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House of Representatives

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. HANSEN].

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
May 8, 1996.

I hereby designate the Honorable JAMES V. HANSEN to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

O, gracious God, from whom all blessings flow, bestow upon us the gifts of Your spirit. Where there is hunger, may people know the gifts of Your bounty; where there is loneliness, may there be a spirit of sharing and caring; where there is violence, may people know security; and where there is anxiety or pain, may every person know the confidence and the healing that Your word can give. May Your blessings, O God, that are new every day, be with us now and evermore. 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.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota [Mr. GUTKNECHT] come forward and lead the House in the Pledge of Allegiance.

Mr. GUTKNECHT 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. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

H.R. 1296. An act to provide for the administration of certain Presidio properties at minimal cost to the Federal taxpayer.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1467. An act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be fifteen 1-minute speeches on each side.

DOES ICWA REALLY PROTECT CHILDREN?

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

Ms. PRYCE. Mr. Speaker, the Indian Child Welfare Act has been misapplied and distorted in recent years, hurting countless children.

Consider the story I heard from a mother in Alaska. The little girl who is now her adoptive daughter was placed in foster care at the age of 7 months due to the Indian Child Welfare Act. After a year, the baby was placed with a biological grandmother, a native American, with the understanding that her two sons, both convicted child sex abusers, move out and live elsewhere.

Well, they never left and the baby was found in a compromised situation, upon which the grandmother returned the child to the youth services with no explanations and no belongings. Only after this horrifying ordeal and after the native community failed to find a safe native home was she placed with this Native Alaskan couple who eventually adopted her.

The adoptive mother writes to me, ''We are lucky. Our daughter was placed in only five foster homes before she found a family that was suitable to the tribe.'' There are many other children who are being kept from loving homes for 3, 4 and 5 years awaiting tribal action.

Mr. Speaker, this is a native American speaking. She knows ICWA needs reform. She knows firsthand.

HAPPY BIRTHDAY, HARRY

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute.)

Ms. MCCARTHY. Mr. Speaker, I rise to pay tribute to our late President, Harry S Truman, on the 112th anniversary of his birth.

In his life and his Presidency, Harry Truman exhibited the characteristics of leadership courage decisiveness, humility, and deep respect for others. His no-nonsense, buck-stops-here approach to facing even life's most difficult situations enabled him to become one of our country's greatest presidents.

President Truman was a leader in the true sense of the word. He refused to let uncomfortable situations or unpopular opinions stand in his way of

making the difficult decisions required of a statesman. He stepped into the Presidency at a time of crisis for this Nation, and he guided us into our most productive years.

The lessons we can learn from Harry Truman are applicable today. As we in Congress continue our efforts to balance the budget, reform welfare and health care, and provide a future our children can say yes to, we should remember his approach to governing, and his commitment to the people of this Nation. Above all, Harry Truman got the job done. It is time for us to get the job done, Mr. Speaker, in memory of this great American. Happy birthday, Harry.

THE OBSTRUCTIONIST MINORITY

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

Mr. LEWIS of Kentucky. Mr. Speaker, Bill Clinton is no Harry Truman.

Mr. Speaker, you would have thought that when the people of this Nation spoke so overwhelmingly for change in 1994 by sending a new majority to Congress, the new minority would have cooperated and yielded to the wishes of the American people.

Mr. Speaker, it is sad to say, but the new minority, the liberal Democrat whiners, have done nothing but stand in the way of change. Just let me give you a few examples of their obstructionism. Instead of helping balance the budget, they brought false charges against the new Speaker of the House, taking up his time when he could have been working on the legislative agenda.

Instead of helping the new Republican majority reform welfare, the liberal whiners just wanted to march to the floor and accuse the new Republican freshmen of being extremists and wanting to starve children.

Instead of helping middle-income families get tax breaks, the liberal obstructionists wanted to falsely charge the new majority with giving tax breaks to the rich.

Instead of helping the Republican majority save Medicare, the liberal whiners and complainers just stuck their heads in the sand and tried to scare the elderly.

Mr. Speaker, if there is a good example of do-nothingness in the 104th Congress, it rests squarely on the shoulders of the whining, complaining, liberal, obstructionist Democrats.

HARRY TRUMAN'S WISDOM

(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, today we celebrate the birthday of a truly great American. Harry Truman was a straight talking, commonsense Democrat who took over as President after the death of Franklin Roosevelt and led this Nation to victory in World War II.

Harry Truman took responsibility for his actions. He kept a sign on his desk in the oval office that said, ''The buck stops here.'' And he wasn't afraid of his critics. He often said, ''If you can't stand the heat, stay out of the kitchen.''

Republican House Speaker NEWT GINGRICH would do well to consult the wisdom of Harry Truman who could offer better advice than the management gurus the Speaker turned to when he led us to two Government shutdowns.

In today's Washington Post, the Speaker attacks the press and says that there is what he calls a conspiracy in the media that is undoing the Republican revolution. Mr. Speaker, there is no conspiracy. The American people reviewed your program and rejected it. As Harry Truman would have said, ''If you can't stand the heat, stay out of the kitchen.''

GOVERNMENT SHUTDOWN, A DEMOCRAT TACTIC

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

Mr. GUTKNECHT. Mr. Speaker, we saw during last winter's budget battle that if liberal Democrats down at the White House did not get their way, they simply shut down the Government. They fought with every fiber against saving Medicare, against commonsense tax relief for families, against welfare reform and a balanced budget.

Mr. Speaker, the cycle is repeating itself.

Yesterday, the Democrat leader in the other body, issued an ultimatum: ''We are simply going to shut this place down.'' In other words, because the Democrats did not get their way, they are willing to shut down the business of this country.

This is shameless. Liberal Democrats are willing to shut down the Government so that they can pander to the big union bosses here in Washington.

Tax relief, welfare reform, a balanced budget, saving Medicare, all of that is on hold because the Democrats want to score a few cheap political points with the special interests here inside the beltway.

MAKE SURE THAT WORK PAYS

(Mrs. KENNELLY asked and was given permission to address the House for 1 minute.)

Mrs. KENNELLY. Mr. Speaker, I recently received a letter from the Jobs Partnership Committee of HART, one of the preeminent community groups in Hartford, CT. In the midst of a highly charged political debate on the minimum wage, this letter points out the real world concerns so many Americans are dealing with, and I would like to share a portion of it with my colleagues:

> We write to support congressional efforts to increase the minimum wage. Many jobs in Connecticut are posted at $4.27 an hour, but we cannot afford to live on yearly incomes of $8,880. We ask how the Government can impose sanctions on welfare benefits and time limits, and at the same time uphold poverty rate income levels in the private sector.

I think that is a good question. If we are serious about moving people from welfare to work, we have to make sure that work pays. The proposed modest increase in the minimum wage is a first step—and a necessary step—toward welfare reform, and I would urge my colleagues to take it.

TAX FREEDOM DAY

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

Mr. KNOLLENBERG. Mr. Speaker, yesterday was tax freedom day, May 7—the latest it has ever been.

That means American working families are working longer for the Federal Government than ever before.

American working families pay almost 40 percent of their total income to the Government in taxes.

American working families are giving more to the Government, leaving less for their everyday needs.

Less for groceries, less for gas, less for whatever we may desire.

American working families have watched their tax freedom day fall later each year under the Clinton watch.

That is not rhetoric. Those are straight-up facts. The Republican-passed family tax cut would have turned this trend around. A repeal in the gas tax would turn this trend around. A capital gains tax cut would turn this trend around.

American working families are taxed too much. Let us turn this Clinton tax trend around. Let us cut taxes. Let us get the Government out of America's pocket.

RAISING THE MINIMUM WAGE SHOULD BE A BIPARTISAN EFFORT

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

Mr. DURBIN. Mr. Speaker, last Monday in Chicago, IL, I met a lady who works for Montgomery Ward and makes barely more than the minimum wage. She is staying off welfare. She is raising her children. She is doing the right and responsible thing. She deserves a raise.

Mr. Speaker, I asked her what she would do with the $150 a month which would come her way if the Democrats and 21 brave Republicans who have joined us have our way and raise the minimum wage. She said, ''The first

thing I would like to do is buy a new pair of eyeglasses. It has been a long, long time.''

Mr. Speaker, I think Senator DOLE and many of the Republican leaders really do not understand what real families face each and every week and month keeping their families together, paying for the basics.

We need an increase in the minimum wage. It should not be a Presidential campaign issue. It should be a bipartisan effort, as it has always been, to make sure that some of the hardest working people in America have a fighting chance.

Mr. Speaker, in terms of cutting the gas tax, let us not do that at the expense of education. The gentleman from Texas [Mr. ARMEY], the majority leader, is wrong. We need college student loans for the kids of working families.

CHILD SUPPORT ENFORCEMENT IS WELFARE PREVENTION

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

Mrs. ROUKEMA. Mr. Speaker, during the 1992 campaign, President Clinton pledged to end welfare as we know it. Last year this Congress passed a comprehensive welfare reform package, which the President promptly vetoed.

Clearly, this debate is going to continue for months. All the while that we are debating, America's children are suffering. Mr. Speaker, a key component of our welfare reform package was tough child support enforcement amendments; amendments designed to force the deadbeats to honor their legal and moral obligations to their children.

Over $6 billion each year in the basic necessities of life are denied these children because of lack of child support payments. In fact, HHS tells us that up to 25 percent of all families who are on welfare are there because they are not getting the child support that they are due.

That is why I call an effective interstate child support system welfare prevention. My colleagues, this Sunday is Mother's Day. Let us pass this legislation now. No more delays.

DO NOT SHOOT THE MESSENGER

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

Mr. GENE GREEN of Texas. Mr. Speaker, what we are hearing from the other side is, ''We are going to shoot the messenger and not change our message.''

The Speaker in today's Washington Post said he is now blaming the media for the unpopularity of the Republican Party issues. He says the media is the reason why the public strongly opposes what they are trying to do to Medicare, opposing increases in the minimum wage, cutting education and the environment.

Mr. Speaker, I will be the first to admit that the media and I sometimes have disagreements. But at some level we are all accountable. We have to be accountable. Maybe it is not the messenger. Maybe it is the message.

We cannot balance the budget by cutting education funding, by cutting Medicare, and by shutting down the Government and by opposing a minimum wage increase. We need to be responsible for our message, and not blame the messenger.

□ 1115

THE HIGH LEVEL OF TAXATION

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

Mrs. SEASTRAND. Mr. Speaker, the American people are outraged at the level of taxation they face. Yesterday was May 7. It was also tax freedom day, the day that Americans stop working for the Government and start working for their family. What that means is that every dollar earned from January 1 to May 7 is given to State, local, and Federal taxes. Think about it, Mr. Speaker: January, February, March, April, part of May. All the money that you earned in those months is now taxed away because someone here in Washington believes that Government can spend money better than those who earn it.

When President Clinton took office, he, along with his liberals in Congress, passed the largest tax increase in American history. He proved that the Democratic Party is truly the party of higher taxes and big government spending.

Republicans don't believe higher taxes are the answer. We are working to cut taxes and let you, the American people, keep more of what you earn.

THE GENDER GAP

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

Mrs. SCHROEDER. Mr. Speaker, the airwaves are filled with Majority Leader DOLE and Speaker GINGRICH talking about how they are going to close the gender gap. Well, I have a little suggestion for them. As we approach Mother's Day, I want to say to them, maybe they cannot stop Republicans from fighting with Republicans on their side, but could they at least get them to stop attacking each other's mother.

This weekend when we saw ''Meet the Press'' and we saw Tim Russert asking Majority Leader ARMEY about the dispute between GINGRICH and Senator D'AMATO, we saw Majority Leader ARMEY go right after D'AMATO's mother. He said, you know, his mom apparently did not teach him not to bite the hand that feeds him.

I hope this weekend on Mother's Day, maybe Mr. Russert will allow Mrs. D'Amato to respond to that, and I also hope that we stop attacking people's mothers. That may be one of the causes of the gender gap.

SPACE STATION IS THE WORLD'S GATEWAY TO SPACE

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

Mr. WELDON of Florida. Mr. Speaker, Congress will once again this week have an opportunity to support the International Space Station Program.

This is an exciting project, Mr. Speaker, and not just because of the tremendous science capability of the space station, nor just because it is the largest cooperative international science project in history, and not just because of the inspiration it will bring to the children of our world.

Mr. Speaker, any one of these reasons are exciting enough to stand on their own merit, but I want to tell you about another exciting aspect of the Space Station Program.

The space station represents our first permanent step into the unknown. This is our Nation's foremost exploration program, and it holds unimaginable opportunities for exploring our last frontier.

Throughout history, nations that cease to explore and expand their civilization eventually perish, and we must not let our Nation go down that path.

Support our future. Support the space station.

ECONOMISTS SAY THIS ECONOMY IS GREAT

(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, economists keep telling us how great the economy is. If the economy is so great, why do most families need two jobs? Why is every major company getting rid of workers? Why are gasoline prices going through the roof?

Why do government workers now outnumber factory workers? Why has consumer debt reached a record $1 trillion, and why did 1.1 million Americans file bankruptcy last year?

Mr. Speaker, if the economy is so great, why do the American people rate politicians two notches below used car salesmen. I believe, Mr. Speaker, these economists are smoking dope.

TAX FREEDOM DAY

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

Mr. LINDER. Mr. Speaker, congratulations America. Today you begin to work for yourself. Tuesday was tax freedom day. For the previous 4 months and 7 days, Americans have worked solely to pay local, State, and Federal taxes. At last, working Americans are earning money to pay the mortgage and clothe the kids.

For too long, taxes have been piled on the American people because liberal politicians believe that they can make better choices with our money than we can. The Federal bureaucrats have never trusted our citizens to decide what is best for their families and communities. No one spends someone else's money as carefully as he spends his own. Washington has proven that.

Americans should be allowed to keep more and do more with their hard-earned money. The Government must stop taxing them into longer hours and second jobs. Not only is the Government taking Americans' money, it is essentially taking the precious time they would normally spend playing with their children, going to PTA or church functions, or volunteering in their communities. Higher taxes have become a tax on free time and family too.

DO NOT CUT EDUCATION

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

Mr. DOGGETT. Mr. Speaker, last year our Republican colleagues sought to place a $5,000 burden on young people who want a 4-year college education. At the same time, they came along and proposed to give thousands of our youngest Americans a wrong start instead of a head start by defunding much of the program needed for early childhood education.

Fortunately, Americans spoke out against this extremism. In the early part of this year, our Republican colleagues yielded and we got an appropriations process approved for this year that protects education and the hopes and dreams of so many American families. But hardly had that victory been won than Sunday on television we had the gentleman from Texas [Mr. ARMEY], the majority leader, saying that he was willing to fund a tax break in order to do that through cuts in education.

Mr. Speaker, education is not the place to cut. Though our Republican colleagues suffered from shutdown fever last year and this year they are having sinking spells that the American people understand their agenda, please do not provide this gimmick that you feel you need in order to get a rise in the polls. Do not fund it by cutting education.

OIL PROFITS ARE UP

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

Mr. KLINK. Mr. Speaker, here they go again. Snake oil salesmen looking for a magic cure. The Republicans have come up with this idea that the 4.3-cents-a-gallon tax that was put on back in 1993 somehow did not cause the price of gas to go up in 1993, did not cause it to go up in 1994, did not cause it to go up in 1995. But all of a sudden, in 1996, this pent-up tax caused it to go up 30 cents a gallon.

Well, we are not really buying that. We know that they are really reaching for straws. We heard Philip K. Verleger, Jr., who is an oil economist, say, if you cut taxes, the incremental difference is going to go to big oil, not to the motoring public. In fact, an analysis by the Democrats in the Committee on Commerce has shown that, while this gas price was going up, just during April and March of this year, that the value of the stock options by oil company executives rose by $32.8 million.

GAS TAX REPEAL

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

Mr. STUPAK. Mr. Speaker, we continue to debate how to deal with a sudden hike in gas prices.

This is an important issue in my district. The First Congressional District of Michigan sprawls across hundreds of miles of the upper Midwest.

With extensive forests and beautiful rivers, with shoreline on three of the Great Lakes, tourism is an essential industry in my district. It is the second biggest industry in Michigan.

But my district is also full of hard-working Americans who value education.

Title I, Head Start, drug-free schools, and student loan programs are essential investments in the future for families in my district and the rest of America.

But the majority leader has suggested education be cut to make up for lost revenue, if part of the Federal gas tax is repealed.

Mr. Speaker, through shutdowns and budget gridlock we have fought and won battles to protect education.

Now, in an effort to deal with an unrelated problem, we have to fight another Republican assault on education.

Let's not penalize American schoolchildren to help their parents at the gas pump. It makes no sense for my district or the Nation.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule: Committee on Agriculture, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on International Relations, Committee on Resources, Committee on Science, Committee on Small Business, and Committee on Veterans' Affairs.

Mr. Speaker, it is my understanding that the minority has been consulted and there is no objection to these requests.

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

Mr. THOMAS. Mr. Speaker, reserving the right to object, my ear heard ''tomorrow.'' I believe it is to be today.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, be permitted to sit tomorrow.

Mr. THOMAS. Mr. Speaker, I believe it is today.

Mr. SOLOMON. It is today; is that correct?

Mr. Speaker, I thank the gentleman for calling my attention to it. We would not want to include tomorrow, just today. In that case, let me renew my unanimous-consent request to ask unanimous consent that these committees be allowed to sit just today.

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

There was no objection.

ESTABLISHING SELECT SUBCOMMITTEE TO INVESTIGATE UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 416 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 416

Resolved, That (a) there is established a Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia (hereinafter referred to as the ''select subcommittee'') of the Committee on International Relations. The select subcommittee is authorized to sit and act during this Congress at such times and places within the United States, including any common-wealth or possession thereof, or in any other country, whether the House is in session or has adjourned.

(b) The select subcommittee shall be composed of 8 members of the Committee on International Relations appointed by the chairman of the Committee on International Relations, 5 of whom shall be members of the majority party and 3 of whom shall be appointed upon the recommendation of the ranking minority party member of the committee. The chairman of the Committee on International Relations shall designate one of the majority party members as chairman. Any vacancy occurring in the membership of the select subcommittee shall be filled in the same manner in which the original appointment was made.

(c) The select subcommittee is authorized and directed to conduct a full and complete investigation, and to make such findings and recommendations to the Committee on

International Relations as the select subcommittee deems appropriate relating to the following matters:

(1) The policy of the United States Government with respect to the transfer of arms and other assistance from Iran or any other country to countries or entities within the territory of the former Federal Republic of Yugoslavia during any period that an international arms embargo of the former Yugoslavia was in effect.

(2) The nature and extent of the transfer of arms or other assistance from Iran or any other country to countries or entities within the territory of the former Federal Republic of Yugoslavia during the period that an international arms embargo of the former Yugoslavia was in effect.

(3) Any actions taken by the United States Government to facilitate or to impede transfers described in paragraphs (1) and (2).

(4) Any communications or representations made to the Congress of the United States or the American people with respect to the matters described in paragraph (1), (2), or (3), with respect to the international arms embargo of the former Yugoslavia, or with respect to efforts to modify and terminate United States participation in that embargo.

(5) Any implication of the matters described in paragraphs (1), (2), and (3) for the safety of United States Armed Forces deployed in and around Bosnia, for the prompt withdrawal of United States Armed Forces from Bosnia, for relations between the United States and its allies, and for United States efforts to isolate Iran.

(6) Any actions taken to review, analyze, or investigate any of the matters described in paragraph (1), (2), (3), (4), or (5), or to keep such matters from being revealed.

(7) All deliberations, discussions, or communications within the United States Government relating to the matters described in paragraph (1), (2), (3), (4), (5), or (6), and all communications between the United States Government (or any of its officers or employees) and other governments, organizations, or individuals relating to such matters.

(d) The select subcommittee shall be deemed to be a subcommittee of a standing committee of the House of Representatives for all purposes of the Rules of the House, including clause 2(m) of rule XI, but not for purposes of clause 6(d) of rule X. The select subcommittee may sit while the House is reading for amendment under the five-minute rule.

(e)(1) The chairman of the select subcommittee, for purposes of its investigation, may, upon consultation with the ranking minority party member of the select subcommittee, authorize the taking of affidavits and dispositions pursuant to notice or subpoena, by a member of the select subcommittee or of the staff of the Committee on International Relations designated by the chairman of the select subcommittee, or require the furnishing of information by interrogatory, under oath administered by a person otherwise authorized by law to administer oaths.

(2) The select subcommittee shall provide other committees and Members of the House with access to information and proceedings, under procedures adopted by the select subcommittee consistent with clause 7(c) of rule XLVIII of the Rules of the House of Representatives. However, the select subcommittee may direct that particular matters or classes of matter shall not be made available to any person by its members, staff, or others, or may impose any other restriction. The select subcommittee shall, as appropriate, provide access to information and proceedings to the Speaker, the majority leader, the minority leader, and their appropriate cleared and designated staff.

(3) Authorized subpoenas may be signed by the chairman of the select subcommittee.

(f) The select subcommittee shall transmit a report to the Committee on International Relations not later than 6 months after the date on which this resolution is agreed to. The report shall contain a detailed statement of the findings of the select subcommittee, together with its recommendations.

(g) The select subcommittee shall cease to exist 6 months after the date on which this resolution is agreed to.

□ 1130

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I might consume. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 416 was introduced on April 29 by the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], and referred exclusively to the Committee on Rules as a matter of original jurisdiction. It was considered by the Rules Committee on May 2 and reported to the floor that day.

This resolution establishes a select committee of the Committee on International Relations to investigate the United States role in Iranian arms transfers to Croatia and Bosnia. The purpose of the resolution is to permit the Committee on International Relations to create a select committee, select subcommittee, for the exclusive purposes of investigating what role, if any, the United States played in the shipment of arms from Iran to Croatia and Bosnia, notwithstanding the 1991 United Nations embargo against such shipments to the former Nation of Yugoslavia.

The resolution is designed to focus in a single unit of this House the primary responsibility for investigating this matter while permitting cooperation with other committees of jurisdiction, particularly the Permanent Select Committee on Intelligence, Mr. Speaker.

The resolution is also needed to provide certain additional authorities to the subcommittee to permit it to conduct a thorough, yet expeditious, investigation, and these would include the authority to sit and act both within and without the United States, the ability to sit while the House is considering legislation under the 5-minute rule, the authority for the chairman of the subcommittee, in consultation with the ranking minority member, to designate a single member of the subcommittee, or staff of the committee, to take depositions and affidavits.

The select committee would be limited in both time and scope, as it should be, as the resolution specifically outlines its parameters and contains a 6-month sunset clause.

Mr. Speaker, I do not want to go to great lengths in describing the events leading up to the need for this investigation. Needless to say, if the administration had adopted the policy that this Congress has recommended on at least two different occasions to unilaterally lift the embargo on Bosnia, then we might have avoided such a backdoor approach by a country we have attempted to isolate, a terrorist Nation called Iran. What we know is that while the Clinton administration was vigorously opposing congressional attempts to lift this ill-advised, immoral arms embargo, it was simultaneously winking at one of the world's worst rogue regimes as it violated the arms embargo.

Mr. Speaker, that not only makes no sense, it is simply outrageous. Only this administration, which has proven itself so completely incompetent in the field of foreign policy, could conclude that it was better for Iran to give arms to Bosnia than for the American Government or the American private sector to give arms to Bosnia.

But even more fundamental questions arise, Mr. Speaker, as to the operations of our foreign policy and the administration's obligation to keep the Congress fully informed, which in this case it absolutely did not.

Beyond that there are serious questions as to whether the administration even attempted to keep those parts of its own executive branch charged by law with overseeing such policies fully informed. They did not. It appears that not even the CIA was aware of this policy. Can my colleagues imagine that? In addition to the Defense Department and several U.S. Embassies in the Balkan region not even knowing what was going on, I mean they are an integral part of the administration and they were not even bothered to be told.

Mr. Speaker, no one questions the need for secrecy regarding certain foreign policy initiatives or actions, certainly not this Member, but enough serious questions remain to warrant us getting to the bottom of this, and that is what this subcommittee will do, I am sure. I think we can have the greatest confidence in the leadership abilities and the fairness of the person designated to head this select committee, the gentleman from Illinois [Mr. HYDE]. I served on the Committee on Foreign Affairs with him for many, many years. In addition, he is the chairman of the Committee on the Judiciary, highly respected by every Member of this body on both sides of the aisle. His foreign policy expertise, his intelligence and his integrity are certainly beyond reproach.

Mr. Speaker, I think it is important to point out that this resolution does not go as far as some previous select committees or task forces have done because this is not a select committee and it is not a task force. It is a select subcommittee of a standing committee.

For instance, a chairman of the subcommittee has not been delegated the

authority to authorize subpoenas. That must be voted on by the whole subcommittee with the majority being present, just like it would be in any other standing committee.

So I want to take this opportunity to commend the gentleman from New York [Mr. GILMAN] on taking this necessary but very balanced approach to this disturbing set of circumstances that have to be cleared up in order to find out and to set a precedent for what kind of foreign policy we will have in the future.

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

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

(Mr. FROST asked and was given permission to include extraneous material.)

Mr. FROST. Mr. Speaker, this select committee is not only completely unnecessary but also completely political.

It is being created to investigate a policy issue and nobody is claiming wrongdoing. Make no mistake about it, the rule we are discussing is pure politics and nothing else.

The creation of this committee and the subsequent expenditure will amount to $1 million of work for the Dole campaign.

The issue my Republican colleagues claim needs investigating, the issue of Iranian arms shipments to Bosnia and Croatia, has been common knowledge to every single Member of this House since early 1994 and absolutely no one objected to those shipments. In fact, in October of that same year, Congress voted to look the other way on enforcing the arms embargo. Furthermore, the Intelligence Oversight Board determines that there was no covert action and no violation of laws whatsoever.

Mr. Speaker, here are the facts: Everyone knew these arms transfers were taking place; nobody objected; a majority of the House voted not to enforce sanctions; and absolutely no one is accusing the White House of any wrongdoing.

So why on earth, Mr. Speaker, do my Republican colleagues want to spend $1 million to investigate nothing at all?

Frankly, I don't see how anyone can stand here and tell me this ridiculous, trumped up charade which is scheduled to end the week before election day is anything more than a cheap political stunt.

And, may I remind the House, Mr. Speaker, that the creation of this committee is being dictated by the same leadership that is asking congressional committees to perform opposition research for the Dole campaign.

Mr. Speaker, I think the Republican leadership ought to be ashamed.

They are creating a whole new congressional committee just because they can and it is wrong. They are actually trying to spend $1 million to investigate something no one objected to 2 years ago, and, on top of that, they are demanding the committee finish its work a week before election day.

I don't think the creation of this committee could be any more transparent, Mr. Speaker.

If this issue really needs to be investigated, which I doubt, and if it is not a political move, then why can't it take place in the existing structure of one of the standing congressional committees?

Mr. Speaker, I urge my colleagues to defeat the previous question in order to conduct this investigation within the existing structure of the Foreign Affairs Committee and using the existing resources instead of an additional $1 million.

If the previous question is not defeated, I urge my colleagues to vote against the resolution to keep our legislative branch out of presidential politics: It's a waste of money; it's a waste of time; and it's insulting to the American people.

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

Mr. SOLOMON. Mr. Speaker, I yield 4 minutes to the gentleman from Sanibel, FL [Mr. GOSS], a very valuable member of the Committee on Rules and also a very valuable member of the Permanent Select Committee on Intelligence.

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

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from New York [Mr. SOLOMON] for yielding this time to me.

Mr. Speaker, this resolution provides a measured and appropriate response to recent disturbing disclosures about secret administration policy with respect to Iranian arms shipments during the Bosnian conflict. I think most Members would agree that there remain many serious questions about this policy, the circumstances surrounding its formulation and the lack of information provided to the Congress regarding its execution. These questions are particularly important given the presence of thousands of United States troops in Bosnia and the serious national security consequences of encouraging an Iranian foothold in Europe. It is not only the clear right, but also the obligation of Congress, to conduct a careful review in search of more thorough answers to these questions, a point made eloquently at the Rules Committee by the distinguished ranking member of the International Relations Committee, Mr. HAMILTON. Mr. HAMILTON advised that he believes this is undoubtedly an issue for Congress to investigate. As stewards of the management of this House, the majority has determined that the most effective means for conducting this review is to create a special purpose, temporary, select subcommittee within the International Relations Committee, and that is precisely what House resolution 416 proposes to do. It is our judgment, and the judgment of such respected foreign policy experts in this House as Mr. GILMAN and Mr. HYDE, that this matter requires the focus, expanded resources, and clearly defined authority to gather information of a special select subcommittee. Given Mr. HAMILTON's reasoned words and his candid assessment of the complexity of the issues involved in this matter, I am dismayed that some of his Democratic colleagues in the House are still resisting this investigation. This resistance is even more puzzling given news reports that the minority leader in the other body has publicly expressed no opposition to it. Although other committees, including Select Intelligence, on which I serve, will be exploring certain points of jurisdictional interest, it is sensible and practical for one body to accept the primary, exclusive and comprehensive responsibility for this task. In addition, through this resolution we are clearly defining the job description of this select subcommittee, while providing a clear and decisive end-date for the investigation.

Mr. Speaker, Members of this House and the American people have a right to know how it was that, at a time when the administration was publicly opposing bipartisan efforts in this Congress to lift the Bosnian arms embargo, the President and a few others working for him pursued a policy of tacit approval for Iranian arms shipments through Croatia to the Bosnian Government. Apparently we had Americans working against Americans in our Croatian country team—the White House reportedly working against itself and Congress. In addition to the troubling gap between the public exhortations of the Clinton administration about preserving the arms embargo and the apparent private decision to allow Iran to supply arms in contravention of the embargo—I am troubled at the apparently calculated lack of congressional notification about these events. This was not CIA; ironically they were the whistleblowers, according to the press. This was a small band of the President's men, it seems. And, perhaps most troubling of all, I am deeply concerned about the long-term impact of allowing an outlaw terrorist nation, Iran, to establish a presence in Bosnia. This goes beyond foolish policy to increased national security risks and it is not a matter to be taken lightly by this Congress. We need the truth from the White House, the whole truth. This resolution starts us in that direction. I support this resolution and urge my colleagues to do the same.

☐ 1145

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, this resolution is designed to implement the oft-repeated trademark of the self-styled Gingrich revolutionaries: Promises made, promises broken. They came to the floor of this Congress last January and told us they were interested in reforming the committee process and

cutting the amount of taxpayer money spent in this Congress.

As a new Member, I joined with them in that effort. How do they proposed to fulfill that promise today? By adding a $1 million subcommittee, $1 million paid by the taxpayers of America; another subcommittee that is five times more expensive than the average subcommittee in this House. That is promises made, promises broken.

Who says the Republicans do not want to raise the minimum wage? They proposed to pay four of their political backers over $100,000 each to man this expensive subcommittee. They want to raise the minimum wage. They just want to do it for a handful of their political friends, instead of for the hardworking people of this country.

This subcommittee should rightfully be called the rabbit trail subcommittee, because they are down there chasing another rabbit. They have not got the slightest idea how to solve the real problems of the American people, so instead of focusing on those problems, they head off to Bosnia. Instead of focusing on solving our problems here at home, in dealing with the real troubles that hardworking families across this country have, they want to chase off to Bosnia.

Mr. Speaker, last year they caught shutdown fever and they could not seem to get rid of it. This year they are suffering another malady. It is the same malady, but there are other symptoms. They are called sinking spells. They just keep sinking right on down into the ground in the polls, because the American people understand that all they have given us is promises made, promises broken. As a solution for this sinking spell that they are now suffering, they proposed gimmicks like this subcommittee.

Mr. Speaker, I would say to my Republican colleagues, heal thyselves. Stop wasting taxpayer money on this kind of frivolity.

Mr. SOLOMON. Mr. Speaker, I yield myself 1 brief minute to call attention to a report that was put out by the Democratic leadership back in 1992. It is ''Management of the Federal Government: A Decade of Decline.''

