the last 12 years over Presidential veto, not one.

I hope the people of America know who is the President of the United States. He happens to be a Republican. His name is George Herbert Walker Bush.

He has vetoed two—one just did not implement—unemployment bills to help the unemployed of America. We are trying to work out something that maybe the President will sign.

He has canceled some trips overseas. He apparently has gotten the message that maybe things are not going as well as he said.

He said prosperity was right around the corner, when he would not declare an emergency on the first unemployment bill that we passed in August—the Democrats passed in August with a lot of help from this side of the aisle.

□ 1150

Why? Because you saw there was a problem.

But ladies and gentlemen, America knows who the President is and they are glad to see him coming home, because they know, the voters of Pennsylvania know, the voters of America know, our people know that we need to pay attention to America and the problems of Americans.

Yes, we are home.

WHERE TAX BILLS COME FROM

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

Mr. ARMEY. Mr. Speaker, the gentleman from Maryland is absolutely correct. The Congress ordinarily does pass a bill and it is ordinarily enacted into law on the signature of the President.

It very well may be true that we have not passed a tax bill in the past 12 years by enacting a veto override with respect to the President's action on a bill. But the fact is clearly understood by any seventh grader in America today that all tax bills must originate in the House of Representatives. The President cannot originate a tax bill. He can recommend a tax bill to this Congress, and he can and does recommend, on time, a budget to this Congress. But all actions to extract money from the American working man and woman or to spend their money originate in this body. In some cases it is

necessary to enact them over a presidential veto.

The fundamental problem we have in terms of the inability of this government to function in compliance with the hopes of the American people is that the government is divided. The American people have elected a Republican President and then with trichinosis of the brain have elected a Democratic Congress. When they correct their affliction, we will have a unified Republican government, and they will then get the tax relief and the economic growth they so richly deserve.

PRIVILEGES OF THE HOUSE—USE OF HOUSE RESOURCES BY HOUSE COUNSEL TO PREPARE LEGAL BRIEF ON CONSTITUTIONALITY OF TERM LIMITS

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the order of the House of Monday, November 4, 1991, the unfinished business is the further consideration of the resolution (H. Res. 268) presenting a question of the privileges of the House.

The Clerk read the title of the resolution.

The text of House Resolution 268 is as follows:

H. RES. 268

Whereas Rule IX of the Rules of the House of Representatives provides that questions of privilege shall arise whenever the rights of the House collectively or the integrity of its proceedings are affected;

Whereas, under the precedents, customs, and traditions of the House pursuant to Rule IX, a question of privilege has arisen in cases involving the actions of officers and employees of the House, including the use of the House of Representatives legal counsel to represent individual Members or the House collectively, where such representation could reflect upon the House as a whole;

Whereas the rights of the House collectively are affected directly by the House of Representatives legal counsel preparing a formal legal brief arguing the unconstitutionality of Congressional term limits;

Whereas the rights and the reputation of all Members of the House of Representatives are directly affected by the House of Representatives legal counsel preparing such a legal brief which could be understood to imply the support of the House of Representatives and its membership (or at least a majority thereof) for the positions taken therein;

Whereas no vote of the Members of the House has occurred on any resolution or bill authorizing the House of Representatives counsel to prepare a legal brief for or against the constitutionality of term limits;

Whereas the decision by the House of Representatives counsel to use the funds and resources of the House to prepare arguments against the constitutionality of term limits—without any formal or informal vote of the Members—subjects the House collectively, and each of its Members, to legitimate question concerning the integrity of House proceedings;

Whereas the use of official House resources to prepare a legal brief for an individual Member in a case where he is not a party, but where instead he has personal political

interest, could subject Members in their representative capacity to ridicule and contempt; and

Whereas the constitutionality of state-imposed term limits for Members of Congress is an open question, undecided by our legal system, and on which reasonable persons can differ: Now, therefore, be it

Resolved, That the Clerk of the House shall take all necessary steps to notify interested parties, including the Florida Supreme Court, that the House of Representatives regrets that official resources were used to prepare a brief against the constitutionality of State-imposed term limitations for Members of Congress, and that the House has no official or unofficial position thereon.

The SPEAKER pro tempore. The gentleman from California [Mr. COX] is recognized for 1 hour.

Mr. COX of California. Mr. Speaker, at the outset let me say under an arrangement with the distinguished majority leader, the gentleman from Missouri [Mr. GEPHARDT] it is my intention to speak for such time as I may consume, which will be approximately 15 minutes at the outset, and then I will yield, for purposes of debate only, 20 minutes to the majority leader, and I ask unanimous consent that he be permitted to divide that time in such manner as he sees fit. Thereafter, I will allocate a like 20 minutes to proponents of the resolution, and then use the balance of the time to close debate.

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

There was no objection.

Mr. COX of California. Mr. Speaker, the results in the Washington State term-limit election yesterday illustrate the overwhelming advantage of incumbency. Congratulations are in order, I believe, to the Speaker of the House for the singular role that he played. By all accounts, he single-handedly turned around the results in Washington State where the term-limit initiative was ahead prior to his campaign. His vigorous campaigning in the last few days undoubtedly did the trick, although we may not be sure until further information is available to us whether it was the Speaker's arguments that that term-limit initiative is unconstitutional, using arguments contained in the brief provided by the House counsel, that carried the day. We may not be sure that it was the fact that the Washington State initiative was retroactive, unlike the Colorado term limitation on Members of Congress, which was not retroactive. It may be that the NRA put thousands of dollars behind the Speaker's effort to defeat limits in Washington. It may be that the TV ads telling people in Washington State that they should be scared of Californians, 52 strong in the next Congress, whose terms would be unlimited who would then dominate California.

It may be that former California Gov. Jerry Brown going to Washington State was enough to turn voters

against this initiative, because former California Gov. Jerry Brown went to Washington State and campaigned in favor of term limits. It may be that voters of Washington State recognized that under this particular term-limit initiative, their home-grown Members of Congress would be ineligible to run for office, but that Jerry Brown, if he would only move to Washington, might himself be eligible, and if that was the reason I share their concern.

But the fact is that whatever the reason, all of us should agree that it should be up to the people of Washington to make this decision. It should have been a decision free of special interests, including the interests of professional incumbents using the voters' own tax dollars to fight the voters. The resolution that I proposed today is a simple one. It requires this body to vote yea or nay on a decision to keep the House out; to keep the House of Representatives, both officially and apparently, out of State term-limit election contests.

The facts are essentially these: The House counsel, counsel for the full House of Representatives, employed by the Clerk of the House, was requested on behalf of a number of Members of Congress to file a legal brief arguing that the Florida proposed term limitations for Members of Congress were unconstitutional. Without debate in the House, without a vote of the House giving direction one way or another to the leadership, a decision was taken to permit the filing on this brief on behalf of the Members. In fact, on the cover of the brief, which I have here, it states that this is a brief of an *amicus curiae*, stating the name of the Member, prepared, as it states on the cover, by Steven R. Ross, general counsel to the Clerk, Charles Tiefer, deputy general counsel to the Clerk, U.S. House of Representatives, the Capitol, Washington, DC.

It is alleged by some in Florida and elsewhere that this brief cost \$25,000. That is not my contention, nor do I think that that is a relevant issue in today's debate. There is a legitimate question what is the retail value of this brief, if one obtained it not with taxpayer resources in-house, but went out to a law firm outside. Maybe it is \$25,000, maybe it is \$10,000. Who knows, given what lawyers charge today. But I will say that the expertise within the House on legal subjects such as this is such as would require an outside lawyer doing the same work a substantial amount of time. There is no question that significant taxpayer resources were committed to this venture.

There is also no question that the filing of the brief has been widely reported, widely reported outside these Chambers, and it has resulted in criticism of the House. That is the purpose in my bringing this resolution today.

I intended by this resolution not to criticize any Member, not to even sug-

gest any impropriety on the part of any Member, but rather to look forward to suggest what we do next. What I would suggest we do next is to take a position very firmly that we will not forthwith use the official resources of the House in behalf of legal arguments against the constitutionality of term limits when that is such a contentious issue on which this House has not voted.

This is not, therefore, a referendum on the wisdom of term limits. It is not a referendum on the constitutionality of term limits. It is certainly not a referendum on the conduct of any Member of this House.

It is a resolution of a question of judgment, a question of discretion in the use of the official resources of the House to mount legal challenges in State elections. I should add that some of my colleagues, upon reading in the newspaper that the House counsel had taken this action, wrote him a letter and asked that having written a brief opposing the constitutionality of term limits that he then do so in support of the constitutionality of term limits.

□ 1200

Personally, I believe that that is a silly gesture. I question the weight that any court would give to legal briefs on both sides of an issue filed by the same source.

There are ethical constraints on lawyers that require lawyers in making arguments before courts to cite all relevant precedent. In reading this brief, I note that some of the precedents and authorities that I would cite arguing the constitutionality of term limits are omitted. There is no mention even of the ninth or the tenth amendments, which are the center of one of the fundamental arguments in support of the constitutionality of term limits.

I think it would tie the hands unnecessarily of a lawyer arguing the constitutionality of term limits to have to omit not only those provisions of the Bill of Rights but also a number of Supreme Court cases relative to the arguments which were omitted from the initial brief. So I think that that is an unwise step.

The purpose of this resolution today is to make sure we do not compound the error already committed by using taxpayer funds to get further enmeshed in what should be an issue for the decision of the voters, in this case in the State of Florida.

I should add further that my colleagues who initially made this request were satisfied with the answer of the counsel for the House that he would be willing to provide such a brief, but have proposed to withdraw that request, no longer interested in obtaining a brief on the other side of the issue.

When the actions of the officers or employees of the House reflect upon the House as a whole, the regulations

of this House permit a Member to protect the reputations and rights of all Members so affected. As a result of the House counsel's preparation and filing of this brief, the entire Nation has read in newspapers, heard on radio, and seen on television either that the House Democratic leadership has taken sides in the term-limits debate or that an individual Member has done so using free legal services, another perquisite for Members of the House.

In either case, this has reflected poorly on our House of Representatives. All have seen these news reports. We can argue over whether they are fair. We can argue over whether this or that story is accurate in particular detail or complete, but most of us have been in politics long enough to know that the press reports were entirely predictable.

Once again, those in a position to control this Congress have brought criticism to the institution.

It is argued that this action, filing a legal brief, is different than actually opposing term limits on the merits. I agree. Technically that is correct. But at our peril, we ignore the obvious appearance to the American people that this is one more example of the entrenched incumbents who control Congress using the taxpayer funds at their discretion to guarantee their lifetime reelection.

The proposition that I am asking the House to approve today is that involving ourselves in State term-limit elections is unwise, not that it is illegal, not that it is violative of the rules of the House, not that the House counsel has not represented individual Members in other cases before, but, rather, that this is unwise, because it creates the appearance that this body, or least those who control it, intend to frustrate the will of the people and the democratic process.

The people of America are very interested in the subject of term limits, and yet here in this House we have never had a vote. We have never scheduled a debate on any of the term-limit bills that now languish in our Committee on the Judiciary.

Surely, each of us is wise enough to recognize that if the Democrats who run this Congress are unwilling to move term-limit legislation to the floor, then it is especially unbecoming for them to declare that it is unconstitutional and illegal for the States or the voters or anyone else to do so.

Frankly, I do not think the American people will listen any longer to a Congress with a chorus of, "You cannot get there from here."

So the purpose of my resolution is to direct the Democratic leadership to get Congress the devil out of State term-limit elections.

Why is this prudent? And it is the core of my argument that this is a question of judgment and prudence. It

is prudent because, first, we have never had a vote to authorize the House to use official resources to lobby against term limits.

Second, contrary to the position taken in the House counsel's brief, the constitutional question here is anything but an open-and-shut question of constitutional law. The fact is that reasonable persons may differ on the question of the constitutionality of State-imposed term limitations on Members of Congress. The Constitution is silent on this question.

Neither has the Supreme Court nor any lower Federal court ruled dispositively on this question. This is a case, fairly appraised, of first impression for our Federal courts, and yet the House counsel has argued that article I, section 2 prescribes three, and only three, qualifications for office which cannot be varied by this Congress, by the States, or by the voters.

Let me quote from the brief. The brief says definitively, "The term-limit initiative," referring to the Florida initiative, "violates article I, section 2, clause 2, and section 3, clause 3, of the U.S. Constitution, which prescribe the sole qualifications for eligibility for election to the House and Senate: Age, citizenship, and residency." And the brief relies heavily on the Supreme Court decision of Powell versus McCormack for that proposition.

The fact is that the Supreme Court has never said these are the sole qualifications for office; not even in Powell versus McCormack did the Supreme Court say that.

Let me read footnote 41 from page 520 of the Supreme Court's decision. I quote from it:

In addition to the three qualifications set forth in article I, section 2, and article I, section 3, clause 7, there is authorized the disqualification of any person convicted in an impeachment proceeding from any office of honor, trust, or profit under the United States. Article I, section 6, clause 2, provides that no person holding any office under the United States shall be a member of either House during his continuance in office, and section 3 of the 14th amendment disqualifies any person who, having previously taken an oath to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. It has been argued—

And I am still quoting from the Court's opinion.

that each of these provisions, as well as the guarantee clause of article IV and the oath requirement of article VI, clause 3, is no less a qualification within the meaning of article I, section 5, than those set forth in article I, section 2. We need not reach this question, said the Court in Powell v. McCormack, since both sides agree that Powell was not ineligible under any of those provisions.

So the Court in Powell against McCormack did not decide whether there are only three qualifications that may be imposed by the Federal Constitution, by the Congress, or by the

States or by the voters. They simply did not say that.

It is interesting to me that Powell versus McCormack is a case that limits the power of this Congress, and Powell versus McCormack was not so much an interpretation of article I, section 2, as it was an interpretation of article I, section 5, providing that each House shall be the judge of the elections, returns, and qualifications of its own Members.

There were some in the House who wanted to exclude Adam Clayton Powell who said this provision, making them the judge of the qualifications of their Members, gave them discretion to leave out someone because of the cut of his jaw, and the Supreme Court said:

No, your power to judge the qualifications of Members is limited to these three things, 25 years old, citizen for 7 years, inhabitant of the State from which he was elected when he was elected.

Article I, section 4, clause 1, a different part of the Constitution, says that States may prescribe the time, the manner and place; the States have been given the power to prescribe the time, manner, and place of holding elections for Senators and Representatives. This provision is not relied upon in the brief filed by the House counsel.

The ninth amendment, which provides that the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people, is missing from this brief.

The 10th amendment states that the powers not delegated by the United States—not delegated to the United States by the Constitution nor prohibited by it to the States and so forth. The 10th amendment has been held by the Supreme Court to have been a reservation of power by the States to control elections. This is missing from the brief.

The brief dismisses out of hand the 1974 case of the Supreme Court in Storer versus Brown, which said a 1-year cooling-off period before an independent candidate for Congress can have access to the ballot was constitutional. If the House counsel's brief were accurate, then the Supreme Court would have decided that the California State decision to exclude independent candidates who had belonged to a majority party within a year was an added qualification and violated article I, section 2.

□ 1210

But the Court did not say this. Instead, let me quote from the Courts' opinion. The Court said:

Art. I, §4, cl. 1, authorizes the States to prescribe "[t]he Times, Places and Manner of holding Elections for Senators and Representatives." Moreover, as a practical matter, there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes. In

any event, the States have evolved comprehensive, and in many respects complex, election codes regulating in most substantial ways, with respect to both federal and State elections the time, place, and manner of holding primary and general elections, the registration and qualifications of voters, and the selection and qualification of candidates.

The brief did not mention the 1982 Supreme Court decision in Clements against Fashing. It held that individuals can be prevented from running for office if they are incumbents and certain other elected offices.

The Congress in the view of some has become an ossified structure that accomplishes little of value, wastes much, and impedes progress made by others in society.

The term limit movement is a response to that.

Harry Truman proposed term limits for Members of Congress when he was President in 1950. This Congress would do well to take heed to that movement abroad in the land.

My colleagues need not agree with me that term limits proposed by States are constitutional. That is not what this resolution is about. I make the argument simply and make it very clear that reasonable people can differ, that as a lawyer for the President working in the White House, I had the opportunity to look at these arguments and reach a different conclusion, and I do not think that the House, certainly without debate and without a vote, should put its earmark on this.

Mr. WISE. Mr. Speaker, would the gentleman yield for a question about whether he has ever used the House Counsel Office?

Mr. COX of California. I will yield time to the majority leader, as I have described, and will the gentleman please get his time from the majority leader.

Mr. WISE. So the gentleman will not yield for that question?

Mr. COX of California. That is correct.

Mr. Speaker, today I would like us simply to vote on one proposition, and that is let us keep the Congress the devil out of this.

Let us recognize that when voters seek to have some influence on the way that this place operates, they are entitled to do so. We may disagree with them and as individuals we can go abroad and discuss it and so on, but we have got enough problems here ourselves. We have got enough problems in the Congress to take care of without getting involved in State term limit elections. With all the problems that we have got with our deficit, with all of the BCCI scandal, the check cashing and the restaurant bills and the problems we have here in the Congress not bringing a balanced budget amendment to a vote and passage, it seems to me we should keep our noses out and keep the taxpayers' money out of these term-limit elections around the states.

That is why my resolution today provides as follows:

Resolved, That the Clerk of the House shall take all necessary steps to notify interested parties, including the Florida Supreme Court, that the House of Representatives regrets that official resources were used to prepare a brief against the constitutionality of State-imposed term limitations for Members of Congress and that the House has no official or unofficial position thereon.

That is the wise course for us to take.

To repeat, I am not asking for a vote for or against term limits. I am not asking for a vote for or against the constitutionality of term limits. I am not asking for a vote for or against the propriety of any action taken by any Member in this case. I am not asking for a vote on whether the House counsel can under our rules represent individual Members.

I am asking for a vote that henceforth we will decide that the House counsel ought not to do this in the interests of this institution, the rights of the voters, and democracy.

Mr. Speaker, I yield 20 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished majority leader, for purposes of debate only.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from Missouri [Mr. GEPHARDT] is recognized for 20 minutes.

Mr. GEPHARDT. Mr. Speaker, I yield 7½ minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am somewhat saddened by what I just heard for the last almost 20 minutes from the gentleman from California who is the sponsor of this privileged motion. The maker of this motion has just gone through a long process of explaining what he wants and intended to do, but then when he read the resolved clause, obviously none of what he said he wanted to do is in there.

He is not seeking to limit the use of the House counsel at all. Basically what he has done is to attempt to argue term limitations here, even though he said he is not.

The reality of this situation is really quite simple. Is the Office of House Counsel authorized and appropriately entitled to provide to Members of this House legal counsel on various issues which affect the House constitutionally or Members individually?

Let me give the chronology and some of the facts that the gentleman from California, the maker of this motion, did not do and neglected to give in full discourse for the purpose of allowing all Members to understand what has happened here.

About a year ago an issue developed in Wisconsin concerning the constitutionality of State-imposed recall provisions applying to Members of the U.S.

House. At the request of Congressman GUNDERSON, the Office of General Counsel researched and prepared a legal memorandum on the subject. Congressman GUNDERSON is a Republican from Wisconsin. The research entailed the review of the law governing the power of the States to regulate membership in the House. This is an issue that has been of continuing interest to the House and this office for any number of years, the Office of House Counsel, since it relates to the basic constitutional status of the House and its Members.

The gentleman from California was here at the time. The gentleman from Wisconsin put out a press release which was widely seen by people in the radio and television on both sides of the aisle. No one objected, not the gentleman from California who says this is the wrong thing to do.

This past August, a suit was filed in the State of Washington, that which was in fact defeated yesterday at the polls, term limitation which is the subject of this suit. A brief was prepared and circulated to the staff counsels of the members of the Speaker's Bipartisan Legal Advisory Group, which is comprised of the leaders and whips of the Democrat and Republican parties. The proposal was to have the brief filed as an amicus curiae on behalf of that group, and it would have stated on its cover that it was filed by the Speaker and Bipartisan Leadership Group and that it was filed to protect the institutional interests of the House of Representatives. Because of the August recess, it was impossible to schedule a meeting of that group and by the time the House reconvened, the Washington legal action had been dismissed.

This fall the State of Florida initiated a process pursuant to its laws by which the Florida Supreme Court would be called upon to issue an opinion on several aspects of a term limitation initiative which is currently being circulated for signature. Under Florida law, where proponents of an issue obtained 10 percent of the signatures necessary, they are required to submit the proposal for review, first by the AG and then by the State supreme court.

The report of the attorney general filed with the State supreme court specifically raised the issue, citing both Federal and State court precedents, that it appeared unconstitutional for a State to impose a term qualification on Representatives for Federal Congress.

Under Florida law, the State supreme court will review this court and will accept the views of any interested person.

The Bipartisan Leadership Group met and was asked whether they wanted to file a brief. It would have stated on its cover again that it was filed by the Speaker and Bipartisan Leadership Group and would have stated that it was filed to protect the institutional

interests of the House of Representatives. At the meeting the view was expressed by some Members of the group that they did not believe this was an issue, or at least not the juncture that the Bipartisan Leadership Group should take an official position.

At that meeting the Speaker deferred to this belief, but specifically indicated that he would consider whether he would go forward and file the brief in his name. No objection was voiced to that statement.

Following the meeting, the Speaker determined not to file a brief in his own name, but authorized a brief being prepared for Members of the Florida delegation who had expressed an interest.

I am the Member who expressed the first interest in such a brief. I confirmed my desire that a brief be filed setting forth my position. The brief stated on its cover that it was the brief of the amicus curiae U.S. Representative, and for those who do not know, amicus curiae means "friend of the court."

U.S. Representative LAWRENCE J. SMITH. It does not state anything about anyone else.

The gentleman's assertion that somehow the House has been called into question about its role in this is dead wrong. There is nothing in this brief which indicates anything but that I myself filed this brief with the aid of the House counsel.

No one is named in this brief, no one's name, no one group or anything else but the name of LAWRENCE J. SMITH as the amicus curiae.

Even outside this Chamber, at no time did anyone ever suggest that this brief implied any other Member's views or that it was anything other than what was said; namely, an individual brief for me. This brief is in the same form as the other briefs and memoranda provided by the Office of General Counsel for numerous individual Members over the years, such as Republican Representative Stu McKinney, Silvio Conte, DON SUNDBERG, and STEVEN GUNDERSON and Bobbi Fiedler, and Democratic John Sieberling and WILLIAM J. HUGHES.

And just so that all this should be put in proper perspective and without any inappropriateness being attached, because the gentleman from California [Mr. COX] was perfectly entitled under the Speaker's qualifications for the use of the House counsel, the gentleman from California [Mr. COX] himself last year availed himself of the privilege of using the House counsel for legal determination on a jury summons which he received from his own county.

□ 1220

They gave him a legal opinion. He wrote a letter under his own name. That letter was rejected by the election supervisor. He then asked the

House counsel to prepare a further letter written by the House counsel on House stationery. It was prepared; it was sent. I do not know the outcome, but he availed himself of the privilege of the House counsel.

Mr. Speaker, I do not hear the gentleman from California [Mr. COX] now asking himself or volunteering to repay any money that it might have cost for the House counsel to be employed for that purpose, nor do I hear him complain or criticize any of the other uses that the House counsel was put into until this particular use.

And it might, just to put this in proper perspective, be understood that at the same time this was happening, our colleague, the gentleman from Alabama [Mr. HARRIS], was getting a jury due notice, and he went to serve until he was stricken by virtue of voir dire.

The bottom line, Mr. Speaker, is this is not an issue of the House counsel at all. This is an issue of policy.

PARLIAMENTARY INQUIRY

Mr. COX of California. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. McNULTY). The gentleman will state his parliamentary inquiry.

Mr. COX of California. Mr. Speaker, is it the ruling of the Chair that the extra 30 seconds allocated to the gentleman from Florida [Mr. SMITH] will be subtracted from the time of the majority leader, the gentleman from Missouri [Mr. GEPHARDT]?

The SPEAKER pro tempore. The gentleman from California is correct.

Mr. SMITH of Florida. The gentleman said that he has an interest in making sure that the House counsel is not used for this purpose any longer, but if my colleagues will read the resolved clause of this motion, they will find out that that is not it at all. He wants to embarrass this House once again. It says in the resolved clause:

That the Clerk of the House shall take all necessary steps to notify interested parties, including the Florida Supreme Court, that the House of Representatives regrets that official resources were used to prepare a brief against the constitutionality of State-imposed term limitations for Members of Congress.

Mr. Speaker, it is not as he says it is. He wants to embarrass this House. The Speaker and others have already determined that this was a perfectly valid use of the House counsel.

Mr. Speaker, this motion should be absolutely defeated. It is used for political purposes, and not to determine what is right or wrong with reference to the use of the House counsel.

Mr. COX of California. Mr. Speaker, I yield such time as he may consume to my colleague, the distinguished minority whip, the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. Mr. Speaker, I rise to make two points here.

One is I think, if I understood the comments of my colleague, the gen-

tleman from Florida [Mr. SMITH], he thinks he has been misinformed, and I just wanted to straighten the record out. To the best of my knowledge, the committee which meets on the House counsel, which is bipartisan, did not at any point make an affirmative decision about sending any kind of documents to Florida. I can say unequivocally I was not informed that House counsel was drafting that document, and I am not in any sense alleging that the gentleman from Florida did anything wrong or knew that this was the case. But I just want to make the record clear that that bipartisan committee did not approve of the House counsel being involved, and we did not approve of this particular document, and there is a real difference between what happened in Wisconsin, where on a bipartisan basis, which involved both the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Wisconsin [Mr. GUNDERSON], agreed—

Mr. OBEY. That is not true.