As the gentleman from Pennsylvania [Mr. CLINGER] says in his letter to the gentleman from Georgia [Mr. GINGRICH]:

> I have enclosed for your information and your use a staff report from the former Committee on Government Operations entitled ''Managing the Federal Government: A Decade of Decline.'' This report chronicles mismanagement and ethical lapses which occurred throughout the Reagan and Bush administrations.

I could go on, but it is strange to hear them come here now and complain, when they went to considerable time and expense using committee staff to put out this report. I just do not understand this kind of logic.

Mr. Speaker, I yield 2 minutes to the gentleman from Claremont, CA [Mr. DREIER], a valuable member of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I think some very important questions have to be addressed here. That is the reason that we are strongly supporting establishment of this subcommittee. It seems to me that as we look at these questions, to have my friends on the other side of the aisle saying this is totally unnecessary, one must ask: Was the administration telling the American people, Congress, our allies, and even most of the executive branch one thing while it was doing another? Did any of the administration's actions violate U.S. law? Was the U.S. Government's role in these arms transfers simply passive, or was it, as the Los Angeles Times stated on April 17, more hands on? Which Government officials knew about these arms transfers and when?

How extensive was the effort to keep Congress uninformed of the Iranian operations? Why did the Clinton administration allow Iran to extend its influence into Europe after the administration had announced a policy of isolating Iran? Why would the Clinton administration allow Iran, a State Department terrorist nation, as it is designated, to unilaterally violate the arms embargo, after repeatedly ignoring U.S. congressional pleas and directives for the United States to do so? Did the administration's action increase the risk to United States Armed Forces deployed in Bosnia, or decrease the likelihood of a timely withdrawal of United States Armed Forces from Bosnia?

Mr. Speaker, these are among the many questions that must be answered. For my friends on the other side of the aisle to claim that this is totally unnecessary is preposterous. These need to be answered because of our constitutional responsibility, and the fact that we are accountable to the American people and to those who are courageously standing and serving on behalf of our country.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON]

Mr. GEJDENSON. Mr. Speaker, I think it is important to look at the history here. We had 4 years of the Bush administration where they did nothing while mass murder continued in Yugoslavia. President Clinton came along and, with tremendous effort, was able to get a peace process that is now holding.

Why are we here today? The gentleman from Pennsylvania [Mr. WALKER] and the gentleman from Iowa [Mr. NUSSLE], two of the gentlemen who are the gentleman from Georgia, Mr. GINGRICH's, closest associates, sent out a message to committee chairmen: Use taxpayer money to get the President. What are they trying to get the President on?

Let us take a look at it. The Iranians were shipping arms to the Muslims in the former Yugoslavian area from the beginning, but in April 1994 the administration did not stop the Iranians from sending arms into Bosnia.

Mr. Speaker, there was no law, no U.N. resolution that mandated they do that. But that is what happened in April. In May, the Washington Post publishes a report of Iranian arms shipments into the former Yugoslavian Republics. That was in April 1994.

Now we are in May 1994. Everybody who reads the Washington Post now knows it is going on, or they ought to have a pretty good suspicion. What happens in June? Congress passes an amendment calling for a unilateral lifting of the arms embargo, violating our U.N. agreement, maybe putting our embargo of Libya in danger. But we are all concerned about what is happening with the slaughter there.

Just in case Members think Republicans missed the Post article, here we have on June 24 a Washington Times story: ''Iranian Weapons Sent. Aid Gets U.S. Wink.'' It is included in the Senate RECORD by Mr. MCCAIN, who is leading the effort for Senator DOLE'S reelection.

Now, just in case you think Congress knew about it and wanted to stop it after it was in the papers, what did Congress do, with the gentleman from New York [Mr. GILMAN] and the gentleman from Illinois [Mr. HYDE] voting in favor of the resolution? It passed a resolution in the defense authorization bill which said that the President should be prohibited from interfering with arms shipments into the former Yugoslavian Republics; the President should be prohibited. It did not say the President should be prohibited except for the Iranians who have been shipping arms there to the Muslims from the beginning. It simply said, across the board, the President ought to be prohibited from interfering with arms shipments.

The U.N. resolution did not call on us to take this action. There was no congressional action to have the President interfere with Iranian arms shipments. To the contrary, this Congress passed a resolution that told the President he was not to interfere with arms shipments from other countries.

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

Mr. Speaker, it seems odd to see the gentleman from Connecticut, whose name has appeared on the National Taxpayers Union's list of biggest spenders since the year he came here, complaining about wasting taxpayers' money.

Mr. Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from California [Mr. COX], the chairman of the Republican Policy Committee.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, during his recent circumnavigation of the planet, President Clinton stopped at the G–7 summit to

hector our allies about leaning harder on the Iranian mullahs who are shipping arms to the Hezbollah guerrillas in Lebanon. But while he was publicly condemning Iran, and while the administration and the President were calling Iran the main source of international terrorism, we find that President Clinton was in fact conniving for even larger Iranian shipments into the Balkans.

Mr. Speaker, let us take a look at the history of this. It was May 1992 that the United Nations imposed an arms embargo on the former Yugoslavia. The United States supported this arms embargo, but Bill Clinton, who was running for President, opposed it. He said it was a cruel arms embargo, and that we ought to lift it. He became President and completely changed his policy, and broke that promise and said, ''No, we are going to have an arms embargo, because it would be wrong now for anyone to ship arms into the Balkans.''

The Congress, for its part, agreed with candidate Clinton, not President Clinton, and supported lifting the arms embargo with a view not to letting Iran into Europe but, rather, our allies such as Saudi Arabia and Turkey supply the Bosnian Muslims with arms. But the President of the United States opposed even that, and in particular, of course, he opposed the United States in any way being involved in arms shipments into the Balkans.

Finally, Mr. Speaker, we discover that the President concealed not just from the American people, not just from the Congress, but from the CIA and from the Joint Chiefs of Staff the United States' complicity, through our American Ambassador, in these direct Iranian shipments into the Balkans.

What is wrong with this? First, it is wrong to structure an operation of this type for the express purpose of concealing something from the Congress. All that has gone before about whether or not these shipments were taking place, whether or not people knew about them, elides over the fact that what we did not know and what the CIA station chief did not know and what the Joint Chiefs did not know was about the administration's and the President's and the Ambassador's own involvement, all of this structured for the purpose of concealing this from the Congress.

What about the policy? It is insane. It is absolutely insane to give Iran a toehold into Europe. That is the policy that was being concealed here. One can understand why.

Is it worthwhile for us to have a very time-limited and financially limited committee to take a look at this? Of course it is.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mr. Speaker, there is more misinformation going on around here, and especially by people who call themselves great budget hawks. Let us talk about what is going on. They want $1 million, that is five times more than the average subcommittee has in this Congress, $1 million for a short-term subcommittee. They are going to take care of these people, too. Four are going to make over $100,000 apiece.

They have a line item in here for bottled water. This is the bottled water subcommittee. They have another line item that they get new RCA color TV's. That makes you wonder a bit, too. But the real issue is this House is already spending $37.2 million for 132 staff people to look at foreign affairs issues. There are supposedly three Bosnia investigations going on right now in those standing committees, so this will be investigation No. 4.

The only way I can read this is the three are not turning up what they want, or they figure if you have four and you keep having enough committees out there, maybe somebody will finally find something on President Clinton. This is desperation politics, I think, at its very worst.

Let us think about what else they did. We have done away with the committee on drugs, we have done away with the committee for seniors, we have even done away with the committee on hunger, children, youth, and families. Apparently those are not issues anymore. We do not have enough money to spend on those issues. But we can now have the fourth investigation on Bosnia, the fourth.

Mr. Speaker, that does not make any sense to me. I think if we do not think the other three are doing well, then fire the people who are in charge of them, put the right people in, but you do not keep piling on more. That is why we are so suspicious. Having this follow the political memo, this looks like a political subcommittee.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana [Mr. HAMILTON].

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

Mr. Speaker, I rise in opposition to the resolution. I think it is overkill. This is really not the way to handle a dispute on American foreign policy.

□ 1200

The select committee is unnecessary. There are no compelling reasons for it. There really are no disputes about the facts. There are no allegations of violation of the law. It is a simple dispute over policy.

The fact is that in the spring of 1994, the President had some very tough judgments to make. Does he try to stop the arms shipment and watch the Bosnian Government go down the tubes? Does he lift the arms embargo unilaterally, and that would fracture the NATO allies? Or does he do nothing, and thereby allow shipments of arms from Iran to go through Croatia to Bosnia?

He chose the third alternative. Some people may disagree with that. Some may believe it is bad policy, but three things about it I think can be said: First, the policy worked. It produced peace, and through this peace the Iranian presence in Bosnia has been reduced practically to zero. Second, many Members knew about the arms shipment at the time and they did not protest. And third, Congress, just 3 months after the administration decision, codified into law where it directed that no funds be used to enforce the arms embargo.

The second point I would make is that creating this subcommittee is a mistake because it duplicates the efforts of a lot of other committees at a cost of about $1 million. There are already three committees in the House, I do not know how many in the Senate, looking into this matter and will continue looking into it.

Just a few minutes ago, the Committee on International Relations, the full committee, not a subcommittee, under the very able leadership of my friend from New York, Mr. GILMAN, voted to subpoena the testimony of two State Department officials. That is a clear indication that the committee is conducting an investigation, and that investigation of policy is proper and reasonable, but there is no reason to set up a separate subcommittee to do this.

Finally, may I say that I think it is a mistake to establish this subcommittee simply because it falls far short in ensuring the rights of the minority. We were not consulted in drafting this resolution. The resolution gives the minority almost no role in the establishment or the operation of the subcommittee.

I want to say that I have confidence in the chairman of this select committee to be established, I assume the gentleman from Illinois [Mr. HYDE]. I think we will work well together. But it is not an unreasonable request to insist that the resolution adequately protect minority rights.

Therefore, I urge my colleagues to defeat the resolution. We need instead to let the standing committees of the House do their work and report back to the House on the question. We do not need a select committee with a very large payroll to examine the wisdom of the administration's policies.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the very distinguished gentleman from California [Mr. THOMAS].

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

Mr. Speaker, I would respond to my friend and colleague from Indiana that he knows full well we just went through a committee funding procedure in which the chairman of the select subcommittee made a number of statements on the record.

But before I talk about a comparison between the October Surprise Task Force, which was chaired by the gentleman from Indiana, and the current

select subcommittee, I just think we need to revisit the statements made by the chairman of the October Surprise Task Force as to the rationale for the Democrats, who were then in the majority, to conduct a task force which for 8 months ran without any funding whatsoever and wound up spending five times as much, open-ended funding. This is what the gentleman from Indiana said when asked about the task force in front of the then-Committee on House Administration.

Representative LEE HAMILTON said, quote, ''There was no clear pervasive evidence of wrongdoing, but we ought to go forward.'' He said he did not know if the allegations were true or false, but we ought to spend $4.5 million.

He then went on and said he did not know, quote, ''how to get to the bottom of it unless you have a formal investigation with a body with some kind of empowerment to issue subpoenas and to take statements under oath.'' He said the objective of the task force that the Democrats put in when they were in the majority was a simple one: ''The objective is to simply find out what happened.''

If you heard the gentleman from California [Mr. COX], about how this President, even within the secret inner sanctums of the national security structure, did not talk about letting Iran into Europe, I think the Congress of the United States ought to at least know what was happening.

Now, let us talk about the funding and the ratios. As I said, the October Surprise Task Force operated for over 8 months and spent virtually the entire amount of this select subcommittee before ever coming before a committee to be authorized to spend money.

Let us talk about relationships. The gentleman from Indiana said he did not know what the relationships were. Hogwash. During the hearing in front of the Committee on House Oversight, it was clearly spelled out by the chairman of the full committee and the chairman of the select subcommittee what those ratios were going to be, and guess what? In terms of the consultants, it is a 50–50 split.

In no use of staff is the now-minority being treated in any way worse than the old minority, which is the majority. As a matter of fact, the new majority is treating the old majority in a fairer way.

So there are some differences. We are putting the money up front. We have a time limit on it. But the questions, the reason for creating of the October Surprise Task Force and this one are the same. We want to get to the bottom of what could be a very smelly situation.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, it is immoral to stand by while a quarter of a million people are massacred as victims of genocide. Maybe that is why for the last 2 years the Congress has not done anything about the information that it had in June 1994. The Congress reads the papers. It listens to its colleagues on the floor of the House and Senate.

In June 1994, Senator MCCAIN said clearly, unequivocally:

> Croatia has become a major transit point for covert Iranian arms shipments to Bosnia with the tacit approval of the Clinton administration, which publicly remains opposed to a unilateral lifting of the international arms embargo.

Senator MCCAIN said that to all the Senate. The House was aware of that information, and yet for 2 years no Member of the House or the Senate has asked for a hearing. No Member of the House or the Senate objected to what they knew the administration was doing. We said nothing. We are the ones who kept quiet about it.

I think that there is good reason why we kept quiet about it. For one thing, the majority would have as a reason that they might be embarrassed that it was the Bush administration that lost Yugoslavia, and it was the Bush administration that supported the U.N. Security Council resolution that imposed the arms embargo in the first place.

That arms embargo was supposed to apply to Serbia and Croatia, who were the aggressors in the conflict, who had plenty of arms, who had access to plenty of arms. But in effect the arms embargo only applied to Bosnia, who did not have sufficient arms to protect itself, who did not have access to arms, so it was an unfair policy.

Because it was such an unfair policy, this House of Representatives put itself on record 3 months after the Clinton administration was aware that the arms might go into Bosnia, we put ourselves on record demanding that the Clinton administration do just what we are today accusing them of doing. We told the President not to use any appropriated funds to enforce the arms embargo, and 3 months later it became law. We legally required the Clinton administration to do exactly what we are now accusing them of doing, and it was an overwhelming vote in both the House and Senate.

I think that we should also be careful, and I do not want to offer any advice to the other side, but to bring up the Iran-Contra situation in this context I think is a serious mistake, because the Iran-Contra situation was clearly illegal. This was not illegal. The Clinton administration did not supply any arms to Bosnia. It did not take any overt activity. But it was illegal for the Reagan administration to sell arms to Iran and then to use the money subsequently for another illegal operation.

We should not waste the taxpayers' money on this politically inspired witch hunt.

Mr. FROST. Mr. Speaker, I would inquire of the time remaining on each side.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from New York has 11½ minutes, and the gentleman from Texas has 13½ minutes.

Mr. FROST. Mr. Speaker, I yield 4½ minutes to the gentleman from Maryland [Mr. HOYER].

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

Mr. HOYER. Mr. Speaker, it is with a certain degree of sadness that I rise. I think frankly that the specter of election-year politics raises its head very high in this instance.

I am one who consistently opposed the Clinton administration's policies and without exception supported the unilateral, immediate lifting of the arms embargo. I did that so that peoples under siege, peoples being raped, pillaged, children being killed, ethnic cleansing occurring, yes; genocide occurring could be stopped. I believed that it was immoral and wrong for the United States and its Western allies to keep from the Bosnian people the means for self-defense. But the West as a joint policy, with the British and the French leading the argument, ''Do not arm. It will put our troops at risk that are on the ground.''

Contrary to the representations of the gentleman from California [Mr. COX], the President did not lie. He said he wanted a unilateral withdrawal, but he thought it would undermine our alliance and therefore would not support it.

But the fact of the matter is we, as the gentleman from Virginia pointed out, by law, and I do not know how the gentleman from Illinois [Mr. HYDE] or the gentleman from California [Mr. DORNAN] or the gentleman from New York [Mr. SOLOMON] or the gentleman from Florida [Mr. GOSS] or the gentleman from New York [Mr. GILMAN] or the gentleman from New Jersey [Mr. SMITH], who are on the floor, voted on that, but we said, ''Mr. President, you must stop arms coming to these defenseless people.''

We said that. We directed them in the defense authorization bill of 1994. Now, as the Presidential campaign is about to get underway, we lament the fact that the President of the United States followed the law and allowed them to get from whichever source they could the arms to defend their homes, their freedom, the democracy that they wanted to establish, the multicultural society which had been a fact of life in Sarajevo and in Bosnia.

What a tragedy, Mr. Speaker, that we now found ourselves driven solely by politics to this point where we raise the issue that a President of the United States, any President of the United States, and I will tell my friend from Virginia, I thought the Bush policy initially was correct in Bosnia, which was to leave it to the Europeans. It turned out we were all wrong. The Europeans did not engage it and solve it. Ultimately the United States had to do that.

But I regret my friend from New York, who is a very close friend for

whom I have great respect, and the gentleman from Illinois, for whom I have very great respect, are at this time looking at what I believe to be a very short time frame, not the long time frame where history will judge America not only by what it does, but if we had stopped the Bosnians from getting arms from whomever they could, we would have been wrong.

A gentlewoman on your side of the aisle, one of your most conservative Members walking with me yesterday said, ''Well, good for the Iranians getting them arms. They needed arms, and I was for them getting arms.''

That was an honest, nonpolitical response.

□ 1215

Mr. SOLOMON. Mr. Speaker, I cannot imagine any conservative Republican woman in this body saying such a thing, but I will have to take the gentleman's word for it.

Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. GILMAN], the very distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time. Mr. Speaker, I regret the gentleman from Maryland has characterized this as a political action.

Mr. Speaker, in April 1994, the Clinton administration secretly decided to permit Iran to ship weapons to Bosnia in violation of an international arms embargo.

The administration took this action even as it strongly opposed the efforts of many of us in the Congress to terminate that unjust embargo against Bosnia.

The administration argued that our allies feared that terminating the embargo would endanger their troops on the ground.

The result of this foolish and deceitful policy has been to give the terrorist state of Iran a sizeable foothold in Europe, endangered our troops in Bosnia, as well as peace and security there.

The administration has argued that this is no big deal, stating that Congress forced them to stop enforcing the arms embargo in November 1994.

According to the Los Angeles Times, the idea of not enforcing the embargo was proposed by Senator SAM NUNN at a meeting in August 1994 with Ambassador Charles Redmond—then our chief negotiator in the Balkans.

The article states that Redmond discussed at length the legislative language the administration would accept.

But he never disclosed that the administration had already given Iran a go-ahead to smuggle arms into Bosnia.

This is the same Iran that the administration's own annual report on terrorism, issued just last week, states that it is a major supporter of such terrorist groups as Hizbollah and Hamas.

The report also states, and I quote: ''Because of Tehran's and Hizbollah's deep antipathy towards the United States, U.S. missions and personnel abroad continue to be at risk.'' Close quote.

A select subcommittee of our International Relations Committee is needed to find out just how and why the Clinton administration made this major change in policy without telling Congress, the American people, or even our NATO Allies.

A select committee is needed to find out why—if the administration did want the Bosnians to have arms, it allowed a terrorist state like Iran to provide the arms and secure a beachhead in the Balkans.

Accordingly, I urge our colleagues to support the resolution.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

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

Mr. BERMAN. Mr. Speaker, my friend from New York claims this is not political. Forty-five minutes ago he, under the direction of his leadership, with the passionate support of his Republican members of the Committee on International Relations egging him on, pushed through that committee a subpoena of two of our Ambassadors, not to the select committee that we are creating for $1 million now, but to the committee on International Relations, notwithstanding the fact that the Secretary of State this very morning had called him and told him he would make these people available at any mutually agreeable time and wanted to do anything he could to cooperate with the committee's efforts.

This is purely political.

We talk about Iran and we hear these comments. I do remember a time when we gave lend-lease to the Stalinist thugs who had committed the purges and killed millions of people because we thought a national interest required us to do that. The country of Bosnia was about to go down. I remember my friend from Illinois speaking in the committee about article 51, the compelling moral and legal right to help somebody defend themselves from extinction. That was what was at stake in this particular issue.

Mr. Speaker, I have not heard one word of any question of either the legality or the morality of this particular decision. Our options were not good, we had to make a decision based on the circumstances at the time. The administration made that decision. A country was saved. To now, for what I believe are truly political motivations as I watched what happened this morning in the Committee on International Relations, go back to the people who most passionately spoke in favor of helping this country get arms to defend itself, now wanting to make political hay out of it, I think is quite a tragedy for this House.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. DORNAN], another very distinguished member of this body who has served on the Committee on Foreign Affairs with me, served on the Committee on National Security and the Permanent Select Committee on Intelligence. He is a very outstanding member of this body.

Mr. DORNAN. Mr. Speaker, I guess it is every man for himself on both sides of the aisle, whether or not their heart is pure and they think it is political. If anybody wants to tell me that my feelings on this issue are political, I'll just laugh in your face. I have been over there in that area more than any other Member of the House or Senate, except for staffers on both sides, and administration staffers, and I am a bit offended that my good friend from Texas would get up and say that it is ridiculous, trumped up, a charade, cheap political stunts, he is ashamed of us.

I am on the Permanent Select Committee on Intelligence in my eighth year. What was wrong with the schizophrenic Clinton policy is that the leaders of all of our committees, Intelligence, Foreign Affairs, Defense, everybody was shut out of this policy. It came down to a handful, as I predicted it would 3½ years ago, to the Strobe Talbot team, figuring out how they could have their cake and eat it too.

It looked like they were licking the boots of the countries that wanted no Muslim state on European soil, the leaders of England and France, Great Britain and France principally, and then to allow the infrastructure of a terrorist state to win the hearts of the people who were being genocided was a nightmare policy.

I read the NID, the National Intelligence Daily, as assiduously as any member of our Permanent Select Committee on Intelligence. I cannot speak for the Senate. And I can feel the pressure building. I can feel the similarities to Lebanon, which occurred under my hero, President Ronald Reagan, where one suicide terrorist bomber was able to destroy 241 Navy, Army, and of them 221 young Marines. Now we have got a pressure cooker building because we did not have the guts, as I wanted to do, to go against the Bush policy and put a helicopter attack raid on the Auschwitz type camps that the Serbians were running in Bosnia. Remember with the four times more expensive, politicized Gary Sick affair, you had to accept that George Bush got on a SR–71 Blackbird, ditching his Secret Service at an Air Force base in New Jersey, flew to Spain, special refueling tankers, met with Iranian terrorists and come back from Spain. Absurd. But my friend who I hold in high esteem said let us get the facts. I am talking about Mr. HAMILTON.

All I am saying is let us try to keep politics out of it. Not easy in an election year. But let us get the facts and stop the nightmarish schizophrenia of

the Iranian terrorists who hate our guts and call us the great Satan and making their new friends in Bosnia. What a nightmare Clinton has created. I predicted it right here.

Mr. Speaker, here are several reasons why Congress must investigate the United States role in Iranian arms transfers to Bosnia:

First, in response to the overwhelming and horrific evidence of atrocities committed against the Bosnians, Members of this House during eight different legislative occasions either indicated, authorized, or directed the President to lift the arms embargo—unilaterally if necessary—and provide arms to the Bosnian Government and treat the Croatians fairly.

Second, at the same time that the Clinton administration was working so stridently to prevent Congress from allowing the Bosnians to arm and thus defend themselves, it connived to allow the Iranians to gain a position of influence through backdoor arms transfers.

Third, according to the administration's own assessment, the Bosnians would have needed at least 1 billion dollars' worth of arms to defend themselves—so no one can argue that Iran's program was a suitable alternative to United States support.

Fourth, President Clinton's policy of don't pursue the truth on the Iranian arms supply operation was unnecessary and dangerous in the extreme. Clinton's small inexperienced Strobe Talbot team withheld from Congress, our allies, the CIA and the American people, information about Iran's dangerous involvement because they knew it could not withstand public scrutiny.

Fifth, the Clinton administration has been claiming that Congress supported their policy of acquiescence toward Iranian arms transfers by enacting the Nunn legislation which prohibited United States enforcement of the international arms embargo.

Sixth, according to the May 2 Los Angeles Times, Senator SAM NUNN acknowledged that the Clinton administration had encouraged him to offer language to terminate United States participation in efforts to enforce the embargo—subsequently viewed by the Clinton administration as in effect ratifying their policy of inviting Iran into Bosnia. This legislation was also political cover for those who were unwilling to fight to lift the arms embargo.

Here are six more facts to consider:

First, Clinton and other key officials knew about Iranian involvement in Bosnia and the approximate scope of their presence from 1993 onward.

Second, as we learned from the tragedy in Beirut on October 23, 1983, it only takes one determined suicide terrorist to slaughter our troops.

Third, the capture of two Iranian passport holders at a terrorist training center in Bosnia by NATO troops last February should cause sufficient alarm about Iranian involvement and intentions.

Fourth, Iran's large diplomatic presence conflicts with the mission of IFOR.

Fifth, Iran has been classified by the United States State Department as a terrorist state.

Sixth, it is characteristic of Clinton's schizophrenic policies and leadership that he can sign an antiterrorism bill and at the same time introduce a terrorist infrastructure into southern Europe.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I have three ideas that come to mind in this debate right now: footholds; duplication; and the legitimate interests of my Republican colleagues.

There has been, I think, fairly casual use of language and logic in suggesting that the President's ''no instructions'' instruction in the spring of 1994 occasioned the Iranians gaining a foothold in Bosnia. Unclassified intelligence makes it very, very clear that there were hundreds of Iranian revolutionary guards and others, unfortunately, in Bosnia in 1993, way before any of the events in question here took place.

Second point, the question of duplication. Are we going to learn anything new from creating this select subcommittee that we are not already going to learn?

Mr. Speaker, this matter is already under investigation by the House Permanent Select Committee on Intelligence, the Committee on National Security has jurisdiction, the Committee on Government Reform and Oversight has jurisdiction. The Committee on International Relations can have plenty of jurisdiction, too, without spending one million bucks to create another select committee. We have so many people looking at this they are going to be stepping all over each other trying to schedule witnesses and everything else during the next few months.

Finally, the question, and it is a very legitimate one, should not the opposition in the Government; that is, the Republican majority here in Congress, in the opposition as to the administration, have a right to have their own look at this?

Of course they should. But let us also keep in mind that the distinguished former Senator from New Hampshire, Warren Rudman, a Republican who serves on the President's Foreign Intelligence Advisory Board, who used to serve on the Senate Permanent Select Committee on Intelligence, has reviewed the Intelligence Oversight Board investigation of this matter and found nothing illegal, no violation of U.S. law. This already has the blessing, if you will, of a distinguished Republican overseer of the matter. I think that is terribly important.

Mr. SOLOMON. Mr. Speaker, I yield 30 seconds to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I think the distinguished gentleman from Colorado would agree that the comments and the allegations he made about Senator Rudman go to a very narrow issue with regard to covert action findings, and do not go the broad comprehensive policy we are talking about.

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

Mr. GOSS. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Speaker, the point is that Senator Rudman said no illegality, no covert action. What is left, as he put it in his words, is a matter of politics.

Mr. GOSS. Mr. Speaker, reclaiming my time, to a very narrow point that they were looking into, which we cannot talk about, regrettably, too much in the open, I agree that was a correct finding, but it is not the whole story.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. BUYER], a member of the Committee on National Security.

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

Mr. Speaker, with quite a bit of interest I listened to the debate, because I was not here in the Congress back during the Bush administration, but I recognize that in 1991, the United Nations, with the full support of the United States Government imposed the arms embargo on the entire former Yugoslavia. Then, as outgunned, the Bosnian military suffered repeated defeats and the Bosnian civilian casualties mounted, many people came to see the embargo as unfair to the Bosnians.

In January 1993, when President Clinton took office, he attempted to persuade our allies to multilaterally lift the embargo. This attempt was not successful, but President Clinton would not support a unilateral lifting of the embargo. They continued to support the embargo and enforced it with U.S. Naval forces. The Clinton administration has always opposed the unilateral lifting of the embargo, until the Dayton peace accords were signed in late 1995.

Now the Undersecretary of State has confirmed the United States officially, by this alleged secret agreement with Croatia, turned a blind eye to covert arms shipments by Iran into Croatia and Bosnia. This leads to the potential of a terrorist state such as Iran claiming a foothold into Europe.

I think that there are many important questions to be asked. What prompted the President to enter into a secret agreement with Croatia to allow the shipments of large quantities of arms into Bosnia and Iran, in violation of the U.N. arms embargo, at the time he was lobbying Congress not to lift the arms embargo? Did the administration officials initiate this deal, and did it involve them directly or indirectly with Iranian officials? Why did the President not notify Congress of the secret agreement when it was made at that time? Has the administration been honest with the public and private statements on the issue during its testimony before Congress, in statements

to the American people that it is diplomatic dialog with our European allies? And were any laws violated?

We do not know the answers to those questions, and I think it is very, very appropriate to ask.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. WISE].

□ 1230

Mr. WISE. Mr. Speaker, now I just want to get this straight, myself and a lot of taxpayers. This Congress is about to approve a million-dollar select committee to hold hearings into matters that three other subcommittees are already holding hearings into.

The complaint apparently is that the United States knew that Iran was sending arms to the Bosnian Muslims. Now, this is the same Congress that voted overwhelmingly to lift the arms embargo so that the Bosnian Muslims could get arms from wherever to defend themselves.

Was not this the same Congress, headed by Senate Majority Leader DOLE, who led the effort to lift the arms embargo so the Bosnian Muslims could get arms from wherever to defend themselves? Mr. Speaker, the most open secret around here, if indeed published news reports are secret, was that the Bosnian Muslims were getting arms to defend themselves from the Iranians, which was what everybody said they wanted to happen, that they have arms from somewhere to defend themselves.

Now that requires a million-dollar select subcommittee, in addition to the three subcommittees already investigating it?

Mr. Speaker, this is a group that likes hearings. I have sat in on a bunch of them myself on the Committee on Government Reform and Oversight. The record so far is that this million-dollar subcommittee will be added to the 44 days of hearings and $30 million that has so far been spent on Whitewater; 14 days of hearings on Ruby Ridge; 10 days of hearings on Waco, that certainly changed national policy; and countless wasted hours and taxpayer dollars on other types of politically motivated investigations.

We have three committees already looking into this. Mr. Speaker, there is no need to spend a million dollars, add more staff, add more fluff, to do what those three committees are already charged with doing and are doing.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Illinois [Mr. HYDE], someone very important in this debate. He will be the chairman of this new select subcommittee. He is one of the most respected Members of this body.

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

Mr. HYDE. Mr. Speaker, you will miss my tirade about October Surprise. How soon we forget the greatest wild goose chase in history which spent $1.3 million. I have quotations about how important that quest was for the Emerald City that my friends on the other side of the aisle led us on. Oh, it was not political; it was just 10 years old in an election year. But my friends do not know anything about politics, and I will not raise the issue.

Mr. Speaker, we are not talking about the wisdom of the embargo. Everybody agreed, except the Clinton administration while they lived under it, that the embargo was wrong and immoral. We agree with that. But what we are concerned about is the wisdom, the propriety, the common sense of standing by while the most terrorist nation on Earth comes into the bosom of the most volatile place on Earth. The wisdom of that is a legitimate inquiry of the Committee on International Relations. It is legitimate.

We want to know the genesis of this brainstorm, because we need to know if there were options? Was Iran the only country that could supply training and arms? Is not Turkey nearby? Is not Egypt nearby? Is not Pakistan nearby?

What about the countries that were on our side, the Muslim countries in Operation Desert Storm? Why, of all the countries in the world, do we turn a blind eye to terrorist Iran? That is a legitimate inquiry.

Politics? We did not learn about this until April 5, until the Los Angeles Times did what the administration should have done: Let us in on it. Oh, my Democrat colleagues say we had notices that arms were trickling in. Sure. We never knew that we had a policy of looking the other way while the most terrorist nation on Earth was getting a foothold in the most volatile place on Earth.

Well, the timing is yours; it is not ours. Politics? Listen, I cannot help it if it is an election year. We are not going to abandon our responsibility to find out who dreamed up this policy, what is our role, what are the options, and most significantly, what are the consequences for our troops there? Our credibility as a country, saying one thing and doing another, those are important issues. We have a responsibility to get at the bottom of them. I wish it was last year, but it is not.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

First, Mr. Speaker, I urge a ''no'' vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule which would make in order a substitute amendment. My substitute simply directs the International Relations Committee—using existing resources—to do the very same investigation the Republicans would have their new subcommittee do.

There is no dispute that the appropriate committees ought to review and investigate the foreign policy decision of this or any other President. But before you can say we need to create a new subcommittee, you have to establish that the existing committees aren't capable of doing their job. No one has made that case. Frankly, the only difference between the Republican resolution and our substitute is whether to create a million dollar subcommittee or whether to carry out the investigation within the current committees using funding already available.

Vote ''no'' on the previous question.

The text of the proposed amendment is as follows:

Strike all after the resolving clause and insert the following:

That (a) the Committee on International Relations is authorized and directed to conduct a full and complete investigation (using existing committee resources), and to make such findings and recommendations to the House as it deems appropriate relating to the following matters:

(1) The policy of the United States Government with respect to the transfer of arms and other assistance from Iran or any other country to countries or entities within the territory of the former Federal Republic of Yugoslavia during any period that an international arms embargo of the former Yugoslavia was in effect.

(2) The nature and extent of the transfer of arms or other assistance from Iran or any other country to countries or entities within the territory of the former Federal Republic of Yugoslavia during the period that an international arms embargo of the former Yugoslavia was in effect.

(3) Any actions taken by the United States Government to facilitate or to impede transfers described in paragraphs (1) and (2).

(4) Any communications or representations made to the Congress of the United States or the American people with respect to the matters described in paragraph (1), (2), or (3), with respect to the international arms embargo of the former Yugoslavia, or with respect to efforts to modify or terminate United States participation in that embargo.

(5) Any implication of the matters described in paragraphs (1), (2), and (3) for the safety of United States Armed Forces deployed in and around Bosnia, for the prompt withdrawal of United States Armed Forces from Bosnia, for relations between the United States and its allies, and for United States efforts to isolate Iran.

(6) Any actions taken to review, analyze, or investigate any of the matters described in paragraph (1), (2), (3), (4), or (5), or to keep such matters from being revealed.

(7) All deliberations, discussions, or communications within the United States Government relating to the matters described in paragraph (1), (2), (3), (4), (5), or (6), and all communications between the United States Government (or any of its officers or employees) and other governments, organizations, or individuals relating to such matters.

(b)(1) The chairman of the Committee on International Relations, for purposes of its investigation, may, upon consultation with the ranking minority party member of that committee, authorize the taking of affidavits and depositions pursuant to notice or subpoena, by a member or staff of the committee designated by the chairman, or require the furnishing of information by interrogatory, under oath administered by a person otherwise authorized by law to administer oaths.

(2) The Committee on International Relations shall provide other committees and Members of the House with access to information and proceedings, under procedures adopted by the committee consistent with clause 7(c) of rule XLVIII of the Rules of the House of Representatives. However, the committee may direct that particular classified

materials shall not be made available to any person by its members, staff, or others, or may impose any other restriction. The committee shall, as appropriate, provide access to information and proceedings to the Speaker, the majority leader, the minority leader, and their appropriately cleared and designated staff.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is the one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. FROST. Mr. Speaker, I submit the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) of rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a ''Queen of the Hill'' procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a ''Queen of the Hill'' procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act; FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. *RULE AMENDED*.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliley amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives sections 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. Provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute as well as cl. 5(a) of rule XXI and cl. 1(q)(10) of rule X against the substitute; provides for the consideration of a managers amendment (10 min). If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(l)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	.....
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5(c) of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	.....
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min).	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dornan), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each.	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
	PROCEDURE IN THE 104TH CONGRESS 2D SESSION			
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speaker's table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of order against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on en blocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.

FLOOR PROCEDURE IN THE 104TH CONGRESS 1ST SESSION; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring ⅗ vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR; PQ.	1D
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up. **PQ	N/A
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Obestar en bloc amendment.	N/A
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A
H.R. 2406	The United States Housing Act of 1996	H. Res. 426	Open; makes in order the committee substitute printed in the bill as original text; waives cl 5(a) of rule XXI against the substitute; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; Pre-printing gets priority; provides a Senate hook-up.	N/A
H.R. 3322	Omnibus Civilian Science Authorization Act of 1996	H. Res. 427	Open; waives cl 2(l)(2) of rule XI against the bill's consideration; makes in order a managers amendment as the first order of business (10 min); if adopted it is considered as base text; waives cl 5(a) of rule XXI against the bill; pre-printing gets priority.	N/A
H.R. 3286	The Adoption Promotion and Stability Act of 1996	H. Res. 428	Restrictive; provides consideration of the bill in the House; makes in order the Ways & Means substitute printed in the bill as original text; makes in order a Gibbons amendment to title II (30 min) and a Young amendment (30 min); provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee.	.....

* Contract Bills, 67% restrictive; 33% open. ** All legislation 1st Session, 53% restrictive; 47% open. *** All legislation 2d Session, 86% restrictive; 14% open. **** All legislation 104th Congress, 57% restrictive; 43% open. ***** NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ****** PQ Indicates that previous question was ordered on the resolution. ******* Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 13 out of 23, or 57 percent of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for fiscal year 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, MA.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for fiscal year 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for fiscal year 1996.

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

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I say to my colleagues, particularly on this side of the aisle, look what I have in my hand. It is the United States Department of State's April 1996, Patterns of Global Terrorism Report from 1 month ago. Let me read what it says.

It says, ''Iran: Iran remains the premier state sponsor of international terrorism and is deeply involved in the planning and execution of terrorist acts, both by its own agents and by surrogate groups.'' Surrogate groups that were placed in Bosnia to do their dirty work.

The report goes on to say, ''Iran gives varying degrees of assistance to an assortment of radical Islamic and secular groups. Iran continues to view the United States of America as its principal foreign adversary, supporting groups such as Hezbollah that pose a threat to United States citizens.''

Mr. Speaker, that is what this is all about. To my colleagues who will attempt to defeat the previous question in order to force the Committee on International Relations to accomplish this same thing without the addition of one additional subcommittee, I say we cannot do that because on opening day a year and a half ago we cut one-third of the employees of this Congress. We have cut them out by one-third. We eliminated two subcommittees in the Committee on International Relations. They cannot do it without this amendment, without this report, without this resolution.

Mr. Speaker, I urge Members to please defeat the previous question and let us get on with our business.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. HANSEN). The question is on ordering the previous question.

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

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 227, nays 187, not voting 19, as follows:

[Roll No. 150]

YEAS—227

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Wynn
Yates

NOT VOTING—19

Cox
Coyne
de la Garza
Ford
Greene (UT)
Hayes
Hostettler
McIntosh
Molinari
Montgomery
Owens
Payne (VA)
Riggs
Roemer
Roth
Tauzin
Visclosky
Wilson
Woolsey

□ 1256

The Clerk announced the following pair:

On this vote:

Mr. McIntosh for, with Mr. Roemer against.

Mr. CRAMER changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HANSEN). The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 224, noes 187, not voting 22, as follows:

[Roll No 151]

AYES—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Quillen
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—187

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson

Bentsen	Gutierrez	Olver
Berman	Hall (OH)	Ortiz
Bevill	Hamilton	Orton
Bishop	Harman	Pallone
Bonior	Hastings (FL)	Pastor
Borski	Hefner	Payne (NJ)
Boucher	Hilliard	Payne (VA)
Brewster	Hinchey	Pelosi
Browder	Holden	Peterson (FL)
Brown (CA)	Hoyer	Peterson (MN)
Brown (FL)	Jackson (IL)	Pickett
Brown (OH)	Jackson-Lee (TX)	Pomeroy
Bryant (TX)	Jacobs	Poshard
Cardin	Jefferson	Rahall
Chapman	Johnson (SD)	Rangel
Clay	Johnson, E. B.	Reed
Clayton	Kanjorski	Richardson
Clement	Kaptur	Rivers
Clyburn	Kennedy (MA)	Roemer
Coleman	Kennedy (RI)	Rose
Collins (IL)	Kennelly	Roybal-Allard
Collins (MI)	Kildee	Rush
Condit	Kleczka	Sabo
Conyers	Klink	Sanders
Costello	LaFalce	Sawyer
Cramer	Lantos	Schroeder
Cummings	Levin	Schumer
Danner	Lewis (GA)	Scott
DeFazio	Lincoln	Serrano
DeLauro	Lipinski	Sisisky
Dellums	Lofgren	Skaggs
Deutsch	Lowey	Skelton
Dicks	Luther	Slaughter
Dingell	Maloney	Spratt
Dixon	Manton	Stark
Doggett	Markey	Stenholm
Dooley	Mascara	Stokes
Doyle	Matsui	Studds
Durbin	McCarthy	Stupak
Edwards	McDermott	Tanner
Engel	McHale	Tejeda
Eshoo	McKinney	Thompson
Evans	McNulty	Thornton
Farr	Meehan	Thurman
Fattah	Meek	Torres
Fazio	Menendez	Torricelli
Fields (LA)	Millender-McDonald	Towns
Filner	Miller (CA)	Traficant
Flake	Minge	Velazquez
Foglietta	Mink	Vento
Frank (MA)	Moakley	Volkmer
Frost	Mollohan	Ward
Furse	Moran	Waters
Gejdenson	Murtha	Watt (NC)
Gephardt	Nadler	Waxman
Geren	Neal	Williams
Gibbons	Oberstar	Wise
Gonzalez	Obey	Woolsey
Gordon	Olver	Wynn
Green (TX)	Ortiz	Yates

NOT VOTING—22

Cox	Johnston	Roth
Coyne	Leach	Talent
de la Garza	Molinari	Tauzin
Dickey	Montgomery	Visclosky
Ford	Owens	Whitfield
Greene (UT)	Pryce	Wilson
Hayes	Quinn	
Hostettler	Riggs	

□ 1305

Mr. NEUMANN changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 150, the previous question on House Resolution 416, and 151, adoption of House Resolution 416, I was unavoidably absent from the Capitol on personal family matters—a conference at my son's school. Had I been present, I would have voted ''yes'' on both issues.

PROVIDING FOR EXPENSES OF SELECT SUBCOMMITTEE ON UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on House Oversight, I call up a privileged resolution (H. Res. 417) providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the second session of the One Hundred Fourth Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 417

Resolved, That (a) there shall be paid out of the applicable accounts of the House of Representatives not more than $1,200,000 for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia (hereinafter in this resolution referred to as the ''select subcommittee'') of the Committee on International Relations, any part of which sum may be used for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) Payments under this resolution shall be made on vouchers authorized by the select subcommittee, signed by the chairman of the Committee on International Relations, and approved in the manner directed by the Committee on House Oversight.

(c) Amounts shall be available under this resolution for expenses incurred during the period beginning on the date on which this resolution is agreed to and ending on the date on which the select subcommittee ceases to exist or ending immediately before noon on January 3, 1997, whichever first occurs.

(d) Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

(e) The Committee on House Oversight shall have authority to make adjustments in the amount under subsection (a), if necessary to comply with an order of the President issued under section 254 of the Balanced budget and emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such subsection.

Mr. DIAZ-BALART (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT IN THE NATURE OF A SUBSTITUTE

The SPEAKER pro tempore. The Clerk will report the committee amendment in the nature of a substitute.

The Clerk read as follows:

Committee amendment in the nature of a substitute:

Strike out all after the resolving clause and insert:

Resolved, That (a) there shall be paid out of the applicable accounts of the House of Representatives not more than $995,000 for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia (hereinafter in this resolution referred to as the ''select subcommittee'') of the Committee on International Relations, any part of which sum may be used for procurement of consultant services under section 202(i) of the Legislative Reorganization Act of 1946.

(b) Payments under this resolution shall be made on vouchers authorized by the select subcommittee, signed by the chairman of the Committee on International Relations, and approved in the manner directed by the Committee on House Oversight.

(c) Amounts shall be available under this resolution for expenses incurred during the period beginning on the date on which this resolution is agreed to and ending on the date on which the select subcommittee ceases to exist or ending immediately before noon on January 3, 1997, whichever first occurs.

(d) Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

(e) The Committee on House Oversight shall have authority to make adjustments in the amount under subsection (a), if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such subsection.

Mr. DIAZ-BALART. Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, I yield the customary 30 minutes to the distinguished gentleman from California [Mr. FAZIO] for purposes of debate only, pending which I yield myself such time as I may consume, with the understanding that any additional time which I may yield will be subject to the specific limitation for purposes of debate only.

Mr. Speaker, did the White House permit a mortal enemy of the United States to establish a military presence in Europe, or did the White House inspire a mortal enemy of the United States to establish a military presence in Europe? That is the essence of the question that this Congress will be investigating in the next months and that we at this time are authorizing funding for, the select subcommittee of the Committee on International Relations.

The House has just approved House Resolution 416 authorizing the creation of a select subcommittee. We will now be considering the resolution to provide $995,000 for the expenses of the select subcommittee.

There is ample justification for the creation and the funding of the select subcommittee. The chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], articulated these reasons

when he appeared before the Committee on House Oversight last week to explain the funding request. As presented to the committee, the select subcommittee is needed to investigate questions that have arisen, very serious questions, following the revelation that the Clinton administration gave a green light over 2 years ago for the creation of an Iranian arms pipeline to Bosnia and Croatia.

The administration's policy, No. 1, directly contradicts the stated position of the Government of the United States. This Congress repeatedly tried to lift the arms embargo against Bosnia, and the administration opposed us, and the President vetoed our attempts to do so. The policy was also not revealed to the Congress, nor to the American people, and it has allowed the terrorist government of Iran to gain a strategic presence in Europe.

It also, Mr. Speaker, affects the United States exit strategy from Bosnia.

Discussion at the committee meeting raised several unanswered questions:

How was this policy developed?

What was the United States role in implementing it?

What will be its consequences?

Was Congress deceived or misled?

Has any United States law been violated?

The serious nature of these issues warrants further investigation by the select subcommittee established specifically for this purpose and deserves to be funded at the appropriate level. The $995,000 funding level approved by the Committee on House Oversight, which is a $205,000 reduction from the original request, is, Mr. Speaker, a responsible and prudent figure.

In closing, Mr. Speaker, the resolution before the House funds this very needed select subcommittee investigation in a very prudent and fiscally responsible manner. I would hope that the House, in a bipartisan fashion, would adopt the resolution, and I look forward to the debate on this extremely critical matter.

The reality of the matter is that the administration now admits that despite the fact that it opposed our attempts to openly permit the arming of the Bosnian people by the United States directly or through our allies or responsible Muslim governments, instead of doing that the administration opposed congressional efforts and engaged in this tactic of secretly giving a green light to the arming of the Bosnians by one of the most horrendous enemies of the American people.

This is a very serious subject, Mr. Speaker.

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

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

Mr. Speaker, there is nothing about the establishment of this select subcommittee—be it process, procedure or substance—that is not profoundly flawed. Indeed, there are so many objectionable aspects to this funding request that it is difficult to know where to begin.

Some of these many problems might have been avoided had the Republican majority not chosen to act with such unnecessary haste. Why all the rush? There has been no showing of such extraordinary circumstances that require the Republican majority to ram this legislation through the House with so little thought, discussion, preparation or analysis. This is certainly no way to do the people's business—a criticism that has become increasingly common in this Congress.

Having told the minority virtually nothing about the need and purpose of this subcommittee, and having rushed this process to a ludicrous degree, the majority suddenly presented the Committee on House Oversight, and now presents before this House, with a subcommittee budget for 6 months at nearly one million dollars in taxpayer money. Annualized, this amounts to a budget of almost $2 million, making it the most expensive subcommittee established by the Republican majority this Congress. That is nearly three times the average amount for each of the House International Relations Committee's other standing subcommittees. By any measure, this is a substantial sum of the public's money, and we should not authorize its use without an equally substantial and compelling justification for doing so.

What, then, is the majority's justification? It is now obvious that the majority is asking for additional taxpayer money to do nothing more than review an aspect of the President's—and this country's—foreign policy. A particular policy, which, I might add, has proven highly successful to date. The American people should know that this million dollar request for their money is not being sought by the Republican majority for use in the investigation of any crimes—for no such allegations have been made—or to resolve any legal or factual disputes. No, the controversy at issue, to the extent that one exists at all, is one that relates to policy, and, as such, is an inappropriate subject for the creation of an expensive new subcommittee.

This is not to say that the Congress should play no role in the conduct of this country's foreign affairs. On the contrary, we have a responsibility to contribute to the formulation, funding, implementation, and oversight of U.S. foreign policy. But we believe that this role should first be exercised through our time-tested committee system. The Republican majority chooses to ignore the fact that the American taxpayer has already fully funded a standing House committee to do this very job—namely, the Committee on International Relations—and that committee has already been funded in the 104th Congress in the precise amount of $10,056,875.

Everything the Republican majority proposes for this select subcommittee—however unnecessary or unwise the undertaking itself—can be achieved by the existing Committee on International Relations and done so within its existing budget. We have seen nothing that is unique or extraordinary to justify the creation of yet another new House entity, with its own separate funding, staffing, and mandate. We already have an excellent House standing committee in the foreign policy arena, and if the Republican majority really cares to pursue this particular matter, it should use the standing committee and existing resources which the House created and authorized for that purpose. Under these circumstances, to allocate an additional $1 million in taxpayer funds is a waste and an embarrassment. Surely Republicans have more respect for tax dollars than is suggested by this resolution.

Moreover, the creation of this subcommittee is at odds with many of the reforms we have imposed on the House. Speaker GINGRICH imposed a strict staffing freeze, and the House funding resolution specified funding limits, on all House committees. At the time, the Republican majority represented that it was serious about reducing the size and cost of government, and touted the staffing freeze and reduced funding levels as indicative of its commitment. It even claimed credit for reducing the number of subcommittees, and in an ironic twist, the very subcommittee which would ordinarily oversee this matter was eliminated at the beginning of this Congress, its jurisdiction being taken over by the full Committee on International Relations. The creation, however, of this special select subcommittee allows the majority to circumvent the staffing limits and cost reductions—another example of the majority saying one thing and doing another.

It is clear, then, that the establishment and funding of this select subcommittee is neither necessary, appropriate, frugal, or wise. One need not venture very far, however, to determine what is really at stake here. Indeed, the majority's true purpose in this exercise is as transparent as an election date in November is certain. For in the Republican majority's actions there is the unmistakable whiff of election year politics in the air. From Speaker GINGRICH's press release, issued during the week preceding the introduction of House Resolution 417, it is quite clear that the objective of this proposed subcommittee is to gin up criticism of the President's foreign policy. That is why the American taxpayers are being asked to foot a $1 million, 6-month investigation—and everyone knows it.

This proposal to create yet another new panel can best be understood in the context of the majority leadership's recent memorandum to its committee chairs directing them to dig up information with which to attack the Clinton administration. Apparently,

the creation of this particular subcommittee is page one of the Republican campaign playbook. And as their candidate for the White House continues to do poorly in his campaign, we can only assume that we will see more of the same.

But for the Republican majority to so brazenly manipulate the machinery of government in this manner is to violate the public trust and squander hard-earned tax dollars. Far too much of our time and the resources of this Congress are being spent by the majority in pursuit of political gain in its efforts to tarnish unfairly an increasingly successful and popular President.

The most obvious of these is the so-called Whitewater investigation, which has now cost the taxpayer a mind-boggling $30 million. The costs of numerous other Republican investigations of this administration, such as the inquisition into the White House Travel Office, add up to hundreds of more pointless hours, and hundreds of thousands of additional public dollars. It is a staggering amount of time and money, all of which has been enormously wasted in a partisan effort to discredit the President and obtain political advantage.

The real tragedy in all this is that the time and resources expended by the majority in these efforts could have been put to far better use in furtherance of a substantive legislative agenda, one that speaks to the needs of America's working families. This resolution, however, represents politics at its worst, and the majority gravely underestimates the patience of the American public in pursuing this course. The minority has done what it can to point out the needlessness of this undertaking. Absent a more compelling basis than has been presented thus far, the House should reject the present effort to convert appropriated funds to undertake yet another baseless attempt to attack this administration. I emphatically urge my colleagues to vote ''no'' on House Resolution 417.

□ 1315

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

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just a few facts on the funding. No supplemental appropriations or reprogramming of existing appropriations are required to support the funding amount for this select subcommittee. There are sufficient funds in fiscal 1996 available within the appropriate House account to fund the expenses of the select subcommittee without jeopardizing other committee's funding needs.

Second, this funding level continues to honor the Contract With America's commitment to reduce committee staffing by one-third. On the first day of Republican control of the House, committee staffs were cut by 621 positions, a 33 percent reduction from the previous Congress. As of March 31, by not filling the total authorized positions, committees have contributed an additional 105 positions to this reduction, an actual cut of 40 percent. This resolution, as amended, does not violate the commitment to reduce committee funds by 30 percent in the 104th Congress, and the amount is also well below previous similar investigations.

Mr. Speaker, the famous October Surprise investigation cost taxpayers over $4.5 million. Now our friends on the other side of the aisle apparently have found fiscal conservatism.

Mr. Speaker, I yield 3½ minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I yield to the gentleman from Indiana [Mr. BURTON].

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

Mr. Speaker, I wish my colleagues' frugality had been apparent when we were talking about the Iran-Contra investigation, which ended up with nobody really being convicted. Everybody was dismissed, and we spent $48 million; $48 million on Iran-Contra and $2 million on the select committee. On the October Surprise they spent $1.35 million.

They cannot have it both ways. If something is done that is questionable and needs to be investigated and we need the resources to do it, they should be appropriated, just like you did, only you spent a heck of a lot more money than we are talking about.

Mr. GILMAN. I thank the gentleman, Mr. Speaker. Incidentally, the gentleman's figures on the October Surprise should be revised to show there was a total expenditure of $4.5 million.

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

Mr. Speaker, this request for $995,000 to fund the Select Subcommittee on Bosnia is a reasonable, prudent allocation of House resources for a particularly important task.

Some of our colleagues have asked why our full committee cannot investigate the Clinton administration's role in secretly permitting the Iranians to provide arms to the Bosnian Muslims in 1994.

It is an appropriate question, and there is a good response.

First of all, our full committee continues to have a full and demanding agenda.

Among the major issues our committee is extensively engaged in are international terrorism, narcotics and organized crime, NATO expansion, trade, China-MFN, the Middle East Peace Process, Haiti, North Korea, Russia, and oversight of other aspects of United States policy towards Bosnia, to name just a few.

My colleagues will recall that, in keeping with our promises after the 1994 elections, Republicans reduced the size of our committee staffs by one-third.

All of our professional staff are fully engaged in their regular duties.

We do not have the staff to undertake the focused and comprehensive investigation that the administration's handling of this arms pipeline issue has demonstrated is needed.

Nor do we have in our regular allocation the funds that are needed to properly conduct such an investigation.

If our committee still had a subcommittee on Europe and the Middle East, that would be an obvious focal point for this investigation.

However, when the cap of five subcommittees was mandated, the Europe and Middle East Subcommittee was eliminated.

The most efficient and effective way to conduct a thorough, yet speedy investigation of a major policy change that has placed American troops in danger in a volatile part of the world is through a select subcommittee with adequate resources and a defined mandate.

This resolution, and its companion, House Resolution 416, meet that test. Accordingly, I urge the support of our colleagues.

Mr. FAZIO of California. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. GEJDENSON], who serves on both the Committee on House Oversight and the Committee on International Relations.

Mr. GEJDENSON. Mr. Speaker, I rise to oppose this funding. What is clear here, Mr. Speaker, is that the only thing select about this committee is the selective memory it takes to bring us to this point.

In Iran-Contra, Mr. Speaker, we were talking about criminality. In the 4 years prior to President Clinton's presidency we had mass executions of policy that did nothing to stop murder in Yugoslavia, and yes, while Iranians were shipping weapons to the Muslims in Yugoslavia. We are going to spend $1 million, but if some of our colleagues on the other side had spent $1 for the Christian Science Monitor, or a quarter for the Washington Post or the Washington Times, they would have known about this a long time ago.

October 28, 1992, President Bush is the President of the United States. Iran in particular has positioned itself at the forefront of this fight to defend Yugoslavia's Islamic minority. Arms shipments from Iran in 1992. What changed? A lot of things have changed. President Bush has gone, President Clinton has come in, and he has succeeded to stop the fighting, to stop the killing, to stop the liquidations of villages.

What did he do to achieve this? No, he did not violate unilaterally the U.N. embargo that existed. He did not report to the Congress that he did not take an action. That action would have been to

stop, somehow, the Iranians from shipping arms there. However, President Bush had vetoed the legislation which would have mandated a President to inform the Congress of an action that they even requested, let alone one that they took no action on. So in the intelligence bill vetoed by President Bush, the President had no obligation to report what other countries were doing.

Should we know these things? Yes, as a Member of Congress, I think we should know these things. But let us take a look at the hard facts. The gentleman from Illinois [Mr. HYDE] and the gentleman from New York [Mr. GILMAN] voted for a bill that included a prohibition prohibiting the President of the United States from interfering with arms shipments from other countries.

What do we hear about today? We are going to have a select committee led by the gentleman from Illinois [Mr. HYDE] to find out why the President did several months before we mandated him to do it, the very same thing he did. If this confuses people, let us go from the beginning.

In 1992, we already have the Bush administration knowledgeable of Iranian arms into Yugoslavia, if they read the Christian Science Monitor. What happens? In 1992 the Iranians are shipping arms into Yugoslavia. There are ups and downs in those shipments. In 1994, yes, the administration learns that the Iranians are going to ship more arms. We do not ship the arms. We do not violate a Federal law. The President does not violate the U.N. embargo. That is in April.

In May, just in case you missed the 1992 Christian Science Monitor story, in May the Washington Post publishes reports of Iranian arms shipments. Now to June. In June, the Congress passes an amendment calling for a unilateral embargo. The President says the unilateral embargo means we will have to put American troops on the ground while there is fighting. There is debate over that. That was his policy. It did lead to peace, so it apparently worked.

But also in June Senator MCCAIN, on the floor of the Senate, June 24, the Washington Times story, one more 25-cent expenditure, says, ''Iranian Weapons Sent,'' and what happens? It says it is done with a wink and a nod. That is recorded in the Senate.

Now, in August, in August of the very same year, this Congress votes to prohibit the President of the United States from interfering with arms shipments from third countries. It does not exclude Iran. It simply says the President cannot interfere with those shipments.

□ 1330

Let us compare where we were. In 1992, the Bush administration, for 4 years, watches genocide and mass village exterminations. President Clinton initiates a policy that may have some debate, but at the end of the day they are in Canton, OH, and we have a peace process where the murdering and killing has stopped.

Let us go spend $1 million. Why? My colleague from California said it: Instructions from the Republican leadership.

Mr. DIAZ-BALART. Mr. Speaker, I yield 30 seconds to the gentleman from Illinois [Mr. HYDE].

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

The gentleman is quite right, we all voted to lift the embargo, but we did not specify what countries should not put arms in there. That would have required us to list six pariah states. We kind of thought the President knew that Iran and Libya and Syria and these countries were pariah states. We took that into consideration without having to spell that out.

The fact is, that is the last country we would want to have get a foothold in that volatile part of the world. That is our complaint.

Mr. DIAZ-BALART. Mr. Speaker, it is interesting how our friends on the other side of the aisle now say during Iran-Contra they were investigating bad things, but now we are not investigating anything. It is a fact, Mr. Speaker, that President Clinton allowed the shipments, contradicting his own public statements in support of an arms embargo and possibly violating law.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

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

Mr. Speaker, I rise today to ask my colleagues on both sides of the aisle to take a moment to reflect, to reflect on the duty and the responsibility that each of us has to the citizens who elected us to this office. The responsibility of popularly elected representatives to oversee and to check the executive branch is perhaps the most essential working element of a truly free political system, as essential as voting, because oversight of the executive branch is ultimately about the public's right to know.

No matter what the issue, no matter how unpleasant the issue might be, the public has, as the press reminds us, a right to know. The issue before us today is not one of partisan politics or election year grandstanding. At issue today is the legitimate suspicion of serious wrongdoing on the part of the administration, wrongdoing that could threaten the lives of our young men and women serving overseas, wrongdoing that could result in the ominous spread of terrorist doctrines to yet another corner of the world and put our troops at increased risk.

It is our constitutional duty to investigate those suspicions and to get the facts out. The duty is not optional. It is what we were elected to do. I urge my colleagues again on both sides of the aisle to welcome this opportunity to discover the truth. The citizens of the United States do have a right to know what their Government is doing. It is our duty to find out and to tell them. All Members, Democrat and Republican, should join in getting to the bottom of this matter.

Mr. FAZIO of California. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, here we go again with promises made, promises broken.

I rise today in opposition to another million-dollar ripoff of the American taxpayer. This bill would have us spend $1 million to fund a select subcommittee to look into an issue that the International Relations Committee has already dealt with.

Why is it necessary to create a whole new subcommittee with a dozen new staffers, when we already have a subcommittee to handle issues related to Bosnia? Obviously, Mr. Speaker, the Republican leadership is well aware that this is an election year and that Senator DOLE needs all the help he can get.

It must be quite disheartening for the Republican leadership to see their nominee for President so far behind President Clinton in the polls. Apparently, the 50-plus hearings they have held on Whitewater have not done enough to hurt the President's ratings. So now they are trying a new approach—Iranian arms transfers to Bosnia. Somehow, Mr. Speaker, GOP leaders will try to blame President Clinton for Iran's transfer of weapons to Bosnia.

Mr. Speaker, I am opposed to arms transfers of all kinds. In fact, I have introduced legislation that would require greater congressional oversight of weapons transfers from the United States to dictators, human rights abusers, and military aggressors. But I fail to see why we have to spend $1 million of taxpayers' money—especially in these austere times—when we already have an International Relations Committee.

Clearly, Republican leaders are trying to create a $1 million political entity designed to help candidate DOLE, who has hit the limit on his campaign spending. Let us face it, this is the mother of all independent expenditures.

I will say it again, Mr. Speaker, we already have a standing International Relations Committee charged with looking into matters related to Bosnia. And if not to help candidate DOLE, why else would we be setting up yet another International Relations subcommittee?

Why, Mr. Speaker, we are telling the American public that we must cut education funding, but somehow we have $1 million to blow on among other things, new RCA color TV's and bottled water for this new and redundant subcommittee?

Mr. Speaker, this Congress should be focusing on raising the minimum wage, improving education, and reducing corporate welfare. We do not need to hire

a dozen new staffers and create the most expensive subcommittee in the House of Representatives. Moreover, let us not forget the memo Republican leaders sent around to Republican committee chairmen asking them to use their committees to find dirt on President Clinton.

Mr. Speaker, let us create this subcommittee. All I ask is that we call it what it really is: the select House subcommittee to sling mud on Democrats and elect BOB DOLE for President.

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New Jersey [Mr. SMITH], my friend and the chairman of the Subcommittee on International Operations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me the time.

Mr. Speaker, there is only one way to describe the Clinton administration's policy on arms embargo against Bosnia: breathtakingly duplicitous. Duplicitous first in that the White House repeatedly and strenuously rebuffed congressional efforts to lift the illegal and immoral arms embargo in violation of Bosina's legitimate right to self defense. Duplicitous in that the President authorized a policy which effectively sanctioned arms shipments from Iran, of all places, Iran, a terrorist state, to Bosnia via Croatia.

This latest fiasco underscores the crisis of leadership we have seen time and time again over the last 3 years. I commend both Chairman GILMAN and Chairman THOMAS for their leadership in pursuing this matter.

The House Committee on International Relations recently held a hearing on United States policy towards Bosnia which delved into charges that the Clinton administration approved or allowed Iran to ship arms to Bosnia. Frankly, that hearing raised more questions than it answered.

Mr. Speaker, as a House sponsor of the bipartisan effort to lift the arms embargo against Bosnia, I am extremely concerned about the implications and consequences of such a policy should these allegations be substantiated. It is ironic that President Clinton apparently was willing to turn a blind eye toward Iran while blocking a majority of Congress, a bipartisan majority, that called for the United States, not Iran, to take the lead in upholding Bosnia's legitimate and fundamental right to defend itself.

In a recent interview, former Assistant Secretary of State Richard Holbrooke, the architect of the Dayton agreement, indicated that the situation on the ground in Bosnia had reached such a crisis that the Bosnian Government would not have survived without outside arms shipments. In attempting to justify the Clinton policy on Iranian shipments. Mr. Holbrooke concluded, and I quote, ''We knew that the Iranians would try to use the aid to buy political interest. It was a calculated policy based on the feeling that you had to choose between a lot of bad choices,'' close quote.