Mr. GINGRICH. Mr. Speaker, the gentleman's name certainly came up in the discussions.

Mr. OBEY. Mr. Speaker, will the gentleman yield since he mentioned my name?

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

Mr. OBEY. Mr. Speaker, the first time I discovered that any appeal was made in Wisconsin was when the gentleman called me to tell me about it, and I specifically told him I had doubts about that action.

Mr. GINGRICH. Let me just continue.

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

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

Mr. GUNDERSON. Mr. Speaker, being I am somehow innocently being brought into the debate, let me point out exactly what I did.

Mr. Speaker, I did nothing more than ask for an advisory opinion of the House counsel. No legal brief was produced or filed anywhere at any time by me, and I want that very clearly understood.

Mr. Speaker, I appreciate the gentleman from Georgia [Mr. GINGRICH] yielding to me.

Mr. GINGRICH. But the point I was making, if I may say to both of the gentleman on each side of the aisle, was simply that in their case there was a clear discussion in the meeting, and the meeting agreed on a bipartisan basis that the House would take actions without reflecting on either Member, that this was a decision made by the House for the House's reasons and was protecting the House's institution without regard to the individual Members.

Now, in the case of term limitation, the bipartisan committee did not reach that agreement. The House counsel was

not acting on behalf of the bipartisan committee, and, as far as this gentleman was concerned, I did not know that a brief was being prepared for the gentleman from Florida [Mr. SMITH], and I am not saying the gentleman from Florida in any way did anything wrong in getting the brief or had reason to know these facts.

Mr. SMITH of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. SMITH of Florida. Mr. Speaker, all I did in my time allotted was indicate that in fact what the gentleman is saying was absolutely correct, but that the Speaker of the House indicated that he reserved the right to file a brief on his own, not as a member of the bipartisan leadership, and no one objected thereto.

Mr. GINGRICH. Sure.

Mr. SMITH of Florida. That is all that we are talking about here.

Mr. GINGRICH. No, no. Let me say to the gentleman it is not a question of whether anyone objected or not. There were serious questions, and I do not want to get involved in those discussions.

But I will say that what the gentleman from California [Mr. COX] has raised is a legitimate question for the House to address, and the topic he is bringing up is a legitimate question for the House to make a decision about.

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

Mr. BONIOR. Mr. Speaker, let us begin with the facts.

Mr. Speaker, the Office of General Counsel exists to provide Members of the House with professional, nonbiased legal advice on constitutional issues which affect this institution. These services are routinely utilized by Republicans and Democrats alike in conjunction with official duties.

Many of our colleagues on the other side of the aisle have requested and received legal briefs and memoranda from the House counsel: the gentleman from Florida [Mr. MCCOLLUM], the gentleman from Tennessee [Mr. SUNDQUIST], the gentleman from Wisconsin [Mr. GUNDERSON], to name a few.

Mr. Speaker, Members of Congress need such legal advice about constitutional issues, and the integrity of this institution requires that advice be available.

Well, just last year, as we have discussed, the gentleman from Wisconsin [Mr. GUNDERSON] asked the counsel's office to prepare a memorandum on the constitutionality of a recall election in Wisconsin. A comparable amount of time was spent on that by our counsel, comparable to what we are discussing here. When the memorandum was prepared, the gentleman from Wisconsin [Mr. GUNDERSON] called it a public service. The gentleman from California

[Mr. COX] was in this institution as a Member of Congress at that time. Where was he then? Where was he then?

Just last week the gentleman from Wisconsin [Mr. KLUG], the gentleman from Georgia [Mr. GINGRICH] and 12 other Republicans asked the House counsel to prepare a brief on the very same issue we are discussing today, the constitutionality of State-imposed term limits, an action, by the way, which the gentleman from California [Mr. COX] no more than 15 minutes ago characterized as a silly gesture. Work on that request has begun. Expenses have been forthcoming for that work.

In addition, as the gentleman from Florida [Mr. SMITH] has indicated, the gentleman from California [Mr. COX] has himself asked the counsel for help on a jury duty question.

Mr. Speaker, since the General Counsel's Office has been in existence we have never, never had a vote on any of these routine requests for a Republican or a Democrat. This institution would be tied up in knots if it required a floor vote every time a Member needed advice on a constitutional issue.

In this case our colleague, the gentleman from Florida [Mr. SMITH], requested a brief be prepared on his behalf concerning the constitutionality of State-imposed term limits. The brief clearly indicates that he represents the views of one Member of the House. Nothing in that document implies that it expresses the views, official or unofficial, of the House of Representatives, and no one who has actually read the document can misunderstand that point. It is clear that the request of the gentleman from Florida was just like all the others I have mentioned, an official request for professional legal services about a constitutional issue affect the House of Representatives.

Mr. Speaker, it was an appropriate request in keeping with the responsibilities of the legal counsel's office, and it was carried out in the same nonbiased, objective fashion as such other requests.

But, Mr. Speaker, let us be honest. This resolution is not about the brief of the gentleman from Florida [Mr. SMITH]. It is not about the legal counsel's office, by the way, which is represented by one of the more decent, competent public servants, Mr. Ross, that we have on the Hill. It is not even about term limits.

□ 1230

The real purpose of this resolution is to divert our attention from the real economic crisis that is facing this country. Over the last few months, as the recession has dragged on, our colleagues on the Republican side of the aisle have time after time tried to change the subject. They are trying to change the subject again with diversionary tactics, with delays, with

phony proposals, with stalling and obstruction. This frivolous and pointless resolution is just another chapter in that same book. But I want to say to my colleagues that this tactic is not going to work. You can stall for an hour, you can stall for a day, but you cannot avoid dealing with the real issues facing this country.

The election results all around the country yesterday sent a strong and a clear message that the American people are sick and tired of procedural gimmicks and delays. They are tired. They want us to get down to business and deal with the issues that affect their lives. They are tired of George Bush's recession.

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

Mr. BONIOR. They are tired of 11 years of Republican mismanagement. They want a change. The economy is dead in the water, and they are playing around with legal gimmicks, tactics, and obstructions.

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

Mr. BONIOR. The people of this country are wont to have their say. They want a middle-income tax cut for the economy to get moving, they want health care reform, they want better education, they want better roads and bridges, and we are going to respond. We are going to bury this frivolous resolution of the gentleman from California.

Mr. COX of California. Mr. Speaker, before I yield for purposes of debate to my distinguished colleague, the gentleman from Ohio [Mr. GRADISON], I yield myself such time as I may consume so I may observe first that in the midst of suggesting that this resolution on its face was a diversion, the Member neatly diverted the question into other issues about George Bush and the economy, and so on. It is an admirable tactic, and I will aspire to it myself some day.

Second, I have been, I think, careful in my argument to abstain from any criticism of a Member. I have not mentioned a member's name, and I have stated specifically that it is not my purpose to criticize the conduct of any Member but, rather, to focus on what we should do next. That is the purpose of this resolution.

Mr. BONIOR. Did the gentleman call this a serious—

Mr. COX of California. Mr. Speaker, I will not yield. The gentleman can get his time, as he should, from his own side. I have already yielded.

Mr. Speaker, there is a very significant difference between the legitimate use of the counsel to this body, whether it be using their form letters on jury duty or what have you, and the use or misuse of this legitimate function as a political perk or at least in a way that appears to be a political perk. If we fail to make these judgments, fail to make

these distinctions, we do so at our peril.

Mr. Speaker, for purposes of debate only, I yield 5 minutes to my colleague, the gentleman from Ohio [Mr. GRADISON].

Mr. GRADISON. Mr. Speaker, I rise as an opponent of term limits who is reexamining his position. Like many in this body I have argued that the voters should not be denied the right to reelect an incumbent as long as they wish. But as I reflect on the powers of incumbency and the way the cards are stacked against challengers, I can understand better why term limits are so popular. Incumbents have the advantages of easier fundraising and greater visibility in addition to the well-known political perks of office. And, in addition, we as incumbents, and our friends in the legislatures, do everything possible through redistricting to tilt the playing field in our favor and to minimize the number of competitive districts.

Nothing I've said so far is especially original. What may be original is my growing conviction that the present state of affairs undermines the legitimacy of our legislation actions. If we have been elected and reelected through a noncompetitive process, should it surprise us that voters want to change the process?

If my assessment is correct, the silliest thing we as a body can do is to appear to take sides on this issue. All this does is strengthen the belief that our actions are self-serving and to further undermine the public's sense of the legitimacy of our actions—and by this I mean to include our traditional legislative action as well as the issue at hand of a legal brief.

What to do? Well, first is to balance the scales by approving the Cox resolution. But more fundamentally we have to decide if we really trust the people. If we do, the Congress will eventually submit a constitutional amendment for congressional term limitations to the States with or without recommendation—and then abide by the results. To continue the present situation could well lead to the Congress being one of a diminished number of legislature bodies in the country without term limits, and yet afraid to let the people decide if they want limits for the Congress.

In my view this would only intensify the feeling that the Congress is out of touch. But worse still, it further undermines the sense of legitimacy of our actions without which representative government could be viewed as a mere slogan used by those whose overriding concern is maintaining power, not serving the public.

Mr. GEPHARDT. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

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

Mr. Speaker, I would just renew my question of the gentleman from California [Mr. COX], first, and I would ask whether he has used the House counsel and, second, if indeed he has, whether he submitted himself to the procedure he would urge upon this body for this matter.

Mr. COX of California. Mr. Speaker, does the gentleman yield to me to respond?

Mr. WISE. Yes; I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, it is my view that this calls for judgment. If we have a political contest going on in a State and we are filing documents urging one side or another effectively, that is a different matter entirely than if there is a routine legal question involving the rights of Members in this body.

Under the precedents of rule IX, which I have had the opportunity to inspect, of course, preparing for this debate, I note that in the history of the House of Representatives, routinely when Members were made a party to litigation, the question of representation was first put to an advisory vote of this House. I think that is an admirable procedure, and I would support it.

Mr. WISE. So the gentleman has not submitted it to that group and he did use the House counsel and he did not adopt the procedure he is now recommending that others adopt?

Mr. COX of California. No, Mr. Speaker, I think the gentleman has misunderstood precisely what I said.

Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to make a couple of points.

Appearances do matter. The issue of term limitations is a complicated constitutional issue. The legitimate uses of our House legal counsel is also not clearly spelled out in our rules, but what we are discussing here today is not legalities, it's appearances. I think we cannot afford to have the slightest implication that we, the House, oppose the public debate on term limitations.

I am opposed to term limitations, but I believe the debate about them is healthy. We have not been able to get the public seriously involved in the deficit reduction debate. We have failed to get them involved in most important aspects of our policy work here. I believe this debate about term limitations provides us with an opportunity to educate the public on the complexity of national policymaking, the complexity of the national and international issues that we try to deal with here on this floor.

I think this is an opportunity, and I believe the public has a right and a responsibility to think through not only term limitations but, frankly, whether

it is any longer in their best interest to have 2-year terms for Members of the House.

□ 1240

I intend and I hope to be a part of winning this debate out there in the public area, but I do not want any limitation of any sort on that debate. But I think right now, because of the reaction we have had to the involvement of House counsel, whether his involvement was correct or not according to the letter of the law, we have to say to ourselves, back off. We are for democracy. We are for public debate. We are for spirited engagement by the public in government. It is time for us to back off and say no, we did not intend for our resources to prejudice the case. And, yes, we will get out there and engage in this important debate.

Mr. Speaker, I look to that debate as part of the revitalization that our democracy desperately needs, if we are to be capable of governing in an era that places before this body extraordinarily complex challenges that require considerable knowledge and lengthy explanations, rather than new bumper sticker politics.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. SWIFT].

Mr. SWIFT. Mr. Speaker, the spin doctors are leaping into the breach in the term limit movement that was created by the voters of Washington State yesterday. We have heard here today that it was the incumbents who somehow mesmerized the voters.

How easy it is to explain away an unhappy result by suggesting that the voters are too unintelligent to be able to make up their own mind, that they had been led by evil forces, that they are only wise when they agree with you.

There were allegations made here today that the opponents of the initiative in my State galled the people with a series of great television ads, and the person who said it spoke as though he really knew what was going on in this State. You will be surprised to learn there were no television ads and that the opponents of 553 in my State were outspent three to one. We did have some radio.

Somehow it was suggested here that the Speaker should not have even commented on an issue of such grave public importance. The facts are, we were outspent three to one, that the leadership of this movement against term limitations was the League of Women Voters and Common Cause, and that a majority of the newspapers in the State of Washington opposed the initiative.

What happened was that people were angry. But as the issue was debated, people moved not from pro to con, but from pro to undecided, and thought about it, and then moved to con.

No wonder that is scary to proponents of term limits, because what it

suggests is if you would give people time enough to think about this, they understand that you do not gain anything by shooting yourself in the foot.

Mr. Speaker, it is very clear the people are angry. It is also very clear that people, given time to think through for themselves, know that term limits is not the solution to any of the problems that they seek.

Mr. COX of California. Mr. Speaker, might I inquire how much time remains on both sides?

The SPEAKER pro tempore (Mr. McNULTY). The gentleman from California [Mr. COX] has 8½ minutes remaining, and the gentleman from Missouri [Mr. GEPHARDT] has 4½ minutes remaining.

Mr. COX of California. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Speaker, the subject that we are here discussing today refocused is this is the question about the House counsel preparing a brief that was filed in the Florida Supreme Court case involving an initiative regarding the question of term limits.

I want to state up front that I do not impugn the motives of any Members, and certainly not the gentleman from Florida [Mr. SMITH], who filed the brief. I also want to note that while some will say that this vote is going to be an ethics vote, I do not think that it is. Some will also say that it is going to be a term limits vote or a vote on term limits. I do not think that it is.

I think that the vote we are about to take on this resolution is a vote on whether legal counsel for the House should prepare and submit a brief when requested by a Member in a case where there is great controversy, where the heart of that controversy is a legislative issue before this body, and where the House has not spoken with a vote, and, further, where Members are clearly divided.

I submit to Members that it is precisely the case that is before us today, and it is a case where the House counsel should not prepare a brief when requested, and it is a case where, in this instance, we have the opportunity to vote for a resolution which retracts that idea and says clearly it is not appropriate to file a brief in this situation.

Mr. Speaker, that does not mean that there are not myriads of other situations where briefs are appropriate. In fact, I would submit that the category I just described is very narrow. But term limits and the issue before us today is very specific, very important, very controversial, very hotly debated, and I would submit it is not appropriate for that brief to have been prepared or filed.

Now, I happen to support term limits. I have been a term limit supporter

since 1981 when I first came to Congress. I have filed a congressional amendment to limit terms of Members of this body and the Senate every Congress since then. My term limit proposals for 12 years have been supported as widely as any that have been filed during that time.

During the process, I want to make a clear point that bothers me: Not one time has there been a hearing in the committee where I sit on this issue. Not only that, of course, there has been no vote.

There is a certain arrogance about this body in not taking up this issue, an arrogance that the public perceives. That is the reason why term limits is such a great issue.

I do not also happen to think though that the process out here is in the initiative stage going through the States is going to be held constitutional. In fact, in the brief that was submitted on the merits, I would probably agree with the constitutional issue involved in it. I can understand why the voters of the State of Washington may have rejected the ballot initiative yesterday, because it applied only to their State. It was not an issue that could be applied uniformly across the country. It was also retroactive.

The fact of the matter is there is an arrogance about this body not considering term limits. The fact of the matter is the public wholeheartedly supports limiting the terms of Members of Congress, and with great cause. It is because they realize we are career-oriented in this body. It is because they realize that career orientation leads to mistakes. It means that special interests, every interest, for that matter, must be supported time and again, and therefore this body does not set priorities. We do not balance the budget. We do not make other decisions that we should. And it is a problem that will not be corrected until we limit terms.

There is one other way we could correct it, I would submit, and that is since 1954, this body has been controlled only by one party, the Democratic Party. If that majority were to change, and some day my party, the Republican Party, gained the majority, a great deal of changes would occur in here. But in the long haul the only other way to correct this and the best way to correct it, because it would apply equally to my party eventually, is to limit the terms, take some of the career orientation out of this, take some of the special pressure out of it, make sure we do not have Members serving as chairmen for too long, and correct an evil the public well understands.

Again, I do not fault anyone for their requesting this brief or for the brief having been filed by the Member once he got it. But I think there is an egregious problem in the policy process that we need to correct by this resolution today.

Mr. Speaker, I urge Members to vote for this resolution, and I urge that we take up the term limit question expeditiously in this body.

Mr. GEPHARDT. Mr. Speaker, I yield myself the balance of time on our side.

Mr. Speaker, I want to rise in opposition to this motion. I hope that Members have listened carefully to the debate, and understand that what is involved here is a controversial question. It is a question on which there is political controversy and legal controversy. It is a question that should be debated in the country, in the States, and should be debated to a conclusion.

But in this case, what is being asserted is that a wrong was done by being able to ask the legal counsel of the House to prepare an opinion that could be used in a court of law on this issue.

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

Mr. GEPHARDT. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding. I really devoutly did not want to speak on this issue. The gentleman from California [Mr. COX] is one of the ornaments of our party, in my judgment, and a great guy. This is not a frivolous petition at all.

But in my honest opinion, I think Steve Ross has never said no. I would be hypocritical, because I have called upon him for advice on the Virginia income tax laws as they pertain to a Member of Congress.

□ 1250

He has represented me in court on subpoenas having to do with legislative matters. I think what he did perhaps was improper in the sense that he should not have listed himself as attorney for the Clerk, even though he is. He was not acting as attorney for the Clerk. He was acting as attorney for the gentleman from Florida [Mr. SMITH].

It is useful and helpful to have an institutional counsel that we can go to, and get advice from, without always having to run out and hire a lawyer. And I think what he did concerns this institution.

This should not be turned into a pro or con term limit issue. This is another matter. The question is, was it improper to go to the counsel for the Clerk and ask for help on a legal matter that concerned the institution.

I find that proper. As I say, with deep regret, I think the gentleman from California [Mr. COX] is right in the sense that the House has not taken a position, and nothing in the brief should indicate that, and nothing did, except he listed himself as attorney for the Clerk. And that might be interpreted as a position of the Clerk, who is an officer of this House. But I do not think that it ought to be turned into

partisanship and George Bush and term limits.

I think Mr. Ross did act properly, at least I find that he did, because I have used him and he has been helpful to me. I would be hypocritical if I did not say so.

Mr. GEPHARDT. Mr. Speaker, I thank the gentleman for his statement.

I would further say that he is now responding to a request from Members on the other side for a brief on the other side of the issue. There is a debate among legal scholars about what the Constitution says on this issue, and he will be preparing, and I am sure Members here will be preparing, a brief on the other side so that the Court has the benefit of the best arguments that can be brought in and, as the gentleman from Illinois said, on an issue that goes to the heart of the constitutional questions that surround membership in this House.

Mr. EDWARDS of Oklahoma. Mr. Speaker, will the gentleman yield?

Mr. GEPHARDT. I yield to the gentleman from Oklahoma.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I was not going to speak, but I do respect the gentleman from California for what he is trying to do. And there were some procedural problems with this. But I agree with the gentleman from Illinois [Mr. HYDE].

I would also raise the point that it is my opinion that there are constitutional rights and prerogatives of the House of Representatives which do not arise from a formal vote being taken on the floor of the House but arise from the Constitution itself, where in this case the qualifications of Members of the House are spelled out.

So, with the greatest reluctance, I have to say that I will be voting against the Cox resolution.

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

I would simply conclude by saying that there are legal questions and then there are legal questions. This is one that goes to the heart of the constitutionality of our being in office.

If Members cannot go to the legal counsel, which is on duty, someone said this costs \$25,000. If he had not been doing this, he would have been doing something else.

We have hired him to do this kind of work. Members ought to be able to go to him and say, "I want to file a brief in a case that goes to the heart of the constitutional status of Members of the House of Representatives."

He is going to do it for the view of the gentleman from Florida [Mr. SMITH], and he will do it for opposite views on the other side.

I urge Members to vote against the resolution.

Mr. COX of California. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Speaker, I rise in support of the resolution.

We are not here today to debate the pros and cons of term limits. However, the incident giving rise to this resolution is an excellent example of why limiting the terms of Congressmen is a popular idea.

Too many Members have lost the ability to separate their personal goals and desires from the common good or the good of the institution. Using the House legal counsel to argue the unconstitutionality of State-imposed term limits serves the political interests of individual Members of Congress. While it may represent the position of a majority of Members, it does not necessarily serve the interests of this institution or the American people.

Members tend to confuse their own political interests and ambitions with the best interests of the institution of Congress. Similarly, congressional responsibility on occasion takes a back seat to partisan politics.

The growing frequency of these trends have degraded the institution in the eyes of people it was created to serve. The American people do not want Congress to use its power to protect its Members from the American people.

Thomas Jefferson, after reviewing a new draft of the Constitution in 1787, said, "I dislike, and I greatly dislike, the abandonment in every instance of the principle of rotation in office."

Jefferson foresaw the temptation to use political office for the personal gain of the officeholder. Yet, I doubt whether he foresaw the potential magnitude of the problem.

If Members cannot break themselves of using the institution of Congress to promote their careers instead of good government, then the public is correct in seeking to change the institution.

The resolution before the House will not prevent Members of Congress from confusing personal with public interests. But it will present the accurate position of full House to the members of the Florida Supreme Court.

And more important, it will encourage Members to reconsider whether their actions serve their constituents or their own political interests.

I urge my colleagues to support this resolution and to help put Congress back on track.

Mr. COX of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL of California. Mr. Speaker, this is not going to the counsel to get advice on the tax law of Virginia. It is not going to the counsel to get advice on a personal matter on which there is some need for help to a Member of this body.

It is, rather, doing research on a very controversial political issue pending before the States. It would have been wiser had no member of this staff of this House done so. It would have been wiser on either side. It does not cure the ill, Mr. Speaker, that an employee of this House will now do research on the other side.

The point is that this is a controversial issue, a political issue, and no vote was taken of this membership. Of

course, we should have a counsel who gives advice to Members on questions such as "May I leave for jury duty, or is my first obligation here?" This is not that case. I believe all Members know that.

What this case is is a very controversial issue on which legal opinions differ. It should be resolved in an appropriate court of law. It is entirely appropriate for any Member of this House to file a brief. It is not wise for that brief to bear the name of an employee of the Clerk's office, which, for whatever our intention, gives the implication of the imprimatur, the approval of the House. And there is the distinction between all the examples that have been raised.

There may be one point where the rights of the House are so clearly at issue that it would be wrong to delay even for a moment, but to file a brief at once because the prerogatives are jeopardized. That is not this case. Term limits may very well be constitutional.

I put to my colleagues that the only Supreme Court-decided case remotely on point held in favor of the State of California, when the State of California imposed an additional obligation to those specifically in our Constitution. In that Supreme Court opinion, the Court held that the rule, and I quote from the Supreme Court: "is no substitute for hard judgments that must be made. Decision in this context, as in others, is very much a matter of degree, the facts and circumstances behind the law, the interests which the State claims to be protecting, the interests of those who were disadvantaged, and so forth."

What the Court held in that one case, *Storer v. Brown*, 415 U.S. 724 (1974), is that a State may impose an additional restriction if it has a compelling interest in doing so and if it does not discriminate. Neither, it seems to me, are the case here.

In conclusion, we should not have filed this brief with the name of an employee of the Clerk. My colleague from California eloquently and in a scholarly manner gave the arguments that this was not wise. That is all this resolution states, and I agree with it.

I conclude with reference to one last point, the 10th amendment:

The powers not delegated to the United States by the Constitution nor prohibited to it by the States are reserved to the States, respectively, or to the people.

Mr. COX of California. Mr. Speaker, I yield myself such time as I may consume.

I will now conclude the argument by, I hope, bringing us back to first principles. My resolution seeks to do one thing and one thing only, and that is to make it clear that this House is on record officially neutral on the question of constitutionality of State term limits. There is a very important reason we should do so. It is an open question.

It is not an easy question, as our counsel has asserted in this brief. The Supreme Court of the United States has not decided this question. No Federal court has disposed definitively of this question. It is contentious in the extreme.

No Member of Congress was made a party to litigation and requested the help of counsel in responding. Rather, this was volitional. Rather, we had a choice whether to involve ourselves.

In my view, the wise exercise of that choice is to stay the devil out of these term-limit elections with taxpayer dollars. I think it is vitally important that we recognize that this is a question of judgment and, at our peril, we fail to recognize the distinction between routine legal advice on routine matters or actual legal cases to which Members are parties from the House counsel in volitionally involving ourselves in legal actions around the country.

This is not a question of whether any Member acted properly. It is a question of what do do next, and what we should do next is vote "yea" on this resolution, vote to keep taxpayer resources out of the State term-limit elections.

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

Mr. GEPHARDT. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri [Mr. GEPHARDT] to lay on the table the resolution offered by the gentleman from California [Mr. COX].