Bad choices, perhaps, Mr. Speaker, but there had to be a better choice than the one that was embraced by President Clinton. Should the Bosnians been given the means to defend themselves in the face of aggression and genocide? Absolutely. Should those arms have come from Iran? Absolutely not.

In the past 2 years, Mr. Speaker, Members from both sides of the aisle have put aside their differences to respond to this senseless slaughter of innocent civilians by well-armed Serb militants in Bosnia. Repeatedly we have raised our voices, calling upon the President to display a determined U.S. leadership in the face of this naked aggression. These calls were repeatedly rebuffed.

When we voted in an overwhelming manner in support of lifting the arms embargo on June 8, 1995 and again on August 1, we were told by the White House that such an action was not in the interest of the United States as it would lead to an Americanization of the conflict. It would result in the deployment of thousands of U.S. troops, and undermine the U.N. Security Council.

Mr. Speaker, when all is said and done, the fundamental issue at stake here, as in so many other instances, is one of leadership and in this case flawed leadership. For nearly 3 years, Mr. Speaker, the Clinton administration, like the one before it—and I was equally critical of the previous administration, as my colleagues know on the other side—passed the buck on Bosnia.

But the President and then candidate Clinton said that he knew better, and he argued that during the campaign years and during his first few months in office. They said the Europeans should handle this. Now they turn a blind eye to who would provide the arms and allow the Iranians to do it. It is shameful, and unfortunately it has led to the situation that we are in today.

Mr. Speaker, I ask for support of this resolution. It is a good one.

Mr. FAZIO of California. Mr. Speaker, could I inquire how much time is remaining?

The SPEAKER pro tempore. The gentleman from California has 13½ minutes, and the gentleman from Florida has 15½ minutes.

Mr. FAZIO of California. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Speaker, I was not here when we had the Iran-Contra investigation of clearly illegal activities, but I was here when the new Republican majority took over the Congress with promises to slash congressional spending, to cut committees, to reduce staff, to eliminate duplication, to reform the legislative process. Now we have a proposal that does just the opposite of all those promises.

In that process of eliminating committees and slashing congressional expenses, the majority eliminated the two subcommittees that would have had jurisdiction over this matter, the Europe and Asia Subcommittees of the International Relations Committee. The purpose of that was to save half a million dollars over the entire year. The average subcommittee spends $189,000 over a 6-month period.

This subcommittee will spend $1 million over a 6-month period. It will be the most expensive subcommittee in the entire Congress, more expensive than the health, Social Security, crime, and military readiness subcommittees. Any of those other subcommittees pale by comparison to what we are going to spend here.

In fact, this spending is understated. I grant you there is a line for new RCA color TV's and other things like that, bottled water, but there is not an inclusion for money for the travel for the witnesses. That is a major expense. I think this amount of $1 million is understated.

But we already spend $3.2 million and we employ 132 staff people to review U.S. foreign policy. We have three committees that are looking into the Bosnia issue. Talk about creating more duplication. Do we really need a fourth committee that is going to be more expensive than any of the other subcommittees in the entire Congress? I cannot imagine why.

The other reason why this proposal does not make sense, is that in the very same year that this activity took place, which no one has even alleged is illegal, but in that very same year we passed a law that says ''no funds appropriated by any provision of law may be used for the purpose of participation in, support for or assistance to the enforcement of the Bosnia arms embargo by any department, agency, or other entity of the United States.''

□ 1345

That was congressional will. We passed that in the very year that these alleged decisions took place.

I do not even understand the allegation, to be honest with you. There is clearly no illegal activity involved. The President did not do anything. We did not violate any arms embargo. We did not send any arms. The reality is the administration did exactly what the Congress wanted them to do. Do not waste another $1 million of the taxpayers' dollars.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the administration did not do what we wanted them to do. We wanted them to lift the embargo and let the Bosnians defend themselves. We passed that twice, and the President vetoed that. That was the will of the Congress and the will of the American people.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific.

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

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support for House Resolution 416.

This Member would say to his colleagues that there are serious issues involved here. The administration, and some on the other side of the aisle, would have you believe that this a political exercise—payback for the October Surprise investigation.

Nothing could be further from the truth. The October Surprise fiasco was a conspiracy theorist's fantasy, concocted whole-cloth by a seedy mixture of arms merchants, convicted felons, and washed-up academics. Convicted scam artists were claiming that a decade earlier they had a direct role in deceiving the American public. Mr. Speaker, it was pure bunk. Eventually a strong consensus developed that the October Surprise charges leveled about President George Bush were wholly without merit.

Mr. Speaker, I believe some people in the White House and top advisers to the President's foreign policy need to remember this is not a dictatorship. This is not a banana republic. In order for foreign policy to be sustainable over the long run, it must be supported by the American people and by the Congress of the United States.

Now, clearly, despite what one reads in the papers, the Congress of the United States and the American people would not have found it acceptable to have arms coming in from either Iraq or Iran. The administration understood that. But, nevertheless, they proceeded with a wink and a nod to the knowledge of Iranian arms and fighters coming through Croatia to Bosnia.

As a former member of the Permanent Select Committee on Intelligence, I can tell you that about two-thirds of what you read in the paper is inaccurate. That fact it has been read in the paper that perhaps arms were coming from Iran is no confirmation and no real warning to Members of Congress that in fact the administration would do something so out of touch with what the American people would want. It was inconceivable for Members here to really believe that the administration would permit perhaps as many as 2,000 Iranians and weapons from Iran to come into Bosnia. Ridiculous. Out of the question. Unthinkable.

Now, Mr. Speaker, a conscious policy to deceive Congress is not a partisan issue. It goes to the heart of our constitutional system of government. Willful deception of the Congress and the American people is a corrupting influence that can, and, if left exposed, will, unchecked, undermine our system of government.

No one, regardless of political affiliation—not our Democratic colleagues—should be willing to tolerate such contempt for Congress in a constitutional system of government.

This Member would be perfectly willing to exonerate the administration if the facts do not support those allegations. However, the Congress has a right and a duty to learn the facts regarding the administration's knowledge of and role in Iranian arms being sent to Bosnia through Croatia. Thus far, Mr. Speaker, the administration's response has been clumsy and a patronizing effort to stonewall us.

Mr. Speaker, there seems to be no question that President Clinton and his top national security advisers did indeed knowingly tolerate and perhaps encourage the shipment of Iranian arms and Iranian fighters to assist the Bosnian Muslims. There also seems to be little doubt that the administration was implementing this policy at the very time that it was telling Congress that it was fully supporting the arms embargo. The issue is quite simple—key policymakers in the Clinton administration deceived the American people and the Congress in order to implement a clearly intolerable policy, a policy that apparently resulted in the deployment of hundreds of Iranian fighters in Bosnia perhaps as many as 2,000 Iranians.

Mr. Speaker, a conscious policy to deceive the Congress is not a partisan issue. It goes to the heart of our constitutional system of government. Willful deception of Congress and the American people is a corrupting influence that can, if left unexposed and unchecked, thoroughly undermine our system of government. No one, regardless of political affiliation, no not our Democrat colleagues, should be willing to tolerate such contempt for Congress in our constitutional system of government.

This Member would be perfectly willing to exonerate this administration if the facts do not support such allegations. However, the Congress has a right to learn the facts regarding the administration's knowledge of and role in Iranian arms being sent to Bosnia through Croatia. Thus far, Mr. Speaker, the administration's response has been a clumsy and patronizing effort to stonewall.

Resonses under oath to the initial inquiries made at the International Relations Committee hearing by this Member, together with the distinguished gentleman from Illinois, Mr. HYDE, the distinguished chairman from New York, Mr. GILMAN, and other demonstrated a remarkable case of selective amnesia by the administration on virtually every key point regarding the administration's complicity with the Iranian arms shipments.

During repeated questioning, senior administration officials voiced no recollection of events that clearly transpired. Peter Tarnoff, the Under Secretary of State for Political Affairs and hence the chief political liaison from the State Department to the White House, repeatedly insisted he was not privy to White House decisions on the Iranian arms and fighters that apparently were made. Regrettably, the Clinton administration's own actions make the creation of a select subcommittee inevitable and necessary.

In fact, the representatives of the administration, on a wide variety of issues, seem to frequently ignore the requirement to tell the truth under oath by feigning an inability to recall details they surely do recall. The witnesses appearing before the committee may indeed not have thorough knowledge about the details we requested, but someone does have knowledge and the Congress, and the American people are entitled to the truth from those who are involved or otherwise knowledgeable. That is the objective of the select subcommittee proposal in House Resolution 416.

Mr. Speaker, this Member does not relish the task that lies ahead for the select subcommittee. The integrity of this institution, the integrity of the American system of representational government, the integrity of the executive branch, and the integrity of the executive branch's relation with Congress demand that we fully investigate the Iran-Bosnia arms transfer fiasco.

The Member urges adoption of House Resolution 416 and House Resolution 417.

Mr. FAZIO of California. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland [Mr. HOYER], a true champion of the Bosnian people, particularly on this matter, and a member of the House Committee on Oversight.

Mr. DIAZ-BALART. Mr. Speaker, I yield 30 seconds to the gentleman from Maryland.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Maryland is recognized for 6½ minutes.

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

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

Mr. Speaker, human beings have a tendency to, unfortunately, respond to previous wrongs against them or slights that they have seen, real or imagined. October Surprise has been mentioned by the chairman of this proposed subcommittee every time I have heard him speak on this issue. I have spoken to him personally. He feels very deeply that October Surprise hearings were a mistake. He may have been right.

I stand before you disavowing the issue of money. I do not think that is what this is about. If in fact there was a legitimate purpose for this investigatory committee, an unusual creation within the committee itself, then the $990,000-some odd dedicated to that objective would be justified.

The fact of the matter is, however, as the gentleman from Connecticut has so ably pointed out, everybody knew what was happening. The outrage that I hear articulated is not justified by some surprise.

During the Bush administration, everybody knew, everybody knew, that the Iranians were trying to make hay out of what was happening in Bosnia. Everybody knew that the Iranians had sent people to Bosnia. It was in the newspapers, much less an intelligence report.

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

Mr. HOYER. I will yield to the gentleman from Nebraska, unlike most of the gentleman's colleagues, when I ask them to yield.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for his courtesy in yielding. I would say to the gentleman that I disagree with him. The fact that it is in the paper is no confirmation it existed. As I suggested to the gentleman, about two-thirds what I read in the paper was in fact not borne out in what the facts were before the Permanent Select Committee on Intelligence. I just wanted to give my alternative view on that.

Mr. HOYER. Mr. Speaker, reclaiming my time, I respect the gentleman's alternative view, but I will tell him in discussions I had with Bosnian officials, there was no secret about this. As Chairman of the Helsinki Commission, I knew it. I do not know where the Committee on Foreign Affairs was on this or the Permanent Select Committee on Intelligence was on it, but I can tell you that Bosnian officials, President Izetbegovic, did not make it a secret, I would tell my friend. The fact of the matter is that we all knew. The newspapers said it, and, I agree, you cannot take everything you read in the newspaper, so you try to confirm it.

But the central fact of the history is not so much that we knew that Iran or somebody else might give arms. It was that all of us wanted the Bosnians to get arms. That is the central fact here.

The central fact further is we all know, the papers reported, that the President did not preclude that knowledge. But what nobody has mentioned is we did not have U.S. troops on the ground. The English did, the French did, the Danes did, and a number of other countries had troops on the ground.

The fact of the matter is that they did not interpose an objection either. Why? Because they were conflicted about this policy. They knew that under the United Nations charter, an independent, sovereign nation had the legal right to defend itself.

But under the Bush administration and our Western allies, we took a stance in the United Nations that no, we will have an arms embargo. The French and English in particular felt very strongly about it, because they had troops on the ground and they were concerned about the escalation. But they were on the ground, and they could have stopped this in its tracks. Perhaps they had a wink and a nod, because on a public negotiated level, they could not reach a multilateral lifting of the arms embargo. But they did not want the Bosnian Government to fall, and, therefore, of necessity they needed arms.

Let me give you an analogous situation. Saddam Hussein remains in Iraq right now. The 500,000 troops we sent, billions of dollars we spent, and Saddam Hussein sits in Baghdad today. Why? Why? Because the Bush administration made a judgment, that we all went along with, the Congress did not stop it, that maybe we ought to leave Saddam Hussein as a balance against the Iranians, because if we remove him and make Iraq very weak, Iran remains. A practical, pragmatic decision, perhaps not the moral judgment of eliminating someone we believe is a butcher and a war criminal himself.

Bill Clinton, the President of the United States, had this judgment to make: Do I allow them to go through and be able to defend their lives, their homes, and their very nation, or do I say no, die.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

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

Mr. BURTON of Indiana. Mr. Speaker, let me just say, did the gentleman know that as of January of this year that they were still sending weapons in from Iran, after our troops were there, after we had 20,000 American troops on the ground?

Mr. HOYER. Mr. Speaker, reclaiming my time, the answer is I do not have specific knowledge of that.

Mr. BURTON of Indiana. We have it here.

Mr. HOYER. Let me respond. The fact of the matter is, we are conflicted as well on the policy of making sure the Bosnians have arms. We have had significant discussions about U.S. involvement in doing that, U.S. trainers doing that. We have a conflict on the floor on that. If you are a Bosnian leader dedicated to the protection of your country, you seek aid where you can get it. None of us on this floor is an apologist for Iran. We do want Bosnia to survive.

Mr. DIAZ-BALART. Mr. Speaker, I yield 30 seconds to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, let me just say we had 20,000 American troops on the ground. We remember what happened in Beirut, Lebanon when 235 marines were blown to hell because of a terrorist driving through a barricade. After we had 20,000 Americans on the ground, Iran, who was behind what happened in Beirut, still was funneling supplies in. Not only that, there was also a terrorist training camp found by the NATO forces over there. So for the gentleman to say that this is not a big deal, it is a big deal.

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

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

Mr. HOYER. Are you not pleased it has not happened here?

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Kansas [Mrs. MEYERS].

(Mrs. MEYERS of Kansas asked and was given permission to revise and extend her remarks.)

Mrs. MEYERS of Kansas. Mr. Speaker, I rise in support of this resolution. The administration's ill-advised actions regarding Iranian arms transfers to Bosnia raise many questions to which Congress and the American people have a right to know the answers.

In 1994–95, the President's public policy was to support the arms embargo against Bosnia—because to lift it would put at risk the forces of our NATO Allies who were in Bosnia—and to pursue the international isolation of Iran because of that rogue country's promotion of anti-American terrorism. In fact, Assistant Secretary of State Strobe Talbott testified that lifting the arms embargo was inadvisable because it would allow Iran access into Europe.

Little did we know that the President's secret policy was to support Iranian arms smuggling into Bosnia through Croatia, allowing Iran to establish itself as one of the Bosnian Government's most significant patrons. And that it was quite possibly Mr. Talbott himself who advised the President to adopt that secret policy.

We need to know how this secret strategy was arrived at. How much consideration was given to the possible consequences of such a radical shift in American policy?

For more than 2 years, the Clinton administration has been deceiving Congress about its policy in Bosnia. Not merely concealing convert activity, but deceiving the American people about its objectives and goals. Its distortions were so complete that the Central Intelligence Agency was unaware of the switch in tactics and thought the State Department was running a rogue covert operation. This must be investigated by Congress so that we and the American people can know how our foreign policy has been managed. These actions may or may not have been actually illegal, but they are definitely irresponsible, shortsighted, and foolhardy. And the administration must be accountable for them.

☐ 1400

Mr. FAZIO of California. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

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

Mr. MENENDEZ. Mr. Speaker, I know it is an election year and this type of partisan ploy is expected, but still I find it incredibly difficult to understand how my balanced budget minded, fiscally conservative Republican colleagues, who shut down the Federal Government to save the future of our children, can come before this House and stretch out their hands for $1 million to fund a special committee for 6 months when its oversight work could easily be done by the House Committee on International Relations, of which I am a member.

It is the right committee on substance, on policy and process as it relates to this issue. The most expensive subcommittee of the House Committee on International Relations does not spend in 1 year what the Republicans are proposing to spend on this committee for 6 months.

Mr. Speaker, we can get to the truth that the majority leader spoke of without more government and more tax dollars. In truth, the genesis of the Bosnian crisis and the arms issue goes back to the Bush administration, and if we are going to have this committee, I hope we bring out members of that former administration to discuss what they did and did not know and what they did and did not do.

Mr. Speaker, these are the same Members who stood before the House

arguing that children in my district did not need school lunches, that the cost of safe drinking water and clean air were too high, that energy assistance for seniors and financial aid for college students had to be forfeited in time of fiscal constraints.

Mr. Speaker, this is nothing more than a baldface use of taxpayers' dollars to fund a Republican campaign gimmick, one that was expressed in a memo from the Republican leadership to cause political harm to the President. What a waste of taxpayers' money.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, first of all let me say we have a letter from the gentleman from California [Mr. THOMAS], chairman of the Committee on House Oversight. He said that these funds are coming out of the standing committee special and select account. The money is there. There is no problem with it. In addition, there are no new funds required because it is coming from the $6 million that was saved by cutbacks in the cost of running the House and the committees of the House.

Let me say, Mr. Speaker, to my colleagues and maybe to the American people who may be paying attention, while President Clinton was saying to the American people and to the Congress he did not want to lift the embargo against Bosnia, behind the scenes covertly he was talking to the Croatian Government saying that is OK, let Iran, another country whom we are embargoing, send these weapons underground in an underground pipeline into Bosnia. Mr. Speaker, he was telling the American people, he was telling the representatives of the American people, something else, lying to us, and yet dealing with the Croatians in a way that would allow the Iranians to send these weapons in.

A cache of weapons was found by NATO forces in a safehouse there where Iranian terrorists were, and these are some of the weapons that were found: mortars; toys that children might pick up that would blow up in their hands; all kinds of weapons of destruction by the same people who were behind the bombing of our barracks in Beirut that killed 235 of our men.

Mr. Speaker, the President misled the Congress of the United States of America. Now, my colleagues have said on a number of occasions today we are going to spend $1 million on a witch hunt and this is nothing we should be doing, we should not be spending this money. I want to remind them on Iran-Contra, that resulted in no one going to jail, my colleagues on the other side of the aisle spent $48 million, and a lot of people thought it was a witch hunt. Admiral Poindexter's career was tainted and it almost ruined him.

My Democrat colleagues spent $2 million on the select committees in this House, $1.35 million on October Surprise, and it ended up costing a total of almost $5 million. Yet we are talking about less than $1 million to get to the bottom of this issue of whether or not the President of the United States may have violated the law, No. 1; or, No. 2, deliberately misled the Congress of the United States by sending incorrect messages up here through his Secretary of State.

Mr. Speaker, let me end by saying that Secretary of State Christopher said to us on a number of occasions, ''We do not want to lift that embargo,'' and yet under the table they were working with the Iranian terrorists to fund that. I think it is wrong. We need to investigate.

Mr. FAZIO of California. Mr. Speaker, I yield 1½ minutes to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, this is a serious matter. It deserves sober debate.

The uncontroverted facts underlying all of this are as follows: They involve no U.S. covert action, nor any ''action'' for that matter. The President of the United States sent to our Ambassador in Croatia instructions to take no position about country C's, Croatia's, request for our views about country A's, Iran's, shipment of arms to country B, Bosnia. That is what happened. No instructions.

''Acquiescence'' somehow gets transformed into ''complicity'' which somehow gets transformed into ''duplicity,'' which in the continued rhetorical inflation on the other side gets transformed into ''contempt of Congress.'' That, in turn, gets bootstrapped into the notion that this is ''serious Presidential wrongdoing.''

Give me a break.

Republican former Senator Warren Rudman, who looked at details of this as explained by the Intelligence Oversight Board's own investigation, found no illegality or wrongdoing. He said, in effect, this is a question of ''politics;'' namely, the wisdom of the policy.

We can look at the question. We should look at it. The majority has every right in the world to hold the administration accountable for that. But let us be a little bit more accurate in the characterization, which has now taken on almost a caricature quality.

Let us stipulate that there is a problem that needs looking into. Do we need one committee to do it? Perhaps the Permanent Select Committee on Intelligence. Two? The Committee on Government Reform and Oversight. Three? The Committee on National Security. Now let us have four, and create a Select Subcommittee of International Relations to boot!

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. EHLERS].

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

Mr. EHLERS. Mr. Speaker, listening to the debate for the past hour, I am struck by one aspect of the comments I hear from the other side of the aisle: ''Methinks thou dost protest too much.'' I am beginning to wonder whether there is more here than even I had thought.

As a scientist, I like to deal with the facts and I am interested in finding out the facts. I do not put more credence in allegations unless we can investigate them. On that basis, I believe it is important to proceed with this investigation and try to determine what the facts are.

It appears that the President did allow the Iranians to get arms into Bosnia, and I believe it is important to determine whether, if fact, that happened.

There has been a great deal of discussion here about the cost of the inquiry. I would point out first of all this cost is being handled within the committee budget of the House of Representatives; that that is still 30 percent less than the committee budget under the previous Congress, and certainly appears to be a reasonable expenditure in terms of determining the truth of the situation.

The real issues are whether the President did in some fashion deceive the public and the Congress by publicly stating his opposition to arms going into Bosnia and at the same time allowing arms to go into Bosnia.

Mr. Speaker, I think perhaps a more serious allegation, and one that certainly has to be investigated, is whether the President knowingly allowed the Iranians to be the source of those arms, to provide the pipeline for those arms to get into Bosnia.

I recall when I heard the first news reports of our troops coming in, the international troops, IFOR, and discovering various caches of weapons from the Iranians and finding a number of Iranians there. I was dismayed as a citizen and as a Member of Congress to find that Iranian influence had extended there.

Mr. Speaker, you can imagine my dismay when I found out that the President had some complicity in this. As I said, I believe it is extremely important for us to investigate this, to determine as best as possible what the facts are in the situation, and make our conclusions.

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

Mr. DIAZ-BALART. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I rise in support of this resolution to investigate the United States role in the Iranian arms transfer to Croatia and Bosnia.

The Bosnian arms embargo was established in 1991 by the United Nations in an effort to prevent the Bosnian conflict from erupting into widespread civil war. By placing an embargo on the region, it was thought that none of the warring factions could gain a decisive advantage over the others. However, the embargo had little effect. The

already well-armed Serbians were able to easily roll over the militarily weaker Bosnians, claiming much territory and causing horrific casualties. While still opposed to direct United States intervention, the Republican-led Congress called for a lifting of the embargo so that the Bosnians could, at least, acquire the arms they needed to defend themselves. On eight separate occasions, the President rejected congressional attempts to lift this embargo.

While publicly supporting the arms embargo, President Clinton had secretly approved a shipment of Iranian arms to Bosnia in 1994. This is a classic Clinton flip-flop. Last year, he blocked our efforts to lift the arms embargo, and he has allowed Iran—a known sponsor of terrorism—to ship arms directly to Bosnia. There are 20,000 Americans risking their lives in Bosnia because President Clinton sent them there. By allowing Iran to establish a foothold in the region, the President has significantly increased that risk.

Mr. FAZIO of California. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, our Republican colleagues never cease to amaze me. They yelled for years about lifting the arms embargo, as did I. We all knew that the arms embargo could not be lifted because Britain and France objected. But we all knew this was going on.

Now, Mr. Speaker, they want to waive the House rules to form this committee. They touted the new House rules for saving money and now they want to waive it like they have waived all the other House rules.

Mr. Speaker, Republicans want to blow a million bucks on this unneeded committee when all they needed to do was plunk down a quarter for the June 4, 1994 Washington Times. We knew it was happening then. These arms shipments were widely reported in 1994. Because the Republicans did not pay attention then, the American taxpayer will pay a million bucks now.

The Republicans should hit the library and read the old newspaper clips of this story instead of hitting the American taxpayer in the wallet. The Committee on International Relations can handle it on its own. If they had not abolished the Europe and Middle East Subcommittee, that subcommittee would be in effect now, doing these kinds of things.

Mr. Speaker, they talk about Iran. Where were they during the Iran-Contra scandal? This is a political ploy. It is election year politics at its worst and it should be defeated.

Mr. DIAZ-BALART. Mr. Speaker, I yield 15 seconds to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I would like to make the point once more. There is a big difference between complicity in permitting Iranian arms to come in to Bosnia or permitting it to happen on one hand, and accepting newspaper reports which indicate that arms are coming in from the Arab world or even specifically from Iran.

This Congress was not informed and certainly had no expectations that anybody would be dumb enough in the White House to permit Iranian arms and troops to come into Bosnia.

Mr. FAZIO of California. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me just simply conclude by saying I think we have explored all aspects of this over the last several hours. There is no question that we are in the middle of a political campaign, and I think the gentlewoman from Georgia who called it ''an independent expenditure'' was probably close to being accurate.

But there is no question we also hear something else here which is regrettable. It is a ''get back,'' a position taken by many on the other side that this is a response to prior investigations. Well, regardless of whether they turned up any indictable offense, every prior investigation was warranted by the facts, by allegations of illegality. this one is not, and does not deserve this expenditure and this emphasis of time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, a previous distinguished speaker from the other side of the aisle said that the facts are uncontroverted with regard to what the President did. If that is the case, then why does the minority oppose the investigation of the facts?

The distinguished gentleman from New York [Mr. ENGEL] a few minutes ago said the arms embargo could not be lifted because the British and the French objected. The British and the French and the Germans objected to the decision of the Clinton administration to appoint a Secretary General of NATO who is a socialist, and yet he was appointed.

The United States is the only remaining superpower in the world, and if the United States would have exerted leadership as the Congress demanded of the President with regard to Bosnia, the multilateral embargo would have been lifted. We said, ''Mr. President, if you cannot, even with exerting leadership as the only superpower in the world, lift the multilateral embargo, the lift it unilaterally because the people of Bosnia have a right to defend themselves.'' But no, he vetoed that.

Mr. Speaker, at the same time the administration was vetoing the will of the Congress with regard to letting the Bosnian people defend themselves, the administration through Mr. Tarnoff was admitting publicly, quote, ''Iran engages in terrorism by assassinating its opponents. It provides material and political support to Palestinian rejections trying to undermine the Middle East peace process through violence. It seeks to subvert secular regimes in the Muslim world.''

Mr. Speaker, that is the administration talking about Iran at the same time that it is giving a green light to Iran to enter Bosnia.

This is a very serious issue, Mr. Speaker. This is not political. I reject that allegation. What would the other side require to realize that the national interest of the United States is legitimately involved in this issue, Mr. Speaker?

□ 1415

So we will be investigating this. We have done this. I commend the gentleman from California, Chairman BILL THOMAS, for his leadership in bringing forth this select subcommittee under cost, under the actual request that was made because he was able to do it as efficiently as possible.

I would like to submit for the RECORD a memorandum from the Office of Finance to Chairman THOMAS that states that the $995,000 of the cost of the subcommittee can be absorbed within the fiscal year 1996 funds.

I would urge all of my colleagues to take seriously the national security interests of the United States. This is a very serious issue. It deserves to be legitimately and thoroughly studied.

Mr. Speaker, I include for the RECORD the memorandum to which I referred:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 1, 1996.

[Memorandum]

To: Chairman Bill Thomas, Committee on House Oversight.
From: Tom Anfinson, Associate Administration, Office of Finance.
Subject: Funding for Special Select Subcommittee.

Please be advised that your amendment in the nature of a substitute of $995,000 for the cost of the Select Subcommittee, based on current projections, can be absorbed within the Fiscal Year 1996 funds provided for ''Standing Committees, Special and Select.''

Mr. Speaker, I move the previous question on the amendment and on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. (Mr. HANSEN). The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

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

Mr. FAZIO 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 225, nays 203, not voting 6, as follows:

[Roll No. 152]

YEAS—225

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—203

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
White
Whitfield
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—6

Coburn
de la Garza
Ford
Hostettler
Molinari
Scarborough

□ 1436

Mr. SCHUMER changed his vote from ''yea'' to ''nay.'' Messrs. STOCKMAN, HOEKSTRA, and UPTON changed their vote from ''nay'' to ''yea.''

So the resolution as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table

U.S. HOUSING ACT OF 1996

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 426 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 426

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. The first two sections and each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record of May 7, 1996, pursuant to clause 6 of rule XXIII, if offered by Representative Lazio of New York or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The Chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2406, it shall be in order to take from the Speaker's table the bill S. 1260 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2406 as passed by the House. All points of order against that motion are waived. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1260 and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Woodland Hills, CA [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

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

Mr. DREIER. Mr. Speaker, now I will proceed with giving the same explanation the reading clerk just gave.

Mr. Speaker, in the tradition of past housing rules, this rule provides an open rule for the consideration of H.R. 2406, the U.S. Housing Act of 1996. It provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Banking and Financial Services.

The rule makes in order the Banking Committee amendment in the nature of a substitute as an original bill for the purpose of amendment and provides that the substitute be considered as read.

All points of order against the substitute for failure to comply with clause 5(a) of rule 21 are waived. This waiver is necessary because several sections of the substitute relate to the disposition of appropriations due to changes in existing housing law.

The rule provides that the substitute shall be considered by title and the first two sections and each title shall be considered as read. If further makes in order, before consideration of any other amendment, an amendment printed in the CONGRESSIONAL RECORD of May 7, 1996, if offered by Representative LAZIO of New York or his designee.

That amendment shall be considered as read, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment or to a demand for a division of the question, and all points of order are waived.

□ 1445

If the amendment is adopted, the bill as amended shall be considered as an original bill for this purpose of further amendment. Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments if otherwise consistent with House rules.

The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule also provides for one motion to recommit, with or without instruction. Finally, the rule provides that after passage of the House bill, it will be in order to take up the Senate bill to move to insert the House-passed provisions in the Senate bill, and to move to request a conference with the Senate.

Mr. Speaker, despite all of the parliamentary mumbo-jumbo that I have just gone through, this is a bona fide open rule. Over the years, I had the honor of referring to the former chairman of the Committee on Banking and Financial Services and the Subcommittee on Housing and Community Opportunity, the gentleman from Texas [Mr. GONZALEZ], as Mr. Open Rule, because of his commitment to bring to the floor major housing bills under an open rule. It is a distinction that I look forward to bestowing upon the current chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York [Mr. LAZIO].

While an open rule on a bill of this nature will be time-consuming and contentious, 75 amendments were offered in the Committee on Banking and Financial Services alone, it is necessary. Housing policy must be seen in the context of broader welfare policy.

Members have strong feelings about the impact of Federal housing programs on low-income families and how these programs should be reformed. An open rule will allow all issues to be debated and will strengthen public confidence in whatever program changes we collectively decide to move ahead with.

Quite frankly, Mr. Speaker, the changes called for in H.R. 2406 are long overdue. Our public housing programs are a failure, and those failures have been known to us for nearly two decades. Yet, until now, Congress has failed to offer effective solutions to addressing the housing and economic needs of poverty-level families. Instead, we have continued to spend hundreds of billions of dollars on costly and inefficient public housing programs that encourage waste, fraud, and abuse while destroying urban communities and relegating tenants to second-class status in Third World living conditions.

H.R. 2406 will improve housing conditions and economic opportunity for tenants by substantially deregulating public housing and giving authorities the flexibility they need to operate efficiently and effectively.

While 2406 does not fundamentally alter the Federal Government's intrusion into the housing market, nor does it reduce the size of HUD's bureaucracy, it will go a long way toward reforming our failed public housing programs. For that, I applaud Chairman LAZIO for his successful efforts in bringing this bill forward. I look forward to working with him to bring about similar reforms to the remainder of HUD's bureaucracy so we can enhance local control, reduce administrative overhead and cost burdens, maximize the direct flow of housing assistance, and promote our ultimate objective, which is the achievement of economic self-sufficiency for low-income families.

Mr. Speaker, H.R. 2406 is a good bill that deserves our support. More importantly, this rule provides for an open amendment process that will allow all the policy issues to be debated.