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 265, nays 160, not voting 8, as follows:

[Roll No. 377]

YEAS—265

Abercrombie	Billray	Clement
Ackerman	Bonior	Coleman (TX)
Alexander	Borski	Collins (IL)
Anderson	Boucher	Collins (MI)
Andrews (ME)	Boxer	Condit
Andrews (NJ)	Brewster	Conyers
Andrews (TX)	Brooks	Cooper
Annunzio	Browder	Costello
Anthony	Brown	Cox (IL)
Applegate	Bruce	Coyne
Aspin	Bryant	Cramer
Atkins	Bustamante	Darden
AuCoin	Byron	de la Garza
Bacchus	Campbell (CO)	DeFazio
Barnard	Cardin	DeLauro
Bellenson	Carper	Dellums
Bennett	Carr	Derrick
Berman	Chapman	Dicks
Bevill	Clay	Dingell

Dixon Kostmayer
Donnelly LaFalce
Dooley Lancaster
Dorgan (ND) Lantos
Downey LaRocco
Durbin Laughlin
Dwyer Lehman (CA)
Early Lehman (FL)
Eckart Levin (MI)
Edwards (CA) Levine (CA)
Edwards (OK) Lewis (GA)
Edwards (TX) Lipinski
Engel Lloyd
English Long
Erdreich Lowey (NY)
Espy Luken
Evans Manton
Fascell Markey
Fazio Matsui
Feighan Mavroules
Flake Mazzoli
Foglietta McCloskey
Ford (MD) McCurdy
Ford (TN) McDade
Frank (MA) McDermott
Frost McHugh
Gaydos McMullen (MD)
Gejdenson McNulty
Gephardt Mfume
Geren Miller (CA)
Gibbons Mineta
Glickman Mink
Gonzalez Moakley
Gordon Mollohan
Guarini Montgomery
Hall (OH) Moody
Hall (TX) Moran
Hamilton Morrison
Hammerschmidt Mrazek
Harris Murphy
Hatcher Murtha
Hayes (IL) Nagle
Hefner Natcher
Hertel Neal (MA)
Hoagland Neal (NC)
Hochbrueckner Nowak
Horn Oaker
Horton Oberstar
Hoyer Obey
Hubbard Olin
Huckaby Olver
Hughes Ortiz
Hutto Orton
Hyde Owens (NY)
Jacobs Owens (UT)
Jefferson Panetta
Jenkins Parker
Johnson (SD) Pastor
Johnston Patterson
Jones (GA) Payne (NJ)
Jones (NC) Payne (VA)
Jontz Pease
Kanjorski Pelosi
Kaptur Penny
Kennedy Perkins
Kennelly Peterson (FL)
Kildee Peterson (MN)
Kleczka Pickett
Koller Pickle
Kopetski Poshard

NAYS—160

Allard Coleman (MO)
Archer Combest
Arney Coughlin
Baker Cox (CA)
Ballenger Crane
Barrett Cunningham
Barton Dannemeyer
Bateman DeLay
Bentley Dickinson
Bereuter Doolittle
Billirakis Dorman (CA)
Bliley Dreier
Boehlert Duncan
Boehner Emerson
Broomfield Ewing
Bunning Fawell
Burton Fields
Callahan Fish
Camp Franks (CT)
Campbell (CA) Gallegly
Chandler Gallo
Clinger Gekas
Coble Gilchrest

Price Johnson (TX)
Rahall Kasich
Rangel Klug
Ray Kolbe
Reed Kyl
Richardson Lagomarsino
Roe Leach
Roemer Lent
Rose Lewis (CA)
Rostenkowski Lewis (FL)
Rowland Lightfoot
Roybal Livingston
Russo Lowery (CA)
Sabo Machtley
Sanders Marlenee
Sarpalius Martin
Savage McCandless
Sawyer McCollum
Scheuer McCrery
Schroeder McEwen
Schumer McGrath
Serrano McMillan (NC)
Sharp Meyers
Sikorski Michel
Sislsky Miller (OH)
Skaggs Miller (WA)
Skelton Mollinari
Slattery Moorhead
Slaughter (NY) Morella
Smith (FL) Myers
Smith (IA) Nichols

NOT VOTING—8

Davis Hopkins
Dymally Martinez
Hayes (LA) Sangmeister

□ 1318

The Clerk announced the following pair:

On this vote:
Mr. Dymally for, with Mr. Davis against.
Mr. LOWERY of California changed his vote from "yea" to "nay."
Mr. NAGLE and Mr. CAMPBELL of Colorado changed their vote from "nay" to "yea."

So the motion to lay the resolution on the table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon tomorrow.

The SPEAKER pro tempore (Mr. McNULTY). Is there objection to the request of the gentleman from Maryland? There was no objection.

□ 1320

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, November 5, 1991, in the order in which that motion was entertained.

Votes will be taken in the following order:

To concur in the Senate amendment to H.R. 3350, by the yeas and nays, and H.R. 3298, as amended, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

U.S. COMMISSION ON CIVIL RIGHTS' REAUTHORIZATION ACT OF 1991

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 3350.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and concur in the Senate amendment to H.R. 3350, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 420, nays 7, not voting 6, as follows:

[Roll No. 378]

YEAS—420

Abercromble	Coleman (MC)	Frost
Ackerman	Coleman (TX)	Gallegly
Alexander	Collins (IL)	Gallo
Allard	Collins (MI)	Gaydos
Anderson	Combest	Gejdenson
Andrews (ME)	Condit	Gekas
Andrews (NJ)	Conyers	Gephardt
Andrews (TX)	Cooper	Geren
Anunzio	Costello	Gibbons
Anthony	Coughlin	Gilchrest
Applegate	Cox (CA)	Gillmor
Archer	Cox (IL)	Gilman
Aspin	Coyne	Gingrich
Atkins	Cramer	Glickman
AuCoin	Cunningham	Gonzalez
Bacchus	Dannemeyer	Goodling
Baker	Darden	Gordon
Ballenger	Davis	Goss
Barnard	de la Garza	Gradison
Barrett	DeFazio	Grandy
Barton	DeLauro	Green
Bateman	Dellums	Guarini
Bellenson	Derrick	Gunderson
Bennett	Dickinson	Hall (OH)
Bentley	Dicks	Hall (TX)
Bereuter	Dingell	Hamilton
Berman	Dixon	Hammerschmidt
Bevill	Donnelly	Hansen
Billbray	Dooley	Harris
Billirakis	Doolittle	Hastert
Bliley	Dorgan (ND)	Hatcher
Boehlert	Dorman (CA)	Hayes (IL)
Boehner	Downey	Hefley
Bonior	Dreier	Hefner
Borski	Duncan	Henry
Boucher	Durbin	Hertel
Boxer	Dwyer	Hoagland
Brewster	Early	Hobson
Brooks	Eckart	Hochbrueckner
Broomfield	Edwards (CA)	Holloway
Browder	Edwards (OK)	Horn
Brown	Edwards (TX)	Horton
Bruce	Emerson	Houghton
Bryant	Engel	Hoyer
Bunning	English	Hubbard
Burton	Erdreich	Huckaby
Bustamante	Espy	Hughes
Byron	Evans	Hunter
Callahan	Ewing	Hutto
Camp	Fascell	Hyde
Campbell (CA)	Fawell	Inhofe
Campbell (CO)	Fazio	Ireland
Cardin	Feighan	Jacobs
Carper	Fields	James
Carr	Fish	Jefferson
Chandler	Flake	Jenkins
Chapman	Foglietta	Johnson (CT)
Clay	Ford (MI)	Johnson (SD)
Clement	Ford (TN)	Johnson (TX)
Clinger	Frank (MA)	Johnston
Coble	Franks (CT)	Jones (GA)

Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kasich
Kennedy
Kennedy
Klidae
Kleczka
Klug
Kolbe
Kolter
Kopetski
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
LaRocco
Laughlin
Leach
Lehman (CA)
Lehman (FL)
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Lipinski
Livingston
Lloyd
Long
Lowery (CA)
Lowery (NY)
Lukon
Machtley
Manton
Markey
Marlenee
Martin
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCreary
McCurdy
McDade
McDermott
McEwen
McGrath
McHugh
McMillan (NC)
McMillan (MD)
McNulty
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mink
Moakley
Mollinari
Mollohan
Montgomery
Moody
Moorhead
Moran
Morella
Morrison
Mrzek
Murphy
Murtha

Myers
Nagle
Natcher
Neal (MA)
Neal (NC)
Nichols
Nowak
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Packard
Pallone
Panetta
Parker
Pastor
Patterson
Paxon
Payne (NJ)
Payne (VA)
Pease
Pelosi
Penny
Perkins
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pickle
Porter
Postard
Price
Pursell
Rahall
Ramstad
Rangel
Ravenel
Ray
Reed
Regula
Rhodes
Richardson
Ridge
Riggs
Rinaldo
Ritter
Roberts
Roe
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Rostenkowski
Roth
Roukema
Rowland
Roybal
Williams
Wilson
Wise
Santorum
Sarpallus
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schiff
Schroeder
Schulze

Schumer
Serrano
Sharp
Shaw
Shays
Shuster
Silkorski
Siskisky
Skaggs
Skean
Skelton
Slattery
Slaughter (NY)
Smith (FL)
Smith (IA)
Smith (NJ)
Smith (OR)
Smith (TX)
Snowe
Solarz
Solomon
Spence
Spratt
Staggers
Stallings
Stark
Stearns
Stenholm
Stokes
Studds
Sundquist
Swett
Swift
Synar
Tallon
Tanner
Tausin
Taylor (MS)
Taylor (NC)
Thomas (CA)
Thomas (GA)
Thomas (WY)
Thornton
Torres
Torricelli
Towns
Traffant
Traxler
Unsoeld
Upton
Valentine
Vander Jagt
Vento
Vislosky
Volkmer
Vucanovich
Walker
Walsh
Washington
Waters
Waxman
Weber
Wells
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wyden
Wyllie
Yates
Yatron
Young (AK)
Young (FL)
Zelliff
Zimmer

NAYS—7

Arney
Crane
DeLay

NOT VOTING—6

Dymally
Hayes (LA)

Hancock
Herger
Sensenbrenner

Sangmeister
Slaughter (VA)

□ 1339

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

So (two-thirds having voted in favor thereof) the rules were suspended and

the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore (Mr. McNULTY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules, on which the Chair has postponed further proceedings.

FARM CREDIT BANKS AND ASSOCIATIONS SAFETY AND SOUNDNESS ACT OF 1991

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3298, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 3298, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 203, not voting 9, as follows:

[Roll No. 379]

YEAS—221

Abercromble	Conyers	Hammerschmidt
Alexander	Costello	Hastert
Allard	Coughlin	Hatcher
Anderson	Cox (IL)	Hayes (IL)
Andrews (TX)	Coyne	Hefley
Annunzio	Darden	Heger
Aspin	Davis	Hertel
Barnard	de la Garza	Hoagland
Barrett	DeFazio	Hobson
Barton	Dingell	Horton
Bateman	Dixon	Hubbard
Bennett	Dooley	Hutto
Bentley	Dorgan (ND)	James
Bilbray	Downey	Johnson (SD)
Boehert	Duncan	Johnson (TX)
Boehner	Durbin	Jones (GA)
Bonior	Edwards (OK)	Jones (NC)
Boucher	Edwards (TX)	Jontz
Brewster	Emerson	Kaptur
Brooks	Engel	Klidae
Brown	English	Kleczka
Bruce	Evans	Klug
Bryant	Ewing	Kolter
Bunning	Fields	Kopetski
Burton	Ford (MI)	Lagomarsino
Bustamante	Ford (TN)	Lancaster
Byron	Frost	LaRocco
Camp	Gedensson	Laughlin
Campbell (CO)	Gephardt	Lehman (CA)
Cardin	Geren	Lent
Carr	Gibbons	Levin (MI)
Chandler	Gilchrest	Lewis (FL)
Chapman	Gillmor	Lewis (GA)
Clinger	Gilckman	Lightfoot
Coleman (MO)	Goodling	Lloyd
Coleman (TX)	Grandy	Long
Collins (IL)	Gunderson	Lowey (NY)
Collins (MI)	Hall (OH)	Luken
Combest	Hall (TX)	Marlenee
Condit	Hamilton	Matsui

Mazzoli
McCloskey
McCurdy
McDade
McDermott
McEwen
McHugh
McMillan (MD)
McNulty
Mfume
Miller (CA)
Mink
Mollohan
Morrison
Murphy
Murtha
Nagle
Nichols
Nussle
Oakar
Oberstar
Obey
Olin
Ortiz
Orton
Owens (NY)
Owens (UT)
Oxley
Panetta
Pastor
Payne (VA)
Penny
Perkins
Peterson (MN)

NAYS—203

Ackerman	Gallo	Michel
Andrews (ME)	Gaydos	Miller (OH)
Andrews (NJ)	Gekas	Miller (WA)
Anthony	Gilman	Mineta
Applegate	Gingrich	Moakley
Archer	Gonzalez	Mollinari
Army	Gordon	Montgomery
Atkins	Goss	Moody
AuCoin	Gradson	Moorhead
Bacchus	Green	Moran
Baker	Guarini	Morella
Ballenger	Hancock	Mrzek
Bellenson	Hansen	Myers
Bereuter	Harris	Natcher
Berman	Hefner	Neal (MA)
Bevill	Henry	Neal (NC)
Billrakis	Hochbrueckner	Nowak
Billiey	Holloway	Oliver
Borski	Horn	Packard
Boxer	Houghton	Pallone
Broomfield	Hoyer	Parker
Browder	Huckaby	Patterson
Callahan	Hughes	Paxon
Campbell (CA)	Hunter	Payne (NJ)
Carper	Hyde	Pease
Clay	Inhofe	Pelosi
Clement	Ireland	Peterson (FL)
Coble	Jacobs	Petri
Cooper	Jefferson	Porter
Cox (CA)	Jenkins	Price
Cramer	Johnson (CT)	Reed
Crane	Johnston	Regula
Cunningham	Kanjorski	Rhodes
Dannemeyer	Kasich	Rinaldo
DeLauro	Kennedy	Roe
DeLay	Kennelly	Rohrabacher
Dellums	Kolbe	Rostenkowski
Derrick	Kostmayer	Roukema
Dickinson	Kyl	Rowland
Dicks	LaFalce	Russo
Donnelly	Lantos	Santorum
Doolittle	Leach	Sawyer
Dreier	Lehman (FL)	Saxton
Dwyer	Levine (CA)	Schaefer
Early	Lewis (CA)	Scheuer
Eckart	Lipinski	Schroeder
Edwards (CA)	Livingston	Sensenbrenner
Erdreich	Lowery (CA)	Serrano
Espy	Machtley	Sharp
Fascell	Manton	Shaw
Fawell	Markey	Shays
Fazio	Martin	Shuster
Felghan	Mavroules	Smith (IA)
Fish	McCandless	Smith (NJ)
Flake	McCollum	Snowe
Foglietta	McCreary	Solomon
Frank (MA)	McGrath	Stark
Franks (CT)	McMillan (NC)	Stokes
Gallegly	Meyers	Studds

Stump	Waters	Zelliff
Swett	Waxman	Zimmer
Tanner	Wells	Dornan (CA)
Tauzin	Wheat	Dymally
Taylor (MS)	Whitten	Hayes (LA)
Torrice	Wise	Hopkins
Towns	Wolf	Martinez
Traxler	Wolpe	Roybal
Valentine	Wyllie	Sangmeister
Visclosky	Yates	Slaughter (VA)
Vucanovich	Yatron	Wilson
Walker	Young (FL)	

NOT VOTING—9

Dornan (CA)	Hopkins	Sangmeister
Dymally	Martinez	Slaughter (VA)
Hayes (LA)	Roybal	Wilson

□ 1352

Ms. MOLINARI and Messrs. LAFALCE, EDWARDS of California, GAYDOS, YATRON, MINETA, DICKS, LEHMAN of Florida, PALLONE, and SAWYER changed their vote from "yea" to "nay."

Mr. EDWARDS of Oklahoma and Mr. HUBBARD changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 446

Mr. COLEMAN of Texas. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 446.

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

There was no objection.

GENERAL LEAVE

Mr. NATCHER. 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. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, and for other purposes.

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

There was no objection.

CONFERENCE REPORT ON H.R. 2707, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. NATCHER. Mr. Speaker, I call up the conference report on the bill (H.R. 2707) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1992, 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 Friday, November 1, 1991, at page 29733.)

The SPEAKER pro tempore. The gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Michigan [Mr. PURSELL] will be recognized for 30 minutes.

Mr. WEBER. Mr. Speaker, may I inquire, is the gentleman from Michigan [Mr. PURSELL] opposed to the bill?

The SPEAKER pro tempore. Is the gentleman from Michigan [Mr. PURSELL] opposed to the bill?

Mr. PURSELL. No, Mr. Speaker, I am not.

Mr. WEBER. Mr. Speaker, I am opposed to the bill, and I request one-third of the debate time.

The SPEAKER pro tempore. For the purposes of debate, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 20 minutes, the gentleman from Michigan [Mr. PURSELL] will be recognized for 20 minutes, and the gentleman from Minnesota [Mr. WEBER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

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

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

Mr. NATCHER. Mr. Speaker, I rise today to present the conference report on H.R. 2707, the fiscal year 1992 appropriations bill for the Departments of Labor, Health and Human Services, and Education, and Related Agencies. The full conference agreement was printed in the CONGRESSIONAL RECORD of November 1, 1991, and has been available to Members since Monday morning.

Mr. Speaker, the conference report is \$71 million below the discretionary budget authority, 602(b) spending subdivisions and \$34 million below the outlay subdivisions.

Before I begin, I want to thank my big chairman, Mr. WHITTEN, for all the help he has given us down through the years on this bill. This year, as always, he has provided valuable counsel and leadership.

The conference agreement contains \$203,845 million for the three Cabinet departments and 18 related agencies under the jurisdiction of the Labor-HHS-Education Subcommittee. Of the total \$144,829 million is for mandatory programs such as Medicaid, aid to families with dependent children, and supplemental security income; \$59,016 million is for the discretionary programs. These totals are within our 602(b) allocation for both budget authority and outlays.

As I have indicated to Members throughout the year, it has been very difficult to construct a bill under our 602(b) allocation, which is \$1 billion

below the amount needed to maintain current services. During our 13 weeks of hearings with 730 witnesses, we have been confronted with many competing needs and priorities. We have done our best, but certainly not as much as we would have liked.

The tightness of our allocation, combined with a Senate bill that reflected different priorities than the House, made our conference very difficult—the longest and most difficult since I have been chairman of the subcommittee. We met with the Senate over a period of 3 weeks trying to hammer out an agreement on the 219 amendments in dispute. Both sides have had to make compromises they are not pleased with. Nevertheless, the conference agreement supports many programs that are critical to the health and welfare of our Nation's citizens. I will highlight just a few of these programs, and provide a more detailed description for the RECORD:

Total education discretionary spending is \$22,873 million, an increase of \$1,887 million over 1991.

Chapter 1 is funded at \$6,707 million.

The National Institutes of Health receive \$9,010 million, of which at least \$133 million is expected to be spent on breast cancer research.

Job Corps is funded at \$920 million.

Head Start receives \$2,202 million.

Low income home energy assistance is funded at \$1.5 billion, with an additional \$300 million available in a Presidential emergency fund.

Total funding for AIDS is expected to exceed \$1.9 billion, of which \$280 million is for programs authorized under the Ryan White Act.

Funds are not made available for State legalization impact assistance in fiscal year 1992, but are provided in full on October 15, 1992, 5 months after they would normally become available. This delay is unfortunate, but it is preferable to the President's budget which would have totally eliminated these funds. This was the only option possible given the budget ceilings facing the subcommittee.

I also want Members to know the disposition of several abortion-related issues. The conferees dropped the Senate amendment permitting Federal funds to be used for abortions in the case of rape or incest. The conference agreement therefore maintains current law with respect to the Hyde amendment. This permits Federal funding for abortions only when the life of the mother would be endangered if the fetus were carried to term. The conferees also dropped the Senate floor amendment regarding parental notification. This matter will be left to the authorizing committees. The only change in traditional bill language related to abortion retained by the conferees is the prohibition against implementing the so-called gag rule. This provision will go to the President in exactly the same form as passed the House on June 26.

This provision was not in conference. It was adopted in full committee in the House and was contained in identical form in the Senate bill. I realize that Members may feel very strongly about this issue, but it was not possible to address it in conference.

In summary, I believe the conference agreement is the best compromise between the House and Senate bills we could obtain. It should be supported by this House and I urge its adoption.

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

Mr. Speaker, I want to congratulate Chairman NATCHER and our entire staff: Mike Stephens, Bob Knisely, Mark Mioduski, Susan Quantius, Kevin Kraushaar, David Recker, and John Blazey on our side. I congratulate them for an outstanding piece of legislation, one which I personally support.

I also want to thank Chairman NATCHER for his leadership over the last 6 months in bringing this conference report to the floor.

I support this conference report. It is filled with good programs to assist the poor, the elderly, the sick, and the unemployed, and there are programs here that educate our children. These programs are expensive, but they are an investment in our future.

This report is within the 602(b) allocation. In fact, it is under the cap by \$71 million in budget authority and \$34 million in budget outlay.

There is one serious flaw, however, that I must bring to the attention of my colleagues, and that is the problem of delayed obligations. Simply stated, the Subcommittee on Labor, Health and Human Services, and Education was given more budget authority than it could spend and remain within its budget outlay limitation.

□ 1400

In order to appropriate all the money that the subcommittee was given authority to spend, the conference committee voted to delay \$4.2 billion until the last day in fiscal year 1992. This means that the money cannot be obligated until then and effectively shoves this \$4.2 billion into the next fiscal year.

However, I want to point out that other subcommittees have also used this budget practice, including the OMB and the administration. It is not sound fiscal policy and will make next year's appropriation process more difficult. I know that Chairman NATCHER and our entire committee, myself included, are seriously concerned about this practice and we are committed to resolving this problem next year.

I would like to point out some of the highlights of the bill. For the National Institutes of Health, this bill appropriates just over \$9 billion for the first time, an increase of \$734 million. That is an increase of 8.9 percent and it is the jewel of this bill. NIH scientists are

searching for breakthroughs in cancer, heart and lung diseases, hypertension, and several other illnesses.

Within the Centers for Disease Control we have funded a new program, Preventive Health, and included \$135 million for antismoking efforts. I think this is an educationally sound and good public policy.

We also have a new immunization program which is now almost at \$300 million, an increase of 37 percent. This will prevent rising health costs in the future.

I want to congratulate Dr. Bernardine Healey for her leadership as the NIH Director. She has instituted some new leadership in calling attention to an all-male committee on the issues that have to do with women's health. There is \$30 million for breast cancer research and \$50 million for breast and cervical cancer research, which is a total of \$80 million.

On the education front I want to congratulate Secretary Lamar Alexander for his leadership. The conference report provides \$100 million for the President's America 2000 activities, and I want to thank the committee for making that a separate line item, but subject to authorization by April 1, 1992.

The report provides \$2.3 billion for Head Start, showing strong bipartisan support for this important program. We also give tribute to the gentleman from Pennsylvania [Mr. GOODLING], the ranking Republican on the Committee on Education and Labor, for his effort in leading the fight for Even Start, which will ensure that children in America will start school early and are ready to learn. The report provides \$70 million for Even Start.

Mr. Speaker, we also provide \$623 million for drug-free schools and communities, so that every school can offer a disciplined environment that is conducive to learning.

We also have \$6.9 billion for student financial aid, an increase of approximately \$171 million.

Mr. Speaker, this is a good bill. I offer this on our side of the aisle, and encourage all Members to support it when we vote on the conference report.

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

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

Mr. Speaker, I rise in sad and reluctant opposition to the conference report, because as a member of the subcommittee I take great pride in all the work done by our subcommittee, and do not disagree with a word said by the gentleman from Kentucky [Mr. NATCHER] or the gentleman from Michigan [Mr. PURSELL]. One could not work with two finer leaders than the gentleman from Kentucky and the gentleman from Michigan, the new ranking member of our subcommittee.

But this fine bill, in my view, is fatally flawed in two respects: First of

all, the gentleman from Michigan [Mr. PURSELL] has already acknowledged that the bill unfortunately forward funds \$4.2 billion into the next fiscal year, making it fiscally irresponsible.

I want to emphasize on our side of the Capitol, we would have solved that problem. The problem occurred in the conference committee with the Members of the other body.

But even more serious, in my judgment, as a flaw is the tearing down of the wall between family planning and abortion.

Mr. Speaker, this is a nurturing bill. This is a bill that nurtures families through its education programs, its social service programs, its job training programs, and its health programs. We should not put this bill and this Government in the business of promoting a destructive procedure such as an abortion by tearing down the wall that exists today between family planning and abortion.

Mr. Speaker, this issue has been misconstrued to the public time and time again. But the President has now made clear what is at stake here through a memorandum to the Secretary of Health and Human Services. He says,

Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician. Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated. If a woman is found to be pregnant and to have a medical problem, she should be referred for complete medical care, even if the ultimate result may be the termination of her pregnancy.

Mr. Speaker, that interpretation has been upheld by an internal memo from the general counsel of the Department of Health and Human Services. What it says, simply put, is that this is not a gag rule. There is no gag rule on the confidential personal relationship between a doctor and his patient in any of these facilities.

The real issue here is are we going to tear down the wall between family planning and abortion and put the Department of Health and Human Services and the Federal Government and the taxpayers in the business of promoting and referring for abortion?