Mr. Speaker, I urge support of the rule, and I reserve the balance of my time.

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

Mr. Speaker, we support this open rule for the consideration of H.R. 2406, the U.S. Housing Act of 1996, and we commend our colleagues for bringing this open rule to the floor. Certainly, the rule for taking up legislation to repeal the housing laws of this Nation, which have been in effect since 1937, should be open and unrestricted. It should permit, as this rule does, every Member to have an opportunity to offer amendments that are germane. We are nonetheless very disturbed, as we know the majority of the Committee on Rules are, too, about the manner in which the manager's amendment made in order under the rule was handled.

The manager's amendment, which changes many portions of the bill, was never presented, Mr. Speaker, to the Committee on Rules. That failure to follow our regular procedure raises serious concerns about this disregard for the deliberative nature of the legislative process, as well as the effect it could have on millions of Americans who live in public or assisted housing.

But because the Republican leadership insisted on moving the housing bill today, the Committee on Rules was faced with a situation that all of us, I believe, found untenable, having to approve a rule for a major piece of legislation that neither the majority nor the minority on any of the committees had seen.

We trust that we shall not be placed in this situation again, either by the committee appearing before the Committee on Rules or by the leadership. In this case in particular, the legislation is not only momentous in nature, but it is also very complex. The public and all Members interested in our Nation's housing policy should have had the opportunity to see the exact wording of the manager's amendment and to comment on it to Members of the Congress. And for Members wishing to offer amendments, the availability of language that they are seeking to amend is essential in preparing responsible amendments. That language should have been available for a reasonable length of time.

Mr. Speaker, the issues this legislation is addressing are not minor ones. We are dealing with a bill that makes several substantial and significant changes in U.S. housing policy, all of which we believe could hurt people currently living in public and assisted housing. This legislation, by repealing the Housing Act of 1937, will result in a total rewriting of U.S. housing policy. We are dealing with legislation that, by eliminating the caps on rent paid by seniors and working families and eliminating targeted housing assistance,

could have a very negative effect on senior citizens and on families with children who live in public housing. This is legislation that would block grant Federal funding for public housing and low-income rental assistance. We question whether these block grants will, as its proponents believe, save money. Rather, we fear they may end up hurting the very people they are proposing to help.

Mr. Speaker, the bill would also repeal the Brooke amendment, which caps rent for tenants in public and assisted housing at 30 percent of income. The repeal of the Brooke amendment would force many tenants in public housing to make the impossibly difficult decision between shelter and food and medicine. We fear it could lead to greater homelessness in this country.

By eliminating the protection of the Brooke amendment, the bill would permit housing authorities to set rents based on the real estate market, with little regard to how much money people can afford to pay. It is inconceivable that we are denying people an increase in the minimum wage at the same time we are enacting a demonstration project, included in the manager's amendment, to grant the 300 largest housing authorities in the country permission to raise the rents of the working poor.

For that reason, Mr. Speaker, we will move to defeat the previous question, so we may offer an amendment dealing with an increase in the minimum wage.

Mr. Speaker, we are not talking about people who make a great amount of money. We are talking about families who live in public and assisted housing, whose income averages only $6,400 a year. Forty-one percent of these people are seniors or are disabled. The remaining 59 percent are families with children. They are among the most vulnerable people in our society. At a time when one quarter of American children live in poverty, this Congress should be doing everything possible to help take care of them.

Mr. Speaker, this bill, we fear, would only hurt them. Mr. Speaker, although we are not opposed to this open rule, we commend our friends on the other side of the aisle for offering this as an open rule. We are very much opposed to much of the substance of the bill, and we urge our colleagues to give it very careful consideration when it later comes before us.

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

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Utah [Ms. GREENE], a very able Member and a colleague on the Committee on Rules.

Ms. GREENE of Utah. Mr. Speaker, I rise in support of the rule and the underlying bill, the U.S. Housing Act of 1996. This rule will provide for the open consideration of an extremely important matter, our Federal low-income housing policy.

This is truly historic legislation. I want to commend Chairman LAZIO for his tireless efforts on behalf of this bill.

Mr. Speaker, for decades we have consigned those residing in Federal low-income housing to conditions worse than those found in our Federal prisons. Notorious housing projects across the country have imprisoned families in deplorable and often hopeless conditions.

This legislation will bring real reform to our Federal low-income housing policy. It will pull back the heavy hand of Washington and empower communities to improve their neighborhoods.

In addition, as part of the manager's amendment that will be made in order under the rule, Chairman LAZIO has generously included an amendment I intended to offer elsewhere. This amendment will correct a flaw in the 1990 Housing and Community Development Act that discriminates against cities that participate in the Community Development Block Grant Program.

Under the 1990 act, metropolitan cities and urban counties that qualify for 2 consecutive years are deemed to permanently retain their program status. However, the method in which these grants are awarded, on a 3-year basis for counties but only a 1-year basis for cities, results in an unfair disadvantage for cities. Currently, a county needs to qualify only once, but a city must do so for 2 consecutive years.

Because of this bias against cities, a city in my district, the city of West Jordan, has been denied their status as a metropolitan city since 1993. Under the manager's amendment, metropolitan cities would now receive the same treatment as urban counties. This is a change that is long overdue.

I would like to thank Congressman LAZIO for his generosity in including this correction within the manager's amendment made in order under this rule.

I urge my colleagues to support the rule and the bill so that we can take an important step to improve our Federal low-income housing policy.

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

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, I'm urging my colleagues to defeat the previous question and allow us a clean vote on raising the minimum wage.

Mr. Speaker, the longer this minimum wage debate goes on, the more I'm reminded of a story I once heard about a hot dog company.

The company was having trouble selling its hot dogs, so they called a big meeting with all the department heads to find out what was wrong.

The marketing director says, ''it's not the marketing. We've won all kinds of awards.''

The production supervisor says, ''it's not the production line. We're running at full capacity.''

The shipping supervisor says, ''it's not the shipping. All of our trucks are running on time.''

The CEO says, ''I don't understand. If everything is running well, what's the problem?''

From the back of the room a janitor says, ''The problem is, kids don't like your hot dogs.''

Mr. Speaker, it's the same thing with the Republican agenda. Every week we get a new theory about the Republican problems.

One week it's a strategy problem. The next week it's a message problem. This week, the Speaker says it's a media problem. When are Republicans going to learn—it's not just the strategy that keeps failing. It's the ideas.

The American people don't want to cut Medicare to pay for tax breaks for the wealthy.

They don't want to cut education to pay for tax breaks for big oil companies—as the majority leader proposed this weekend.

They don't want to allow CEO's to raid corporate pension funds.

But that's what you've tried to do the past 18 months. The Republican agenda is out of touch with the needs of America's families.

Eighty-five percent of the American people say: ''raise the minimum wage.''

Yet, the majority leader says he'll oppose a minimum wage increase with every fiber of his being. The majority whip says that minimum wage families ''don't really exist.''

And the Republican conference chairman went so far to say that he would commit suicide before voting to raise the minimum wage.

Never mind that that the minimum wage is at a 40-year low. Never mind that the majority of the people working for the minimum wage are mothers trying to raise their kids and stay off welfare.

For 18 months, Republican leaders have blocked us at every single turn.

And now, instead of raising the minimum wage, here we are today considering a bill that will raise rents on people who earn the minimum wage.

Forty-one percent of the people who lived in assisted housing are senior or disabled.

The rest are working families with children.

Many of them make the minimum wage or less.

In fact, the average income of these working families is $6,400 a year—which is less than half the poverty level. And yet, this bill will give landlords a blank check to raise rents through the roof.

This bill operates under the theory that there aren't enough homeless people in America—so we have to create more of them.

Mr. Speaker, if you're wondering why over 60 percent of the American people disapprove of the Republican agenda. This is the reason.

Fortunately, some of our Republican colleagues are beginning to see the light.

Twenty-one brave Republicans have co-sponsored a bill to raise the minimum wage.

Unfortunately, 12 of them have voted ''no'' every single time we've tried to bring the issue to the floor.

So we are giving you another chance here today.

Please help us CHRIS SHAYS, SPENCER BACHUS, FRANK CREMEANS, BOB FRANKS, STEVE HORN, AMO HOUGHTON, NANCY JOHNSON, STEVE LATOURETTE, RICK LAZIO, BILL MARTINI, JACK METCALF, and ILEANA ROS-LEHTINEN.

Help us raise the minimum wage for 12 million working Americans.

All of you had the courage to cosponsor a bill to raise the minimum wage.

Now we're asking you to put your vote where your heart is, help us defeat the previous question, raise the minimum wage, and give over 12 million Americans the dignity and respect they deserve.

They have chosen, they have chosen work over welfare. They ought to be rewarded. We ought to make work pay. Help us defeat the previous question.

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PARLIAMENTARY INQUIRY

Mr. DREIER. Mr. Speaker, the eloquence of my friend from Michigan has led me to propound a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The gentleman will state his parliamentary inquiry.

Mr. DREIER. Mr. Speaker, under House rule IX, which requires that a Member must confine himself to the question under debate, is it relevant to the debate on either this rule or the bill it makes in order to engage in a discussion of the merits of the minimum wage?

The SPEAKER pro tempore. As explained on page 529 of the manual and reiterated by the Chair last week, debate on a special order for consideration of a bill may range to the merits of the bill to be made in order but should not range to the merits of a measure not to be considered under that order.

Mr. DREIER. A further parliamentary inquiry, Mr. Speaker. Could the Chair enlighten us as to the subject matter of the question that is under debate at this point?

The SPEAKER pro tempore. House Resolution 426, the rule providing for consideration of the bill H.R. 2406, to repeal the U.S. Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, increase community control over such programs and for other purposes.

Mr. DREIER. I thank the Speaker very much.

Mr. Speaker, I yield 2 minutes to my dear friend and colleague, the gentlewoman from Columbus, OH [Ms. PRYCE].

Ms. PRYCE. Mr. Speaker, I rise today in strong support of the rule and H.R. 2406, the U.S. Housing Act, and to remind my friends this is a rule on a historic housing bill, nothing else. This important legislation sets the Nation's public housing system on a course that will save families and neighborhoods from the grasp of the welfare state.

H.R. 2406 starts by repealing the outdated Housing Act of 1937 and begins sending power back to local communities and away from Washington, where residents, nonprofit organizations, and community leaders will determine which housing policies work best for them and their neighborhoods.

Mr. Speaker, tenants in America's public housing system deserve a break. They deserve a break from overcrowding, crime, and insecurity. This legislation will allow tenants with low and moderate incomes to share neighborhoods, and gives the poorest of American citizens a chance to escape poverty-stricken areas through the use of vouchers.

Mr. Speaker, I also urge my colleagues to support the manager's amendment which strengthens the bill's ability to provide safe and affordable housing. The manager's amendment prevents housing authorities from overcharging the Nation's poorest tenants as well as the elderly and disabled.

This amendment further ensures that adequate housing be available for our Nation's most needy, and taxpayers will benefit from provisions of the amendment which establish criteria to replace costly, ineffective housing projects with private housing vouchers.

Additionally, the manager's amendment addresses the problem of overcrowding, which threatens to undermine even the most successful housing projects by creating unhealthy living conditions that isolate the poorest and most dependent citizens. The manager's amendment remedies this problem by allowing States, not HUD, to set occupancy standards. This provision cures the problems of overcrowding in one simple step.

Mr. Speaker, I commend Chairman LAZIO for his leadership and fine work on this historic legislation and urge my colleagues to support the rule. America's housing system needs a shot in the arm. Chairman LAZIO and the fine work of his committee and the U.S. Housing Act provide that.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas [Mr. GONZALEZ], the ranking member of the policy committee.

Mr. GONZALEZ. Mr. Speaker, the House soon will take up the Housing Act of 1996, a bill that in large part aims to force the residents of public housing to pay more rent.

But this is trying to squeeze blood out of a turnip—75 percent of the people who live in public housing make less than one-third of the median income. Even if the minimum wage were increased by 90 cents an hour, it would not be enough to raise the income of a family to the poverty level.

So it is exceedingly ironic that we are going to raise the rent of the poorest people in America, while denying them an increase in the minimum wage, which the Republicans will not even permit the House to vote on.

Here we are, telling the poor to be self-sufficient, when the House will not even guarantee a poverty-level wage.

It is shameful. I do not know anybody who enjoys being poor. I do not know anybody who likes working for a wage that does not pay the rent and grocery bill. And I do not know anybody who believes that it makes sense to add ever-greater burdens to the elderly, the disabled, and the struggling poor and exhort them to do better—all the while saying that we won't adjust the minimum wage to make up for the buying power it has lost since 1988, the last time it was changed. It is wrong and it is unjust, it is shameful to prevent a vote on the minimum wage while the House is telling the poor to pay more rent, as it is today.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Vineland, NJ [Mr. LOBIONDO], a very able new Member of Congress.

Mr. LOBIONDO. Mr. Speaker, I rise today in strong support of this rule and H.R. 2406, the United States Housing Act of 1996. As a member of the Banking Committee, I have seen the hard work of Chairman LAZIO over the past several months and I believe that he is bringing a very good bill to the floor today.

H.R. 2406 will repeal the long since outdated Housing Act of 1937. This Depression-era legislation has been altered over the years to the point that local governments and local housing authorities have very little flexibility in meeting the housing needs of their own communities. H.R. 2406 will abandon the notion that HUD should micromanage every aspect of public housing through one-size-fits-all regulations. With this legislation we will return the power to local communities.

This bill rewards good housing authorities with less Federal regulation and helps those already good public housing authorities to better serve the needs of low-income families at a lower cost to the taxpayer. Just as we are rewarding good operations, H.R. 2406 inflicts severe punishments on those authorities that have failed the American public year after year. This bill provides the tools to end these embarrassments that have wasted so many taxpayer dollars without helping those of our society who are in need.

Mr. Speaker, I commend Chairman LAZIO for his work on this legislation and for his vision. With these reforms, I believe we will see the creation of neighborhoods and communities of which we all can be proud.

I strongly urge my colleagues to vote in favor of this rule and in favor of H.R. 2406.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Minnesota [Mr. VENTO].

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

Mr. VENTO. Mr. Speaker, I rise in opposition to this rule. It is an open rule. However, it does include a manager's amendment which was not fully explained. It is in the RECORD today but nevertheless, it makes in order certain nongermane amendments which I think should have complied with the rules of the House, and not be waived by the rule that is before us.

Furthermore, I join others in objecting to the procedure of this House floor, when important matters for the last months have been denied a vote on this House floor by this Committee on Rules and by others. It could have easily made in order legislation that would provide for the consideration of legislation to raise the minimum wage.

That is directly related to the proposition that we have before us, Mr. Chairman, because the fundamental tenet of this bill is public and assisted housing, trying to help those that have to attain sanitary and safe housing. In fact, since 1937 our Nation has championed public and assisted housing to meet that need. Today we have 1.3 million families in public and assisted housing.

The fact is that unfortunately, 13 million families are eligible for such housing today, and that is a direct result of the economic disparities that exist in our American economy and in our society. The fact is that the minimum wage is one of the major means that we have, one of the major tools that we have available to change those disparities.

It is important I think that we have other programs such as housing, that we have other programs such as health care programs that rise to try and meet and set minimum standards for individuals, but I think we need to start with the world of work. We need to make work pay. We need to give people the autonomy of having a stake in our society, that that job would actually give the type of wages that is necessary to sustain them and to meet their basic family needs.

Too often American workers are forced to take jobs that pay substandard wages and have no health benefits, yet my Republican colleagues will say you don't need to raise the minimum wage because it will hurt American workers. Well, it is not quite clear to me how giving 10 million American workers a 90 cents raise over the next 2 years will hurt them? Especially since the real value of the current minimum wage has fallen by one-quarter over the past 15 years.

At a time when U.S. corporations are making record profits and the economy is strong and stable, it is unreasonable that working families receive wages far below the poverty level. This is the unhappy and sad status of our society as we move into the 21st century. Whatever means American workers had to achieve a minimum standard of pay in the past has been broken over the last decades.

This condition—this circumstance must stop and be corrected. Our Nation should be moving beyond even a minimum wage to be a livable wage for workers and their families. Our workers deserve to be paid a fair day's wage for a fair day's work. Employers and corporations must be held accountable to provide a fair shake to American working families.

The annual pay for a full time minimum wage earner is $8,840. This is not an exorbitant wage. Imagine a family trying to live on this amount. It may not seem possible, but it is done every day in this country. There is a serious problem in our society when hard-working families, holding down full-time jobs, cannot earn enough to bring their families out of the poverty cycle, while company executives earn an average of 70 times that of their average employee.

Let's not make America a caste system. We need to raise the minimum wage and ensure workers are paid a fair and livable wage. We need to let this Republican Congress know that we will fight to protect workers and that promoting the special interest of mega-corporations at the expense of working Americans is wrong. We need to return to the days when a worker made for a family, a wage that provides a decent home and a good opportunities for his or her family—the promise of America. We need to give dignity and justice back to American working families which they earn every day on the job.

We as a Congress should do all that we can to try and enhance the wages of those persons so that they can meet their housing needs, so that they can put food on the table, so that they can meet their health needs. But unfortunately today this Congress is demonstrating a refusal to consider raising the minimum wage even 90 cents or a dollar, which in fact would affect nearly 13 million American workers.

These are not teenagers. Half of them are over 25 years of age, and many of them are the very individuals that we are talking about in terms of this assisted and public housing. One individual article pointed out that almost everyone in this country is that available for housing, that needs it, can get public housing.

As I have said, only about 10 percent of the poor actually, there is only that much housing, so 90 percent are out there struggling and sometimes they fail. Sometimes they end up homeless. They are out there trying to get the health care and take care of their basic needs. But the best thing that we could do for them is to provide an opportunity, a minimum wage that would help them meet their own needs, to make work pay.

That is really what this should be about. This Congress should be busy on that track to try and respond, not to create more transfer programs. Even now I see that my colleagues on the other side of the aisle have a new-found affinity for the earned income tax credit. But again, that is a transfer payment. It is a good program. We pushed it, I think, as far as it probably can go.

The fact is we should not be subsidizing the mega corporations and others that are refusing to actually pay a minimum wage, a livable wage. When we stop and think about what a minimum wage is, it is only $8,800 a year. Very few families are going to be able to survive on that.

What is happening here in this particular bill is that we are pulling the rug out from under the public in assisted housing programs so that we are limiting basically the amount of assistance. In fact, we are really repealing the 1949 law. It is not just the repeal of a law that is archaic. It is not archaic. I urge the defeat of this particular rule.

Mr. DREIER. Mr. Speaker, I would say to my friend from Minnesota who raised the issue of waivers on the manager's amendment, the manager's amendment was fashioned after hours and hours of negotiations that took place between the chairman of the Subcommittee on Housing and Community Opportunity and Secretary Cisneros, and while there was not an agreement on every single issue, it was a compromise that was struck with them.

Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. KING].

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

Mr. Speaker, I rise in support of the rule for H.R. 2406, and urge my colleagues to support both the rule and this truly historic and revolutionary legislation.

I also must commend my good friend and fellow New Yorker, RICK LAZIO, chairman of the Subcommittee on Housing and Community Opportunity of the Committee on Banking, for the outstanding work and dedication he has shown in addressing the issue of public housing, of introducing this critical legislation.

Mr. Speaker, public housing in this country has been a failed policy but H.R. 2406 will, among other things, reform public housing by putting power back into the hands of local communities and by making public housing authorities accountable to professional standards of management. This is an outstanding bill that is revolutionary legislation, and I urge its adoption.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

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Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise in strong opposition to this rule on a number of different fronts. First and foremost, I rise in opposition because of the procedures that we are operating under in terms of what the rule provides.

We ought to recognize that during the last evening, as we were before the Committee on Rules, early in the evening, for the first time I saw the manager's amendment. The Committee on Rules itself indicated to me that this was a highly unusual circumstance. We had no ability to reflect upon or understand what was contained in the manager's amendment.

The staff of the Committee on Banking and Financial Services, which is here on the floor this afternoon, went

through the manager's amendment and found at least three whole new programs that were contained within the manager's amendment, which none of us were ever even made aware of.

While some of these programs might very well end up making some sense somewhere down the line, the fact of the matter is, to have them contained where we have never had a hearing, where we do not understand what all the implications of these provisions might be, we have got the vouchering out of public housing by housing authorities under certain terms and conditions, that none of us are clear upon, we have got another amendment that is contained within that provides for a wholesale exemption of the Brooke amendment, which guarantees the 30-percent ceiling on the amount people are going to pay for rent, regardless of whether or not we pass the Brooke amendment today on the House floor and reinstall it as part of our Nation's commitment to the poor. These demonstration programs, which were 30 in number in the U.S. Senate, are rising to over 300, which are also mandated in the fine print to include New York City, with 108,000 units of public housing.

This is the kind of legislation where we have some sort of self-sufficiency, the PIP program I guess. Somehow each individual that attains public housing is going to have to file a statement with someone, somewhere, to determine what their own personal plans are for improving themselves in the future.

Mr. Speaker, I urge strongly that we defeat this rule and look out for the needs of working class Americans.

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

Mr. Speaker, I respond to my friend by saying one of the three programs he mentioned was specifically at the request of the Secretary of Housing and Urban Development. It is voluntary vouchering out of public housing, which is a priority item.

Mr. KENNEDY of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. DREIER. Mr. Speaker, we are very limited on time. I am just responding to the gentleman.

Mr. KENNEDY of Massachusetts. Mr. Speaker, it is very unfair for the gentleman to suggest that, when I talked to the Secretary himself and he disagrees wholeheartedly, very strongly with that statement.

Mr. DREIER. It is a specific request.

Mr. KENNEDY of Massachusetts. Do not lie about it on the House floor, DAVID.

Mr. DREIER. I am simply providing what staff has informed us, that the Secretary of Housing and Development requested that of the Subcommittee on Housing.

Mr. Speaker, I yield 3 minutes to my very good friend, the gentleman from Chicago, IL [Mr. FLANAGAN].

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

Mr. FLANAGAN. Mr. Speaker, I rise today in support of H.R. 2406, the U.S. Housing Act of 1996. I thank Mr. LAZIO, chairman of the Housing and Community Opportunity Subcommittee, and the committee for their efforts on this excellent bill.

Mr. Speaker, this is an important bill to all communities. Passage of H.R. 2406 will ensure that local housing authorities, not Washington bureaucrats, are responsible for the management of local housing plans. Residents of public housing will assume responsibility for the day-to-day operations of the housing project, thus having an active rather than passive role in managing their facilities.

America's housing system is a total disgrace. Manyu families have found themselves trapped in a system that was originally designed as a short-term solution to what has become a long-term problem. Centralizing a housing program, which has become very complex, is not the most constructive way to serve residents of those housing complexes. Washington cannot effectively serve communities across the country who all have different needs. Local authorities are, for obvious reasons, much more specifically concerned with the residents of their community. Local organizations who know and understand the need of the communities will be much more efficient and effective in making the decision that will affect them.

In 1966 in Chicago, a lawsuit—Gautreaux versus the Chicago Housing Authority—was filed. The objective of the suit was to prove that there was an intentional pattern of racial discrimination against tenants of CHA sites. In 1969, the Federal judge—Judge Richard Austin—ruled in favor of the plaintiffs. A new problem emerged. Desegregating public housing complexes in the city was going to be much more difficult than desegregating the city schools. Since the Gautreaux decision, there have been many problems with implementing the court order.

There is no need nor any benefit to forced, instituted social engineering from Washington. Had H.R. 2406 been the law at the time of this suit, there most likely would not be the problems that we have today. Federal judges, appointed for life, were allowed to write laws in the face of congressional inaction. Local communities could have come to some kind of accomodation, if they had been given the opportunity to do so. At longlast, this legislation would so empower localities.

H.R. 2406, the U.S. Housing Act of 1996, is an excellent bill. I commend the committee as a whole, and especially Chairman LAZIO for all the hard work and commitment to America's communities. I only wish that a bill like this had been enacted many years ago. It will certainly benefit local neighborhoods.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. FLAKE].

Mr. FLAKE. Mr. Speaker, I come this afternoon sharing a fond relationship with the gentleman from New York [Mr. LAZIO] the chairman of the committee, and thank him and his staff for working with my staff in trying to get certain things into the bill. In spite of that, there are some serious concerns that make me juxtaposed to wanting to see this particular rule pass at this time, because some of the concerns that those of us who are not only Members of this body but also providers of housing understand as it relates to what is necessary for people to put a roof over their head, to keep a roof over their head, are not included in this particular piece of legislation.

The best means of trying to get people to that point, where they can be self-sufficient, when they can take care of their own responsibility, is to create for them opportunities for income, rather than creating a bill that takes away from them the means of resources that they already have available in trying to determine whether or not they are going to put food on the table or whether or not they are going to pay other bills.

It is extremely difficult for me to understand how one can argue that this bill, along with welfare, makes sense, and this bill, along with minimum wage, does not make sense. If you are talking about the same people in each class and in each category, it becomes almost impossible to conceive of putting together a bill that raises the amount of money that a person who works every day, yet is beneath the poverty line, is only able to provide for shelter for their family by virtue of the fact that they have access to the public housing, and then say though you will be paying more out of the little bit that you do make, we are not going to give consideration to a minimum wage bill that will allow you to be able to pay the difference between what we are now charging you.

It makes no sense to me for us as a body responsible for making sure that every citizen in this Nation not only has an opportunity to be able to live to the best degree possible, that we do not even have in this an affordable housing provision that allows for people to be able to work their way out of public housing into an affordable housing category, so that they can have the benefit of sharing in the American dream of home ownership.

I would agree with my colleagues, if we could get rid of public housing and put everybody into a home, that would make sense. This bill does not do that.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very able colleague, the gentleman from Bloomfield, MI [Mr. KNOLLENBERG].

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

Mr. Speaker, I strongly support the rule and the underlying bill. This bill repeals an outdated, depression-era law and puts the power and responsibility

where it belongs, in the hands of local communities and residents, not the Washington bureaucrats.

I am especially pleased with the provisions, that reform the Brooke amendment. I salute Chairman LAZIO and the committee. Simply put, our current policy under the Brooke amendment punishes work and rewards welfare dependency. Here is how:

Public housing rent is calculated at 30 percent of a resident's income. Thus, the more you earn, the more you pay. But if you go to work, you pay income and FICA taxes, in addition to higher rent, and also begin to lose welfare, foodstamp, and medicaid payments.

Nine times out of ten, residents who find gainful employment, end up with less disposable income than if they had simply stayed on welfare. In fact the, highest marginal tax rate in the United States is not paid by millionaires or people in boardrooms, it is paid by AFDC-dependent public housing residents who accept a full-time minimum wage job. Understanding this fact is the key to understand public housing. You know why there are people trapped in poverty.

The only way you can change this is to give, as the bill does, more flexibility and decisionmaking ability to local public housing authorities, who frankly have the best interests of public housing residents at heart, and have a much better track record of protecting the resident's concerns than the bureacrats at HUD.

Mr. Speaker, H.R. 2406 is a giant step forward in the debate of real welfare reform.

We must pass this bill and rule, with Brooke fully intact, to provide the reform of Brooke, to provide the much-needed relief for our families and local communities.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. Mr. Speaker, a major part of the American dream is to own your own home. Unfortunately, for millions of people in public housing, this dream has little chance of becoming reality, because they don't earn enough to get out of public housing.

As a result, Mr. Speaker, the U.S. taxpayer covers the cost of public housing because millions of working poor don't make enough money to pay rent and put food on the table. A large part of the reason for this is our tragically low minimum wage. We could do a great deal to move people out of public housing by increasing the minimum wage to a level where people can earn enough to move out on their own. Unfortunately, the Republican leadership is so opposed to raising the minimum wage that they would rather kick the working poor into the streets.

Mr. Speaker, this bill misses the point. The way we reduce the need for public housing is to give people a living wage. And today's minimum wage is certainly not a living wage.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to my very thoughtful colleague, the gentleman from Long Beach, CA [Mr. HORN].

Mr. HORN. Mr. Speaker, I rise today in strong support of the rule and the U.S. Housing Act of 1996. It means real reform and it means hope for our neighborhoods. This bill, removing obstacles that have existed in the law for many years, will end the cruel hoax of our outdated, inefficient, ineffective public housing system. It scraps the system that tolerates failure and replaces it with safe, clean, healthy, affordable housing for our most vulnerable citizens. It gives low-income Americans hope and opportunity by removing obstacles to work and insisting on professional management standards in local public housing authorities.

By passing this bill, the House will be saying yes to accountability and to work incentives, and no to bloated bureaucracies and the decay of our neighborhoods.

I would like to thank the gentleman from New York [Mr. LAZIO] for including in his manager's amendment a provision that is very important to the people of the city and county of Los Angeles. The manager's amendment extends the authority of the city and county of Los Angeles to spend up to 25 percent of their community development block grant funding on public service. This desperately needed provision fits well into the Republican effort to return broader decision making authority to state and local government.

Mr. Speaker, I urge all of my colleagues on both sides of the aisle to forget the past, forget the decrepit, rotten housing we have provided for the most vulnerable over the years, and vote for the U.S. Housing Act, which means real reform that will mean better living conditions for low-income Americans.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, so many Americans are working two jobs, they are making sacrifices for their children, and they still cannot get to the American dream of homeownership. One affordable and quality option for many of these Americans is manufactured housing. We have worked very hard and achieved a delicate balance with Republicans and Democrats, with consumer groups and taxpayer groups, in a bipartisan way, to put together an amendment that will help increase the availability and the access to this very important industry and to this dream.

Republicans, such as the gentlemen from California, Mr. ROHRABACHER and Mr. CALVERT, and the gentleman from Florida, Mr. MCCOLLUM, have supported this, as well as the gentleman from Texas, Mr. GONZALEZ, and the gentleman from Minnesota, Mr. VENTO, We also have strong consumer support for this amendment.

I think that this is the way to go as we downsize HUD, as we get input from the industry, as we get input from consumer groups, as we try to make available to hard working Americans this great dream. Let us try to have as many options as are available to these hard working Americans, and manufactured housing and a better understanding of manufactured housing certainly is that option.

I intend to offer in a bipartisan way this bipartisan amendment, and hope to get the support of this House.

☐ 1530

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Appleton, WI [Mr. ROTH], my colleague on the Committee on Banking and Financial Services.

Mr. ROTH. Mr. Speaker, that is a very good bill and it is a good rule. In fact, the gentleman from California in yielding me the time had mentioned Appleton, WI. Well, it was Green Bay, WI, and Fort Wayne, IN, where they initially started this voucher program as a pilot program and it worked out very well.

This is a good bill because the gentleman from New York [Mr. LAZIO] and the people working on that committee had looked at this in depth. Let me point out that this bill now takes some of the power from Washington and puts it in the hands of local communities. But, Mr. Speaker, it does more than that. It gives it to private, nonprofit organizations; it gives it to the people who actually live in those housing units.

It also gives them the vouchers so that the tenant now has freedom of choice. If the tenant does not want to live in this unit, this tenant can find another unit so he or she can vote with their feet. It brings the free market forces into public housing, which is what is so desperately needed.

Mr. Speaker, this legislation also consolidates several programs into block grants, and, of course we debated that issue here for years and years about the block grant program, but the block grants are good especially in this instance because it makes people in public housing more self-sufficient and it streamlines the program. That is why the voucher program is so important.

This bill gives people an incentive to move off of welfare in public housing by cutting the legal link between their income and the rent they have to pay. As has been said here in debate before, there is this 30 percent formula, but this 30 percent formula under this bill is not chiseled into stone so that the people again have more latitude.

Mr. Speaker, I think that is what we want to do. We want to give people who are utilizing public housing some latitude, and give them some other avenues besides just concreting them into one particular formula. That is why this legislation is so good.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. WATERS], my fine colleague.

Ms. WATERS. Mr. Speaker, the radical Republicans are playing a cruel

hoax on the American people. They refuse to raise the minimum wage by a lousy 90 cents and the bill before us would raise rent on the poorest and most vulnerable Americans, Americans who are only making minimum wage.

Mr. Speaker, why can we bring a bill to this floor to raise public housing rents for the elderly, single mothers, and the working poor when the overwhelming majority of Americans, 78 percent, believe this Congress should consider a modest 90-cent increase in the minimum wage, but my colleagues on the other side of the aisle say, ''No way.''

This rule on this bill shows clearly this Congress' contorted priorities. We could give 11 million Americans a tiny raise. Six out of 10 workers earning the minimum wage are women, many of whom are single parents. Seventy-two percent of these women are adults 20 years old or over.

So much for Mother's Day. So much for family values, my Republican friends. They have just gone too far, Mr. Speaker. We cannot justify this attack on poor and working families. Let us oppose the previous question and craft a rule that will bring a minimum wage increase to this floor. If the Republicans want to raise the rents on seniors tomorrow, let them try. But let us give 11 million Americans a raise today.

PARLIAMENTARY INQUIRY

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

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

Mr. DREIER. Mr. Speaker, may I inquire of the Chair what piece of legislation is before us?

The SPEAKER pro tempore. House Resolution 426.

Mr. DREIER. And what is that, Mr. Speaker?

The SPEAKER pro tempore. Would you like the Chair to repeat it again? The Chair has read the title before. House Resolution 426.

Providing for the consideration of the bill, H.R. 2406, to repeal the United State's Housing Act of 1937, deregulate the public housing program, and the program for rental housing assistance for low-income families, increase community control over such programs, and for other purposes.

Mr. DREIER. Thank you very much, Mr. Speaker. And I would say to the gentlewoman from California [Ms. WATERS] that that lousy 90 cents works out to $57,000 for the average small business.

Mr. Speaker, I yield 2 minutes to the gentelman from West Chester, OH, [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I congratulate the committee and Members on both sides of the aisle for the excellent work that they have done. Especially congratulations to the gentleman from New York [Mr. LAZIO] on a bill that really is reflective of our broader Republican agenda.

The gentlewoman from California who spoke before me referred to this as another radical part of our agenda. What the gentlewoman refers to as ''radical'' most people in America would look at and say, ''Now this is common sense,'' because what we are trying to do is to move this power out of Washington, back to States and local communities, to make decisions for the people who live in their communities that can best help the people in their communities.

One provision that will be in the manager's amendment that I am especially pleased with refers to title V of the McKinney Act that currently sets up a three-agency review process for processing applications by homeless groups for Federal surplus land. The process can take years and really does not reflect any local concerns.

Even if there is a local homeless or low-income housing group that would like some of the land and the local community wants to give it to them, they cannot under existing law. The Federal Government decides here in Washington.

This provision in the amendment cuts through all of this redtape. It says that if the local elected officials consent to the transfer of surplus Federal land to a local homeless or low-income housing group, that the Federal Government can transfer the property immediately. No endless process; no three-agency review. The property goes straight to local groups who have local support.

If the local officials cannot agree, then the process goes on through the regular McKinney Act. I think this is a win-win solution. It gives local leaders the authority and the incentive to work with local groups who are trying to address the housing needs of the poor and the homeless.

Local housing assistance groups will get a more receptive ear at city hall and will have more incentive to build local support within their communities. This is an important provision, and I would urge my colleagues to support the rule, support the manager's amendment and the bill.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I really do know what bill this is. This is the turn the local housing authority into your local rental office and to help and to provide economic opportunity for all those vacant apartments. It has nothing to do with housing poor people who, in fact, many of us would say I would not live in that place if I had to.

Mr. Speaker, this forces residents to pay more rent. Of those who live in public housing 75 percent earn less than one-third of minimum wage. What this does, oh, yes, give somebody a voucher. In the segregated South I can tell my colleagues there are many of those in the public housing that will not be allowed to live in certain neighborhoods.

This is a bill that has the right direction, but it is the wrong way to do it. This is a bad rule. The reason is because the bill is a bad bill. Yes, we can do some things to reform our local housing authorities, but not take away total Government direction on the national level to ensure that all of us can have good housing for all of America.

Mr. Speaker, this bill does not represent a cohesion and a coalition of those who would say it is good to have Americans in good housing.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Scottsdale, AZ [Mr. HAYWORTH], our very able new colleague.

Mr. HAYWORTH. Mr. Speaker, I rise today in strong support of this open rule and of H.R. 2406. I believe this legislation signals the end of a public housing system which helps trap people in a cycle of poverty instead of providing a safety net for families who really need short-term assistance.

Enactment of H.R. 2406 will give public housing residents more choices and help those who are able move on to a life of greater self-sufficiency.

Mr. Speaker, I would also like to take this opportunity to publicly thank and commend the gentleman from New York [Mr. LAZIO] for his efforts to improve our Nation's system of Indian housing. H.R. 3219, the Native American Housing Assistance and Self-Determination Act of 1996, which I will offer as an amendment to H.R. 2406, will give tribes the flexibility they need to meet their unique housing needs.

Mr. Speaker, this legislation will provide a block grant that will go directly to the tribes and those tribes in turn can then use the funds to build new housing, renovate existing homes, and revitalize their communities

Mr. Speaker, it is all about local empowerment and empowerment of individuals. ''Yes'' on the rule; ''yes'' on the bill.

Mr. BEILENSON. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, I rise to urge my colleagues to vote to defeat the previous question on this rule so that we can offer a clean up-or-down vote to raise the minimum wage.

Mr. Speaker, the minimum wage now stands at a 40-year low in real purchasing power. Working American families go to their jobs every day, they play by the rules, and they provide for their families. It is about time someone gave them a break.

Today the Republican majority wants to increase the rents for those who are on the minimum wage, but they will not give them a wage increase. Democrats in this body support the modest proposal to raise the minimum wage by 90 cents. At least 21 majority Members have had the courage to buck the Republican leadership and sign on to a raise for working folks.

Mr. Speaker, I say to the gentleman from Washington [Mr. METCALF], the gentleman from California [Mr. HORN], and the gentleman from New York [Mr. LAZIO], please vote against the previous question so we can have a vote on the minimum wage.

A majority of this body supports raising the minimum wage. On April 17, Speaker GINGRICH promised hearings on the minimum wage. Anyone who may have believed that promise, it has now been 21 days. Speaker GINGRICH's taxpayer-funded salary has paid him $9,867 since April 17, but a minimum-wage worker takes home only $8,840 in an entire year.

Mr. Speaker, I call on this House, I call on the Speaker, to stop stiffing working Americans. Defeat the previous question so we can get a clean up-or-down vote to raise the minimum wage in this country.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to the gentleman from New Providence, NJ [Mr. FRANKS].

(Mr. FRANKS of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, today I rise in strong support of the rule on H.R. 2406. Further, let me take this opportunity to congratulate the gentleman from New York [Mr. LAZIO] on its innovative effort to bring reform to America's Byzantine housing laws.

Over the past year I have worked with Chairman LAZIO to ensure that public housing residents for the first time have the opportunity to directly elect tenants to their local housing and management authorities. For too long the residents of public housing have been subjected to poor living conditions. Those conditions often go unaddressed because tenants have no elected representation on the very housing authorities that oversee these dwellings. The provision that I have worked to include in the manager's amendment empowers tenants by providing for their direct election on housing boards.

If Members believe that these authorities should be more accountable to the very tenants they exist to serve, I urge all Members to vote ''yes'' on the rule, ''yes'' on the manager's amendment, and ''yes'' on final passage.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to oppose the motion on the previous question to this rule to H.R. 2406. We hear a lot of rhetoric about moving people off of welfare and out of public housing and into work, but the Republican leadership has simply refused an up-or-down vote on a minimum wage increase.

Mr. Speaker, a livable wage would give our constituents and other working Americans the ability to move off of welfare rolls and out of public housing, but the Republicans continue to oppose this minimum wage increase. In fact, all we hear in the Senate is that Senator DOLE wants to call attention to an increase of 4.3 cents in the gas tax in 1993, but not an increase in the minimum wage at the same time.

What the Senator fails to inform voters is that he voted for two 5-cent increases from 1982 to 1990, the so-called ''Dole dime.'' Working Americans strongly support an increase in the minimum wage. In fact, the latest national poll shows 83 percent of Americans support an increase.

Mr. Speaker, we have a golden opportunity to give American families what they really need, a decent wage for a decent day's work. Mr. Speaker, it is time for a clean vote on a minimum wage.

□ 1545

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The Chair reminds Members that are speaking on the floor of the House that reference to individual Members from the other body should be avoided. The Chair reminds Members of that.

Mr. DREIER. Mr. Speaker, I yield 2 minutes to the gentleman from Middletown, NY [Mr. GILMAN], distinguished chairman of the Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I rise today in support of the U.S. Housing Act of 1995 and commend its sponsor, the distinguished gentleman from New York [Mr. LAZIO], for all of his diligent work in bringing this important legislation creating a new public housing framework to the floor. In addition, I thank the committee for including language to correct the improper median income calculation for Rockland County.

Currently, Rockland County, New York's median income is calculated by the Department of Housing and Urban Development as a part of the primary metropolitan statistical area which includes the income data from New York City. For this reason, HUD lists Rockland County's median income of a family of four as $40,500. However, the 1990 census shows that the county's true median income to be $60,479, a difference of close to $20,000.

Since HUD's income levels are used in calculating eligibility for almost all State and Federal housing programs, these inaccurate statistics have severely limited the access of Rockland County residents to many needed Federal programs. Income caps for the State of New York mortgage agency, Fanny Mae/Freddie Mac, HUD's section 8, the home program, and a myriad of other beneficial programs are artificially low, thus most of Rockland's residents, financial institutions, realtors, and builders are at a severe disadvantage in relation to their counterparts in neighboring counties.

Mr. Speaker, I thank the committee for their good work in reforming U.S. housing programs and attending to this extremely important local need. Accordingly, I urge my colleagues to support H.R. 2406.

Mr. BEILENSON. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, this debate centers on two issues. At a time when the gap between the rich and the poor is growing wider, when the real wages of American workers has declined by 16 percent over the last 20 years, when most of the new jobs being created are low wage jobs, part-time jobs, temporary jobs, we must raise the minimum wage so that, if somebody works 40 hours a week, they do not live in poverty.

Second, given the struggle that so many working poor are experiencing today, why would anybody want to raise the rents that low-income people have to pay in public housing? Why would somebody tell the elderly poor, who are barely surviving on Social Security, that they must pay higher rents than they are paying today? This is a bad rule. Let us defeat it.

Mr. DREIER. Mr. Speaker, I yield 1½ minutes to our able new colleague from Gallipolis, OH [Mr. CREMEANS].

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

Mr. CREMEANS. Mr. Speaker, I rise today in support of H.R. 2406, the United States Housing Act of 1996. This legislation is long overdue.

Years ago, large high rise housing developments were built and widely praised by public housing advocates. Times have changed, and so have these housing projects.

In public housing today, children cower under their beds, as bullets fly through the air right outside their bedroom windows.

Senior citizens live with 10 locks on their doors yet still become victims of predators.

This is not public assistance, this is torture—and it must be stopped. Congress has heard the call for help from public housing residents, and has responded with this legislation.

This new Housing Act will reverse the cycle of poverty that keeps families in public housing developments for generations.

It eliminates those Federal policies that discourage work and self-sufficienty.

And it will close public housing authorities that are beyond repair.

This Housing Act is a significant departure from previous attempts to reform public housing. This bill reflects the realization that local public housing directors know best how to reform

troubled authorities, not a Federal bureaucrat in Washington.

I urge my colleagues to support this long overdue legislation.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, America needs a raise. With the minimum wage providing the least purchasing power in almost four decades, America needs a raise. I concluded that our Republican colleagues have finally heard this call for a raise. They know American working people need a raise, and so they have given us their response this afternoon. They are going to raise rents instead of raising wages.

I say it is time to raise the roof because it is not right and fair to American working people that are out there trying to make ends meet to raise their rents without raising their wages.

We will have an opportunity in the next few seconds to vote on whether the minimum wage rises above its 40-year low. All that stands between American working families and an increase in the minimum wage are eight Republican colleagues; not very many, eight Members.

Ironically, more than eight members of the Republican caucus have already gone out in front of the television cameras and announced that they are for an increase in the minimum wage. Yet, they have not yet mustered the willingness on the last two votes to raise the minimum wage in the last 2 weeks in this Congress to vote to do just that.

I know the gentleman from California, my friend, says that it is not germane to this debate to talk about the minimum wage. It may not be germane to the elites, but let me tell you, it is mighty germane to the people that are out there scrubbing the floors, folding the linens in the motel rooms, serving the fast foods, picking the peas. These are the kinds of people that are doing the hard dirty work in our society.

It was only on April 17 that the Speaker of the House, and he was out here on the floor earlier, front page story, headlines, ''Republicans Told To Brace for Vote on Minimum Wage, Gingrich Warns Caucus,'' April 17.

But only a few days later, after all the special interest lobbyists had worked their way, they changed their tune. Let us vote to raise the minimum wage.

Mr. DREIER. Mr. Speaker, I yield 1 minute to the gentleman from Stamford, CT [Mr. SHAYS].

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

The bottom line to this is, this is a vote on the housing bill, on the minimum wage. I urge my colleagues to vote for the previous question so we can reform public housing, which I have overseen for 9 years.

I can tell my colleagues it is in need of tremendous reform. To those who say it is a vote on minimum wage, I will say to them, my colleagues, I am absolutely convinced we will have a vote on this issue. I happen to be one of the eight that the gentleman has made reference to. To me, it is not lost that Democrats had 2 years when they controlled the White House and Congress. It is kind of embarrassing that they make it an issue today, when they could have done it when they controlled both the White House and Congress.

I see this vote on the minimum wage today as a political vote, not a substantive vote. I urge my colleagues to vote for the previous question. Get on with our job, and we are going to do it. And we are going to do it the right way.

Mr. BEILENSON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in closing let me simply say again that we do support the rule. But we urge a no vote on the previous question. If the previous question is defeated, I shall offer an amendment to the rule which would make in order a new section in the rule. The provision would direct the Committee on Rules, as the Speaker knows, to report a resolution immediately that would provide for consideration of a bill to incrementally increase the minimum wage from its current $4.25 an hour to $5.15 an hour beginning on July 4, 1997.

That would provide for a separate vote on the minimum wage. Let me make it clear to my colleagues both Democrats and Republicans that defeating the previous question will in fact allow the House to vote on the minimum wage increase. That is what 80 percent of the Americans want us to do. So let us do it.

I include the text of this amendment and accompanying documents for the RECORD at this point in the debate:

At the end of the resolution add the following new section:

''SEC. . The House of Representatives directs the Committee on Rules to report immediately a resolution providing for the consideration of a measure to increase the minimum wage to not less than $4.70 an hour during the year beginning July 4, 1996, and not less than $5.15 an hour after July 3, 1997.''

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308–311) describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution * * * [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership *Manual on the Legislative Process in the United States House of Representatives*, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule * * * When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues:

Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

The vote on the previous question on a rule does have substantive policy implications. It is the one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

Mr. Speaker, I urge a ''no'' vote on the previous question and ''yes'' on the rule itself.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

I do so to say that those who are attempting to defeat the previous question here are in fact going to block our effort here which this subcommittee has put together to clean up the corrupt and horrible public housing that we have in this country. Let me conclude by reminding my colleagues that defeating the previous question is an exercise in futility because the minority wants to offer an amendment that will be ruled out of order as nongermane to this rule. That is the rules of this House. The fact of the matter is this is a vote without substance.

The previous-question vote itself is simply a procedural vote to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

Mr. Speaker, I insert in the RECORD an explanation of the previous question:

HOUSE RULES COMMITTEE

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII (''Previous Question'') provides in part that: There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. BEILENSON. 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.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 208, not voting 8, as follows:

[Roll No. 153]

YEAS—218

Allard	Campbell	Ehrlich
Archer	Canady	Emerson
Armey	Castle	Ensign
Bachus	Chabot	Everett
Baker (CA)	Chambliss	Ewing
Baker (LA)	Chenoweth	Fawell
Ballenger	Christensen	Fields (TX)
Barr	Chrysler	Flanagan
Barrett (NE)	Clinger	Foley
Bartlett	Coble	Fowler
Barton	Coburn	Fox
Bass	Collins (GA)	Franks (CT)
Bateman	Combest	Frelinghuysen
Bereuter	Cooley	Funderburk
Bilbray	Cox	Gallegly
Bilirakis	Crane	Ganske
Bliley	Crapo	Gekas
Boehner	Cremeans	Gilchrest
Bonilla	Cubin	Gillmor
Bono	Cunningham	Gingrich
Brownback	Davis	Goodlatte
Bryant (TN)	Deal	Goodling
Bunn	DeLay	Goss
Bunning	Diaz-Balart	Graham
Burr	Dickey	Greene (UT)
Burton	Doolittle	Greenwood
Buyer	Dornan	Gunderson
Callahan	Dreier	Gutknecht
Calvert	Dunn	Hall (TX)
Camp	Ehlers	Hancock
Hansen	Manzullo	Sanford
Hastert	Martinez	Saxton
Hastings (WA)	McCollum	Scarborough
Hayes	McCrery	Schaefer
Hayworth	McDade	Schiff
Hefley	McInnis	Sensenbrenner
Heineman	McIntosh	Shadegg
Herger	McKeon	Shaw
Hilleary	Metcalf	Shays
Hobson	Meyers	Shuster
Hoekstra	Mica	Skeen
Hoke	Miller (FL)	Smith (MI)
Horn	Moorhead	Smith (NJ)
Houghton	Morella	Smith (TX)
Hunter	Myers	Solomon
Hutchinson	Myrick	Souder
Hyde	Nethercutt	Spence
Inglis	Neumann	Stearns
Istook	Ney	Stump
Johnson (CT)	Norwood	Talent
Johnson, Sam	Nussle	Tate
Jones	Oxley	Tauzin
Kasich	Packard	Taylor (NC)
Kelly	Parker	Thomas
Kim	Paxon	Thornberry
King	Petri	Tiahrt
Kingston	Pombo	Upton
Klug	Porter	Vucanovich
Knollenberg	Portman	Walker
Kolbe	Pryce	Wamp
LaHood	Quillen	Watts (OK)
Latham	Radanovich	Weldon (FL)
LaTourette	Ramstad	Weldon (PA)
Laughlin	Regula	Weller
Lazio	Riggs	White
Lewis (CA)	Roberts	Whitfield
Lewis (KY)	Rogers	Wicker
Lightfoot	Rohrabacher	Wolf
Linder	Ros-Lehtinen	Young (AK)
Livingston	Roth	Young (FL)
LoBiondo	Roukema	Zeliff
Longley	Royce	Zimmer
Lucas	Salmon	

NAYS—208

Abercrombie	English	Lincoln
Ackerman	Eshoo	Lipinski
Andrews	Evans	Lofgren
Baesler	Farr	Lowey
Baldacci	Fattah	Luther
Barcia	Fazio	Maloney
Barrett (WI)	Fields (LA)	Manton
Becerra	Filner	Markey
Beilenson	Flake	Martini
Bentsen	Foglietta	Mascara
Berman	Forbes	Matsui
Bevill	Frank (MA)	McCarthy
Bishop	Frisa	McDermott
Blute	Frost	McHale
Boehlert	Furse	McHugh
Bonior	Gejdenson	McKinney
Borski	Gephardt	McNulty
Boucher	Geren	Meehan
Brewster	Gibbons	Meek
Browder	Gilman	Menendez
Brown (CA)	Gonzalez	Millender-McDonald
Brown (FL)	Gordon	Miller (CA)
Brown (OH)	Green (TX)	Minge
Bryant (TX)	Gutierrez	Mink
Cardin	Hall (OH)	Moakley
Chapman	Hamilton	Mollohan
Clay	Harman	Montgomery
Clayton	Hastings (FL)	Moran
Clement	Hefner	Murtha
Clyburn	Hilliard	Nadler
Coleman	Hinchey	Neal
Collins (IL)	Holden	Oberstar
Collins (MI)	Hoyer	Obey
Condit	Jackson (IL)	Olver
Conyers	Jackson-Lee (TX)	Ortiz
Costello	Jacobs	Orton
Coyne	Jefferson	Owens
Cramer	Johnson (SD)	Pallone
Cummings	Johnson, E. B.	Pastor
Danner	Johnston	Payne (NJ)
DeFazio	Kanjorski	Payne (VA)
DeLauro	Kaptur	Pelosi
Dellums	Kennedy (MA)	Peterson (FL)
Deutsch	Kennedy (RI)	Peterson (MN)
Dicks	Kennelly	Pickett
Dingell	Kildee	Pomeroy
Dixon	Kleczka	Poshard
Doggett	Klink	Quinn
Dooley	LaFalce	Rahall
Doyle	Lantos	Rangel
Duncan	Leach	Reed
Durbin	Levin	Richardson
Edwards	Lewis (GA)	Rivers
Engel	Roemer	Stark
Rose	Stenholm	Traficant
Roybal-Allard	Stockman	Velazquez
Rush	Stokes	Vento
Sabo	Studds	Visclosky
Sanders	Stupak	Volkmer
Sawyer	Tanner	Walsh
Schroeder	Taylor (MS)	Ward
Schumer	Tejeda	Waters
Scott	Thompson	Watt (NC)
Serrano	Thornton	Waxman
Sisisky	Thurman	Williams
Skaggs	Torkildsen	Wilson
Skelton	Torres	Wise
Slaughter	Torricelli	Woolsey
Spratt	Towns	Wynn
		Yates

NOT VOTING—8

de la Garza	Hostettler	Seastrand
Ford	Largent	Smith (WA)
Franks (NJ)	Molinari	

☐ 1614

Mr. MORAN changed his vote from ''yea'' to ''nay.''

Mr. CASTLE changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BUNNING of Kentucky). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOSTETTLER. Mr. Speaker, on rollcall No. 153, I was unavoidably detained. Had I been present, I would have voted ''aye.''

PERSONAL EXPLANATION

Mrs. SEASTRAND. Mr. Speaker, on rollcall No. 153, I was unavoidably late. Had I been present, I would have voted ''aye.''

The SPEAKER pro tempore. Pursuant to House Resolution 426 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2406.

☐ 1615

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are at the precipice of an important moment in terms of our Nation's communities. Before we begin our debate today on the Housing

Act of 1996, I would like to paint a picture for my colleagues. Imagine a city block of tall buildings, formed concrete stained and crumbling from decades of neglect. The buildings have no working elevators, no lights in the hallways. The stairwells reek of human waste, and drug paraphernalia can be found in the corners under stairs. No one stands near the windows because they are afraid of stray bullets. Children's playgrounds are nothing more than empty dirt and trash. Mothers do not want their children to play out in the open.

There are no malls, no shopping malls, near this block, no banks, no businesses, except for a few check cashing stores and an overpriced convenience mart. Adults spend weekdays around the complex, because they do not have jobs to go to. The police drive around the perimeter of the block but will not go inside the complex at night without more than one car.

We all recognize this image, Mr. Chairman. It is public housing. It is in America. It is not just public housing in one city, it is public housing in the cities and towns in which we live and throughout this country.

Today we are about ending the charade that we are helping poor people by condemning them to a life in some of the worst public housing in the world. We begin the process of ending this failure and giving families who live in these neighborhoods a chance, an opportunity, a chance to leave public housing, to be self-sufficient, even to own a home.

Where did public housing go wrong for so many American families? Much of the blame lies with policies that were meant to help people, originating from this very Chamber. Decisions that seemed logical when they were proposed years ago turned out to have far-reaching negative consequences when they were enacted into law.

The Brooke amendment, which was originally meant to protect vulnerable Americans from paying too much in rent, now perversely has proven to be a barrier to get a job, because as it is now structured, the Brooke amendment means that the same day you go to work your rent goes up. It is a tax on work.

One-for-one replacement. These statutes were statutes that were placed by the minority party over the last years which were originally instituted to ensure that public housing would not be demolished without having built new housing to accommodate the tenants. What is the result? The result is that one-for-one replacement rules guarantee that huge empty, vacant shells will remain standing in our Nation's communities.

Rules governing Federal tenant preferences were designed to protect tenants, but the practical effect of these far-reaching HUD-mandated requirements has been to load up waiting lists with the poorest of the poor and people whose social needs outweigh the ability of modern welfare structures to accommodate them.

Income targeting provisions ensure that no one is well served by the gigantic hulks of despair all too often associated with public housing. Families and taxpayers have suffered. The costs associated with public housing have risen dramatically over the last 10 or 15 years, at the same time median incomes have fallen, a direct result of these policies.

More of the very poor were being sheltered, but taxpayers are being asked to pay more for decaying, often crime-ridden properties that trap those very same poor people in perpetual poverty. But as I say, this is not a financial equation. The real cost is not to the taxpayers, but to the families and the children who are forced to live in squalor.

Mr. Chairman, we have a chance to make housing assistance work again, and 2406 is the vehicle for this kind of change. The Housing Act of 1996 requires that the hulks of failure that characterize high-rise public housing be vouchered out. The chronically failed and mismanaged housing authorities that have wasted taxpayers' money will be cut off completely, and local management groups, even tenants or nonprofits, will be brought in to do the work that housing authorities have failed to do.

This legislation starts moving these communities back to environments where families are not trapped, where they have a hope and an expectation of being self-sufficient again. It makes public housing transitional, not by punishing long stays, but by establishing a contract between a housing authority and the residents that clearly lays out the rights and responsibilities of each.

It encourages entrepreneurship on the part of housing authorities and tenants, letting them put money back into their community and encouraging the kind of initiative that can turn around a neighborhood, a family, and even a person's life.

This bill realizes that to be successful, we have to end the Washington-based model that enforces inappropriate one-size-fits-all policies that have represented the policies of the last 30 years in our local communities. It repeals Federal tenant preferences and replaces them with local preferences. It ends overly restrictive targeting and gives local communities the power to set rents based on real needs, rents that will help people return to the work force.

This legislation changes the whole way the Government looks at housing assistance and is a step toward forging a new partnership, a new relationship between citizens and Government, one where Government can truly be a partner.

I am very proud to be here today before this Congress, Mr. Chairman, to present the United States Housing Act of 1996, because I believe, Mr. Chairman, this is a step toward hope for many of the people about whom we care most. I look forward to this debate because here in this House, the house of the American people, we have to face the reality of the 20th century and the challenges of the 21st century. Here today is where we define the future, Mr. Chairman.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this bill really for the first time enacts into law the fundamental and un—American principle of blaming the victim. That is what this bill is all about.

We essentially have seen over the course of the last several years, politician after politician walk before every housing monstrosity in the United States, point to public housing, time and time again, and say, ''This is an example of liberal Democratic politics at its worst. This is an eyesore, an acute demonstration of why the Johnson era of liberal Democratic spending on Government programs simply has been outmoded.''

The truth of the matter is that public housing policy in this country is the greatest unfulfilled dream that has ever been encompassed by this body. What we have said is that we are going to house poor people. But then we never gave the housing authorities anything close to the resources that were necessary to provide the housing they were asked to give to the people that are of such low income.

Then what we do is, after we starve those public housing authorities and the individual public housing projects, we come along, take a picture of ourselves in front of them, and say, ''This is a terrible example of Government spending.'' What do we do? What is our solution to this problem? It is to cut the funding.

Last year without a single hearing we cut, in order to solve the problem of public housing, 25 percent of the budget of public housing. Now what we are doing in this bill is coming back and saying, ''Look, public housing does not work, so what we are going to do is essentially allow and enact into law provisions which allow us to jack up the rents on the people that exist in public housing, thereby throwing a lot of poor people out of public housing, and, I might add, working families out of public housing.''

This bill, more than anything else, hurts working families, the working poor. People that earn the minimum wage are going to be displaced by the actions taken in this bill.

What we are saying is that when you are in public housing, we are going to knock you out; if you are in assisted housing, we are going to knock you out; if you are elderly or disabled, you are at risk. Those are the provisions that are hidden in the sneaky language that we are not going to hear by the other side of the aisle.

What is important for us to recognize, Mr. Chairman, is yes, there need

to be changes in how we handle public housing. I think Secretary Cisneros and President Clinton deserve credit, as I want to provide credit to Chairman LAZIO, for the portions of this bill that allow us to cut out badly run public housing authorities, to cut out badly run public housing agencies, to get rid of the one-for-one public housing criteria that was included in past bills, to deal with the Federal preferences which have gotten us far too concentrated on serving just the very, very poor.

□ 1630

Maintaining the drug elimination grants, maintaining the Hope 6 program, these are all the positive aspects which I think Chairman LAZIO should be proud of and that I am proud to associate myself with.

But the trouble is that the bill goes too far. We end up eliminating the Brooke amendment, which has been the most fundamental protection for poor people in this country. We say as a protection to the poor that we will not ask them to pay anything more than 30 percent of their income in rent. Thirty percent of their income in rent is a lot of money for ordinary families. So by eliminating that, certainly it protects the housing authorities because they can jack up the rent.

So the poor people in the housing authorities have no place to go, so we send them out on the street. Then what do we do? We turn around and say that we are going to cut the homeless programs in this country by another 25 percent. So not only do we go about actually creating homelessness in this program, we then go and cut the very program that is supposed to take care of them.

The people that we do not hear from in this bill are the people that are going to be displaced by this bill. We have two amendments that we need, that if we can see this body pass them today, I will recommend that we vote in support of this bill.

First and foremost is BARNEY FRANK's amendment to protect the Brooke amendment. If we protect the Brooke amendment and do that with the necessary targeting, so that we do not just throw out the poor and that we do not throw out the working families, the working poor of this country, then I tell Chairman LAZIO right now that I would recommend that the Democrats of this House of Representatives support the bill.

Without those fundamental protections, this is essentially flawed and bad legislation. It will hurt working families. It will hurt the poor. It will hurt senior citizens, and it will hurt the disabled.

Let us stand up for principle in this body. Let us stand up for what is right in terms of not only public housing policy but the moral fiber and the moral value that is associated with the United States of America.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself time as I may consume.

Mr. Chairman, I want to make one comment here. In terms of this bill, there is some rhetoric involving the raising of rents. There is nothing in this bill that raises the rents on a single person now in public or assisted housing. Seniors are protected. The disabled are protected, and the poorest of the poor are protected. What we are trying to do is remove obstacles to work.

I also want to thank my colleague, the gentleman from Massachusetts [Mr. KENNEDY], for his cooperation throughout the process. Thank you very much, JOE KENNEDY.

Mr. Chairman, I yield 3 minutes to my friend and colleague, the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the Committee on Banking and Financial Services.

Mr. LEACH. Mr. Chairman, I rise in support of H.R. 2406 and want to thank Mr. LAZIO for his leadership on this bill. The Banking Committee, the House, and indeed the American people, are indebted to the gentleman from New York for the hard work and intellect he has put into this major reform legislation.

Let me speak to several aspects of the bill.

The chief goal of the legislation is to expand housing choices for low and moderate income people and to devolve power from Washington to local communities.

The legislative intent is to move away from reliance on highrise public housing projects and encourage the use of housing vouchers. It is the assumption of the committee that it is cost effective, as well as compassionate, to give low and moderate income people the ability to get away from projects which too often are infested with crime and drugs and move into communities where they can raise their families in safer, cleaner environments and where they will have an enhanced ability to improve their lives.

It is further the assumption of the committee that the people of the Bostons and Indianapolises and Davenports of the Nation can be trusted to more effectively and efficiently operate housing programs for the people of these communities than can those in Washington who the current law favors. Hence, the bill puts more power in the hands of those who know their localities best—the residents and local leaders who live in the communities affected.

H.R. 2406 is a prime example of commonsense reform. There is nothing radical or extreme here. The committee has simply recognized that government-built slums serve nobody's interest. What is needed is decent support for decent people who can make their own choices and control their own destinies.

I again congratulate Mr. LAZIO for his leadership on this important legislation, and the staff of the Housing and Community Opportunity Subcommittee for the many hours they have put into this effort.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. GONZALEZ], the former chairman of the Committee on Banking and Financial Services.