Mr. Speaker, we should not. Members should vote "no" on the conference report.

Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Speaker, make no mistake about it, this vote is an abortion vote, plain and simple. Since the day of the Rust versus Sullivan decision, the matter of abortion referrals by title X funded clinics has been obscured by claims of free speech. This issue has nothing to do with free speech and everything to do with abortion.

As a matter of fact, the regulations permit a doctor to refer a woman to a facility that provides abortions. What they don't permit is referral to "health care providers whose principal

business is the provision of abortions." Principal business. We're talking about abortion mills, Mr. Speaker. The regulations don't allow federally funded clinics to refer women to abortion mills. When a woman's health is at stake, a title X program is required to make an appropriate referral, even if the result may be an abortion. And in cases of medical emergency, the project is required to refer a pregnant woman to an appropriate provider of emergency medical services, even if the result may be an abortion.

Abortion is a multimillion dollar business in this country, my colleagues. Apparently that's not enough for abortion providers—they want the Federal Government to send them more potential abortions. We're not talking about free speech, we're not talking about women's health issues—we are talking about the multimillion dollar business of abortion in this country, and the American taxpayers don't want to support it. I urge you to vote against the conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi [Mr. WHITTEN], the chairman of the full Committee on Appropriations.

Mr. WHITTEN. Mr. Speaker, I take this time to just say what a great subcommittee we have here. At this time, when we are looking around the world for places to spend our money, it is absolutely essential that we take care of our own people, on whom everything else depends. We have got to give our country that attention, because our country is what all of our money is based on. An educated, healthy population, with adequate housing, food, and nutrition from a strong agricultural base, provides the foundation for our national strength and future.

Mr. Speaker, I do not believe there is anyone in the Congress on which we can depend any more than the chairman of this subcommittee, the gentleman from Kentucky [Mr. NATCHER], who has a tremendous record back through the years, as well as all other members of the subcommittee.

Mr. Speaker, let me say again, whatever our problems are, we had better look out for our own country, because all the rest depends on that.

Mr. Speaker, this bill includes funds for all phases of education, both higher and secondary, including universities, colleges and community colleges, vocational education, disadvantaged education, adult education, and historically black colleges, including Mississippi Valley State University at Itta Bena, MS.

At this time when we are in debt I think it would be wise to roll ahead whenever possible the programs that, because of ceilings, we have been unable to put into this bill. We did make it clear that we believe in it, and did the very best that anybody could do.

Mr. Speaker, I am proud to be a member of this subcommittee, though I am unable to attend as often as I would like because of the press of other com-

mittee business. I want to compliment every member of the subcommittee, the chairman, Mr. NATCHER of Kentucky, the ranking Republican, Mr. PURSELL of Michigan, Mr. SMITH of Iowa, Mr. OBEY of Wisconsin, Mr. ROYBAL of California, Mr. STOKES of Ohio, Mr. EARLY of Massachusetts, Mr. HOYER of Maryland, Mr. MRAZEK of New York, Mr. PORTER of Illinois, Mr. YOUNG of Florida, Mr. WEBER of Minnesota, and Mr. MCDADE of Pennsylvania, because it is to them we have to look to take care of this country.

This bill looks after our people and our country. We must look after the people's health and education, but in the same breath we must look after the physical health of our own country because it is our country to which we have to look to take care of all the needs that we have.

Mr. Speaker, ours is a great country. We need to take care of all of it in order to maintain a strong, healthy nation. Strength and health that can come only from protection and developing the Nation's resources—our real wealth.

Mr. PURSELL. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Illinois [Mr. PORTER], a member of the subcommittee.

Mr. PORTER. Mr. Speaker, it is a pleasure as always to work with the gentleman from Kentucky [Mr. NATCHER] and the members of the committee. I would like the Members of the House to know that the gentleman from Michigan [Mr. PURSELL] is doing a fantastic job in filling the very big shoes of Sil Conte.

The conference report denies funding to implement the gag rule for one year, allowing HHS time to draw more balanced regulations. This provision is the same as it was as it left the House, and since the Senate adopted this same provision on their side, the matter was nonconferenceable.

We had hoped, however, in the course of the conference that compromise language might be worked out. Senator CHAFEE, Raine Archer of HHS, the American College of Obstetricians and Gynecologists, abortion rights groups, and Roger Porter, the domestic policy counselor, all worked for many months to work out fair and equitable compromise language. They did so. That language was submitted and then apparently rejected by John Sununu at the White House.

Mr. Speaker, we have fought over the question of abortion for a long, long time in this Chamber. We have reached a balance, I think a reasonable and fair balance with the Hyde amendment being law providing no funding to encourage abortion, and, with Roe versus Wade being also the law of the land, making it a decision not for the Government, but for the individual.

That balance has never satisfied some, however. They have continued to

press for Government control on a number of fronts, title X reauthorization, UNFPA funding, the Mexico City policy, and now the gag rule. They have justified this intrusion on individual rights representing that abortion counseling has been directive, encouraging women to have abortions, not just informing them of their rights. That is a lie directly refuted by a GAO investigation, by a separate investigation by the IG at HHS, and the fact that no title X clinic was ever denied funds nor found to be doing that.

□ 1410

The gag rule denies a poor woman seeking help from a title X clinic the information about her legal, medical option to terminate her pregnancy. It directs specifically what a doctor or other health professional may or may not say regarding abortion, and I submit the gag rule for the RECORD at this point.

§59.8 Prohibition on counseling and referral for abortion services, limitation of program services to family planning.

(a)(1) A Title X project may not provide counseling concerning the use of abortion as a method of family planning or provide referral for abortion as a method of family planning.

(2) Because Title X funds are intended only for family planning, once a client served by a Title X project is diagnosed as pregnant, she must be referred for appropriate prenatal and/or social services by furnishing a list of available providers that promote the welfare of mother and unborn child. She must also be provided with information necessary to protect the health of mother and unborn child until such time as the referral appointment is kept. In cases in which emergency care is required, however, the Title X project shall be required only to refer the client immediately to an appropriate provider of emergency medical services.

(3) A Title X project may not use prenatal, social service or emergency medical or other referrals as an indirect means of encouraging or promoting abortion as a method of family planning, such as by weighing the list of referrals in favor of health care providers which perform abortions, by including on the list of referral providers health care providers whose principal business is the provision of abortions, by excluding available providers who do not provide abortions, or by "steering" clients to providers who offer abortion as a method of family planning.

(4) Nothing in this subpart shall be construed as prohibiting the provision of information to a project client which is medically necessary to assess the risks and benefits of different methods of contraception in the course of selecting a method; provided, that the provision of this information does not include counseling with respect to or otherwise promote abortion as a method of family planning.

(b) Examples. (1) A pregnant client of a Title X project requests prenatal care services, which project personnel are qualified to provide. Because the provision of such services is outside the scope of family planning supported by Title X, the client must be referred to appropriate providers of prenatal care.

(2) A Title X project discovers an ectopic pregnancy in the course of conducting a

physical examination of a client. Referral arrangements for emergency medical care are immediately provided. Such action is in compliance with the requirements of paragraph (a)(2) of this section.

(3) A pregnant woman asks the Title X project to provide her with a list of abortion providers in the area. The Title X project tells her that it does not refer for abortion but provides her a list which includes, among other health care providers, a local clinic which principally provides abortions. Inclusion of the clinic on the list is inconsistent with paragraph (a)(3) of this section.

(4) A pregnant woman asks the Title X project to provide her with a list of abortion providers in the area. The project tells her that it does not refer for abortion and provides her a list which consists of hospitals and clinics and other providers which provide prenatal care and also provide abortions. None of the entries on the list are providers that principally provide abortions. Although there are several appropriate providers of prenatal care in the area which do not provide or refer for abortions, none of these providers are included on the list. Provision of the list is inconsistent with paragraph (a)(3) of this section.

(5) A pregnant woman requests information on abortion and asks the Title X project to refer her to an abortion provider. The project counselor tells her that the project does not consider abortion an appropriate method of family planning and therefore does not counsel or refer for abortion. The counselor further tells the client that the project can help her to obtain prenatal care and necessary social services, and provides her with a list of such providers from which the client may choose. Such actions are consistent with paragraph (a) of this section.

(6) Title X project staff provide contraceptive counseling to a client in order to assist her in selecting a contraceptive method. In discussing oral contraceptives, the project counselor provides the client with information contained in the patient package insert accompanying a brand of oral contraceptives, referring to abortion only in the context of a discussion of the relative safety of various contraceptive methods and in no way promoting abortion as a method of family planning. The provision of this information does not constitute abortion counseling or referral.

An example that is part of the gag rule regulation states, "A pregnant woman requests information on abortion and asks the title X project to refer her to an abortion provider. The project counselor tells her that the project does not consider abortion an appropriate method of family planning and therefore does not counsel or refer for abortion."

If this conference report does not pass into law, this regulation will be implemented. The conference report puts this regulation on hold and allows time to reconsider and draw a more balanced rule.

Late last night Members received a copy of a memorandum from Secretary Sullivan. The language of that memorandum does nothing. It is extralegal and has no force or effect. I insert at this point a copy of the memorandum.

THE WHITE HOUSE,
Washington, DC, November 5, 1991.
MEMORANDUM FOR THE SECRETARY OF HEALTH
AND HUMAN SERVICES

Throughout the debate about the relationship of the Title X family planning program and abortion counseling, some have raised questions about the regulations dealing with services offered to pregnant women.

We must ensure that the confidentiality of the doctor/patient relationship will be preserved and that the operation of the Title X family planning program is compatible with free speech and the highest standards of medical care.

In order to clarify the purpose and intent of these regulations, I am directing that in implementing these regulations you ensure that the following principles, inherent in the statute, are adhered to:

1. Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

2. Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated.

3. If a woman is found to be pregnant and to have a medical problem, she should be referred for complete medical care, even if the ultimate result may be the termination of her pregnancy.

4. Referrals may be made by Title X programs to full-service health care providers that perform abortions, but not to providers whose principal activity is providing abortion services.

I am determined to assure the integrity of the Title X program in its mission to provide family planning services to low-income individuals; adherence to this guidance will produce this result.

GEORGE BUSH.

This is America, Mr. Speaker. No matter how we feel about abortion, and I speak as a supporter of the Hyde amendment, we have never been in the mind control business. For Government to fail to tell people, women who come to it for help, about their rights, for Government to fail to tell people the truth and the whole truth is simply not the way we do things in America.

Mr. Speaker, support the conference report and ensure that people in America will continue to be told the truth about their rights.

Mr. Speaker, I include for the RECORD another document on this issue.

POSSIBLE AGREEMENT ON POLICY WITH RESPECT TO PREGNANCY RELATED SERVICES IN TITLE X FUNDED CLINICS—OCTOBER 25, 1991

A. TREATMENT OF TITLE X PROJECTS WHICH PROVIDE PRENATAL CARE, SUCH AS, BUT NOT LIMITED TO, COMMUNITY HEALTH CENTERS, HOSPITALS, OR FAMILY PLANNING CLINICS THAT OFFER SUCH CARE

When a woman comes in for family planning services and is determined in the course of the visit to be pregnant, she should be offered information regarding her pregnancy. The provider of services will furnish a list of community resources for medical care and social services which may include providers of pregnancy termination if they also provide prenatal care. If the woman elects to remain in that project for services, she will be provided with the same pregnancy related services and information that all of the projects' patients receive. The project would

be allowed to retain Title X funds as part of its general operating support. The Title X projects under Part A may use Title X funds for all services that are allowable under Part B.

B. TREATMENT OF TITLE X PROJECTS WHICH DO NOT PROVIDE PRENATAL CARE

(1) When a woman comes in for family planning services and is determined in the course of the visit to be pregnant, she should be offered information regarding her pregnancy. If she is found to have a significant medical problem, she should be referred to a provider of comprehensive medical care. The project will furnish a list of community resources for medical care and social services which may include providers of pregnancy termination if they also provide prenatal care. If requested, the project will make every effort to assist the pregnant woman in making an appointment with a prenatal care provider. In addition, the project will provide the woman with written information to be developed by the Secretary of Health and Human Services about appropriate prenatal care that includes a discussion of proper nutrition and exercise, the need to avoid alcohol, drug and tobacco use, and the importance of receiving medical care.

(2) The project shall give factual answers to questions the woman has about her pregnancy and her legal and medical options. Questions about an individual's medical conditions that relate to her pregnancy should be referred to an appropriate practitioner, on or off premises. Upon a woman's request, identification of providers of adoption and pregnancy termination services will be made available, including providers who do not also provide prenatal care. Factual information may also be provided about the mix of services provided by each provider and the payment sources they accept. The project is not to provide directive counseling to the woman regarding her pregnancy. Should this process of answering questions be found to advocate pregnancy termination or adoption the Title X project would be subject to the procedures which apply to misuse of grant funds, including termination of the grant or portion of the grant which funds the project.

(3) Nothing in this statute is intended to preclude a health care professional or trained clinician under the supervision of a medical director, from fulfilling his or her generally-accepted professional duty.

C. RELATIONSHIP TO NON-TITLE X SERVICES

Nothing in this statute is intended to circumscribe the services offered by a recipient of Title X funds with other public or private funds. Nothing in this statute is intended to address 42CFR59.9 (Feb. 2, 1988).

Mr. WEBER. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I rise reluctantly in opposition to the conference report because of the budget gimmicks that are in it.

Mr. Speaker, it is with considerable reluctance that I must oppose adoption of the conference report for the 1992 appropriation for Labor-HHS. I acknowledge that my position is taken with reluctance because I supported this appropriation bill when it was initially adopted in the House and I had high hopes it would return similarly clothed in a fiscally responsible fashion. I am saddened that those hopes have been dashed.

But there is another reason for my reluctance. Most of the debate today will center

around that provision in the bill which blocks enforcement of the so-called gag rule. I strongly support this provision in the bill. Yesterday, the President issued a memorandum in which he attempted to clarify the scope of title X separation regulations. But the President's clarification is unacceptable because it fails to resolve the problem of providing a woman who seeks medical care at a federally funded title X clinic complete information about her options concerning unintended pregnancies. To deny a woman information about the options available to her is deceptive. It is bad policy and worse medicine. The gag rule should be overturned.

Because of the intensity of the debate on this issue, there are those who will mistake my vote against the conference report as an endorsement of the gag rule. I acknowledge that, but I cannot let it deter me from voting against an appropriation which so completely undermines the budget summit agreement.

Mr. Speaker, the funding tricks and gimmicks in this bill are offensive. Certainly, I would like to support increased funding for Head Start, for assistance for the homeless, for higher education, and more funds for cancer and AIDS research. All of these are worthy programs.

Unfortunately, the conferees have chosen to offer hollow promises to the beneficiaries of these programs. They have avoided making tough choices about priorities—a choice clearly demanded by the budget agreement. They have completely undermined the spirit, if not the letter of that agreement.

Let me mention just two examples of this gimmickry. The worst, clearly, is the delay in obligatory authority of \$4.3 billion until September 30, 1992—the last day of the fiscal year. This way, the conferees can claim credit for funding programs in this fiscal year, but not pay for them until the next. But next year's funding cap will be even tighter than this year's. Delaying the obligations just makes a bad situation worse.

The second example I would cite is the added funding for Low Income Home Energy Assistance Program [LIHEAP] in an emergency account. Like firefighting—an issue we have addressed earlier—the needs in this account can be accurately estimated. Putting more in the emergency account, thus avoiding the budget caps, is nothing more than an admission that the committee—and this body—lacks the will to choose between LIHEAP and other programs.

The budget summit agreement of last October was not a measure which I supported. But it is the only discipline we have; it is the only tool available to control spending. The conferees have brought back an overstuffed appropriation bill, one that asks us to overspend to the tune of \$4.2 billion, one that asks us to postpone responsibility for overspending into the next fiscal year. Mr. Speaker, that is what we have been doing year after year. That is the practice that must end.

I urge my colleagues to vote no and send this agreement back to conference. Insist that they remove the budget tricks and return with an agreement that respects the covenant we made with the American people last year. If the conferees do that, I will vote for the agreement, and I will vote to override any veto

which seeks to deny women the right to full counseling on reproductive rights.

Medical responsibility and fiscal responsibility. These two principles should go hand in hand in this appropriation bill. We ought not to scuttle one to save the other.

Mr. WEBER. Mr. Speaker, I yield 3½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, every year, Planned Parenthood counsels, refers, or performs over 200,000 abortions—an absolutely staggering loss of human life.

Every year, Mr. Speaker, tens of thousands of teenage mothers—many of them poor, vulnerable, frightened, and extremely impressionable—walk into Planned Parenthood carrying perfectly healthy babies only to leave the clinic having had their babies shredded and ripped apart by powerful suction machines or chemically killed by injections of poison. And in many of these cases, the teenagers' parents aren't even informed or notified, but, not to worry, Planned Parenthood's so called counselors assume that role.

Sadly, Mr. Speaker, Planned Parenthood, an organization that said in its literature in 1963: "An abortion kills the life of a baby after it has begun * * *. Birth control merely postpones the beginning of life," now operates the largest chain of abortion mills in the land. And, sadly too, Planned Parenthood is directly responsible for the death of millions of infants over the last two decades.

Thus, I guess, it should come as no surprise that Planned Parenthood and like-minded abortionists bitterly oppose the prochild, prowoman, proprenatal care title X reforms that now await implementation by the President.

If this conference report becomes law, needed reforms would be thwarted and the President's prenatal care rule overturned. This isn't a gag rule at all it is a prenatal care rule.

Today's debate, Mr. Speaker, isn't about free speech. It is about taxpayer subsidized abortion advocacy in what was intended by Congress to be family planning clinics, preconception clinics—not abortion marketing centers.

This debate is about reigning in on the facilitation of, and promotion of, abortion. For those Members who regard the life of an unborn child as one might regard a diseased pancreas, the decision is simple. If an unwanted pregnancy—if an unwanted baby—is the moral equivalent to a tumor or cyst, your vote is to overturn the regulations.

But if you accept the fact that unborn children are human and alive—and deserving of respect, compassion, and care—you will vote to sustain the President's prenatal care rule. If you accept the fact that every abortion stops a beating heart, your vote is to preserve the title X regulations.

It seems to me that the question turns on whether you and I want to put the considerable clout of Federal funds behind encouraging prenatal care referrals over abortion referrals.

It seems to me that you can't have it both ways. Prenatal care has absolutely nothing in common with abortion. One nurtures. The other destroys. Yet even these modest pro-life regulations are not airtight. They only require that referrals for prenatal care avoid those "health care providers whose principal business is the provision of abortions." In other words, avoid referrals to abortion mills.

Prenatal care, Mr. Speaker, respects the health and well-being of both mother and baby. Prenatal care, by definition, nurtures life and is life affirming. Prenatal care recognizes and treats two special patients with the blessings of the best nutrition and the best medical care available.

Abortion, by definition, destroys life and results in death.

Recently, the head of the U.S. Public Health Service, Dr. James O. Mason, pointed out that the President's new title X regulations—the prenatal care rule—would have a positive impact on the utilization of prenatal care in the country and would result in reduction in infant mortality.

Dr. Mason said on June 24, 1991,

Let me underscore the importance of this program as a key component in our Department's effort to reduce the national problem of infant mortality. I believe that an important and often overlooked aspect of this regulation is its requirement that if a client is pregnant she will be assisted in obtaining access to vital prenatal care. From the point that pregnancy is confirmed, the public health role is to provide quality medical care for two patients, the mother, and her unborn child.

And to those who have expressed concerns that the regulations somehow intrude on the privileged doctor-patient relationship, the President has made crystal clear in his memorandum for the Secretary of HHS that doctors may continue to discuss abortion with women within clinics receiving title X funds, when the doctor believes that such discussion is medically warranted. In his November 5 memorandum, President Bush said,

We must ensure that the confidentiality of the doctor/patient relationship will be preserved and that the operation of the Title X family planning program is compatible with free speech and the highest standards of medical care.

In order to clarify the purpose and intent of these regulations, I am directing that in implementing these regulations you ensure that the following principles, inherent in the statute, are adhered to:

1. Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

2. Title X projects are to provide necessary referrals to appropriate health care facilities when medically indicated.

3. If a woman is found to be pregnant and to have a medical problem, she should be re-

ferred for complete medical care, even if the ultimate result may be the termination of her pregnancy.

4. Referrals may be made by Title X programs to full-service health care providers that perform abortions, but not to providers whose principle activity is providing abortion services.

I am determined to assure the integrity of the Title X program in its mission to provide family planning services to low-income individuals; adherence to this guidance will produce this result.

And, Mr. Speaker, the bogus claim that doctors could not refer a pregnant woman for medical care with AIDS, cancer, or diabetes is flatly refuted by the regulations themselves: "Each Title X project must * * * provide for * * * necessary referral to other medical facilities when medically indicated." [42 CFR Ch. 1 59.5 10(1)] In fact a doctor is required to refer the woman to a specialist, even if such referral ultimately results in the loss of the baby's life.

Finally, Mr. Speaker, national public opinion polls clearly show that Americans do not want birth control abortions in their national network of family planning clinics.

The Wirthlin Organization recently asked Americans "Do you favor or oppose offering abortions as a method of birth control in taxpayer-funded family planning programs." The results—77 percent oppose offering abortions in family planning clinics. And the reason should be obvious—abortion is not a method of family planning and Americans soundly reject any suggestion to the contrary.

Support the President's prenatal care rule. Vote down this conference report.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa [Mr. SMITH].

Mr. SMITH of Iowa. Mr. Speaker, I thank the gentleman for yielding time to me.

I commend the chairman of the subcommittee, the ranking member, all members of the committee, and the staff for the amount of time and effort expended on this bill. This bill affects everyone in the United States from conception through death and burials. Everyone is affected by this bill.

It involves health. It involves training. It involves retraining. It involves safety. It involves the Social Security Administration. It involves everyone in some way in the United States.

This bill should not be held hostage to two or three emotional provisions that merely delay funding for 1 year for one of the many programs in this bill. Again, this Congress has added another emotional matter to this bill this year.

It would have taken the same number of votes to report out an authorization bill that settled this matter on the gag rule as it does to hook a 1-year delay in implementing the regulation to this bill, and it is not without harm when it is hooked onto this bill.

We are already into the new fiscal year. All programs in the bill are being held up in their full funding because this emotional issue is on the bill and until it is finally signed each program is capped at last year's level and denied even a cost-of-living adjustment. Also, the bill may not be enacted for 2 or 3 more weeks if it is vetoed.

This separate bill that would permanently overrule the gag rule ought to be reported out and voted on separately. It ought to be acted on in the House and the Senate. There is obvious evidence that it would pass overwhelmingly in both bodies because there were enough votes to add provision for a 1-year delay included in this bill.

The organizations that supported putting the delay on this bill could have spent the same amount of time getting the permanent bill reported and the question would have been settled by now. This issue should not be adversely affecting this bill.

I hope we do not come in here next year and find the same procedure used to delay the important programs in this bill so some can argue over one sentence in the whole bill. We just should not be holding this bill hostage to that issue instead of settling it on a separate bill.

I support the bill this year. But I say, let us not come back here next year and find this same argument on this same issue.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. GREEN].

Mr. GREEN of New York. Mr. Speaker, as we consider this conference report, we face one red herring and one real issue. The red herring is the issue of the so-called advanced funding or delayed obligations: Everyone who knows this bill knows that the proper administration of its programs in many instances requires advanced funding. Why, after all, did the administration ask for almost \$1.5 billion of advanced funding in this bill for programs like the Centers for Disease Control, the National Institutes of Health, Child Care and others?

The real issue we face is the gag rule. I should simply like to remind my colleagues that the family planning clinic is often the only access that the poor woman who goes there has to medical personnel. And I say to my colleagues that when a poor woman goes to the doctor who serves as her only access to the health care system, she is entitled to the truth and the whole truth about what her health care options are.

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That is what we are here to fight for. If Members believe that the poor woman who has the family planning clinic as her only access to the health system should have the whole truth, then vote for this conference report.

Mr. WEBER. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Speaker, I have heard a great deal about the title X regulations, and as I read them they are quite different than what had been portrayed. They seem really quite reasonable.

I think it is important to note that this whole program deals with services prior to conception. Once a woman is pregnant and seeks to keep the pregnancy, title X cannot help her. She needs to be referred out. Once she is pregnant, and seeks to end the pregnancy, title X cannot help her. They need to refer her out. Title X deals only with family planning. It does not deal with post-conception services.

Criticism has been made of title X because these regulations preclude referral or encouragement of people to have abortions as a method of family planning. The overwhelming majority of the American people think that abortion for the purpose of birth control is morally wrong. Reflecting that sentiment, the Congress of the United States passed a law, and the administration implemented it with these title X regulations. The will of the people has been faithfully implemented, and we should vote no on this conference report because it overturns these regulations and goes against the will of the American people by seeking to encourage abortions as a method of family planning.

I also would observe, Mr. Speaker, that this bill spends \$4.3 billion more than the President requested. Obviously this Congress has a hard time restraining, spending, and we ought to do it right here and live within the funding level requested by the President.

Vote no.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. STOKES], a member of the subcommittee.

Mr. STOKES. Mr. Speaker, I thank my distinguished chairman for yielding time to me. I rise in strong support of this conference report.

Mr. Speaker, I rise in support of the conference report on H.R. 2707, the fiscal year 1992 Labor-HHS-Education appropriations bill. This bill provides \$204 billion for those entitlement and discretionary programs which help to keep Americans employed, healthy and educated. I would like to commend the chairman of the subcommittee upon which I serve for the exemplary leadership and adroit skill he exhibited in getting this bill reported out of conference.

I also would like to acknowledge the contributions of the gentleman from Michigan, Congressman CARL PURSELL, the ranking minority member of the subcommittee. CARL, during his first year as ranking minority member, has supported this bill and played an outstanding role in helping to bring this bill to the floor today.

The conferees had to make some difficult funding choices this year. When the House

and Senate first went to conference, we had major differences in funding priorities. The Senate had proposed \$1 billion more than the House for the health programs, and recommended \$1 billion less than the House for our Nation's education programs.

After our first meeting, we reached a tentative agreement on funding levels, and later returned to learn that, in terms of budget authority, we were \$800 million over our 602(b) allocation. All in all, we met five times trying to resolve our differences. This, Mr. Speaker, was one of the most arduous conferences ever.

We drafted this bill in the midst of rigid, and seemingly impossible parameters established by the budget agreement. Despite the difficult decisions we faced, the conference report we bring to you today provides a balanced approach to supporting our Nation's education, health and labor programs. In fact, H.R. 2707 provides significant funding increases for compensatory education for the disadvantaged, cancer research, minority health improvement activities, higher education, and many other programs. I am proud to have been able to help secure increased funding for these programs, as well as those programs which improve the quality of life for my constituents as well as persons across the Nation. There are several programmatic increases I would like to mention specifically.

For the Department of Education, H.R. 2707 provides \$6.7 billion for compensatory education for the disadvantaged, representing a \$900 million increase over last year's figures. This program provides grants to support supplementary educational and related services designed to increase the attainment of educationally disadvantaged children. About 14,000 local school districts participated in the program, which served an estimated 7 million pupils in 1991.

In the area of higher education, the bill provides \$100 million for the title III undergraduate program, strengthening historically black colleges and universities. This represents a \$12.2 million increase over the President's budget request and the 1991 amount; \$300,000 was provided to complete construction of a fine arts center at Bethune Cookman College in Daytona Beach, FL.

For those institutions located in urban areas, the bill provides \$8 million for the urban community service funds, title XI-B. These funds will support cooperative projects between urban universities, such as Cleveland State University, and the urban areas in which they are located.

Howard University will receive \$212 million. This represents a \$22 million increase over the President's budget request. These funds will assist the university, one of our Nation's oldest African-American universities, in starting over \$140 million in renovation activities.

Additionally, the bill provides \$385.3 million for the TRIO programs. This represents a \$51.5 million increase over last year's appropriation. The TRIO programs have proven successful in assisting low-income persons who are potential first-generation college students in pursuing their education.

Significant increases were also provided for those programs authorized under the Department of Health and Human Services. One of

the largest increases was provided for cancer research. The National Cancer Institute would receive \$2 billion for research activities. This is about \$276 million more than the amount provided last year. While the bill does not earmark funds specifically, it does direct the National Cancer Institute to make breast, prostate, ovarian and cervical cancer its top priorities and to treat these diseases with utmost urgency.

For lead poisoning prevention and screening activities, the bill provides \$23 million. This is a \$17 million increase over last year's level. Currently, it is estimated that 17 percent of our nation's children are exposed to lead concentrations which place them at risk of adverse health effects.

Also contained in this bill are funding increases for several minority health improvement initiatives. With more than 60,000 excess deaths in the African-American community, and with the widening disparities between the health status between minority and white Americans, these increases are both necessary and appropriate.

Over \$80 million was provided for the disadvantaged Minority Health Improvement Act—legislation I authored, which was signed into law last year. This initiative supports the education, training, and recruitment of minority students and health personnel in the health professions. The total appropriation includes: First, \$20 million for student scholarships; second, \$24.1 million for the centers of excellence; third, \$15 million for the health professions student loans; fourth, \$6 million for public housing health grants; and fifth, \$16 million for the Health and Human Service Office of Minority Health. Language also was included encouraging States to establish offices of minority health in coordination with the Federal effort. Additionally, \$1 million was provided to develop a national education demonstration program communicating health lifestyle messages to minority populations. Additionally, the National Institutes of Health Office of Minority Health will receive \$7.5 million. Moreover, language directing the institutes to increase their efforts to address the health disparities between white and minority Americans was retained.

For the infant mortality initiative, \$75 million was provided. This is \$50 million more than the amount provided last year. Of this amount, \$10 million will go to community health centers. This program is of special interest to my constituents in Cleveland. Cleveland has one of the highest infant mortality rates in the Nation. In fact, in one study prepared in 1988, it ranked fifth, a rate higher than that of some developing countries. As one of the first 15 cities to receive assistance under the healthy start initiative, funds provided for fiscal year 1992 should assist Cleveland and many other areas in saving the lives of infants who are dying prematurely, and oftentimes unnecessarily.

Other Health and Human Services initiatives funded under this bill include \$1.8 billion in funding for the low-energy and assistance program, expansion of research and prevention activities in the areas of osteoporosis, diabetes, hypertension, kidney transplantation, AIDS and its effects on women and minorities, violence prevention, and the evaluation of health

care in the correctional setting. Regarding the AFDC payments to the States, \$14.6 billion was provided, representing a \$1.2 billion increase over last year.

For the Department of Labor, one of the most notable increases was provided for the Job Corps Program. Job Corps would receive \$919.5 million. This is \$52 million more than the amount provided last year. This increase will allow for the construction of several new job corps centers. My office was contacted by several Members of Congress supporting the construction of new Job Corps centers. Representative DON PEASE expressed his interest in bringing a center to Mansfield, OH; and, Representative MERVYN DYMALLY would like to see one constructed in Compton, CA.

Finally, Mr. Speaker, I would like to briefly address the issue of language contained in this bill which delays implementation of the gag rule for 1 year. As you know, on May 23, 1991, the U.S. Supreme Court, in *Rust versus Sullivan*, upheld Federal regulations—known as the gag rule—prohibiting discussion of or referral for abortion at family planning clinics funded through title X of the Public Health Service Act.

In June of this year, the House voted to delay implementation of the gag rule, 353 to 74. The Senate voted to delay its implementation as well. Therefore, this issue was not a conferenceable item. Congress already has spoken on this issue. We have found that implementation of this rule raises serious questions regarding free speech and the underlying principles of the traditional physician-patient relationship, including the right of unrestricted communication with patients. We had serious concerns regarding the Federal Government prohibiting a health care provider receiving Federal funds from advising a pregnant woman of her legal option of abortion, even in those instances where her life may be in danger. In fact, I know there are many like myself who find this type of prohibition to be absolutely abhorrent, not to mention unconstitutional.

Because this body has previously settled this issue, let us not be swayed by the politically posturing we have seen today against this bill, rather let us get on with the business of funding those unemployment, health, and education programs our people at home need and deserve. The height of a recession is no time to hold these vital programs hostage.

Mr. Speaker, as I said before, you displayed remarkable skill in balancing the many competing interests contained in this bill. And, you did so without balancing the burden of the budget agreement on the backs of the disadvantaged and poor. We had very difficult decisions to make in reaching final agreement. And while we delayed funding some of those programs until the latter part of the fiscal year, we were able to fund the majority of our Nation's labor, health and education programs without sacrificing the needs of low-income, elderly, and disadvantaged Americans.

I am proud to stand with you in bringing this measure to the floor, and I ask my colleagues to join me in final passage of H.R. 2707.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS of Texas. Mr. Speaker, I rise in opposition to the gag rule.

Mr. Speaker, I rise in support of the Labor-HHS-Education appropriations conference report.

The Supreme Court's decision in *Rust versus Sullivan* to uphold the gag rule is, indeed, a disastrous one. This decision, however, is not even primarily about abortion. It is about free speech, medical integrity, and the sanctity of the doctor patient relationship. It is about the trust that people—especially the poor—place in the Government to assist them in their most serious times of need. When women seek counseling on health matters, they should not have to question the honesty of their physician nor fear the motives behind their doctor's words.

In my State of Texas alone, approximately 180 clinics would be affected by this narrow-minded directive. It is wrong for the Federal Government to control the speech of our Nation's doctors just because that government provides funding to family planning clinics. It is a dangerous and ominous precedent we set when we let the Government ignore the first amendment simply because it helps pay the bill.

The burden now falls on Congress to act. I urge all my colleagues to vote in favor of the Labor-HHS-Education appropriations conference report and overturn the gag rule.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, I am frankly very disturbed by one provision in this bill, so disturbed that I had intended to vote against it but in the end I could not bring myself to do that. When we get to that point in the amendment process I will explain my concerns about one amendment, but in the end I simply felt that I had no choice but to support this bill for some very good reasons.

First of all, we provide major increases to funding for childhood immunization that will save thousands and thousands of kids from life-crippling diseases. We provide major increases in assistance for education to help kids get along on the road in life. We will provide assistance to 40,000 additional kids under Head Start, the most valuable educational program that we fund. We will help 40,000 additional families through child care block grant efforts, and we restore 8 percent of the reduction that was made in the low-income fuel assistance program in the President's budget.

I think it is essential to support this bill for one very good reason, even though I have a major objection to what we have done in the health field. It seems to me that we have had an administration which has wanted to play Churchill abroad while we have been playing Scrooge at home. It seems to me that it is time to recognize that this is the major action that this Congress will take in this session to deal with the problems of our people, to take care of our own.

I make no apology for the efforts that the committee has made to try to

provide that by stretching a budget limit here and perhaps bending one there without breaking them. It is essential to do that if we are going to recognize our own domestic priorities here at home. I would urge Members, therefore, to support this bill.

Mr. PURSELL. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, throughout my entire career in Congress I have consistently supported the right-to-life philosophy. Our vote on this conference report today is being portrayed as the biggest pro-life vote of this session. So for me this bill is a conflict between very strongly held personal philosophies. However, I cannot vote against funding unemployment compensation for 4,000 Uni-royal employees about to lose their jobs in my district just to prove I am pro-life. I cannot vote against trade adjustment assistance or now job training assistance for some 3,000 constituents who need it more than ever just to prove that I am pro-life. I cannot vote against student financial aid for some 50,000 college kids in western Wisconsin just to prove that I am pro-life. With the record cold weather back home, I cannot vote against low-income energy assistance for some 22,000 households in my district just to prove that I am pro-life. I cannot vote against the rural health transition for my small-town hospitals just to prove that I am pro-life. I cannot vote against funding for 169 senior citizen meal sites in western Wisconsin just to prove that I am pro-life. I cannot vote against \$2 billion in funding for cancer research, the No. 1 cause of death in western Wisconsin, just to prove that I am pro-life. I cannot vote against a \$140 million increase in vocational education, and I cannot vote against the funding for educational reform for some 40 schools in my district just to prove that I am pro-life.

Mr. Speaker, I am well aware of the political price that I will pay for this vote in the pro-life constituency, but if the choice is between my district's needs and my political future, I cast my vote today for my district's needs and in support of this conference report.

Mr. WEBER. Mr. Speaker, I yield 1½ minutes to the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, I rise today in strong opposition to the conference report. I reject the notion that we should decide the fate of the title X Program on any appropriations bill. Since the Supreme Court handed down *Rust versus Sullivan*, the Energy and Commerce Committee has considered and forwarded to the full House H.R. 3090, a bill to overturn the 1988 title X regulations. This was over 3 months ago. I fought H.R. 3090 at committee, and I'm looking forward to fighting it

on the floor of this House. It's scurrilous that some don't want to fight a fair fight, though. They want to confuse the issue by tying this to a bill which contains such good programs as breast cancer and diabetes research funding. I urge my colleagues to reject this underhanded attempt to obfuscate the issue.

Mr. Speaker, I have always believed that before an abortion could be performed on an unemancipated minor, parental notification should be required. I attempted to add this to H.R. 3090 at committee, but was defeated by the narrowest of margins. I was hoping to bring this to the floor of the House as well, in the hopes that the full House would show more common sense. But this conference report has no such safeguards for the girl. This bill's language is tantamount to saying "the Federal Government knows better what is good for your daughter than you do. You do not count in this very private decision of your 13-year-old daughter. Your daughter does not need the benefit of your love and care. Our federally funded medical technocrats have a much better idea about what is best for your daughter." This notion must be rejected.

Parental involvement works. The American Journal of Public Health details the effect the Minnesota parental notification law had on abortion and birth rates. The study concluded that for teens affected by the law, "the abortion rate falls dramatically after the enactment of the law" and, "birth rates decreased in all age categories following enactment of the law * * * however, the decline was most pronounced in 15- to 17- and 18- to 19-year-old women." Prof. James Rogers who led the study concluded that "it appears that parental notification has encouraged responsible sexual behavior among teenagers in Minnesota."

Furthermore, Mr. Speaker, this is not a free speech issue as some would have you believe. Now I'm directly quoting the court in *Rust versus Sullivan*:

The Secretary's regulations do not force the title X grantee to give up abortion-related speech; they merely require that the grantee keep such activities separate and distinct from title X activities."

Furthermore, how can anyone possibly claim that forcing a pro-life physician to counsel for, refer for, make the appointment for, and provide the transportation to an abortion is free speech?

Mr. Speaker, over and over again you've heard, and will continue to hear that the Federal Government shouldn't be involved in this private decision of females. How true. By upholding the 1988 regulations we are ensuring that the Federal Government remains out of the decision entirely. You can't possibly believe the Federal Government will be out of this process when it's

paying for the decisionmaking process. Vote to keep the Government out of the abortion business. Vote against the conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I rise in opposition to the conference report because of the repeal of the title X regulations.

It is time to tell the truth about the title X regulations. The best way of getting to the truth is to read them. Here's what the regulations have to say about providing health options:

Because title X funds are intended only for family planning, once a client served by a title X project is diagnosed as pregnant, she must be referred for appropriate prenatal and/or social services by furnishing a list of available providers that promote the welfare of mother and unborn child. She must also be provided with information necessary to protect the health of mother and unborn child until such time as the referral appointment is kept. In cases in which emergency care is required, however, the title X project shall be required only to refer the client immediately to an appropriate provider of emergency medical services.

Mr. Speaker, to the contrary much rhetoric surrounding this issue, the regulations clearly require that a client's health care needs be met. It also makes clear that doctors are to provide emergency health advice and referral to pregnant women even if it results in abortion.

The regulations which will be in effect under the provisions of the bill would require counselors to counsel for abortions even if it is against their conscience. Abortion is not family planning.

I invite my colleagues to actually read these regulations before the vote which will determine their fate. A reading of them is their own best defense.

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

Mr. SCHEUER. Mr. Speaker, I rise in strong support of the conference report, and my major reason for doing so is my deep objection to the gag rule which this addresses.

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. EARLY].

□ 1430

Mr. EARLY. Mr. Speaker, I rise in strong support of the conference report on H.R. 2707, the fiscal 1992 appropriations bill for the Departments of Labor, Health and Human Services, and Education.

I want to complement the distinguished gentleman from Kentucky, the chairman of our subcommittee, who did such a fine job under very difficult circumstances.

I also want to acknowledge the fine work of the gentleman from Michigan. This was his first full year as ranking

minority member. It has not been an easy year for our subcommittee, and without his leadership and hard work we would not have a bill that addresses some of the many critical problems that face our Nation.

The conference agreement provides \$1.5 billion for the Low-Income Energy Assistance Program—\$575 million more than the budget request, but \$600 million less than we provided in fiscal year 1985.

It provides \$825 million for the child care block grant. The increase will provide an additional 40,000 slots for working families.

In the area of health: The agreement provides an \$80 million increase for childhood immunization programs. It includes \$650 million for the maternal and child health block grant, \$96 million more than requested. The \$733 million increase for the NIH will support increased research on cancer, Alzheimer's, vaccine development, heart, and other diseases.

It includes a substantial increase for women's health research, including funds for the women's health study; for research on endometriosis, uterine fibroids, and the effects and cancer risks of DES; and funds to establish an Intramural and Clinical Laboratory Gynecology Research Program at the NIH Campus and Clinical Center.

It provides a \$275 million increase for the NCI to fund urgently needed research in areas such as breast, ovarian, cervical, and prostate cancer.

Yet, we will be funding at less than a 30 percent success rate for investigator initiated research grants, and many approved and promising clinical trials will still go unfunded.

It provides increased resources for community health centers, the only access to health care that many Americans have, and for health prevention programs.

There is \$3.1 billion provided for the Alcohol, Drug Abuse and Mental Health Administration, including increases for the State Block Grant Program and for prevention.

In the area of education: The conference agreement provides a total of \$6.7 billion for compensatory education programs, including \$6.1 billion, or \$577 million more than fiscal year 1991, for chapter I grants to local school systems; there is a \$239 million increase for special education programs; \$2.1 billion is provided for rehabilitation services; almost \$6.9 billion is provided for campus-based student aid programs, and \$2.7 billion for new guaranteed student loans.

Mr. Speaker, is there enough money in this bill for the health, education, and labor programs so important to the American people? No. Would the conferees liked to have provided greater resources for the broad spectrum of needs addressed by this bill? Yes, if we could have. But, it is an equitable bill,

and the subcommittee has produced the best bill possible given the fiscal limitations it faced.

Mr. Speaker, as the distinguished gentleman of Kentucky has so often said: This is the people's bill. It provides funds for the health of our citizens, the education of our children, the training and retraining of our work force, and assistance and support for those in need.

Mr. Speaker, the American people deserve the support of this House, and I urge the adoption of the conference agreement.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me. I rise in support of this portion of the bill which has tremendous elements to benefit the National Institutes of Health.

Mr. Speaker, I rise today in support of the conference report on Labor, Health, Human Services, Education, and related agencies appropriations bill, which contains vital funding for the National Institutes of Health [NIH] to continue its program of biomedical research conducted by bench scientists throughout our Nation. The bill contains \$9 billion in 1992 funding for the NIH. I urge my colleagues to invest in America and reduce the investment deficit.

I want to commend Chairman BILL NATCHER and ranking member CARL PURSELL for their excellent work in bringing this conference report to the floor. Mr. PURSELL has just completed his first year in shepherding this appropriation and he has in all respects been a "good shepherd" and has stepped into to fill the void left by former Member Silvio Conte's untimely death. We all appreciate his effort to take on this role. Last year, I remember the comments of Chairman NATCHER, when he brought this bill to the floor and defended it from attempts to cut the funding, by stating don't cut this bill because it represents all that is really America and valued by the people: Nutrition programs for children and expectant mothers, Head Start for preschool children, job training programs and school loans so that our youth have a future, funding for school facilities and health care, including the program that I have learned so much about over the last year, the National Institutes of Health. For all these reasons, Chairman NATCHER asked his colleagues to support the bill and once again I will do the same, but with a special focus on the NIH as the reason to support the bill.

Since last year, I have cochaired the Biomedical Research Caucus along with Representatives BILL RICHARDSON, SONNY CALLAHAN, and ROY ROWLAND. We have conducted seven briefings on biomedical research including: Why is there no AIDS vaccine?, The cloning of the cystic fibrosis gene, research on women's health, heart disease and new treatments for cancer using gene therapy. We were honored to have Chairman NATCHER in attendance and Dr. Bernadine Healy, the first woman Director of the NIH, along with too

many distinguished researchers to mention by name. I have never before met so many winners of the Nobel Prize and the most outstanding minds, that I truly stand in awe of our accomplishments in biomedical research. The United States is No. 1 in this area and in fact this was the topic of our first caucus briefing, to explore the reasons why and to maintain our economic and competitive edge. As I listened and learned, a whole new world unfolded before me that holds the potential of discovering the keys to aging and within the decoding of the behavior of cells, the cure for cancer. I truly mean a new world opened up to me and its potential: The molecular world. The scientists I met are the new "Discoverers-Christopher Columbus" in this molecular sea of our cells. I was told that what we know now about genes and their role in disease and the ability to alter them was not known 10 to 15 years ago and that in 5 years time our knowledge will take another vast leap forward. None of this would be possible without the funding scientists receive from the NIH.

I was greatly impressed that the four Nobel Prize winners that I met Drs. Varmus, Bishop, Nathans, and Brown all stated that they were introduced to biomedical research by the research efforts of the NIH. They are funded by the NIH to carry out their research. Unlike the social programs in the bill, the NIH actually creates industry and jobs. We taxpayers not only get treatment for disease but a favorable return on our financial investment. One caucus briefing was on the emerging biotechnology industry, an offshoot of NIH funded research on DNA replication. The positive results from NIH funding are such that I think we should double our investment in the area. I am gathering data now on the financial returns, and I'll put it in the RECORD when I get them.

There is only one possible cloud on the NIH funding for 1992, if it is not planned appropriately. Over \$432 million of NIH funding for 1992 is not to be obligated until September 30, 1992. This will enable CBO to score the funds for 1993 and keep the bill within the budget agreement limits for outlays. Obviously, this may create a pinch in 1993, if the limits are not adjusted, but I'm not addressing this now. I am concerned that research grants not be unduly delayed by NIH in 1992. There was a rumor that the \$442 million in delayed obligation would be placed totally on the extramural grant program by NIH, thereby delaying grant awards for many months. I urge Dr. Healy and the NIH administration to spread out the impact of delayed obligations so that one program is not severely impacted, particularly one that has brought us so much glory. I am certain that this result may be accomplished with adequate planning by NIH.

I commend again the work of the subcommittee and urge my colleagues to vote in favor of the bill. Your vote today in favor of the bill is a vote in favor of America: Invest in America, invest in biomedical research and reduce the investment deficit.

Mr. PURSELL. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, this is a very serious vote for all of us. It is an especially serious vote for the 95 Republicans who voted for

this bill when it passed the House the first time.

I would say to my colleagues who want to vote against this bill because they believe their pro-life principles require it, I would say that the Secretary's memorandum demonstrates that we must all vote for this bill to delay the implementation of the gag rule for 1 year. This is why: That memorandum is more destructive than anything that has preceded it. Listen to what it says, listen carefully: "If a woman is found to be pregnant and to have a medical problem, she should be referred to complete medical care."

Mr. Speaker, if a woman is pregnant, should she not be referred to complete medical care? Does she have to have another medical problem as well? Do we have any instances or can we cite a single situation in which a male in America who needs medical attention is not allowed to be referred for medical attention until he has another illness?

Listen to what this says, and this is the Secretary's own language: "If a woman is found to be pregnant and to have a medical problem;" I urge my colleagues to support the bill and defer the implementation of the gag amendment.

I echo the comments and pleas of the other Members who have pointed to all of the important programs this legislation funds and to their great impact on people's lives and opportunities. I would remind the Members that the budget gimmickry affects only 2 percent of a \$205 billion budget. Do we ever do anything better than 98 percent? Members that voted for this bill on its first time through this body voted for such gimmickry and are only faced at this time with a bit more mischief for next year's budget than originally.

I urge support of the Labor and Health and Human Services conference agreement.

Mr. WEBER. Mr. Speaker, I yield 2½ minutes to the gentleman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I regretfully rise today in opposition to this conference report. As many of my colleagues know, I am the first Congresswoman to be diagnosed with breast cancer while in office. I understand what has been said by advocates of breast cancer research and have fought hard for programs that will work toward finding a cure for this deadly disease. This conference report calls for funding for several worthwhile and essential programs. Among these funds are a recommendation for \$50 million for breast and cervical cancer control programs, \$135 million for the preventive health services block grant, and funding for the National Cancer Institute. Language in the conference report urges the Institute to increase attention to breast, ovarian, cervical, and prostate cancer.

Mr. Speaker, there is absolutely no reason to believe that funding for cancer, diabetes, education, impact aid, or any other program will be affected by a promised Presidential veto of the legislation in its current form. These programs enjoy overwhelming support and will certainly be protected in the final version of the Labor-HHS-Education bill.

I find it disturbing that despite the fact that for months, the Senate and the House have had other vehicles available to challenge the title X regulations, the Labor-HHS-Education conference report has been chosen instead and has caused these vital programs to be entangled in a heated and unnecessary debate. This has been done in hopes that those who support the many important programs contained in the conference report will vote in favor of the bill in spite of our views against the abortion provisions therein.

It is important to note that if the conference report is adopted in its current form, title X grantees will be required to refer for abortion as a method of family planning in order to receive Federal funds. Federally funded clinic personnel—most of whom are not doctors—will receive congressional sanction to schedule the time for an abortion, arrange transportation to the abortion clinic, seek private funding for the abortion, and followup to make sure the abortion was obtained. I believe that this active involvement in obtaining an abortion by federally funded clinic personnel is entirely inappropriate.

Voting against this conference report to retain current title X regulations will not reduce funds for family planning programs by one penny. The money taken from organizations which will not comply with the regulations will be redirected to family planning organizations which do not promote abortion as a method of birth control within the context of the title X program.

Once the President's veto of this legislation is sustained, I am confident that the proabortion provision currently in this legislation will be stripped out of the bill. A cleaned up bill will enjoy our strong support and will certainly be signed into law by the President.

Mr. Speaker, I urge my colleagues to vote no on this conference report so that we can speedily sustain a Presidential veto and bring this bill back to the floor in order to provide the funding for these programs that is so desperately needed.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Speaker, I rise in support of the legislation before us, because I believe it is a bill that definitely meets the needs of the people of this Nation.