Mr. GONZALEZ. Mr. Chairman, H.R. 2406 in part follows bipartisan reforms adopted by the House in the last Congress, however, in part it profoundly departs from what had been a bipartisan policy of assuring that scarce Federal housing resources are used to help those who are in the greatest need. The basic assumption of H.R. 2406 is that local housing authorities should have the greatest possible leeway to spend Federal dollars. I am skeptical of a bill that provides precious few standards and guideposts to agencies that are dealing with the most complex and vexing of economic and social problems.

The bill is designed to encourage housing authorities to raise rents and to deny housing to people who cannot pay significant amounts of money for housing. This would have two effects: It would make housing authorities richer, and poor people poorer. It would increase the number of homeless people, and it would add to the distress of people who are already unable to meet their most basic needs. There is a better way to deal with the financial problems of housing authorities.

H.R. 2406 contains some sensible reforms, most of which the House has previously passed with overwhelming support. Unhappily, the bill also contains many simplistic and ultimately unworkable provisions, which I hope the amendment process will improve.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. MCCOLLUM].

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

Mr. Chairman, this legislation returns decisionmaking authority to the local level instead of a Washington bureaucracy, allowing public housing authorities to provide clean, safe, healthy, and affordable housing to needy persons and families in a more cost effective and managerially sound manner. It is imperative, in my judgment, that we reform the Nation's public housing programs to weed out those that have chronic problems and to encourage local housing authorities to tailor their programs to the specialized needs of their community.

I am particularly pleased that Chairman LAZIO has included provisions in the manager's amendment that deal with housing occupancy standards. Last week I introduced a bill which has been included in the amendment that would clarify that States should be able to set occupancy standards and not HUD.

There is a national consensus that the maximum number of occupants

most housing can accommodate without triggering the negative effects of crowding is two people per bedroom. The provision in the bill is a necessary clarification to stop attempts by HUD to adopt unrealistic occupancy policies. In recent years, HUD has pushed housing providers to accept beyond two people per bedroom, a policy that would lead to overcrowding, and take control of the apartment properties away from their owners and managers.

The manager's amendment provision clarifies it in three ways: First, HUD may not micromanage this issue by setting Federal occupancy standards; second, that State occupancy standards are authoritative; and third, that in the absence of the State standards, a two-person-per-bedroom policy is assumed reasonable.

This provision is supported by a remarkably wide range of housing provider groups, including all of the public housing associations as well as homebuilders, private apartment owners, seniors housing, section 8, and manufactured housing groups.

The bill overall will encourage mixed income populations instead of segregating the poorest of the poor, will help end the cycle which has perpetuated dependence on Federal support and disincentives to work.

Additionally, this bill imposes a death penalty on poorly run public housing authorities with longstanding records of failure. The time is overdue to change the Washington-knows-best attitude toward public housing. Who else should know best how to serve residents in communities than local housing providers who live and work in these areas? Chairman LAZIO and his staff have drafted a commendable bill, and I encourage its support.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from New York [Mr. FLAKE], who is himself an innovator, developer of low-income housing in New York City.

Mr. FLAKE. Mr. Chairman, I rise in opposition to H.R. 2406, the United States Housing Act. I would, however, like to commend my friend, Mr. LAZIO, and his staff on their leadership and outstanding efforts to produce a housing bill that Members on both sides of the aisle could support. Unfortunately, Mr. LAZIO'S bill has good intentions, but falls short in its efforts to protect public housing's poorest families.

Mr. Chairman, the United States Housing Act, essentially closes the door on poor public housing residents. The bill makes small efforts to accommodate the poor by reserving 30 percent of public housing units for families of four who are living on approximately $15,000 a year in a city with high living standards like New York. Statistics show that the average income of residents in public housing is $6,400 a year. Simple math tells us that this type of housing policy does not provide for dire housing needs of the poorest housing residents. In the absence of such a policy, we will find more people on the streets.

Mr. Chairman, I am truly concerned that this bill will have a drastic effect on the housing of the poor in New York. According to the provisions included as a part of the manager's amendment to this bill, the New York City Housing Authority, as a well-performing local housing authority, would not be subject to any rent caps or targeting. Without these rent caps and targeting provisions, there is no assurance that a public housing authority will provide poor families who are unable to pay higher rents with housing. Public housing was not designed to accommodate those who can pay the most. Private rental housing is designed for that. In a country with such a wealth of resources, poor families should not have to go without shelter.

Mr. Chairman, there are 225,000 people currently on the waiting list for public housing in New York. The housing need is great and the opportunities are few. This bill provides us with no assurance that poor and individuals like seniors and the disabled who have limited income will be treated equitably in this process. Let's protect the interests of these individuals. The Kennedy and the Frank/Gutierrez amendment attempts to protect these individuals and I urge support for each.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oklahoma [Mr. WATTS].

Mr. WATTS of Oklahoma. Mr. Chairman, the time is right for us to replace an outdated Depression-era law that was written in 1937. Instead of being rewritten to reflect modern housing needs and the challenges associated with public housing entities, the 1937 Housing Act had only been given quick legislative fixes which have resulted in regulation based on regulation placing local housing authorities in a stranglehold, unable to address problems at the community level.

The Great Society programs of the last 30 years, although well intentioned, only exacerbate the downward spiral of our low-income communities. By allowing government to replace the institutions that give structure and order to our neighborhoods, the Great Society programs have fractured these communities and placed unnecessary obstacles in the way of faith, family, work, and community.

Big government is part of the problem—not the solution. We need to promote an infrastructure where solutions to these prolems can come from epople who have the same zip code as the people they are helping. H.R. 2406, the United States Housing Act of 1996, does this.

This bill eliminates the existing 3,400 public housing authorities and replaces each with a new local management housing authority [LMHA]. These local management housing authoriies will be allowed to make decisions, within broad parameters, tailored to the specialized needs of local communities.

H.R. 2406 puts power in the hands of local communities, residents, and nonprofits, not Washington bureaucrats, by ending monopolies some public housing authorities have over housing for low-income American families. This bill ends the reliance on the flawed bureaucratic views and policies of housing assistance: that more boutique programs and more money means better living conditions. This bill addresses the fundamental needs of people and communities.

This bill offers Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy, and in particular, assist responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control.

I encourage my colleagues to support this bill.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

☐ 1645

Ms. WATERS. Mr. Chairman, I rise first to thank my friend, the gentleman from Massachusetts [Mr. KENNEDY], for all of the work that he is doing in this Nation on behalf of poor people and working people, particularly paying attention to their housing needs. Really I thank the gentleman from new York, Mr. LAZIO, for the job he is doing, and I agree with my friend, Mr. KENNEDY, we could clean up this legislation and, with the Kennedy-Gutierrez amendment, perhaps we could all support this bill.

Mr. Chairman, for now I must rise in strong opposition to this bill. H.R. 2406 completely restructures public and tenant-based housing in ways that will have detrimental consequences for the very families they are intended to serve. We all recognize there is a need for reform, but this bill, H.R. 2406, goes too far. This bill will put poor families in jeopardy of losing their housing because they will be unable to pay higher rents. Applicants who have been on waiting lists for years, may never get housing assistance under this bill because they are not in the desired income range.

I am most concerned with the provisions in this bill that give housing authorities broad authority to set minimum and maximum rent without the protection of the Brooke amendment. Under H.R. 2406, residents, regardless of their income or circumstances, can be charged whatever rent housing authorities set. At a minimum, all residents will pay $25 to $50 in rent. This will apply to residents with income as well as those with no income at all.

For many families, this will mean choosing between shelter and food or clothing or medicine. About two-thirds of those affected will be families with children. These are families with the worst-case housing needs. These are families with very little income, and in

many cases no income at all. These are the families that programs like public and assisted housing are designed to help.

How can we bring this bill to the floor when we know that worst-case housing needs reached an all-time high of 5.3 million in 1993, and that number has remained high? Almost 2 million of those with worst-case needs are working households, including many working-poor families with children.

Are we going to just turn our backs on these families? That is exactly what this bill does, and this is exactly why I cannot support it, unless we have these amendments.

Mr. Chairman, I am not just here because I want to preserve something that does not work. I am here because I know first hand about the needs of poor people. I am here because I know first hand about the families that live in these housing authorities. I did not visit them just 1 day. Every time I go home I make sure I spend time in public housing authorities.

Certainly we have problems, but these problems are not created by the people who need this housing. The problems sometimes are in management. We do not need to kick them out of housing by charging them higher rents. We need to support the ability for them to have a decent and safe place to live.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to note on the issue of minimum rents, the gentlewoman from California had noted that issue. Minimum rents are set in this bill at $25 to $50 at the discretion of the local housing authority, but there is a hardship exemption—safety valve—for those people with a particular hardship or need.

Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Delaware [Mr. CASTLE], the former Governor of that great State, and a member of the Committee on Banking and Financial Services.

Mr. CASTLE. Mr. Chairman, I thank Chairman LAZIO for yielding me this time.

Mr. Chairman, I would like to thank Chairman LAZIO and his staff for their hard work, and for their commitment to improving public housing. I would also like to thank the chairman for recognizing that public housing authorities and programs should be evaluated on their performance.

Mr. Chairman, I believe our Government has a responsibility to ensure vulnerable populations have access to safe, affordable housing, but HUD needs serious reform. H.R. 2406, the U.S. Housing Act, reforms and streamlines HUD from the top down. It empowers local authorities, benefits public housing residents, and saves taxpayers' money.

Local authorities know their community's needs far better than a Washington bureaucrat, which is why H.R. 2406 replaces the current tangle of Federal strings with two funding grants for public housing. If we are going to hold local officials responsible for the quality of their community's public housing, they should have the power to implement the solutions that fit their community's needs.

Delaware runs its public housing programs exceptionally well, and I believe Delaware and other successful States should be rewarded. Under H.R. 2406, 100 of the most successful local housing authorities will be empowered to develop innovative programs to help move residents out of public housing and into their own homes. This creates incentives for housing authorities to ensure their facilities are fiscally sound, physically safe, and efficiently run.

H.R. 2406 continues to help us achieve these worthy goals, and I am proud to support it.

Mr. Chairman, I would like to engage Chairman LAZIO in a colloquy.

Well-run housing authorities, such as we have in Delaware, should be rewarded for their success. With the help of the chairman, during the markup of H.R. 2406, I successfully added an amendment requiring that the performance of a housing authority should be taken into account under the block grant allocation formula.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield, that is correct.

Mr. CASTLE. I want to ensure that well-run housing authorities are rewarded for running fiscally sound and physically safe housing facilities. Mr. Chairman, will changes made in the funding process reflect this goal?

Mr. LAZIO of New York. Yes. The intent of this legislation is to ensure that well-run housing authorities are not penalized for their success. Rather, they are rewarded for operating efficiently, and they are given appropriate levels of flexibility to reward that proven success in delivering housing services to their constituency.

Mr. CASTLE. Mr. Chairman, I am proud to support this much-needed legislation.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would like to point out that one of the rewards, the so-called rewards being referred to here, is in fact, the elimination of the Brooke amendment. So what we are saying is if you run a housing authority well, we are going to allow you to in fact turn your back on some of the poorer people in this country. We are going to allow you to turn your back on the amount of rent that those individuals that you are going to bring into the housing authority are going to be charged.

I do not think that that is the kind of reward system that we ought to be putting into place. I think we ought to hold these housing authorities to standards of performance that they in fact take care of those individuals, and when they do not take care of these, we ought to provide the power to the Secretary to usurp the local authority's power and to take that and be able to get the authority back on its feet through the appointment of an individual that has the power and authority to make the proper decisions.

That is the kind of system that the gentleman from New York [Mr. LAZIO], and myself and I am sure the gentleman from Delaware [Mr. CASTLE], can agree on. It is this additional benefit of eliminating the targeting to the poor, of eliminating the Brooke amendment, that rewards these housing authorities in a way that perversely allows them to turn their back on the very people that they are designed to serve.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from New York [Ms. VELÁZQUEZ], who speaks eloquently on behalf of our Nation's poor in the Subcommittee on Housing.

Ms. VELÁZQUEZ. Mr. Chairman, before I give my opening statement, I would like to remind Chairman LAZIO that the minimum rent is not $25, to $50. That is what the gentleman is proposing in his manager's amendment.

Mr. Chairman, as the representative of one of this country's largest public housing populations, I rise today to express my outrage to this bill. Many of the provisions in this legislation threaten poor families, the disabled, and seniors' most basic and human needs—safe affordable housing.

Public housing in America began very differently than what it has evolved into. During the 1930's, America made the commitment that adequate housing was right, not just a privilege. To fulfill this pledge, we undertook a program that aimed to provide affordable housing for everyone who needed it.

Times have changed and over the years, the Housing Act of 1937 has become antiquated and unresponsive. To address this Secretary Cisneros has undertaken changes that now allow HUD to respond to public housing's unique challenges.

Mr. Chairman, repealing the Housing Act of 1937 is not that sort of change! H.R. 2406 represents a significant departure from our national commitment to the poor and needy. Gone are such safety nets as income targeting, and the Brooke amendment.

Even the majority leader from the other body and the Speaker of this House have joined the bandwagon by calling public housing the last bastion of socialism and that it should be abolished. What an outrage. They should be ashamed, posturing simply for political gains at the expense of this Nation's needy is disgraceful.

Decent and affordable housing is already out of reach for more than the 5 million neediest households. Let's end this charade! Housing legislation should ensure that poor people have a roof over their heads, not push seniors, children, and poor families into the street. I urge my colleagues to oppose this cruel and shameful legislation.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I agree that we should end this charade, the charade that we measure compassion by sheltering or warehousing poor people in some of the worst slums in America that have been built by the Federal Government. In State Street, Chicago, there are 10,000 people with an unemployment rate that is virtually universal. If that is now we measure compassion, then I am out of touch. If that is how some people in this body measure compassion, that is why we are trying to break out of this mold. That is why we are trying to end the Brooke amendment, which penalizes work and is a disincentive to work.

Mr. Chairman, I yield 1½ minutes to my distinguished colleague, the gentleman from Washington [Mr. METCALF].

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

Mr. METCALF. Mr. Chairman, I thank Subcommittee Chairman LAZIO and Chairman LEACH for bringing commonsense housing reform to the floor today. For too long, housing authorities have been burdened by excessive Federal regulations, bureaucracy, and paperwork. H.R. 2406 will deregulate public housing and given greater flexibility to well-run housing agencies. We must no longer tolerate chronically bad public housing authorities that have used taxpayers' dollars irresponsibly.

I also commend Mr. LAZIO for his efforts to protect the most vulnerable populations. Under the manager's amendment, we cap rents at 30 percent of income for the elderly, disabled, and the very poor. This provision will protect a majority of current and prospective public housing residents.

The U.S. Housing Act is not just a quick fix or an extreme solution. It is a real solution which will end public housing as we know it and take a step toward welfare reform.

I am fortunate to live in a district with good public housing agencies which will continue to serve those who need affordable housing. Whether it is the Everett Housing Authority or the Housing Authority of Island County, they express the same message: give us greater flexibility and less Federal interference. This is what Americans are asking for—eliminate unneeded Federal bureaucracy and transfer power and authority to State and local levels.

I ask my colleagues to support this commonsense legislation.

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

Mr. Chairman, I want to point out the fact that in the case of the Chicago Housing Authority, which does have over 50,000 residents and where we do see enormous problems, it was Secretary Cisneros that went out there and took the bull by the horns and began to make changes in that housing authority. We do not need anything in this legislation to fix what is wrong with the Chicago Housing Authority. The fact of the matter is, the changes that we could make together and have agreement on are very easy. The ones that repeal Brooke and repeal the targeting are the ones that we have a problem with, and those portions of this legislation are what are going to unhinge the promise of public housing.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from California [Ms. ROYBAL-ALLARD].

Ms. ROYBAL-ALLARD. Mr. Chairman, I want to thank Chairman LAZIO and Mr. KENNEDY for addressing the issues facing our Nation's housing providers and public and assisted housing residents.

I would also like to acknowledge Secretary Henry Cisneros for his leadership and successful efforts to improve our Nation's public housing programs.

The deregulation of the housing industry and the more efficient use of scarce housing resources are important goals. This bill, however, simply goes to far.

The repeal of the Brooke amendment and changes to current income targeting laws in this bill will eliminate important safety nets, causing the devastation of millions of families across the country.

With the repeal of the Brooke amendment, in my Los Angeles district alone over 10,000 residents will no longer be protected from rents that exceed 30 percent of their monthly income.

Furthermore, drastic cuts to income targeting in public and assisted housing will drastically reduce the availability of housing for thousands of families, many of whom are currently homeless or living far below the poverty line.

Although the bill contains provisions that authorize HUD to review the rent structure of large housing authorities if certain income targets are not met or if a significant percent of tenants are paying over 30 percent of their incomes in rent, the bill does not have the guarantees of affordable and available housing that the Brooke amendment and current targeting laws provide.

Mr. Chairman, today we have the opportunity to preserve the Brooke and income targeting laws by voting for the amendments offered by Mr. FRANK, Mr. GUTIERREZ, and Mr. KENNEDY.

It is crucial that these amendments pass, if this bill is to successfully meet the challenge of public housing: To prevent homelessness and provide public and assisted housing to those in greatest need.

□ 1700

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. EHRLICH].

Mr. EHRLICH. Mr. Chairman, I would first like to compliment the gentleman from New York [Mr. LAZIO] for his thoughtful approach to housing issues. The gentleman well knows housing issues are a major issue in my district.

Mr. Chairman, I also want to compliment the gentleman from Massachusetts [Mr. KENNEDY], the ranking member. We have very great philosophical differences, as the ranking member knows, but I know he believes what he says and I respect that.

Mr. Chairman, the Brooke amendment, a tax on work, corrupt and inept public housing authorities, no rights and responsibilities for tenants, mixing of the elderly poor with drug addicts and alcoholics, the consistent waste of taxpayer money, all in the name of compassion.

Well, what I am here to say today is that compassion is not always a function of more Federal money, nor is compassion always a function of more Federal control.

Mr. Chairman, this bill represents a first positive step in what I hope will be a new era in Federal housing policy. I know we are going to have lots of debate and lots of amendments on the floor this evening, and I look forward to that very substantive debate.

I also look forward to a colloquy with the gentleman from New York [Mr. LAZIO], the chairman of my subcommittee. I look forward to that colloquy because the chairman knows my concern about the extreme, ill-advised, unprecedented, and dangerous policies being promulgated by the Department of Housing and Urban Development on the folks in the Baltimore metropolitan area these days.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], my good friend and an active member of the Subcommittee on Housing and Community Opportunity.

(Mrs. MALONEY asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY. Mr. Chairman, in 1937 we made a commitment to provide decent, affordable housing to our Nation's lower income citizens. That is a commitment I am not willing to scrap.

Public housing can work. It has been a tremendous success in New York City, where more than 225,000 New Yorkers are on the waiting list to get into public housing. Not all public housing in this country is as successful, and we need change. HUD is already taking steps to make needed changes.

Mr. Chairman, I want to take this opportunity to thank the members on both sides of the aisle for supporting the amendment I offered in committee with my colleague, the gentleman from Louisiana [Mr. BAKER], to allow HUD to review the long-term viability of the local housing management plans. Taxpayers are entitled to meaningful review. This amendment ensures it, and I thank Chairman LAZIO from the great State of New York for accepting my amendment.

But while we work to improve public housing, we must not abdicate our commitment to our poorest public housing residents. The bill does just that.

A 30-percent cap would be maintained for the elderly, disabled, and the very poor, but would only apply to current residents. What about the future residents who need housing? Even worse, within 3 years, the 300 best performing authorities would be completely exempt from even these minimal requirements.

The current Brooke provision provides renters, landlords, and appropriators with a standard. By abolishing the standard, I believe we abolish the mission. The bottom line is we can fix the problems in public housing without penalizing seniors and our poorest residents.

Let us make sure we stay focused on reforming the parts that do not work, not throwing out the parts that do.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to respond to the comments of the gentlewoman from New York with respect to so-called Brooke protection which is still in place as a ceiling for current tenants and prospectively for those poorest of the poor, the people at 30 percent or below median income, which is almost 76 percent of the population.

But Brooke, for those people that are trying to get themselves up the ladder and trying to work, has been a huge work disincentive. It is a job killer and a disincentive for people to transition back into the marketplace.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Nebraska [Mr. BEREUTER], the vice chairman of the Subcommittee on Housing and Community Opportunity.

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

Mr. BEREUTER. Mr. Chairman, I rise in strong support of the legislation before us today, House Resolution 2406. I wanted to mention three or four specific items that I think thus far have not been enumerated. They are very important provisions.

Mr. Chairman, we have one which creates home ownership opportunities, that would clarify the home ownership opportunities offered under the legislation and the ability of the housing authority and other low-income housing providers to undertake the process of preparation and sale of units to residents who are eligible for home ownership.

Second, we have a provision in here which clarifies and provides guidance on the factors necessary to require conversion of public housing assistance to vouchers, including some conditions and certain situations that are specified under the law. I think that is very important.

The financial assistance for severely distressed buildings with no eventual useful life will be terminated and, therefore, converted to housing voucher assistance.

There is a section here which is directed to voluntary vouchering out of public housing. That should be important to local housing and management authorities.

Mr. Chairman, let me move to two other items. We have one which we might refer to as shopping incentives for assisted families. This provision allows for shopping incentives for assisted families under a choice-based housing which rewards the market-rate selection of rental units that fall below the payment standard for that community.

Finally, a section which relates to homeless and surplus property community participation and self-help housing. This will amend section 203 of the Federal Property Administrative Services Act by providing communities with an opportunity to participate in the disposition of significant surplus property.

Mr. Chairman, these are a few of the important provisions that perhaps have not been mentioned, but they are important provisions that make an advance in housing for people across the country.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Illinois [Mr. JACKSON], my friend and our newest member of the subcommittee.

(Mr. JACKSON of Illinois asked and was given permission to revise and extend his remarks.)

Mr. JACKSON of Illinois. Mr. Chairman, I rise today to emphatically oppose the United States Housing Act of 1996 as it is currently drafted. In its present form, H.R. unravels 60 years of Federal housing policy by pulling the safety net out from under our Nation's most vulnerable and, despite the rhetoric to the contrary, hits our working poor particularly hard. Adequate and safe housing is a human right and should not be considered by this body as a privilege.

Left completely on its own, contrary to what the other side of the aisle would lead us to believe, the market has not and will not provide safe, sanitary, and affordable housing for all Americans. The market has a role which I respect and it plays that role well, but its role does not under all circumstances represent the interests of all Americans, especially the poor and low-income Americans.

As we consider this critical piece of legislation, we must be mindful of some very dangerous implications implicit in this bill. First, we must maintain the 30-percent income cap imposed by the Brooke amendment for all public housing and rental-assisted tenants. This includes poor and the working poor.

Second, we must continue to target housing assistance primarily for the most vulnerable.

Third, we cannot impose minimum rents without any kind of hardship exemption upon those without the resources to provide for their families. This includes protecting innocent children and some 750,000 elderly who currently rely upon government assistance for their survival.

Fourth, we must work to protect the role of those affected, the residents themselves, in the development of the policies and procedures which govern their day-to-day lives.

By leaving the cap on the poorest of the poor those below 30 percent of median income and thus those below the poverty line, as provided for in the manager's amendment, and lifting the cap for those above 30 percent, H.R. 2406 essentially increases the concentration of the poorest of Americans in public housing and abandons the working poor, allowing their rents to be lifted to compensate for dwindling Federal support. The working poor will now be forced to disproportionately spend their meager take-home pay on rent at the expense of other household necessities.

While the objective of mixed-income communities is a laudable one, for many reasons this legislation will further exacerbate the affordable housing gap existing in our Nation. Without adequately targeting low and very low-income Americans for assistance, this legislation will drive the poor out of public assisted housing and into overcrowded and unsafe housing, or force people onto the streets.

Mr. Chairman, the overriding problem with this and past legislative efforts is that we never have ever provided sufficient funding and resources to allow public housing residents to move beyond public housing. We must be about the business of providing job training and retraining, education, child care, and true opportunities to allow public housing residents to move into private housing and private life.

Mr. Chairman, I urge my colleagues to oppose this legislation if we do not rectify the very serious issues before us.

Mr. Chairman, I rise today to emphatically oppose the U.S. Housing Act of 1995 as it is currently drafted. In its present form, H.R. 2406 unravels 60 years of Federal housing policy by pulling the safety net out from under our Nation's most vulnerable and despite rhetoric to the contrary, hits our working poor particularly hard. Adequate and safe housing as a human right, it should not be considered a privilege.

As civilization and economies develop, certain basics of the material life—health care, education, food and shelter—should not be turned over completely to market forces, to a ''survival of the fittest'' situation. In such a system, the few always wind up on top with the best and most of everything, while the many end up on the bottom with the least and worst of everything—in this case, housing.

Left completely on its own, the market will not provide safe, sanitary, and affordable housing for all Americans. The market has a role, which I respect, and it plays its role well. But its role does not under all circumstances, represent the interests of all Americans, especially poor and low-income Americans.

The government of, by, and for the people has an important role to play in assuring that every American has safe, sanitary, and affordable housing. This is why we initially passed public housing legislation in 1937, to provide affordable housing for all Americans—housing for those that the market did not serve. Public housing was later expanded to specifically include the poor, the elderly, and the disabled.

We should not treat housing like we do peanuts, soybeans, beer, and cars—commodities to be produced, distributed, and sold privately in the market place for profit. Need—the need for adequate and affordable housing, is the basis for the Government's role in housing.

If the market addressed the need, then our dilemma would be of a different nature, but it hasn't and it doesn't. Thus, as representatives of all of the American people—not just those that can survive in a private, ''survival of the fittest'' housing market—we must assume our responsibility.

In the late 1960's a White House Conference on Housing recommended 26 million new housing starts over the decade of the 1970's, 6 million in public housing and government-assisted housing—2.6 million housing starts per year for 10 years, 600,000 in public or subsidized housing. We have never reached the 2.6 million annual goal. Thus, after two-and-one-half decades of failing to meet that goal, our Nation's people are even more ill-housed than they were 25 years ago. And now some Members of this Congress want to remove the Government's role in requiring that tenants not pay disproportionate portions of their income to provide their families housing above substandard conditions.

Mr. Chairman, H.R. 2406 will deny many of our Nation's neediest parents the opportunity to raise their children in a climate where their rental contributions do not preclude the provision of household essentials—clothing, medicine, food, and other necessities we take for granted.

As we consider this critical legislation, we must be mindful of some very dangerous implications implicit in this bill. First, we must maintain the 30 percent income cap imposed by the Brooke amendment of 1969 for all public housing and rental-assisted tenants, this including the poor and the working poor. Second, we must continue to target housing assistance primarily for our most vulnerable. Third, we cannot impose minimum rents without any kind of hardship exemption upon those without the resources to provide for their families—this includes protecting innocent children and the some 750,000 elderly who currently rely upon governmental assistance for their survival. And fourth, we must work to protect the role of those most affected—the residents themselves, in the development of the policies and procedures which govern their day to day lives.

Named for its sponsor, Senator Edward Brooke, the Brooke amendment was enacted into law in 1969 to guarantee that residents of public and assisted housing would pay no more than 25 percent of their income for rent. In 1981, the cap was lifted to 30 percent. The policies represented in H.R. 2406 are going in the exact opposite direction. By leaving the cap on the poorest of the poor—those below 30 percent of median income and thus below the poverty line—as provided for in the managers amendment—and lifting the cap for those above 30 percent—H.R. 2406 essentially increases concentration of the poorest of Americans in public housing and abandons the working poor—allowing their rents to be lifted to compensate for dwindling federal support. The working poor will now be forced to disproportionately spend their meager take-home pay on rent at the expense of other household necessities.

While the objective of mixed-income communities is a laudable one for many reasons, this legislation will further exacerbate the affordable housing gap existing in our Nation. Without adequately targeting low- and very low-income Americans for assistance, this legislation will, in effect, drive the poor out of public and assisted housing, and into overcrowded and unsafe housing, or force people onto the streets.

Despite the reality that these provisions do not, on their own merit, adequately provide for affordable housing, to make matters worse, the 300 best-managed authorities will be completely exempted from rent caps and targeting protections.

Mr. Chairman, the overriding problem with this and past legislative efforts is that we never provide sufficient funding and resources to allow public housing residents to move beyond public housing. We must be about the business of providing job training and retraining, education, childcare, and true opportunities to allow public housing residents to move into private housing and private life. I encourage my colleagues to enact these kinds of empowerment initiatives to effectuate this kind of societal transformation.

Faced with dwindling Federal resources, owners of tenant-assisted housing and public housing authorities will be forced by market realities to prefer tenants who are better able to pay higher rents to make ends meet. After all, where does one go for housing if he or she is making $7,800 a year on average—which is the case for those living in public housing. In most communities, 30 percent of Area Median Income is roughly equivalent to the poverty line. According to HUD studies, it is these families that have the worst case housing needs—meaning that they are most likely to pay 50 percent or more of their income in rent each month or live in substandard housing. Over 70 percent—71.3 percent—of poor renter households living below the Federal poverty line pay more than 30 percent of their income for rent, whereas only 41 percent of all renter households have excessive rent burdens.

I oppose the idea of minimum rent for those who cannot afford it. HUD Secretary Henry Cisneros has already indicated that the recently implemented $25 minimum rents are already causing hardships for roughly 175,000 families in public and assisted housing nationwide. In Illinois, 2,338 families living in public housing; 1,377 households that receive certificates and vouchers; and 749 families living in section 8 housing; for a total of 4,464 families have already been negatively effected with the addition of the $25 minimum. These are people who are already straining to meet their families needs and who are already sometimes choosing between food, medicine, and housing.

H.R. 2406 contains minimum rents of up to $50. In my State of Illinois, that would mean an average yearly rental increase of $569, a 32-percent increase which would affect 19,100 public housing families. It would mean an average yearly increase of $584, or a 23-percent increase for the 5,100 elderly in Illinois.

It would mean an average yearly increase of $569 or a 19-percent increase for 1,100 disabled people. It also would mean an average yearly increase of $525, a 57-percent increase for 3,200 other poor families. Finally, a $50 increase in the rent means an increase of $575, or a 38-percent increase for 9,700 families with children.

Mr. Chairman, the legacy of this Congress need not be enshrined in a nation which has given up on the least among us. I urge my colleagues to oppose this legislation if we do not rectify these serious issues before us.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. WELLER], a member of the Subcommittee on Housing and Community Opportunity.

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

Mr. WELLER. Mr. Chairman, I of course want to begin by commending the chairman of the subcommittee for his leadership and sincerity to bring about changes in bad policy and public housing. I also want to commend the gentleman from Massachusetts [Mr. KENNEDY] the ranking Democrat who, as the gentleman from Maryland pointed out, though we sometimes disagree, we know he is sincere and appreciate that.

Mr. Chairman, when we look at public housing today, we want to look at it frankly and be honest about who suffers the most in public housing today, and that is the little children. It is the children who reside in public housing who are the victims of today's current policy.

Fortunately, under Chairman LAZIO's leadership, we have legislation now before us which brings about real solutions. I grew up in the shadows of the Chicago Housing Authority, growing up in the suburbs in a rural area to the southwest of Chicago. On the nightly news we saw tragedy after tragedy that occurred as a result of current public housing policies.

Thousands if not millions of dollars bled from the system by politicians, lawyers, and consultants. Politicians wanting to keep people concentrated for political purposes in certain neighborhoods. And, of course, the State street corridor is the best example of a problem where we have 10,000 residents, miles long, one block wide, living in an area with 99 percent unemployment.

Mr. Chairman, current public housing policy is a failure. This legislation provides real hope and real opportunity to those who are living in public housing, opportunities for home ownership, and also addresses the issue of section 8, an issue of great concern to the south suburbs.

There is real accountability and, of course, real reform in section 8 in this bill. One problem we have in the south suburbs is, we have seen a concentration of poverty moving from high-rise public housing projects to section 8

residences, where 70 percent of all the section 8 users in Cooke County area are in the south suburbs.

Mr. Chairman, it is not fair to poor people because they do not have the opportunity to move up the economic ladder because there are no jobs in this area. This legislation directs HUD to come up with a solution that Congress can adopt.