It does, in fact, increase funds for health and education, for medical research, for Alzheimer's disease, for cancer, and for AIDS. It also increases funds for community health programs throughout the Nation that meet the health needs of communities all over the United States.

While I believe that this is an excellent bill, I must at this time reiterate my disappointment that no funding was made available for the State legalization impact aid grants, known as SLIAG's, and this is for the year 1992. Funding, instead, was deferred to 1993. Not only are SLIAG health care services in great demand, but the educational program made available to aliens through SLIAG are a prerequisite to obtaining citizenship.

I am deeply concerned Congress has not upheld its promise to assist these immigrants in their quest for citizenship.

I still urge support of the legislation.

Mr. Speaker, I rise in support of H.R. 2707, the Labor, Health and Human Services, Education and Related Agencies appropriations bill for fiscal year 1992.

I am pleased that this appropriations bill provides many significant increases within the Department of Labor, especially additional funds for the Job Corps Program. The expansion of existing centers and implementation of new programs will allow additional young persons to receive training and a new opportunity. Also within the Department of Labor, the migrant and seasonal farmworkers programs received an increase of more than \$7 million to augment existing services for these workers. The number of farmworkers who are potentially eligible for, and who need these services, has grown significantly in recent years. This funding increase is a step forward in meeting this additional demand. I also commend the conferees for providing an increase for the Community Service Employment Program for Older Americans.

Within the Health Resources and Services Administration, the conferees expressed their interest in prioritizing services to minority communities in several key areas. The community health centers along with migrant community health centers received a substantial increase to be used, in part, for the healthy start initiative.

The Hispanic and Native American Centers of Excellence both received increases in appropriations and report language specifying that additional centers be established to better serve these communities. These minority centers of excellence seek to improve recruitment and retention of minority students in the medical and health professions. The centers will focus on removing cultural, education, and other barriers that historically have discouraged Hispanic and minority students from pursuing the health professions and have impeded Hispanic communities from receiving quality health care.

Moneys were also provided within the centers for disease control for a tuberculosis demonstration project that will target underserved minority and inner-city communities in an effort to immunize all children for TB.

I am pleased that the Labor, Health and Human Services, Education appropriations bill continues to strengthen the Ryan White AIDS care programs by adding \$55.7 million to the three titles. The increased funding in title I will allow additional urban centers to receive emergency assistance to combat this deadly epidemic. The conferees also provided increased funding for the reimbursement to dental schools for services provided to HIV/AIDS infected patients. These funds also provide an increase for the special projects of national significance to support the priority areas designated by HRSA, especially mental health, rural and native American priorities.

I remain dedicated to a Federal commitment that ensures continued research and services in the area of Alzheimer's disease and I am pleased that the Alzheimer's care grants now received funding for needed demonstration projects, training, and research. Grants such as this demonstrate our understanding of the growing problem and our commitment to finding its solution.

Included in this appropriations bill is a significant increase for the National Institute on Aging. These moneys will be dedicated not only for Alzheimer's research, but also to other high priority areas such as osteoporosis, incontinence, minority aging initiatives, the Claude D. Pepper centers, and frailty research.

As a member of the conference, I take particular pride in the increases for research on illness that affect women. Within the National Institutes on Health, the National Cancer Institute was substantially increased, and the agency was directed to spend this increase on breast, ovarian and prostate cancer. The NCI will be working in conjunction with other institutes to expand research initiatives in the field of women's health.

I commend the conferees for sustaining adequate funding for a variety of aging programs under the Older Americans Act such as nutrition, elder abuse, transportation services, social services, and ombudsmen activities. I am pleased to report an increase of \$3 million for the elder abuse and ombudsmen programs, and will continue to advocate for the authorized funding level for the other facets of the Older Americans Act.

The Labor, Health and Human Services, Education, and related services appropriations conference committee has demonstrated its commitment to the education of our nation by providing significant increases in many education programs. The appropriations for chapter I and impact aid increased substantially, allowing for further assistance to disadvantaged children and school districts. Bilingual education also received an increase of over \$27 million, \$12 million of which will be used to fund competitive grants for communities with large numbers of new immigrants. Domestic activities within international education programs and urban community service grants as well as the Star School Program are three other areas which received the renewed focus of the conferees and increases in funding.

Lastly, I feel that I must reiterate my disappointment that no funding was made available for the State legalization impact aid grants [SLIAG] for fiscal year 1992 and funding was deferred to fiscal year 1993. Not only

are SLIAG health care services in great demand, but the educational programs made available to legalized aliens through SLIAG are a prerequisite to obtaining citizenship. I am deeply concerned that Congress has not upheld its promise to assist these immigrants in their quest for citizenship. Mr. Speaker, both Congressman NATCHER and Senator HARKIN are honorable men; men who keep their word, and follow through on their obligations. Both chairmen have given their word that SLIAG will receive funding in fiscal year 1993. I continue to have faith that next year, when we bring this appropriations bill to conference again, the conferees will remember their pledge to provide funds for the SLIAG program in fiscal year 1993. However, I must state that if SLIAG funding is not intact for fiscal year 1993, I as well as my fellow members of the California delegation, will have great difficulty voting for the passage of next year's appropriations bill.

For the legislation before us, I urge my colleagues to support this conference agreement.

Mr. PURSELL. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Indiana [Mr. MYERS], who has followed this committee for the last couple of years.

□ 1440

Mr. MYERS of Indiana. Mr. Speaker, I share the concern many people have expressed today with the provisions of the so-called gag rule.

I rise today to compliment and to thank the chairman, the ranking member and other members of this subcommittee, for what they have done, particularly for cancer.

Fifty years ago the primary treatment for cancer was surgery, but because we have made an investment in research in the past 50 years, we have come a long way. Many people are alive today because of that research. My wife happens to be one of those people, so I speak with some experience.

Mr. Speaker, this committee has come a long way. It has done a good job on this particular bill. Cancer is rapidly becoming the No. 1 killer in this country from disease-caused deaths. So this committee this time is going to keep some people alive. It is going to continue the research. I am told by the NCI, Dr. Sam Broder, that we are going to continue research into better treatment to keep people alive who might not otherwise have survived, but particularly research for examining therapy, which holds a lot of promise that maybe we can find out the causes of cancer so that we can prevent cancer. Now we are just trying to treat it, but maybe we can prevent it sometime in the future.

So, Mr. Speaker, this bill does contain a lot of good. I am sorry that the so-called gag rule was still provided. I wish we had not done that, but we cannot wait for research and the other good things this bill contains.

Mr. WEBER. Mr. Speaker, I yield such time as he may consume to the

gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Speaker, I rise in opposition to the conference report.

As the senior Republican on the Subcommittee on Health and the Environment, I have been intimately involved in the efforts to preserve the controversial family planning regulations from congressional attempts to introduce abortion counseling and referral into that Federal program. In that capacity, I have followed this debate in the media and have been disappointed by the widespread misrepresentations that have found their way into print and onto the airwaves. I would like to correct some of the most oft stated and repeated myths about the title X family planning program.

EFFECT ON LOW-INCOME WOMEN

Opponents of the title X regulations argue that they deny constitutional protection to low-income women. This is simply untrue. Low-income women can obtain abortion counseling and referrals from any physician or hospital that accepts Medicaid patients. The Hyde amendment, of course, prohibits the Medicaid program from funding abortions, but contains no restrictions with respect to counseling and referrals. In addition, pregnant women whose incomes are too high to qualify for Medicaid benefits can obtain these services through their private insurance plans.

The only group of women who may feel shut out by the title X regulations are minors from middle and upper income families whose parents have private health insurance, but who want to obtain an abortion without their parents' knowledge. Unlike pregnant minors who actually come from impoverished backgrounds, these women are not eligible for Medicaid. Unless they seek counseling covered through their family's health insurance, they may have nowhere to turn but to the local title X clinic, which must treat even a minor from a millionaire's family as poor for the purposes of program eligibility.

FREE SPEECH AND THE DOCTOR-PATIENT RELATIONSHIP

Opponents of the title X regulations have also made the point that the regulations torpedo the right of free speech within the doctor-patient relationship. Again, I must take issue with this assertion. If the title X program were a comprehensive health program for women, rather than a program limited to the provision of pre-pregnancy family planning services, this point might be a legitimate one. But, the title X program is not, and never has been, a substitute for Medicaid or comprehensive health care provided through the private sector. In fact, according to Assistant Secretary for Health James Mason, M.D., fewer than 20 percent of all title X patients are actually counseled or examined by a licensed physician.

Chief Justice Rehnquist addressed the question of the doctor-patient relationship in the Rust versus Sullivan decision, which upheld the constitutionality of those regulations, and concluded:

Nothing in the title X regulations requires a doctor to represent as his own any opinion that he does not in fact hold. Nor is the doctor-patient relationship established by the title X program sufficiently all-encompassing so as to justify an expectation on the

part of the patient of comprehensive medical care.

Simply put, the title X program is so narrow in scope—the provision of pre-pregnancy family planning services—that it precludes any credible discussion of the "doctor-patient" relationship.

PROTECTING THE LIFE OF THE MOTHER

Remarkably, the opponents of the regulations raise an issue which both the title X regulations and the Supreme Court have laid to rest—the question whether the prohibition on abortion counseling and referrals ties the hands of a physician who wants to refer a pregnant woman for a medically necessary abortion.

Section 1008 of the title X statute prohibits the use of title X funds in any program "where abortion is a method of family planning." As Chief Justice Rehnquist held in Rust:

Abortion counseling as a 'method of family planning' is prohibited, and it does not seem that a medically necessitated abortion in such circumstances would be the equivalent of its use as a 'method of family planning.' Neither Section 1008 nor the specific regulations would apply. Moreover, the regulations themselves contemplate that a Title X project would be permitted to engage in otherwise prohibited abortion-related activity in such circumstances.

Specifically, section 59.8(a)(2) of the regulations includes an exemption for emergency care and requires title X projects to "refer the client immediately to an appropriate provider of emergency medical services." I support this requirement; indeed, to the best of my knowledge, no one opposes it.

Why, then, do the organizations opposed to these regulations argue that the regulations pose a threat to women who face life-threatening complications from a pregnancy?

MEDICAL MALPRACTICE

Finally, those opposed to the regulations argue that the title X regulations will force physicians to commit medical malpractice. Again, I find this assertion to be without merit.

As already stated, the title X regulations require physicians to refer the woman for emergency care where the pregnancy threatens the woman's health. By definition, then, the prohibition on abortion counseling and referral applies only where the woman would choose abortion for reasons other than the protection of her health. This being the case, under what circumstances would issues relating to medical malpractice arise?

CONCLUSION

The fundamental question arising out of the Rust decision is whether the American taxpayer should subsidize the promotion of abortion as a method of family planning. Like the vast majority of Americans, I do not believe that abortion should be used as a backup method of birth control. To me, abortion is morally acceptable only where the life of the mother is at risk.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman for yielding time to me, and I commend him for a wonderful job done in very difficult circumstances. I rise in support of the conference report.

Mr. Speaker, I rise today to announce my support for H.R. 2707. This bill provides much-

needed support for Americans everywhere. The bill appropriates over \$205 billion for programs such as the National Institutes of Health, OSHA, special education, low-income energy assistance, SLIAG, bilingual and immigrant education, and the Centers for Disease Control.

The Labor-HHS report will provide over \$297 million for the Childhood Immunization Program. This is more than \$80 million above last year's allotment. This funding should help us reach children all over the country who have not been immunized for measles, mumps, whooping cough, and rubella.

This bill, Mr. Speaker, is perhaps the most significant and supportive bill that will come across the President's desk this year.

And he may not sign it. He is caught up in the political hype over the gag rule. The gag rule, is a slanted, awful attempt to silence federally funded family planning clinics. Family planning clinics will not be allowed to provide honest, sound medical advice to their clients as they have since the title X program began in 1970. Under the gag, medical doctors will be forced to abandon the standard ethical medical policy of telling patients about all medical options; and instead doctors must tell a pregnant woman that she may have her child and keep it or give it up for adoption. Let's face it: Clinics will no longer take Federal funds and in many areas safe abortions will be impossible to find. We owe it to the poor women of this country to pass this bill, thus providing necessary services to the needy, and overturn the gag of the Reagan administration.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. ROWLAND].

Mr. ROWLAND. Mr. Speaker, the gag rule is not an issue about whether or not an individual can have an abortion. It is an issue about whether or not people who work in family planning clinics are gagged. It is an issue about whether or not we interpose ourselves between physicians and those people who work in family clinics and the patient.

I can tell you that there are many patients who come to family planning clinics who have diseases that later in pregnancy may be life-threatening to them, and it is very important for the physician to be able to give all the information that he has to that patient so that patient can make an informed decision about what they will do.

In addition to that, Mr. Speaker, it also poses a malpractice liability threat to the physician and those people who work in family planning clinics not to be able to provide all the information that is available to them to that patient.

There have already been cases of wrongful births because physicians have not advised individuals about all of the options they have available when they are pregnant.

Mr. Speaker, I urge adoption of this conference report.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Speaker, I rise today to urge my colleagues to support the conference report on the appropriations bill for the Departments of Labor, Health and Human Services, and Education, which, among other things, would bar the enforcement of the title X gag rule.

It appears that the issue of the gag rule is finally understood: No Federal funding can flow to any health agency which even mentions abortion as one of a woman's legal options concerning her pregnancy except to save the life of the mother. No matter how sick she is, no matter if she is carrying a seriously malformed fetus, no matter what her desperate condition might be. In other words, a woman with diabetes, AIDS, or cancer could not be told of all of her options, regardless of what it could mean to the health of the mother if she were to carry her pregnancy to term.

The memorandum sent to Secretary Sullivan by President Bush does nothing to change that. If anything, this memo indicates that there is a realization in the White House that the gag rule is bad public policy.

This is not an abortion issue. In fact, the overwhelming majority of women who walk into a title X clinic are not seeking an abortion or abortion-related services or counseling. Mr. Speaker, this is a family planning issue.

This issue is worded very carefully in the law right now. It says that no money can flow to organizations that promote abortion as a means of family planning. Well, no organization does that, and no one here supports that.

The gag rule limits the information that a woman in a title X clinic can receive about all of her legal options concerning her pregnancy. If the gag rule goes into effect, the only response that can be given to someone in a title X clinic who asks about the option of abortion is: "Abortion is not an appropriate method of family planning."

Mr. Speaker, this issue is not about abortion. It is about denying a woman information about all of the legal options concerning her pregnancy. The President's memorandum does nothing to change that. I urge my colleagues to join with me to prohibit the implementation of the gag rule.

Mr. Speaker, it is the right thing to do, and the time to do it is now.

Mr. WEBER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker and my colleague, do not be misled. All the good things in this bill, and there are good things in this bill, will be retained after the offensive abortion baggage is excised and the President vetoes it and we sustain his veto. It will go back to him with all the cancer research and all the good things in it, as it has on five previous occasions when similar vetoes were had.

I salute the chairman. There is nobody I admire as much as the gen-

tleman from Kentucky [Mr. NATCHER]. It is painful for me to have to say vote "no" on this issue, but the defense of innocent preborn human life to me is a transcendent issue. It is not a political issue.

This country is divided, very divided on this issue, but abortion is not a legitimate method of family planning, because it involves the intentional destruction of an unborn human life. Family planning is meant to prevent or promote pregnancy, not to promote extermination of a pregnancy.

This issue is about abortion, not about a gag rule. If you read the President's memorandum which was sent to you, you will find that the doctor is not gagged, and I really regret the distinguished gentlewoman from Connecticut who only read a part of this document. It is axiomatic in interpreting a document that you read the whole document. You do not excise or excerpt a part of it. Nothing in these regulations is to prevent a woman from receiving complete medical information about her condition from a physician.

See, the hooker here is the President says a physician. The doctor-patient relationship shall be unimpaired.

Oh, but Planned Parenthood wants the receptionist, wants a nurse's aid, wants a counselor to steer these women to abortion mills, to abortion clinics. That is what this is all about.

Now, counselors, whom they refer to as medical personnel, I think we ought to know a little something about counselors.

Now, a preliminary report on the counseling function in affiliates of Planned Parenthood Federation of America, and this is a Planned Parenthood document, so let us see what they say about these counselors who are going to steer pregnant women to abortion mills. They say:

Data from nearly 500 individual counselor profiles gives a clear picture of a counseling staff which is largely young and inexperienced, much of it working unpaid and probably using PFFA employment for training, experience and preparation for other jobs in the future. Counselors' formal training is relatively modest.

So they want medical advice steering abortions from these counselors.

The President has said and Secretary Sullivan has agreed that the doctor-patient relationship is ungagged. A doctor can give comprehensive medical advice to anybody who is pregnant who comes in to a family planning clinic. That is not enough for Planned Parenthood. They would want the nurses' aids, the counselors, to do the steering, to make the abortion appointment, to provide the transportation to the abortion clinic, and they want people who are not medical doctors to give a woman medical advice.

Abortion is not a proper part of family planning. This is a family planning program. This is what we are paying for.

Now, the Porter amendment in this legislation, and that is why I want you to vote "no," will reverse the regulations and turn the program into a funnel for abortion with so-called counselors mandated to do the steering.

The doctor-patient issue, the gag has been ungagged, if it ever was there, and it is off the table.

Now, do not tell me there is not notice of abortion clinics. Go to the yellow pages in your offices. They leap up at you. They are prolific. The yellow pages from Maryland, from Virginia, from the District of Columbia, bristle with abortion clinics, so they are there, but do not claim to be pro-life and vote "yes," because you will be supporting a program that makes the abortion referral, sets up the appointment, provides the transportation and the followup. That is pro-death. That is not pro-life.

I tell you, by voting "no," you are not destroying this bill. You are saving it. It should not have been weighted down with this baggage, this abortion baggage. It does not belong in this bill, and the President will veto it and it will come back to him without this baggage.

Look, abortion is so degrading. It degrades the unborn. It deprives him or her of its humanity, of its dignity. It deprives the mother of her dignity. It deprives the doctor, the abortionist, of any dignity and it degrades the society that tolerates abortion.

So I suggest, Mr. Speaker, a "no" vote is the pro-life vote and you can have both, the good programs and save unborn children.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SMITH].

□ 1450

Mr. WEBER. Mr. Speaker, I yield the remainder of our time to the distinguished Republican leader, the gentleman from Illinois [Mr. MICHEL].

The SPEAKER pro tempore (Mr. MCDERMOTT). The gentleman from Illinois [Mr. MICHEL] is recognized for 3½ minutes.

Mr. MICHEL. Mr. Speaker and my colleagues, the controversial part of the Labor/HHS bill this year has not been money but title X, or so we are led to believe. I am reminded of the day when I was sitting in the chair of the gentleman from Michigan [Mr. PURSELL] and arguing and arguing and arguing over money, money, money. And the next day billions of dollars—the next day, in the press, having the deliberations covered, not one line about money, only about maybe the abortion issue.

Now, again you never read much in the press today on this bill about delayed obligations. It is one of those esoteric budget terms we love so much and which have no meaning, quite frankly, beyond the beltway. What it

means is appropriating funds in one year but delaying the actual expenditures until the next year, and, quite frankly, it is an out and out gimmick, let us face it. This conference report is full of delayed obligations, over \$4 billion, to be exact.

Take the low-income energy assistance program as an example of this gamesmanship. The conferees would like you to believe that they are making \$1.8 billion available for this program in fiscal 1992, an increase of \$200 million over last year. Sounds nice, does it not? Oh, it is beautiful.

In reality, \$400 million of that total is not available for expenditure this year because it has been shifted into next year.

Another \$300 million is contingent upon the President declaring an emergency, thus exempting the expenditure from the budget cap.

But we all know the President is not going to do that. The result, therefore, is not an increase of \$200 million but actually a reduction of \$500 million in the amount of assistance people will receive this year. Only in the Congress can you add \$200 million to \$1.6 billion and come up with less than you started with.

What we have here is a legislative shell game, now you see it, now you don't, presto, gusto, sleight of hand. We ought not to be surprised. The chief negotiator from the other body was obviously wearing two hats. His Presidential campaign manager, from all reports, was in the conference calling the shots. Is that the majority version of truth-in-governing? If it is, all I can say is Katy bar the door and hold on to your pocketbooks, your wallets and your silverware.

I am proud to say that our House Republican conferees stood up against these shenanigans at the appropriate time. I only wish we had more support in that conference.

If we are ever to gain control over our budgetary excesses and restore respect to this Congress, this conference report today ought to be voted down initially and then go on to doing the business in a right and appropriate and proper way.

Mr. PURSELL. Mr. Speaker, will the gentlemen yield?

Mr. MICHEL. I yield to the gentleman from Michigan [Mr. PURSELL].

Mr. PURSELL. I thank the gentleman for yielding.

Mr. Speaker, I want to be as honest about this and remind the Members that this practice was initiated by OMB. And I have discussed that with OMB. So the fault does not lie entirely with Members on either side of the aisle but it really started, Mr. Leader, with OMB. I agree 100 percent that this gimmick ought to be corrected because it is seriously going to jeopardize our outlay numbers next year.

Mr. MICHEL. I thank the gentleman. The gentleman full well knows, having

served with my colleagues on both sides of the aisle for some 24 years on that committee—no disrespect to any one of our Members here—just that we have always had our differences and arguments, particularly on this bill where there are so many billions and billions of dollars involved, that we have had the right to say what we really felt was appropriate on that occasion. That is what this Member felt he ought to say today.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY of New York. Mr. Speaker, I rise in strong support of the conference report and commend the chairman for his outstanding work and the work of his subcommittee.

This bill contains funding for our Nation's most critical domestic programs—labor, health, and education. The programs in this bill touch the lives of every American.

As a member of the Education and Labor Committee, I would like to express my particular appreciation to Chairman NATCHER for the enormous effort he has made again this year to increase funding for our Nation's education programs. The conference report is once again a tribute to his foresight and determination to see that America's schools become the best in the world.

This bill will also have a profound effect on the 5 million American women who rely on federally funded title X clinics for family planning services. The bill overturns the administration's gag rule regulations which prevent women from getting information about all of their medical options when facing an unintended pregnancy.

The facts are plain and simple. The gag rule puts the quality of health care in jeopardy and infringes on our fundamental rights to free speech and to choose safe, legal abortion.

Make no mistake about it: Over 20 medical organizations, including the American Medical Association, agree that the gag rule prohibits doctors from exercising their first amendment rights to give patients full information about their health care. Even if a woman asks about abortion, even if she has a medical condition such as diabetes, AIDS or heart disease that would be aggravated by a pregnancy, she could not be told that abortion is a legal option. It would not even be legal to tell her where to go to get abortion information. Don't let the extremists fool you. This regulation goes against the very grain of medical ethics and effectively requires doctors to violate the principles of their Hippocratic oath.

Moreover, title X clinics are the sole source of health care for many low-income women. Women rely on these clinics, not only for family planning but for cancer and sexually transmitted disease screening, prenatal, and general medical care. Many of these clinics have indicated that they will reduce services or shut down completely rather than censor information given to their clients. Such a result will be devastating and can only lead to more Americans having reduced access to health care.

All across the Nation, American citizens are making clear that they are tired of worrying if

they can afford to go to the doctor. Americans have had enough of the fear of catastrophic medical costs. The triumph of title X clinics is that they provide preventive care that reduces unintended pregnancies, that catches cancer early, and that ensures healthy babies. In fact, studies have shown that every dollar spent on family planning saves over \$4 in medical costs down the road. Certainly this Congress should not be in the business of eliminating this essential health care service.

This bill is also important to American women and their families because it contains important funding for women's health research. The conference report calls on the National Cancer Institute to make breast, ovarian, and cervical cancer a research priority. These diseases, which affect thousands of American women and their families, have received totally insufficient attention in the past, and this bill is designed to rectify that.

You have all heard the statistics, but have you listened to a constituent who is or knows a cancer survivor? One of my constituents is the daughter of a breast cancer survivor. Her moving words say what the statistics cannot.

She writes,
My mother taught me years ago right from wrong; how to protect our resources; war hurts both sides; you've got to help the little guy. I've watched her learn to cross country ski, perform clowning for children, climb among the Navajo ruins, all in the last 5 years. If it hadn't been for the early detection of breast cancer, my mom wouldn't have done any of those things. Thanks to early detection, she's been around to inspire my whole family. She urged me to write to ask for more research dollars for low-cost early detection screening. Mom says, "It's horrible, they've made practically no advances in the research in the last 20 years." Let me tell you my mom's rarely wrong. Are moms ever wrong? Please devote energy, time and your influence for this cause.

Today is the day for us to use our influence for this life-saving cause. For my constituent's mother, and for all of our mothers, daughters, sisters, aunts, spouses, and friends, vote for this bill. It is a vote to help American families remain whole and to avoid incredible pain and tragedy.

Another key provision of this conference report will provide \$478 million in vital funding for our Nation's community health centers and transfer an additional \$49 million from other programs to supplement our support for their important work. These centers provide much-needed health services to communities where these services would not otherwise be available, and they respond to particularly vulnerable populations in our society. It is absolutely critical that the Congress continue to provide them with the support they need.

I also want to congratulate the chairman and all of the conferees for their leadership in including provisions to nearly triple funding for community lead screening and lead poisoning prevention activities. As many of my colleagues know, the Centers for Disease Control earlier this year concluded that even trace amounts of lead in the bloodstream can cause serious and irreversible brain damage in children. Accordingly, the CDC has substantially lowered the standard for allowable blood levels of lead in children.

In many communities where the risk of lead poisoning is considered high, including West-

chester County, the new CDC guidelines will necessitate screening large numbers of children, a job beyond the means of many local health departments. The conferees have agreed to fund Federal grants for lead screening in fiscal year 1992 at \$23 million, up from last year's level of \$7.79 million. This funding is sorely needed. During the last fiscal year, for example, Westchester County submitted a successful application for lead screening assistance only to find that all the funds in the program had been exhausted before their application was reached in the priority rankings.

By nearly tripling the funding for lead screening grants, the conferees have made an important contribution in the fight against the No. 1 environmental health threat facing American children. The additional funding will help ensure that adequate resources are available to support worthy lead screening and lead poisoning prevention programs such as the one being administered by Westchester County.

Finally, I would also like to commend Chairman NATCHER for his enormous foresight in supporting the Community Food and Nutrition Program [CFNP] which will receive \$7 million under the conference report. CFNP is a small but extremely effective program that is the only source of Federal funding for local and statewide antihunger efforts. The increase in funding provided in the conference report will help ensure that children around the Nation have access to desperately needed anti-hunger programs. This increase is vital in a year in which the community childhood hunger identification project [CCHIP] conservatively estimates that 5.5 million low-income children are hungry and as many as 11.5 million children are either hungry or at risk of being hungry.

Chairman NATCHER and the other conferees clearly understand the link between nutrition and a child's educational performance. In addition to the obvious health concerns, hungry children are more likely than their peers to suffer from fatigue, irritability, and concentration problems while at school. These interrelated problems of nutrition and learning require a comprehensive approach. Under the conference report, this will be possible, and the CFNP Program will help many more children reach their educational potentials.

Mr. Speaker, this bill contains innumerable improvements in many programs which are essential to the people of our Nation. It is once again a testament to the hard work and commitment of Chairman NATCHER and the entire Labor-HHS-Education Subcommittee. I would urge all of my colleagues to support this worthy conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding, and I rise in strong support of the conference report and with gratitude for the committee on its strong support in the name of the people of the District of Columbia.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I thank the gentleman for yielding time to me, and I rise in strong support of the gentleman's bill, the people's bill, and I ask for an "aye" vote.

Mr. FAZIO. Mr. Speaker, I rise in strong support of final passage of H.R. 2707, the Labor, Health and Human Services, Education, and related agencies conference report for fiscal year 1992.

First, I must applaud the subcommittee chairman, Congressman BILL NATCHER, as well as his subcommittee staff, for the commendable job that they have done drafting this legislation. We all know how difficult it is to put this particular bill together. Yet, Chairman NATCHER has managed to fund many vital programs, in spite of this year's tremendous budget constraints.

H.R. 2707 is a pro-family bill with a heavy focus on funding basic benefits and services for American women and children. H.R. 2707 contains a \$250 million increase for Head Start, which provides mental and physical development services for low-income children and their families. This increase will enable Head Start to serve an additional 39,000 children this year, still only 27 percent of those eligible. H.R. 2707 also includes the foster care and adoption assistance program, infant mortality initiatives, the Maternal and Child Health Block Grant Program and family support payments to States, including Aid to Families with Dependent Children [AFDC].

Additionally, a vote for H.R. 2707 is a key women's health vote because H.R. 2707 contains a \$250 million women's health package. There is increased funding for the National Cancer Institute [NCI], with a heavy emphasis on breast, ovarian and cervical cancer, as well as funding for the National Institutes of Health's Office of Research on Women's Health, including the establishment of a comprehensive gynecological and obstetrical research program at the National Institute of Child Health and Human Development. There is also new funding for the Centers for Disease Control's expansion of several important women's health programs, such as comprehensive mammography and pap smear screening programs for low-income women in eight States and a nationwide screening program for chlamydia in women and their partners.

H.R. 2707 funds the Department of Education to the tune of \$27.8 billion. This includes a \$577 million increase for chapter 1 grants to school districts for supplemental compensatory education and related services to disadvantaged children. It also funds Even Start's model programs combining early childhood education with adult education for parents and chapter 1, which is for children of migrant workers and neglected and delinquent children.

However, there are those who oppose H.R. 2707. They argue that, because payments for some programs are delayed until fiscal year 1993, the entire bill should be scrapped because it circumvents the budget agreement. But even the Office of Management and Budget [OMB] confirms that this bill is within spending guidelines and does not break the budget agreement. There are some who are willing to reject the whole bill—and all of its vital pro-

grams—under the smokescreen of the budget agreement.

What H.R. 2707's opponents are really opposed to is the provision in the original House and Senate bills which overturns the administration's so-called gag rule. These gag rule regulations leverage Federal funding against family planning clinics in order to deny them the freedom to counsel honestly and objectively. This medical censorship by the Federal Government robs women dependent on Federal funding of their right to know and to choose. It prevents doctors from total disclosure of information that a patient has a right to know. Opponents of H.R. 2707 want to deny poor American women their right to firm, informative, nondirective counseling by people trained to advise women about their reproductive rights and alternatives. So, all this rhetoric about budget gimmicks is really a last-minute effort to divert us from the real issue: they are opposed to an override of the administration's oppressive gag rule policy.

I urge my colleagues on both sides of the aisle to consider that a vote against H.R. 2707 is a vote against the women and children of this country. I strongly urge my colleagues to avoid hiding behind the smokescreen of the budget agreement and stand up for what is right. I urge my colleagues to vote for H.R. 2707.

Mr. NATCHER. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. I thank the gentleman for yielding.

Mr. Speaker, I voted against this bill when it left the House because of the excessiveness of its expenditures. It comes before us again, now, with many additional millions of dollars added; and it is in its present form more than \$4 billion more than the President has budgeted.

Mr. Speaker, a tangential issue has been raised, the matter of the repeal of regulations on abortion advice. These regulations being repealed is not the reason for my negative vote. After all, even if repealed, these regulations are not the controlling matter on Federal spending on the issues already fixed by law. In other words, even if the regulations are repealed, the existing law on the use of Federal funds is not being repealed and new regulations can be drawn that would suit both sides of this abortion argument—that is what should be done.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Mrs. UNSOELD].

Mrs. UNSOELD. I thank the gentleman for yielding and rise to support the legislation and the chairman and to commend him for the good job that the House is going to do today.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. I thank the distinguished chairman for yielding time to me, and I rise in strong support of the conference report.

Mr. Speaker, I rise in support of the conference report on H.R. 2707, the fiscal year

1992 Labor-Health and Human Services-Education bill. I commend Chairman NATCHER, ranking member CARL PURSELL, the members of the subcommittee, and the staff for their hard work on this conference report.

I applaud the subcommittee members for maintaining the language in the conference report barring enforcement of the gag rule which prohibits abortion counseling in federally funded clinics. I also strongly support the increased funding for women's health research. Today's vote is not just about reproductive rights but about women's right to full, accurate information on available health care options and an increased commitment to research on women's health concerns.

The gag rule regulations put our first amendment right of free speech at stake. Not only would the gag rule violate the physician-patient relationship by dictating what can and cannot be said, but poor women would be denied the same rights granted to wealthier women solely because they are unable to pay for a private physician or clinic. We must not create a two-tier health care system by allowing these regulations to be implemented.

The women in our country deserve the health care research funding included in this conference agreement. Women's health care issues have long been disregarded and overlooked. I am optimistic that we may now get serious about breast, ovarian, and cervical cancer research and education.

I am also grateful to Chairman NATCHER and the subcommittee for their thoughtful response in the conference report to the many challenges of the AIDS and drug abuse epidemics. This conference agreement provides increases for the National Institutes of Health, which will allow significant advances in AIDS research. Funding for the Alcohol, Drug Abuse and Mental Health Administration will allow for a continuation of the highly successful AIDS prevention research projects and AIDS outreach prevention programs for injection drug users. The increased funding for drug abuse treatment will hopefully allow local governments to reduce waiting lists and expand drug treatment capacity.

The conference report also goes a long way in fulfilling the promise of the Ryan White Care Act approved by Congress last year. Over the past year, the number of AIDS cases in high impact cities has increased by 32 percent. This conference report responds with emergency assistance to better enable these local governments to cope with this growing crisis.

While there is still more to be done to respond to the AIDS and drug abuse epidemics, especially with prevention outreach efforts, this is a good bill which has set responsible priorities within limited resources imposed by our Federal budget crisis.

Again, I commend Chairman NATCHER for his leadership and I urge my colleagues to support the conference report.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PANETTA], the chairman of the Committee on the Budget.

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

First, Mr. Speaker, I rise to commend the chairman and his ranking member for a difficult task. These are

not easy issues that both of them have had to deal with. But I also rise to express the concern about the level of advanced funding, which is a concern that I share as well. But I think that Members need to ask three questions about the question of advanced funding.

The first is: Does it violate the budget agreement? The fact is this committee has brought to the floor a bill that both with regard to budget authority and outlays is well within the 1992 ceilings, and therefore it does not represent a violation of the Budget Act. Nor does it in any way create a risk for sequester.

Second, the question that has to be asked is: Is there a precedent for advanced funding? There sure is.

As the gentleman pointed out, the OMB has led the charge on advanced funding. The President himself asked for \$1.4 billion in this bill with regard to advanced funding.

Mr. Speaker, 5 of the 10 bills we have sent to the President included advanced funding. As a matter of fact, the defense bill which passed the House, the defense appropriation bill, contained \$3.3 billion in advanced funding. Mr. Speaker, I did not hear the arguments when that bill came to the floor.

Is this a good practice? In some limited areas, it is a good practice because it provides for continuous funding without disrupting the school year. So there are some points where it makes some sense.

Generally, however, I do share the concern, but here it does not violate the budget agreement. It follows precedents. Very frankly, this bill funds the right priorities for this country.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

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

Mr. Speaker, I want to get right to the heart of the matter by urging each Member to reverse the ill-advised and counter-productive gag rule imposed on federally funded health clinics by voting for the conference report. Requiring doctors and clinic personnel to withhold vital family planning services and medical information is unethical and blatantly wrong.

Every woman has the right to receive complete and accurate information on all aspects of reproductive health. How women respond to that information is their personal decision, no one else's. Government has no right to participate in the intensely private discussions between women and their doctors.

This conference report provides a responsible family-planning measure which guarantees that the education and essential health care services of women are met from the start, thus preventing painful decisions regarding unintended pregnancies.

Nationwide enforcement of HHS title X regulations could destroy federally funded family planning clinics. Their loss will only lead to a greater occurrence of unintended pregnancies, not to mention a decrease in affordable, accessible health care for women.

Clearly, these are not the times to be curbing access to medical care. To support such action is to ignore entirely the American peoples' most pressing concern.

In the final analysis, we should all remember, government should serve our needs, not dictate our choices.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

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Mrs. BOXER. Mr. Speaker, let us focus on what this bill is about. It is about America's health, and it is about America's freedom. It is about real problems of real people, real families; Alzheimer's, cancer, AIDS. A woman's health initiative is included in this bill for the first time.

Mr. Speaker, the American people need this bill, and, if my colleagues do not vote for it, they are voting against something the American people need and want.

Now the gentleman from Minnesota [Mr. WEBER] says that there is no problem, there is no gag rule in place. Maybe in his dreams. Because in reality there is a gag rule, and this bill overturns it.

The Justice Department said before the Senate Judiciary Committee, and I am quoting now:

"When the Government gives Federal dollars, the Government can control what is said."

This is Big Brother at its worst. If we can tell a physician what to say, tomorrow will we tell a teacher what to say? And then will we tell a policeman what to say? And pretty soon we are all gagged.

Mr. Speaker, this is an important vote for freedom and for health care.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. MACHTLEY].

Mr. MACHTLEY. Mr. Speaker, I rise in strong support of the conference bill.

There are those who might suggest that it may be immoral to pass this bill. But while we wait, someone is going to contract measles, someone is going to die of cancer, someone is not going to get the Head Start moneys that they need. Another person is not going to have the drug and alcohol abuse programs that they need.

Mr. Speaker, this country is on the brink of moral decay, and we must come to its rescue. We must help them.

For those who say that abortion is the only issue, they miss, I think, a very important aspect of this bill. It is going to help many people, and this is not about abortion. This is about keep-

ing Government out of a decision between an individual and a physician.

Mr. Speaker, I would urge my colleague to remember that the person who holds the scale of justice is a woman. She understands justice as well as we men in this Chamber. There are only 29 women in this Chamber. Let us let the women, as well as the men, determine their fate.

I would urge my colleagues to support this bill.

Mr. Speaker, I rise today in strong support of the conference report to accompany H.R. 2707.

This provides funding for many important programs from our schools to women's health care initiatives. However, one of the most important aspects this bill is the provision it does not fund; the so called gag rule.

We know the gag rule prohibits doctors from discussing abortion as an option for an unintended or dangerous pregnancy in title X clinics. But, most important, the gag rule prohibits doctors from telling their patients the complete truth about their health care options. Even in the case when a woman's health is in serious danger because of her pregnancy, a doctor cannot inform her of abortion as a medical option, even if it is to save her own life.

This is not an abortion issue. It is an issue which violates the sanctity of the doctor-patient relationship which has been in place for thousands of years. For the 5 million women served each year in federally funded family planning clinics, this issue undermines their right to effective medical care. And for the many health care workers in these clinics, the gag rule limits them in good medical practice. This censorship of our trained and expert medical professionals dictates our choices in health care. This censorship is wrong.

Mr. Speaker, this bill will not be the end of the debate over the gag rule. However, it does stop the censorship of doctors for a year, a year in which Congress can discuss abortion counselling policies and determine what is best for patients and doctors on this important issue.

Mr. Speaker, I encourage my colleagues to support the conference report and take this first step forward in allowing doctors to tell their patients the truth.

In particular, I commend the House conferees to agreeing to additional funding for Energy Assistance Programs, especially the Low-Income Home Energy Assistance Program [LIHEAP].

By adding \$200 million in funding to LIHEAP, bringing its funding level to \$1.8 billion, we are allowing many people to survive the cold of the winter than before. Many more people, the elderly, the disabled, low-income families, will be able to heat their homes this winter.

While I am concerned that \$400 million of this funds will not be made available until next September, I am pleased that the House conferees sought to agree that at least \$1.8 billion is needed for this crucial program.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I rise today in strong support of the con-

ference report on H.R. 2707, a bill to provide appropriations for the Departments of Labor, Health and Human Services, and Education for fiscal year 1992. I wish to commend Chairman NATCHER, Chairman WHITTEN, and the conferees for producing what is overall a very fine conference report. This bill, in terms of the health provisions, represents a long-awaited victory for the women of this Nation. This conference report represents a good beginning in Congress' recognition and reversal of the long-standing neglect of women's health concerns at the National Institutes of Health.

Mr. Speaker, every hour in this Nation, five American women die of breast cancer—yet, as a Nation, we will invest only \$90 million to combat this killer, and only \$20 million on basic research to find a cure. This year alone, breast cancer will claim the lives of 45,000 American women and over 400 from my hometown, Cleveland, OH. But aside from the human toll, this killer will cost our Nation over \$8 billion in direct and indirect costs this year. We are short-sighted if we do not invest now in finding a cure.

Mr. Speaker, on numerous occasions this year I have appealed to the distinguished subcommittee chairman, Mr. NATCHER, and his counterpart in the other body, Senator HARKIN of Iowa, to provide a \$50 million increase for fiscal year 1992 to the National Cancer Institute for research on breast cancer. Both gentleman assured me that they would make every effort to accommodate this request, and I am pleased with this final result.

Mr. Speaker, I have also taken my appeal to the women of this Nation and they have spoken. Within the last month, the newly formed breast cancer coalition, which includes many groups, both old and new, brought 500,000 letters to Capitol Hill in support of my request. Both Dr. Broder and Chairman NATCHER have assured me that with the additional funds provided in this conference report, the NCI will spend no less than an additional \$42 million, or a 46-percent increase for breast cancer research in fiscal year 1992. The bill will also ensure a 67-percent increase in NCI efforts on ovarian cancer, a 37-percent increase for cervical cancer research, and an essential 100-percent increase on prostate cancer that will affect 122,000 men in this country this year.

Mr. Speaker, I thank the distinguished subcommittee chairmen for their diligent efforts to keep their word. I would also like to thank Senator BROCK ADAMS, who introduced the companion to my bill in the other body, for his extensive efforts to secure these funds. I know that the gentleman from Maryland [Mr. HOYER] also deserves our thanks for his effort to ensure strong report language regarding the NCI priority for breast, cervical, and ovarian cancer.

I thank my Select Committee on Aging Chairman, ED ROYBAL, a conferee on this bill for his long-standing support of my work on breast cancer issues, and also for including significant increases in the bill for elder abuse and for the National Institute on Aging. In addition, I appreciate the committee's full funding of \$50 million for the CDC breast and cervical cancer screening initiative authorized last year, \$10 million of the new NIH office of women's research, and \$25 million in seed money for NIH Director Healy's new comprehensive women's health study.

Mr. Speaker, I consider this conference report a great beginning and a major victory in a long enduring battle against the scourge of breast cancer in our Nation. I appreciate the support of all of my colleagues on the congressional caucus for women's issues. I dedicate this victory to the Eleanor Preeds and the Rose Kushners of this Nation who have paved the way for others, but are not here to share in this day. I urge all of my colleagues to support this conference report—you will truly make a positive difference in the lives of millions of Americans.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I rise in strong opposition to this conference report.

Mr. Speaker, I strongly urge my colleagues to vote "no" on this conference report. This vote is crucial for two main reasons: It deals with the fact that abortion is very different from family planning. The two should not be confused. Second, this bill undermines the Hyde amendment by allowing federally paid employees to encourage women to have abortions.

It is time to make it clear that abortion is not an acceptable method of birth control. We must allow Federal family planning programs to be involved only in family planning.

Mr. PURSELL. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the conference report for the Labor-Health and Human Services-Education appropriations bill. It provides important funding increases for health and education, and it denies the use of funding in the bill to implement the gag rule.

The final bill includes critical funding for women's health research, including a substantial increase for the new Office of Research on Women's Health. It provides first-year funding for the women's health initiative, the historic long-term study on women's health. It also provides increased funding for basic research on breast, ovarian, and cervical cancer. After many years of neglect, this bill finally recognizes and begins to address the gap in research on women's health.

The conference report retains the Porter language denying the use of the

bill's funding to implement the gag rule. Congress must take every action possible to overturn the Supreme Court decision in *Rust versus Sullivan*. This decision has devastating ramifications for poor women in this country; it will create a class system for women's health by denying poor women full information about their legal reproductive options, while women who can afford private physician care will have complete information and access to these health services.

Thus, this decision will further exacerbate the already insufficient health care available to poor women. They represent the most at-risk population, and yet the gag rule will further erode their ability to obtain health services, even when they are the victims of rape, incest, or life-threatening illnesses.

It will also set a dangerous precedent by denying first amendment rights to health professionals and breaking their obligation to their patients to provide complete information. In fact, this decision is expected to result in the departure of many family planning providers from the title X program, thereby further eroding the health of poor women and increasing the number of unintended pregnancies and abortions.

Family planning providers will have to choose between providing complete information to their clients and losing Federal funding, or providing only Government-approved information in order to receive Federal support. This is not a choice that should have to be made in a free society, a society that prides itself on the right to free speech.

This issue is one that should have the support of every Member of the House, regardless of their view on abortion. It establishes a dangerous system of censorship that could be repeated for any number of Federal programs and it discriminates against poor women. In a health system that already provides inadequate care to low-income people, this decision only widens the gap between the haves and the have nots.

I urge my colleagues to support the conference report. I thank Chairman NATCHER and the members of the subcommittee for their hard work in bringing out a bill that manages to fund critical health and education priorities, despite budgetary constraints.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, today we will vote on a \$204 billion bill—that will finance three Government departments for the next fiscal year. Under ordinary circumstances, I might come to the well and argue in favor of the fiscal merits of this bill. After all, with this bill we are financing such programs as child support enforcement, foster care, and child care.

But, we all know that these are not ordinary circumstances. We all know that the fiscal realities of this bill are overshadowed. We all

know that for most of our colleagues this vote will come down to a vote for or against the gag rule.

The gag rule is a 3-year-old rule prohibiting physicians in federally funded clinics from telling women what is law in these United States of America; that abortion is a legal option. Some 3.7 million women in this country are served by federally funded clinics. And because of their economic status or where they live, most of these women have no other medical option. On top of this, an estimated 600,000 of these women have a history of health problems that could make pregnancy dangerous for them.

Yet under the gag rule, a doctor is barred from telling a woman all her legal medical options, even if her life is in danger. Even if her life is in danger. Can you imagine how difficult this is for a doctor, whose professional responsibility it is to best advise his or her patient.

If we fail to pass this bill, we will be sending a loud and clear message to the women—particularly poor women—across this country. The message will be: We in Congress, the men and women you have voted to best represent you, do not care about your first amendment rights, do not care about your doctor-patient relationships, and frankly, do not care very much about your health or your life. Please, let's not send this message. It is wrong; it is unfair; it is dangerous.

Let us pass this bill with an overwhelming majority. We must send an urgent message to the White House that if the President vetoes this bill, he and his advisers will be playing with more than just politics; they will be intervening in the lives of women across this country and denying them information to which they are legally entitled.

Mr. NATCHER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I rise in very strong support of this conference report.

Let me say that there are 353 of us on the floor of this House who voted for this bill. Let me suggest to my colleagues that since we did that nothing has changed in this bill. There is no reason for any one of the 353 people who voted to make sure that children in this country were properly immunized, who voted to make sure that NIH did its appropriate research, that voted to have Head Start and chapter I help lift up and give opportunity to young people in America; there is not one reason to change that vote.

Why?

Two issues have been discussed significantly on this floor, one of which is the so-called gag rule. Eight out of ten Americans on every poll are against the gag rule. Eight out of ten Americans polled say that physicians and medical personnel ought to be able to tell people their legal medical options, and not to do so is not proper. Eight out of ten Americans.

The other issue that has been raised on this floor has been the issue of forward funding. As the gentleman from

Michigan [Mr. PURSELL] pointed out, OMB and the President suggested \$1.4 billion in forward funding. When 353 Members of this House, on June 26, voted for health, voted for education, voted for workers safety, there was \$2.9 billion in forward funding, almost \$3 billion. Yes, there is a little more this time because we reached out for additional cancer funds for women's health issues. We reached out for SLIAG to make sure that immigration was taken care of.

Mr. Speaker, 353 Members were correct on June 26, and they will be correct today when they vote yes on the people's bill.

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

Mr. DORNAN of California. Mr. Speaker, I rise in opposition to H.R. 2707. Family planning is not abortion. It is killing human life.

Mr. PURSELL. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. YOUNG].

Mr. YOUNG of Florida. Mr. Speaker, I rise for the purpose of bringing the Members up to date on where the NATIONAL MARROW DONOR PROGRAM is today.

Mr. Speaker, included in the 1992 Health and Human Services appropriations conference report under consideration today is \$16.3 million in funding to continue the outstanding lifesaving work of the National Marrow Donor Program.

My colleagues should take great pride in the role the Congress has played in establishing and supporting this national and international registry of volunteers who are giving the living gift of life and hope to thousands of men, women, and children who would die from leukemia or one of more than 60 blood disorders now treatable with a marrow transplant.

With funds included in past appropriations bills for the National Institutes of Health and the Navy to fund the operations of the national program and a nationwide donor recruitment campaign, we have more than doubled the size of the registry in the past 12 months and soon will exceed 500,000 volunteers. With the donor rolls increasing at the rate of 20,000 per month, we are experiencing greater success in finding matched donors for patients in need of a transplant. The number of transplants utilizing unrelated donors identified through the registry this year will be double the number completed in 1990. To date, almost 1,000 patients have been a second chance at life with a marrow transplant.

My colleagues also should take great pride in knowing that the National Marrow Donor Program established by this Congress spans the globe and saves lives here and abroad. On 64 occasions, marrow has been harvested from a volunteer in another nation and been transported to the United States for transplant. On another 48 occasions, Americans have donated marrow for patients needing a transplant in Canada and abroad.

The National Marrow Donor Program works, it saves lives, and it gives otherwise terminally

ill patients and their families hope where just a few short years ago there would have been none. The success of this program is measured in the faces of those patients who are alive today because of the generosity of another person willing to donate marrow to a complete stranger.

Just about every day somewhere in our Nation a patient suffering from leukemia or any one of a number of blood cancers is receiving the gift of life in the form of a marrow transplant. It is with great pride that I can report to you that this Saturday, at All Children's Hospital in St. Petersburg, FL, my constituent and friend Grant Hartley will be receiving his gift of life. For Grant, a courageous and very sincere 28-year-old, who I have introduced to many of you, Saturday will be the first day of his new leukemia free life.

When I first met Grant 2 years ago, he had already been searching the registry for more than a year for a matched donor. At the time, there were fewer than 90,000 volunteers in the national registry and the chances of finding a donor were slim. This was especially so for Grant because he is a black American and 3 years ago when he began his search, there were fewer than 1,000 black American volunteers.

Because genetics play such a vital role in matching the marrow of donors and patients, it is more than likely that the donor for a black American patient will be a black American. The same is true for all ethnic groups such as Hispanics, Asians, and native Americans. As Grant's case indicates, we are having greater and greater success today identifying matched donors for minority patients.

This is in large part due to my colleagues on the Appropriations Committee and in this Congress who have supported my requests over the past 2 years for expanded Federal funding for donor recruitment and testing programs, especially targeted to minority communities. With funds appropriated in two supplemental appropriations bills last year, we kicked off a concerted national minority donor recruitment campaign last fall in Pinellas County, FL, which I represent, and throughout our Nation and since that time minority representation in the registry has increased more than three-fold.

There is no secret that the success of the National Marrow Donor Program is people because the more people we educate about the program and recruit as volunteers the better the chance that we have at finding matched donors for every patient in need of a transplant. You need only to meet someone who has had the opportunity donate marrow to know that mere words cannot describe the excitement of being able to save the life of a complete stranger.

David Smith, another constituent and friend of mine from St. Petersburg, FL, is one of the most eloquent spokesmen I have met who can describe the thrill of donating marrow. He has donated not once but twice and is one of the few people anywhere in the world who can say that through his willingness to volunteer he has offered life to two people.

Mr. Speaker, this is a program of heroes devoted to the greatest cause of all—saving lives. Every member of this Congress is a hero for the role they have played in support-

ing the establishment and growth of the National Marrow Donor Program. Grant Hartley and David Smith are heroes for their roles in encouraging others to become involved in this program.

The short amount of time I have today does not enable me to name all the heroes who have built this program and made it such an international success. At a later time, Mr. Speaker, I would like to dedicate a special order of this House to identify all the doctors, medical scientists, and nurses who pioneered the technology of marrow transplantation and perform life-saving transplants every day. I also would like to salute the individuals at the transplant and donor centers around the country and the world who coordinate every step along the way required to bring about a marrow transplant.

Mr. Speaker, they are all heroes in a program which got its start right here in this chamber and will continue to expand, with funds included in this bill, to save lives and give hope to families throughout the world.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. MOLINARI] to close debate on this side.

Ms. MOLINARI. Mr. Speaker, I approach the podium, and I must confess that I speak on this conference report unable to separate out my being as a legislator and as a female. I must confess that I am astounded and overwhelmed by what I have heard advised here today.

Mr. Speaker, I say to my colleagues, "If you don't like a law, don't fund it, don't fund a discussion about it," and I must confess that I find it remarkable that in this great well of democracy some have suggested we have no legal obligation to a law, we have no moral obligation to inform women of their rights in this country.

However, Mr. Speaker, as my colleagues know, American women cannot be fooled anymore. They know that whether this gag rule is enforced or not, abortions will continue, but family planning clinics will close. American women cannot be fooled anymore. They know this is not about budget busting, and they know that the President did not change the regulations.

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American women cannot be fooled any more, but today we can be hurt and today we will find out just how much freedom we have in America. And we are afraid, I believe, of the answer.

Mr. Speaker, I must confess, so am I.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise in strong support of the conference report, and I commend the chairman of the subcommittee on his excellent work.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. AUCOIN].

Mr. AUCOIN. Mr. Speaker, Bush's memo yesterday on the gag rule is one

of the most cynical documents I have ever seen. It applies only to doctors, a very small percentage of the family health care professionals who counsel low-income women under title X. Professional nurses are still gagged, and so are others who work in the clinics.

The memo and the rule only allows abortion referrals when a doctor knows a woman's health is threatened by pregnancy. Even if that is relevant, it is impossible to make that determination.

Finally, to top it all off, a poor woman can only be referred to a health care provider whose primary care activity is not abortion. That sounds fine, except that most States do not have a full service health care provider that does abortions.

The White House memo is designed to get the administration off the hook on the gag rule and to give protection to the gag rule, antichoice supporters in the House. I say that it will not work. If we vote for the conference report, we will put an end to that fraud.

Mr. Speaker, I urge the Members to vote for the conference report and support all the programs that the American people so richly deserve.

Mr. NATCHER. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Speaker, let me commend Chairman NATCHER as well. Without this bill, our country will again widen the gap between the health care haves and the have-nots. Here is what is going to happen in the next few months:

If you are a rich woman and you want to know about family planning, you go to your private doctor. Your private doctor tells you about all your pregnancy options. If you are poor, if you are a poor working woman, you go to a federally funded family planning program. But the woman who does that would get no information about her pregnancy options.

The gentleman from Minnesota said that the President has changed the gag rule. The fact is that nothing has changed. A poor working woman still could not get any information about her pregnancy options. Medical censorship would still be in place.

Mr. Speaker, I urge my colleagues to support the conference report.

Mr. NATCHER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Tennessee [Mrs. LLOYD].

Mrs. LLOYD. Mr. Speaker, I rise in support of the legislation.

Mr. Speaker, I rise in support of the conference agreement on H.R. 2707. This bill includes funding for our Nation's most important domestic programs. In addition, it bans the use of funds to implement the administration's regulations that prohibit federally funded family planning clinics from providing information about all legal medical options.

This is not a decision I have reached lightly or without considerable thought and reflection.

Indeed, as my congressional record indicates, I have always felt it important to be an advocate for those who have no voice. This is still my firm position. But I stand here today as a Member of Congress who feels it's imperative that health care be given the attention and resources necessary to assure that all women, whether they be rich or poor, have access to the quality health services necessary to lead a full and active life.

Should the administration's regulations on restrictive counseling procedures go forth, some organizations which currently receive title X funds may have to decide whether to forgo Federal funding. Should clinics be forced to make this decision, progress in meeting the health care needs of women, which is already tenuous at best, will be set back considerably. I cannot support that.

Title X clinics have made important contributions to women's health care since the program's inception in 1970. This funding facilitates voluntary family planning and educational services to almost 5 million low-income women each year through a network of nearly 5,000 family planning clinics. In Tennessee alone, title X services are provided at approximately 141 clinic sites throughout the State.

Title X is the only major program for low-income women providing comprehensive reproductive health care services. While the range of services can vary among individual clinics, key services include screening for cervical and breast cancer. With the rates for these cancers reaching alarmingly high levels, I feel it imperative that all women, regardless of their ability to pay, have access to the best care possible.

And to title X critics, I must point out that since the enactment of the program, use of title X funds for abortion as a method of family planning has always been prohibited by statute and regulation. Title X guidelines have required clinics to provide nondirective counseling—that is, counseling which does not favor one option over another—to women who request information on options for the management of their unintended pregnancy. Should the administration's gag rule be funded through this bill, poor women, who by virtue of their economic circumstances must rely on federally funded planning clinics rather than consultations with private physicians, will bear the brunt of cutbacks in essential title X-funded health care services.

I urge my colleagues to join with me in reaffirming congressional support for women's health care. Support the conference report.

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

The SPEAKER pro tempore (Mr. McDERMOTT). The gentleman from Kentucky [Mr. NATCHER] is recognized for 2 minutes.

Mr. NATCHER. Mr. Speaker, we have 13 appropriation bills each year that go through our committee. Each year we say to the people of the United States of America that this is the bill that has something in it for every man, woman, and child in the country.

We believe, Mr. Speaker, that if we educate our children and take care of the health of our people, we will con-

tinue living in the strongest country in the world. In this bill we have \$6,707,000,000 in chapter 1, elementary and secondary education. There is \$9 billion in this bill for biomedical research grants, 6,000 new grants and 22,000 total grants.

In this bill, Mr. Speaker, we have \$1,989,000,000 for the National Cancer Institute. We have \$920 million for the Job Corps, \$650 million for maternal and child health grants, \$1,900,000,000 for the AIDS research, education, and care program, and \$2,202,000,000 for Head Start.

Mr. Speaker, \$133 million is set aside for breast cancer research, and there is \$50 million in addition for screening. We have \$298 million for childhood immunization, and we have \$825 million for child care.

Mr. Speaker, in this bill for the feeding program for the elderly, we are funding Meals on Wheels for our older people. They go in at noon; and they are hungry; they need help. We see some of them walk through the door with their heads up, some with their heads down. These are the people we love, Mr. Speaker, the people we love and respect, and we take care of them. Meals on Wheels is included in this bill.

This is the bill that means so much to the people of the United States of America. I ask every Member of this House to vote for this conference report and say to the people of the United States that we know what is going on with this bill. I ask the Members to take a good look at all of it. The Members can ask my friend, the gentleman from Michigan [Mr. PURSELL], the ranking minority member, one of the very able Members of this House. We know what is going on.

Mr. Speaker, let us stay with the conference report. I ask respectfully that every Member of this House vote for this conference report.

Mr. GRADISON. Mr. Speaker, I rise in opposition to the conference report on H.R. 2707, the fiscal year 1992 appropriations act for the Departments of Labor, Health and Human Services, and Education. Much of the discussion on this conference report has centered on the issue of the future of the title X program. I have serious concerns about that program and the continuing inability of the Congress and the President to reach an agreement on this question. In addition, I object strenuously to the budgetary treatment of many of the programs in this conference report.

There are serious budgetary problems, totaling over \$4.2 billion, with this conference report. For example, over \$3.6 billion of obligational authority is delayed under this bill until the last day of the 1992 fiscal year, thereby pushing the resulting outlays into fiscal 1993. This gimmick permits the conferees to claim credit for funding these various programs in fiscal year 1992 without actually paying for them until fiscal year 1993. However, this is clearly counterproductive since the fis-

cal year 1993 discretionary spending caps are already tighter than those for fiscal year 1992.

The summer youth employment program is a perfect example. Normally, funds for the summer 1993 program would be included in the fiscal year 1992 appropriations. This year, the conferees have advance funded the \$188 million for the program.

Another gimmick is to provide \$406 million in additional funding for the Low Income Home Energy Assistance Program [LIHEAP] by classifying that funding as an emergency under the budget agreement. Without question, this emergency designation will not hold up to Presidential scrutiny. The promise to increase LIHEAP funding this matter, therefore, is an empty one and will do nothing to provide additional funds for the program.

There has been some discussion on this floor today about whether the conference report directly violates the budget agreement and who—OMB or the Congress—is more responsible for the use of delayed obligations as a budgetary gimmick to evade problems with the spending caps. In my view, as the ranking Republican on the House Budget Committee, this discussion begs the question. The issue is whether this House should sanction the use of budgetary gimmicks at all. I believe we should not. To do otherwise violates the spirit of the budget agreement and, in my view, the spirit of that agreement is just as important as a technical violation. Condoning budgetary ledgerdemain gradually erodes the foundation of the budget agreement and, at some point, all fiscal discipline is likely to be lost. The gamesmanship over fiscal policy must end or it will end the budget process.

The other and, in the public's mind, more significant issue in this conference report is the Porter amendment which would preclude the administration from implementing regulations issued in 1988 to govern the title X program.

I have long been a strong supporter of the title X program. This preventive family planning program is a critical Federal initiative to bring needed services to the poor and to women of low and moderate income. I have also opposed the appropriation of Federal funds for abortion except where the life of the mother is at risk.

I appreciate the concern of the administration that the title X program should adhere to its statutory mandate as a preventive family planning program which separates itself from the provision of abortion services. However, I remain concerned about the provisions in the Federal regulations issued in 1988 to govern the program which appear to restrict, in many cases, the ability of a woman who requests information from a title X clinician about the option of abortion from receiving that information. My chief concern is that a woman who requests information about abortion ought to be provided with an opportunity to have her questions answered. I am not interested in, and will not support, any effort to provide backdoor Federal funding for abortion. I am concerned about maintaining the integrity of the federal family planning program.

The title X program has lacked an authorization for several years. This concerns me greatly. It is unwise for any Federal program to lack a clear expression of congressional in-

tent. I, along with several other Members of this House, have offered suggestions to the administration on a compromise on the title X issue that might be acceptable to all parties.

The President, in a November 5, 1991, memorandum to the Secretary of Health and Human Services, outlined the basic principles that, in his view and based on his interpretation of current law, should govern the program. I believe that memorandum may provide the basis upon which we may be able to craft a compromise on the title X program that has eluded us for so long. In my view, the President should go farther and clearly delineate publicly what he is prepared to except. To reach a compromise, however, both sides on this issue will have to give a little, but the onus is on the President to show us where he wants the program to go. We are not there yet, but, I believe, we are getting closer.

Mr. Speaker, defeat of this conference report will give us an opportunity to remove the offending budgetary gimmicks in this bill and continue to work toward a compromise on title X. Failure to do both of these will guarantee a Presidential veto. It would be irresponsible of the House to not return to conference to work out these problems. I urge my colleagues to defeat H.R. 2707.

Mr. FRANKS of Connecticut. Mr. Speaker, I rise in support of H.R. 2707 because of the many health and social service programs funded by this bill. These programs are essential to our lives.

Among the necessary programs, H.R. 2707 provides funding for the low-income housing energy assistance program [LIHEAP]; Head Start; AIDS research, prevention, and treatment; substance abuse and maternal and child health. These programs aid low-income Americans with energy costs. They educate and care for our children and teenagers. They are helping to eliminate the devastating infant mortality rate in this country, and they are fighting against AIDS, a disease that is tearing this Nation apart. The American people need and deserve these programs.

Additionally, this bill includes language that would block enforcement of the gag rule in 1992 on abortion counseling for federally funded family planning clinics. Family planning clinics provide health services and counseling to women who have nowhere else to go. In many cases these clinics are the only places poor women can go to receive all their health care. The gag rule will impede the ability of health professionals in title X funded clinics to give the care and information women need. I believe we need to encourage and support family planning clinics, not obstruct and deter what is known to be a successful component of family planning and health care programs.

Mr. Speaker, while I will support this bill in the end, I would also like to voice my objections to the delayed-funding mechanism used in this bill. While I was not here last year to participate in the budget negotiation process, a budget agreement was reached and passed by this House. The agreement called for tough choices to be made in all spending areas. However, this year rather than making tough budget choices required under last year's agreement, Members of Congress continue to fund programs at levels which the budget cannot support. This conference report will in-

creasingly limit next year's funding options for labor, HHS, and education appropriation programs. Eventually the piper must be paid.

In closing, while I support many of the programs funded by this bill, I hope that next year the Appropriation's Committee will make the tough choices rather than putting them off yet another year.

Mr. McCANDLESS. Mr. Speaker, the conference report on this bill numbers 124 pages, and there are people in this Chamber who think the only important thing is one paragraph.

If we are going to overturn the gag rule, let's do it. Bring up a straight reversal, no strings attached, no money involved. But let's not go through this every year, as this bill would have us do, and have our colleagues forced to vote for more spending simply because they're concerned with one paragraph.

When it gets right down to it, I'd support an effort to overturn the title X regulations. To fulfill their medical responsibilities, I believe a health care worker must present all options to a patient, including the factual option of abortion. It is then up to the patient to make a choice.

But I am not going to be bullied into voting for another budget-buster just because of one paragraph. This bill is \$21.7 billion over last year's levels totaling over \$200 billion in spending next year. Thanks to budget gimmicks like delaying costs until the last day in the fiscal year, we meet our budget summit ceilings, but we must remember this is the summit that is bringing us record deficits. This is not a game to see how close to the budget ceilings we can get.

For the last 4 years, Labor-HHS bills have grown at an annual rate of 10 percent and above, with this year coming in at 12 percent growth. Over the next few years, it is projected spending will grow at a similar rate. When is this going to stop?

I'm not going to let that one paragraph blind me to the real issue. This conference report is not an abortion bill; it's another big government spending bill with the same old deficit trickery which just happens to have one paragraph on abortion. I urge my colleagues to join me in voting no on this conference report.

Mr. GOODLING. Mr. Speaker, I rise in strong support of the conference report on H.R. 2707, the fiscal year 1992 appropriations bill for the Departments of Labor, Health and Human Services, and Education. As ranking Republican of the Committee on Education and Labor, I want to commend Chairman NATCHER, the ranking member Mr. PURSELL, and the members of the Labor-HHS-Education Subcommittee, for having so successfully defended the priorities of the House in the vital policy and programmatic areas encompassed by this bill. Moreover, I believe they should be further congratulated for having once again achieved this success in the face of perhaps the most difficult conference they have had to deal with in years.

The Appropriations Committee and this body once again expressed their steadfast commitment to the funding of elementary and secondary education programs. I was very pleased to learn that the conference report provides for a very generous 10.4-percent increase over the past fiscal year's level of fund-

ing for the ESEA chapter 1 account on an overall basis. This remarkable level of overall support for the backbone of the Federal effort to help our disadvantaged children in school is also reflected in the funding increases the conference report provides for many of chapter 1's various programmatic components. Thus, I want to express my particular appreciation for the increases over last year's funding provided to the basic grants to LEA's—10.5 percent—to the Even Start Program—40.6 percent—and to the State Migrant Child Program—4.7 percent.

This past spring the Committee on Education and Labor worked on a major new literacy bill, the National Literacy Act, which the President subsequently signed—Public Law 102-73. Among the new programs this legislation created was one I hoped this appropriation measure would be able to launch right away: the establishment of State Literary Resource Centers, which were one of the components of the President's education initiatives. The conference report reveals that this will be the case; I was very pleased to find that it provides \$5.0 million to get these centers established.

Our conferees should also be thanked for their steadfast efforts to support the funding of our postsecondary student assistance programs. Among these, the College Work Study Program has never experienced any difficulties and is unanimously supported by my committee. I was glad to find that the conference report increases its funding by \$20.3 million over last year's level.

Turning now to the conference report's funding proposals for the Department of Labor's agencies, programs, and activities, I would like to express my appreciation to our conferees for restoring all of the other body's proposed cuts in the funding of two key Bureau of Labor Statistics programs: the Federal Economic Indicators program, a long-term effort to improve the quality of Federal economic data, and the program of surveys needed to make the locality-based comparability pay adjustments for Federal workers required under the Federal Employees Pay Comparability Act of 1990.

Finally, I was pleased to find that the conference report funds the Occupational Safety and Health Administration's [OSHA] Federal and State enforcement activities at a level that is \$500,000 over the President's request. My concern here, and I'm sure Chairman NATCHER and Representative PURSELL share it with me, is that when the Secretary of Labor applies the \$32 million undistributed reduction to the Department's salaries and expenses accounts required by the conference report's general provisions, I would hate to see OSHA's share of the undistributed reduction impare the agency's enforcement function. I would appreciate the Appropriations Committee monitoring the application of the reduction so that the agency's enforcement function is not weakened.

Mr. LOWERY of California. Mr. Speaker, I rise today to announce my opposition to H.R. 2707, the Labor, HHS, Education Appropriation Act for fiscal year 1992. I do so with great disappointment because while there are many worthwhile provisions contained in this important bill, there is one provision to which I have objected in the past, and will do so again

today by voting no. I would also like to commend Chairman BILL NATCHER and the ranking minority member, Congressman CARL PURSELL for their continuing dedication to bringing this bill to the floor.

I speak in reference to what has become widely known and touted by various interest groups as the infamous gag rule. Mr. Speaker, despite the hoopla which has been generated by these groups, I stand firm in my belief that we need to retain the current title X regulations. Since I'm on this topic, I will take the opportunity to remind my colleagues the purpose and intent of the 92d Congress when they enacted the title X program.

First, it was designed to provide family planning services to couples who needed assistance with conception or who needed help in preventing conception. Because the program was established to assist in preconception planning, I repeat, preconception planning, it was not their intent to provide service of any kind once a pregnancy was involved. Although post-conception services are not provided through title X, many pregnant women do qualify for a host of other Federal programs that do provide pregnancy services.

Second, these preconceptions services were intended to prevent abortion from every becoming necessary. In 1988, the Department of Health and Human Services enacted regulations to clarify what activities do and do not constitute family planning as defined by the title X program. With regard to abortion, the regulation is neither vague nor ambiguous. To the contrary, it is clear, concise, and unequivocal. It states, and I quote:

Family planning does not include pregnancy care (including obstetric or prenatal care). As required by section 1008 of the Act, abortion may not be included as a method of family planning in the Title X project.

In short, the title X program's restriction to preconception family planning means that once a woman is diagnosed as pregnant, she no longer qualifies for services through title X.

I could go on for days and weeks on this contentious and divisive issue because I know that there are colleagues of mine who differ with me on this issue, both Republican and Democrat. However, I would also like to stress other programs that are funded by this bill which I have always supported in the past, and still do support in principle and substance, but will have to vote against today because of the inclusion of the provision which would overturn the title X regulations.

As we all know, this conference report significantly increases funding in areas relating to medical research. I think that it is safe to say that one of the most important aspects of this relates to women's health. I am glad that the House and Senate conferees agree with me that the national Cancer Institute should make breast, cervical, and ovarian cancer one of its top priorities. It is especially heartening to know that the requested \$50 million for the breast and Cervical Cancer Mortality Program was kept as part of the final bill. With approximately 1 out of every 10 American women developing breast cancer during her lifetime, this funding is vital in helping them maintain their health. Underserved women all across the country, including those in my district will be able to obtain quality mammograms and pap smears.

Another health related concern of mine is that of Alzheimer's disease. Approximately 4 million Americans are afflicted with this dreadful disease. Back in March of this year, I introduced a resolution that designates the month of November in 1991 and 1992 as "National Alzheimer's Disease Month." It shares the wide bipartisan support of 225 of my distinguished colleagues. I have discussed in detail the importance of funding Alzheimer's research on and off the floor to them repeatedly. With this disease affecting one out of very three American families, it remains one of our Nation's most expensive health problems—costing the United States \$90 million per year. I've seen up close what the dreadful effects of this disease can do to the patients and their families. The endless burdens of having to take care of an Alzheimer's patient merit the Federal Government's support.

With respect to the education front, I would like to pay particular attention to the Head Start and Impact Aid Programs. I am proud to say that I have supported these programs from the first days I served as a public servant when I was the deputy mayor of San Diego.

The Head Start Program is one I am always proud to support. It is one I support not only because of its success since its inception in 1965 * * *; I support it because every single one of its goals and intentions are worthy of all of my colleagues support. This program has been able to assist preschool aged children from low-income families effectively function in their school environment and take an active role in their community. This program has shown our youth the importance of an education and implanted in them the basic values that help make our society a better place to be. I have always been a strong supporter of the concept that a solid education should be made available to all of our Nation's children, and to that end, I will do everything I can as a member of the Appropriations Committee to make sure that this program continues to receive adequate funding.

Another provision which I have always ardently supported is that of the Impact Aid Program. As the representative of a city which is the homeport to one-fourth of the United States naval fleet and contains over 15 military installations, I can appreciate the significance of this program. Approximately 25,000 federally connected students reside within the boundaries of my district. It gives me great pride to be able to stand here today and note that San Diego has consistently provided a high-quality, well-balanced educational curriculum to the children of our military families. With the rising cost of educating students at risk of dropping out or, those students from military families who transfer frequently from school to school, federally impacted schools bear a special burden of providing instruction without the benefit of an adequate budget to cover these costs. I commend the chairman, Mr. NATCHER, and members of the conference committee for their continued support for this program.

In closing, I would like to stress that while I am forced to vote "no" on this conference report, I support a convincing majority of the programs that will benefit from its passage. However, it distresses me greatly that a majority of the conferees elected to retain the title

X language knowing that it would face a guaranteed veto by the President. I support the President on this issue and stand firm in my own personal opposition to its inclusion. It is my sincere hope that after the President vetoes this bill, that the appropriations subcommittee will expediently drop the Porter amendment and immediately repass this important piece of legislation.

Mr. RICHARDSON. Mr. Speaker, I rise today to express my strong support for the Labor-HHS-Education appropriations conference report which includes language prohibiting the enforcement of the administration's gag rule regulations.

The 21st century is almost upon us and I find it difficult to believe, let alone understand, that a regulation prohibiting access to information on women's health would be tolerated or accepted. If such a gag rule were placed on information on health services for men, I don't think it would be tolerated.

The gag-rule compromises the patient/doctor relationship. A physician has the obligation to inform a patient of all medical options and every patient has the right to know those options. The administration's regulations prohibit the exchange of this vital information, preventing a physician from performing his/her duties and limiting the information a patient needs to make an informed decision about her reproductive health. Additionally, it adversely and disproportionately effects low-income women not women who can afford to go to a private physician.

Mr. Speaker, I am pleased to support the Labor-HHS-Education appropriations conference report and I urge my colleagues to do the same.

Mr. STUDDS. Mr. Speaker, I rise in strong support of this conference report, which prohibits implementation of the administration's gag rule in family planning clinics.

The gag rule is unwise, it is unethical, and it should be illegal. When the Congress created the title X family planning program 20 years ago, we did not intend to muzzle health care providers. Rather, we intended to ensure that all women, regardless of their economic circumstances, have access to complete information about their health care options.

Supporters of this dangerous regulation would have us believe that this is a debate about abortion. But it is not. Ask our colleagues who are not pro-choice but who oppose the gag rule.

We are not talking about the Federal Government funding abortions. That is prohibited by law and nothing in this bill would change that. All we are ensuring is that low-income women and teenagers will be entitled to complete information about their medical condition, to the same description of medical options available to them as to those who can afford private care.

Mr. Speaker, with this vote today, 406 men will be setting Federal policy in an area that we personally know nothing about—on a subject that affects a woman's life in the most profound way. Not one of us has ever been or ever will be faced with an unplanned pregnancy. Not one of us will ever experience the anxiety of the pregnant 16-year old from the Bronx, or Hyannis, or New Bedford. Not one of us will be forced to receive medical advice that we cannot trust because it is incomplete.