Mr. Chairman, this legislation protects senior citizens. Current law requires rent equal to 30 percent of income. This bill caps rent at no more than 30 percent of income and provides the opportunity for senior citizens to see their rent lowered. It is good legislation, it is real reform and provides hope and opportunity, looks out for the poor, and looks out for taxpayers. It is a good bill.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, everybody agrees that the government cannot do everything. But some of us believe that in a civilized society the government, which is all of us, has the responsibility to make certain that every American enjoys a minimal level of decency. Yes; the government should make certain that no child goes hungry. Yes; the government should make certain that all children have access to education.

And yes; relevant to today's debate, the government should make certain that all people can live in adequate and decent housing. Yes; we should be doing that.

Mr. Chairman, today throughout this country millions of working people are spending 40, 50, 60 percent of their limited incomes on housing. That means they have barely enough money to feed their families, put aside a few dollars for education or health care needs.

This legislation would simply add to that problem. There are elderly people today living on fixed incomes from Social Security who should not be asked to pay 50 or 60 percent of their limited incomes on public housing. This legislation would allow that to happen.

There are millions of working people today who are earning $6 or $7 an hour. They are trying to improve the lives of their kids. They are trying to make it into the middle class. They should not be asked to pay 50 or 6 percent of their limited incomes for public housing, which is what this legislation would allow to happen.

Mr. Chairman, we have a housing crisis in America today and this bill only takes a step backward.

□ 1715

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan [Mr. CHRYSLER], a member of the Subcommittee on Housing and Community Opportunity.

Mr. CHRYSLER. Mr. Chairman, I rise today in support of the manager's amendment to H.R. 2406, the U.S. Housing Act of 1996. I would first like to thank Chairman LAZIO for incorporating this bipartisan measure into the bill. I would also like to thank my colleague from Virginia, Mr. MORAN, for his dedication to this issue.

After meeting with neighborhood groups in Lansing, MI, and listening to their concerns and suggestions, I believe this provision will take another step forward in getting criminals out of Federal and federally assisted housing.

This amendment builds on the ''One Strike and You're Out'' proposal incorprated into the recently enacted Housing Opportunity Program extension law. My amendment extends one strike to residents in federally assisted housing, permitting the eviction of tenants from Federal housing for criminal activity, including drug dealing and violent gang activities, whether the criminal activity is done on or off the premises.

This provision ensures that no activity engaged in by a tenant, member of the tenant's household, guest, or other person under the tenant's control, threatens the health, safety, or right to peaceful enjoyment of the premises by other tenants in the immediate vicinity. Simply put, my amendment will rightfully kick criminal tenants out of Federal housing, safeguarding the livelihood of law-abiding tenants.

With my amendment, local housing authorities and owners of federally assisted housing are given the ability to require each adult member of a federally assisted household to provide the owner with written authorization to obtain their criminal records. Safeguards have been placed in the language to ensure that the information remains confidential, not misused or improperly disseminated, and destroyed upon completion of the application. We have included civil recourse and criminal penalties to be brought upon those who breach these agreements.

Our Federal dollars in housing assistance are too valuable and too scarce to go to criminals. The waiting list for housing assistance is getting longer and longer. We should not allow criminals the privilege of living in taxpayer-funded housing.

Mr. Chairman, most of these housing communities have playgrounds for children to play on, but because of drug dealing and gang violence, parents are too scared to allow their children to play outdoors. Residents are scared to leave their apartments in fear of getting caught in the crossfire. This is no way to live. This amendment, with the backing of housing groups and HUD, goes forth in helping to make public housing safer. Families living in public housing should be able to feel safe in their homes and in their communities.

This bill accomplishes a great deal in making Federal and federally assisted housing a safer, more pleasant place to live. I commend Chairman LAZIO for all of his hard work on this bill.

I encourage my colleagues to help make Federal housing and federally assisted housing safer by voting "yes" on the manager's amendment, and voting "yes" on final passage of this legislation.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

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

Mr. HINCHEY. Mr. Chairman, we heard a few minutes ago a catalog of special interest groups who support this legislation. I am much more concerned with the people who oppose it. They are the people who are affected by public and subsidized housing across this country.

There will be hundreds of thousands of them that will be affected by the provisions of this legislation, particularly that which abandons the Brooke amendment and also the basic principle of this legislation, which abandons something that has been very basic in our society now for almost 50 years: A commitment to decent housing to all Americans, no matter what their particular economic circumstances might be at any given moment.

The Brooke amendment specifically capped rents at 30 percent of a person's income. The bill as it currently stands abandons that principle, although it will be corrected to some extent by the manager's amendment, if the manager's amendment is adopted in just a few moments. But even if the manager's amendment is adopted, that correction, although partial and in response to pleas from the minority in this House and in conformance with an amendment that I introduced, will not deal with the problems of people who come into subsidized housing and public housing subsequently.

Over the course of the next several years, if this bill is adopted, 135,000 frail elderly people could be put out of their housing circumstances; 17,000 disabled people could be put out of their housing circumstances; they will suffer, their families will suffer. The children of the frail, elderly, grandparents will suffer and their grandchildren will suffer.

This is, Mr. Chairman, a very poor piece of legislation because it turns its back on those among us who are most needy and most deserving, people in their golden years who will be put out of the housing circumstances that they depend upon to hold their lives together.

This is a very bad bill. We should defeat this bill and protect that which was put here by a Republican Senator, Senator Brooke, passed by a Republican Senate, and signed into law by a Republican President, President Nixon.

This is no time to turn our backs upon poor elderly people and people who are disabled.

Mr. LAZIO of New York. Mr. Chairman, would the Chair advise us of the time remaining on both sides?

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] has 6 minutes remaining, and the gentleman from Massachusetts [Mr. KENNEDY] has 4 minutes remaining.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Let me just correct some misperceptions laying out here on the floor with respect to the so-called Brooke amendment, which is a job killer. There is a presumption here that, if we maintain the tie between salary and rent as a percentage, that that is fine for working people. The opposite is true. It is a job killer.

As long as the Federal Government continues to mandate the one-size-fits-all rule that every community in the country must follow, so that some person who is in an apartment, the day they go to work they immediately pay more rent the day they go to work. Now, some people are suggesting that we take care of that by making Brooke a ceiling. In fact, the ceiling will become a floor, given the financial situation that many housing authorities are in right now.

So people will go, instead of knowing that they have to pay $25 for a particular unit, $50 for a particular unit, regardless of whether they go to work and make more money, they will do, under the suggestion by my friends from the minority, they will go back in time to where we were before, which is a disincentive to work, where a person who wants to go to work has to pay this additional tax on employment. That is what we oppose, Mr. Chairman. That is why we urge adoption and support for this bill, which is a prowork, profamily, procommunity bill.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK], the sponsor of the Brooke amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I sympathize with the gentleman from New York. He had an argument all set to make. There is no amendment to make it against. So he is going to make it anyway.

We agree that requiring housing authorities to set a minimum rent of 30 percent is a mistake. Let me be fair to a man I voted for a couple of times, Ed Brooke. Ed Brooke did not do that. Ronald Reagan did it and Gramm-Latta did it. The Brooke amendment was never a floor on rents. The Brooke amendment set a cap on rents, 25 percent. Ronald Reagan came along and said, no, no, 25 percent is too low; we will make it 30 percent, and we will make it both a floor and a ceiling.

Yes; if you say automatically that, if your income goes up, your rent goes up, there is some disincentive. Our amendment does away with that. We put a cap on of 30 percent but no minimum. And what does the gentleman from New York say? I am astonished that he could not come up with a better argument. He says, do not have a cap without a floor. Because if you have a cap without a floor, here is what he just said, the housing authorities hurting for money will go to the absolute limit.

Well, if in fact the gentleman believes that the housing authorities will raise the rents as high as they legally can, he has got the problem, because at least in our case they are at a cap of 30 percent. The gentleman from New York on the one hand says take the cap off what housing authorities can charge working people. And then he says, because if you give them a cap, housing authorities will go up to the cap.

So he, astonishingly, argues that, if you put no limit on the housing authorities, they will charge people less rent presumably than if you limit them to 30 percent. As a matter of fact, it is the gentleman from New York's amendment which has an absolute disincentive to work in there. His manager's amendment is some manager's amendment. That is a manager's amendment that is more comprehensive than most bills. It does not say much for the bill they wrote.

His manager's amendment says, if you are making less than 30 percent of the median, then your rent is capped at 30 percent. If you make more than 30 percent of the median income, you are subject to no cap. In other words, it is under the amendment of the gentleman from New York that those who work as opposed to those who are on welfare are legally disadvantaged. If you are on welfare and getting 30 percent of the median or less, your rent is capped at 30 percent. If you go to work, if you go off welfare and you are now making 50 or 60 percent of the median income, there is no protective cap.

So in the gentleman's effort to preserve the right of housing authorities to charge more money, he is the one who has created a disincentive. Let us be very clear about this. The amendment we will be offering will say, no, there is no minimum amount. The gentleman from New York says, no, but there will be a ceiling and they will go up to the ceiling, and the way to keep them from going up to the ceiling is to move the ceiling to the sky. It is illogical.

Mr. Chairman, let me close by summarizing. As someone has noted, if Congress truly wants to remove barriers that discourage public housing residents from obtaining employment, the solution is to give housing authorities the flexibility to set rents below 30 percent in certain instances. Congress should not withhold operating subsidies from public housing authorities and try to balance the budget by reaching deeper into the pockets of our poorest people.

That is what Ed Brooke said. That is what Ed Brooke said today. Ed Brooke is as right today as a compassionate Republican, the endangered species, as he was 30 years ago.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Connecticut [Mr. SHAYS], a member of the Committee on the Budget.

Mr. SHAYS. Mr. Chairman, we have to take the context of this bill compared to what exists, not the fantasy of what we think exists. We go into public housing areas all around the country. They are in devastating shape.

One of the things I find most troubling, the most troubling thing is that we have basically warehoused the poorest of the poor in one particular area. And all in the name of doing God's work, all in the name of good.

I happen to believe that one of the most serious problems that we have in public housing is we do not have firemen and policemen living in public housing. We do not have the kind of role models that you used to have. And I just hope and pray that others realize there is another side to the Brooke amendment, at least the ones that I am most interested in.

I want a family that truly wants to stay in public housing to stay in a little longer and not end up paying more than the market rent. Thirty percent of income can sometimes be more than what someone would logically pay for the kind of facility that they are living in. I want kids to be able to say that their next door neighbor may be a fireman or a polceman, may have a job, may be somebody that they really look up to and aspire to be like.

And I just hope and pray that in terms of this debate that we do not talk about the fantasy world of what we think exists but what truly exists.

I have spent 9 years now in this Chamber investigating the Department of HUD, both at the Federal level and on the local level. The area that concerns me the most is that we simply have got to have a mixture of income, again in public housing.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] has 1 minute remaining, and the gentleman from New York [Mr. LAZIO] has 2½ minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself the balance of my time.

Let me close by reiterating that the reason why we oppose this bill has nothing to do with the reasons that my friend from Connecticut mentioned. Nobody wants to warehouse the poor. Nobody wants to prevent the Secretary of any administration from breaking up these large monstrosities. Nobody wants to.

In fact, there are many changes that are contained, and I have complimented Mr. LAZIO on many of the provisions that are contained in this bill that allow the Secretary and allow greater flexibility by local housing authorities. That is not what the issue is.

The issues are two. The issues are, No. 1, the Brooke amendment, which in no way can be interpreted as preventing, as Mr. FRANK has rewritten it, to create some disincentive for work. The existing Brooke amendment does create a small disincentive for work, but the kinds of protections against the poor and against the elderly and against the disabled which are con-

tained in the Lazio bill end up forcing us to recognize that the only people left that we are going to have in public housing whose rents can be jacked up are the working poor. The net result of the legislation that we are looking at is going to hurt working people more than anyone else that is contained in our public protections of the poor.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

Nobody wants a situation of a State Street, of a New Orleans or a Detroit. I remember getting this small document from the Department of Housing and Urban Development about the 40 largest public housing authorities, places like Atlanta, Pittsburgh, Chicago, Detroit, New Orleans.

Mr. Chairman, if your child went to school and came back with the grades that these housing authorities have been coming back with for not 1 year or 2 years or 5 years but for 17 straight years, you would say, we are wasting our money in that school.

New Orleans scores 27 out of 100, Mr. Chairman, 27. Can you imagine if your child came back and said, I got a 27 on my test scores of 17 years? Atlanta, 49; Pittsburgh 47; Chicago 44 out of 100. What we have when we tolerate that failure year after year, when we sink hundreds of millions, in many cases billions of taxpayer dollars into housing authorities that are chronically mismanaged, chronically troubled and, in many cases, corrupt, is to say to Americans in those projects, we do not care about you. We do not care about the people living in that housing authority.

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Mr. Chairman, we would rather protect the bureaucracy, we would rather ignore the reality, we would rather say that politics is better keeping it just the way it is so we can get past one last election.

This bill rejects that, Mr. Chairman. It is time that this body rejects that same mentality. We are saying that work ethic is important. We are saying, remove these disincentives to work. The Brooke amendment, Mr. Chairman, is a job killer. People do not want to pay 30 percent of their income in rent. They do not want to have a tax on employment. They want to have rent that is place-based. They want to be able to know when they go to a place that that rent is $15 a month, or $20 a month, or $25 a month regardless of whether they get a job, regardless of whether they have overtime and they make extra money, so that they do not get that penalty because one bureaucrat in Washington feels that one size fits all and everybody ought to be living under that same rule.

This bill begins the process of communities deciding their own fate. And what is wrong with that? What is extreme about that? Is it extreme, Mr. Chairman, to give people the ability to use vouchers for home ownership so that poor people can make their own choices? Is it extreme to allow people in public housing developments to pull together and encourage entrepreneurship by allowing them to sell some of their services to residents in the area? I think not, Mr. Chairman.

I urge a ''yes'' vote on this.

Mrs. COLLINS of Illinois. Mr. Chairman, anytime there is legislation underfoot affecting housing, it gets my attention. The U.S. Housing Act (H.R. 2406) block grants Federal funding for public housing and low income rental assistance. The bill repeals the Housing Act of 1937; eliminated caps on rent paid by seniors and working families; and eliminates targeted housing assistance.

The bill repeals the Brooke amendment which caps rent for tenants in public and assisted housing at 30 percent of income. Mr. Speaker, 41 percent of residents in public and assisted housing are seniors or are disabled, and the remainder are working families with children. We are talking about severe impacts upon poor, hard working families who are already paying too great of a percentage of their meager incomes for rent.

Repeal of the Brooke amendment will force tenants in public housing—whose income averages only $6,400 per year—to choose between shelter and food, medicine and clothing, and could lead to greater homelessness. In my district, the Seventh District of Chicago, this is the last thing we need.

It is extremely important to me to provide more residents of the Sevenh District with the social and economic opportunities and incentives that will help strengthen all our neighborhoods and communities.

It is of great concern to me that the needs and concerns of the residents of Chicago Housing Authority developments are attended to by HUD and by the Congress. I intend to work long and hard to facilitate effective communication among all parties involved in this important endeavor to make certain that they fully understand one another's views.

To this end, I strongly support public housing enhancements. Not a kick in the teeth. I encourage my colleagues to show a strong commitment to fundamental renewal of our Nation's public housing developments shown by both President Clinton and the Secretary of the Department of Housing and Urban Development [HUD], Henry Cisneros.

However, I am troubled that this same commitment is not embraced by my colleagues on the other side of the aisle. Instead, this bill smacks of negative, mean-spirited, insensitive determination to deny our Nation's neediest citizens, decent affordable public housing.

In clear, plain English, let me state unequivocally that this Member of Congress, representing all citizens in the Seventh District, that I shall standfast in my determination to fight all efforts in the Congress to decimate affordable public housing in the United States, and I will continue working with my colleagues to protect the interests of the undeserved in this regard.

It is outrageous that any Member of Congress would support attempts to balance the Federal budget on the very poorest Americans. I ask my colleagues to defeat H.R. 2406.

Mr. FRANKS of New Jersey. Mr. Chairman, today I rise in strong support of H.R. 2406, the United States Housing Act of 1996. Let me take this opportunity to congratulate Mr. LAZIO on his innovative effort to bring much needed reform to America's byzantine public housing laws.

For too long, America's public housing residents have been forced to live under a cumbersome system of rules that often fail to improve their living standards or provide a better quality of life. Indeed, many of America's public housing developments are rampant with crime and unsafe for residents.

One of the results of this arcane system is that tenants are not adequately represented on many large public housing authorities. In fact, much of the public housing management throughout the country has no tenant representation. Instead, these positions are often doled out as political patronage positions, which further thwart the accountability of these boards.

In an effort to remediate this chronic problem, I have worked closely with Housing Subcommittee Chairman RICK LAZIO to develop a legislative proposal which ensures elected resident participation on public housing boards.

My tenant empowerment provision forces these boards to be accountable to its residents by enabling, for the first time, at least one tenant to be democratically elected to any large local housing and management board.

In order to ensure that public housing tenants are represented by responsible individuals, my legislation establishes strict qualifications for residents to be eligible to be elected to local housing and management authorities. First, elected residents must maintain their principal residence in a governed housing authority. Second, they cannot have been convicted of any felony, and they cannot reside in a house in which a convicted felon lives. Finally, eligible individuals cannot have been convicted of a misdemeanor within 5 years of the date of a public housing residents election.

To further ensure responsible governance of public housing by local housing management authorities, my legislation requires the Secretary of Housing and Urban Development to develop guidelines which would prevent conflicts of interest on the part of members of the board of directors. Until board members are recused from decisions which may otherwise create a conflict of interest, tenants will never be fairly represented on the authorities.

I am confident that the provisions I have worked to secure, along with the others found in H.R. 2406, will improve the living conditions in many of today's public housing developments.

If you believe that America's public housing authorities should be more accountable to the very tenants they exist to serve, I urge all Members to vote ''aye'' on the manager's amendment and ''aye'' on final passage of H.R. 2406.

Mr. NADLER. Mr. Chairman, I rise in opposition to this housing bill, which would force thousands of Americans out on the street. This bill signals the end to our Nation's commitment to providing housing security for those in our communities, who are most in need. But now, all of that is changing under the Republican leadership. This leadership would rather put an end to housing security for our most vulnerable. They would rather see these Americans, the elderly, families, and children, out on the streets, in the subways, in the

parks, homeless. Big tax cuts for their wealthy friends are fine, but ensuring affordable housing for the working poor is something our colleagues on the other side just can't abide.

This bill repeals the Brooke amendment. The Brooke amendment, for the past 25 years, has ensured that low-income families would have to pay no more than 30 percent of their income on rent. This bill also eliminates income targeting, which provides that the poorest Americans are ensured housing assistance and are afforded decent housing along with those of moderate income levels. Without this protection the poorest Americans could be segregated away from healthy mixed income neighborhoods where opportunities for advancement are greater. This bill reneges on our Nation's promise that Americans who are most in need of housing assistance can afford to receive it.

These protections have provided a critical safety net for those in desperate need and have saved so many from homelessness and destitution.

Mr. Chairman, even with the current protections of the Brooke amendment homelessness and unacceptable living conditions continue to plague America. There are more than 5 million American renter households, not including the homeless, who have worst case housing needs, paying more than half of their income for rent, living in substandard housing, or in the most unfortunate cases, both.

This problem afflicts the elderly, working poor families, and others who strive to make ends meet on the minimum wage—a minimum wage, if I might add, which has not kept up with inflation, and has not been raised since 1991, because of staunch Republican opposition.

Securing safe, affordable housing for those who remain poor despite hard work, for children or for those who might be unable to make a living on their own due to health or other reasons, is crucial to the positive development of today's youth and families, the safety and well-being of our elderly, and for our Nation's communities as a whole.

I have many constituents who have contacted me about their fears of what this bill could mean to them. One constituent, who happens to be a quadriplegic, informed me that should the Brooke amendment be repealed, he surely would be out on the street, and I am further saddened to say that there are many more who would be put in the same situation.

We need to ensure that affordable housing remains available. It is the right thing to do and it is the smart thing to do.

Mr. Chairman, I urge the defeat of this very damaging bill.

Ms. MILLENDER-McDONALD. Mr. Chairman, first, I would like to thank Mr. KENNEDY of Massachusetts for allowing me the opportunity to speak on this most important issue. In listening to the debate on this issue, it is clear to me that my colleagues in the majority truly believe in their views on this issue. To some extent, I would agree with the spirit of their views but not with the methods. In our efforts to reform public housing we must be careful not to hurt the very people that we are trying to help, the residents of public housing.

Under current law, the Brooke amendment was enacted in 1969 to protect the most vulnerable residents of public housing from paying too high a percentage of their income for rent. The amendment made public and assisted housing affordable for very low-income families. Typically, poor families who are not in public housing pay more than 30 percent of their income in rent. Currently, more than 5.3 million families, who are not in public or assisted housing pay more than 50 percent of their income for rent. The limits set by the Brooke amendment have made public and assisted housing more affordable for very low-income families by preventing dramatic increases in rent.

Current law also addresses the earned income adjustments that allow public housing authorities to encourage work through more flexible rent structures. Further, rent ceilings allow public housing authorities to price units competitively with the market and allow retention for mixed occupancy. The Brooke amendment is a good amendment. It is sound public policy.

But let's talk turkey. H.R. 2406 repeals the Brooke amendment and hurts the people we are trying to help, by removing the limits placed on rent charges. This is dichotomous at best. We are going to remove the caps on rent and in the same breath deny them an increase in the minimum wage. That equates to a back hand and a forehand slap to the faces of the residents of public housing. I hear some of my colleagues say that they value home ownership and that residents of public housing will be allowed to purchase their units. Tell me: How will those residents be able to afford the mortgages on those units without being able to earn a decent livable wage.

Let's talk about this managers amendment. It seems to me that this amendment undermines itself. While it attempts to maintain the spirit of the Brooke amendment, it seeks to deregulate 300 of the best performing local housing authorities over the next 3 years, for which the rent is capped and resident targeting would no longer apply. That provision would severely impact my constituency. I have nine, count them, nine public housing projects in my district. Ujima Village in the city of Compton happens to be one of the best run housing complexes this Congresswoman has ever seen. To blanketly deregulate a housing authority for performing well is poor public policy. Mr. WATT's amendment is good public policy, Mr. KENNEDY's amendment is good public policy. This bill removes the goal of providing decent affordable housing for our working poor. I urge my colleagues to oppose the manager's amendment and oppose this draconian, extreme bill.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise to express my concern about what I see this bill is being used for. It has become a vehicle for a major amendment to the Federal Property and Administrative Services Act of 1949. This act is within the jurisdiction of the Committee on Government Reform and Oversight, of which I am the ranking minority member.

That amendment, as section 506, is designed to modify title V of the Stewart B. McKinney Homeless Assistance Act. Title V allows homeless assistance providers a priority of consideration in applying to obtain Federal surplus property for the homeless. And title V, too, is part of the legislative jurisdiction of the Committee on Government Reform and Oversight. Moreover, as chair of the Government Activities and Transportation Subcommittee of the Committee on Government Operations I was a principal author of title V.

Mr. Chairman, the provision, which will be offered as part of the managers' amendment to H.R. 2406 was drafted without prior consultation with GSA or the Department of Health and Human Services, which administer property use for the homeless. Nor was there prior consultation with the majority or minority staff of the Committee on Government Reform and Oversight.

The result, Mr. Chairman, is that we will be dealing today with language that not only contains major ambiguities, loopholes, and omissions, but will reduce to arbitrary fractions the amount of vacant Federal property that GSA may transfer and still realize compliance with title V of McKinney.

We must ask, for example, why the language does not provide for input from the Departments of Housing and Urban Development of Health and Human Services. In other public-purpose transfer provisions of the Federal Property Act, review and approval of proposals by other affected agencies, such as Interior, Health and Human Services or Treasury, are required.

We must ask why nonprofit organizations are the only entities eligible for property under proposal? Surely local government entities with responsibilities for housing and the homeless should be able to become transferees, too.

Finally, we must anticipate that GSA may exercise its broad authority under this amendment by taking all surplus land out of title V availability while seeking a substitute transfer in the form of one of the amendment's alternatives.

Mr. Chairman, if this provision becomes part of the House-passed bill, I intend to take every opportunity I can to assure that both the substantive and technical deficiencies of this provision are carefully and fairly addressed by the committee of conference.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles, and the first two sections and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in the designated place in the CONGRESSIONAL RECORD of May 7, 1996, if offered by the gentleman from New York [Mr. LAZIO] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment.

During consideration of the bill for amendment, the chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the

Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LAZIO of New York:

Page 7, lines 9 and 10, strike ''and become self-sufficient; and'' and insert the following: '', become self-sufficient, and transition out of public housing and federally assisted dwelling units;''.

Page 7, line 15, strike the period and insert ''; and''.

Page 7, after line 15, insert the following:

(7) remedying troubled local housing and management authorities and replacing or revitalizing severely distressed public housing developments.

Page 10, line 23, after the comma insert ''as determined by the Secretary with adjustments for smaller and larger families,''.

Page 13, line 7, after the comma insert ''as determined by the Secretary with adjustments for smaller and larger families,''.

Page 14, line 3, strike ''or''.

Page 14, strike line 4 and insert the following:

(C) an entity authorized by State law to administer choice-based housing assistance under title III; or

(D) an entity selected by the Secretary, pur-

Page 14, strike line 23 and all that follows through page 15, line 5, and insert the following:

ber who is an elected public housing resident member (as such term is defined in paragraph (5)). If the board includes 2 or more resident members, at least 1 such member shall be a member of an assisted family under title III.

Page 15, line 7, strike ''a resident member'' and insert ''elected public housing resident members and resident members''

Page 16, strike lines 3 through 6.

Page 16, line 7, strike ''(iv)'' and insert ''(iii)''.

Page 16, line 13, strike ''(v)'' and insert ''(iv)''.

Page 17, strike lines 4 through 10, and insert the following new paragraph:

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term ''elected public housing resident member'' means, with respect to the local housing and management authority involved, an individual who is a resident member of the board of directors (or other similar governing body of the authority) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the authority;

(II) have not been convicted of a felony and do not reside in a household that includes an individual convicted of a felony; and

(III) have not, during the 5-year period ending upon the date of such election, been convicted of a misdemeanor;

(ii) in which only residents of dwelling units of public housing administered by the authority may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term ''resident member'' means a member of the board of directors or other similar governing body of a local housing and management authority who is a resident of a public housing dwelling unit owned, administered, or assisted by the authority or is a member of an assisted family (as such term is defined in section 371) assisted by the authority.

Page 17, line 18, insert ''**AND MEDIAN INCOME**'' before the last period.

Page 17, line 19, strike ''IN GENERAL'' and insert ''ADJUSTED INCOME''.

Page 19, line 1, after ''MINORS'' insert '', STUDENTS, AND PERSONS WITH DISABILITIES''.

Page 19, line 5, before the period insert the following: '', or who is 18 years of age or older and is a person with disabilities''.

Page 20, after line 10, insert the following new subsection:

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

Page 20, strike line 11 and all that follows through page 21, line 22, and insert the following new section:

SEC. 105. OCCUPANCY LIMITATIONS BASED ON ILLEGAL DRUG ACTIVITY AND ALCOHOL ABUSE.

(a) INELIGIBILITY BECAUSE OF EVICTION FOR DRUG-RELATED CRIMINAL ACTIVITY.—Any tenant evicted from housing assisted under title II or title III by reason of drug-related criminal activity (as such term is defined in section 102) shall not be eligible for any housing assistance under title II or title III during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the local housing and management authority (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist).

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a local housing and management authority shall establish standards for occupancy in public housing dwelling units and housing assistance under title II—

(A) that prohibit occupancy in any public housing dwelling unit by, and housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) if the local housing and management authority determines that it has reasonable cause to believe that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project; and

(B) that allow the local housing and management authority to terminate the tenancy in any public housing unit of, and the housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the local housing and management authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1), to deny occupancy or assistance to any person based on a pattern of use of a controlled substance or a pattern of abuse of alcohol, a local housing and management authority may consider whether such person—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) OTHER SCREENING.—A local housing and management authority may deny occupancy as provided in section 642 of the Housing and Community Development Act of 1992.

Page 22, line 4, strike ''(b)'' and insert ''(c)''.

Page 22, strike line 8 and all that follows through line 13, and insert the following:

member of the family shall contribute not less than 8 hours of work per month within the community in which the family resides. The requirement under this subsection shall be incorporated in the terms of the tenant self-sufficiency contract under subsection (b).

(b) TENANT SELF-SUFFICIENCY CONTRACT.—

(1) REQUIREMENT.—Except as provided in subsection (c), each local housing and management authority shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family who has custody of, or is responsible for, a minor living in his or her care shall enter into a legally enforceable self-sufficiency contract under this section with the authority.

(2) CONTRACT TERMS.—The terms of a self-sufficiency contract under this subsection shall be established pursuant to consultation between the authority and the family and shall include a plan for the resident's or family's residency in housing assisted under this Act that provides—

(A) a date specific by which the resident or family will graduate from or terminate tenancy in such housing;

(B) specific interim and final performance targets and deadlines relating to self-sufficiency, which may relate to education, school participation, substance and alcohol abuse counseling, mental health support, jobs and skills training, and any other factors the authority considers appropriate; and

(C) any resources, services, and assistance relating to self-sufficiency to be made available to the resident or family.

(3) INCORPORATION INTO LEASE.—A self-sufficiency contract under this subsection shall be incorporated by reference into a lease under section 226 or 324, as applicable, and the terms of such contract shall be terms of the lease for which violation may result in—

(A) termination of tenancy, pursuant to section 226(4) or 325(a)(1), as applicable; or

(B) withholding of assistance under this Act.

The contract shall provide that the local housing and management authority or the resident who is a party to the contract may enforce the contract through an administrative grievance procedure under section 110.

(4) PARTNERSHIPS FOR SELF-SUFFICIENCY ACTIVITIES.—A local housing and management authority may enter into such agreements and form such partnerships as may be necessary, with State and local agencies, nonprofit organizations, academic institutions, and other entities who have experience or expertise in providing services, activities, training, and other assistance designed to facilitate low- and very-low income families achieving self-sufficiency.

(5) CHANGED CIRCUMSTANCES.—A self-sufficiency contract under this subsection shall provide for modification in writing and that the local housing and management authority may for good cause or changed circumstances waive conditions under the contract.

(6) MODEL CONTRACTS.—The Secretary shall, in consultation with organizations and groups representing resident councils and residents of housing assisted under this Act, develop a model self-sufficiency contract for use under this subsection. The Secretary shall provide local housing and management authorities with technical assistance and advice regarding such contracts.

Page 22, line 16, strike ''requirement under subsection (a)'' and insert ''requirements under subsections (a) and (b)(1)''.

Page 27, lines 19 and 20, strike ''section 110'' and insert ''section 111''.

Page 29, line 18, after ''WELFARE'' insert ''AND OTHER APPROPRIATE''.

Page 29, line 20, after ''welfare agencies'' insert the following: ''and other appropriate Federal, State, or local government agencies or nongovernment agencies or entities''.

Page 29, line 25, strike ''requirements'' and all that follows through ''ensure'' on page 30, line 1, and insert the following: ''policies established by the authority that increase or maintain''.

Page 30, line 7, strike ''local law'' and insert the following: ''Federal, State, and local law''.

Page 34, line 8, strike ''or''.

Page 30, after line 8, insert the following new paragraph:

(13) POLICIES FOR LOSS OF HOUSING ASSISTANCE.—A description of policies of the authority requiring the loss of housing assistance and tenancy under titles II and III, pursuant to sections 222(e) and 321(g).

Page 34, line 12, strike the period and insert a semicolon.

Page 34, after line 12, insert the following new paragraphs:

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the authority;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the authority;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this Act.

Page 36, line 24, after the semicolon insert ''or''.

Page 37, after line 17, insert the following new section:

SEC. 109. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each local housing and management authority shall annually submit to the Accreditation Board established under section 401, on a date determined by such Board, a performance and evaluation report concerning the use of funds made available under this Act. The report of the local housing and management authority shall include an assessment by the authority of the relationship of such use of funds made available under this Act, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this Act. The local housing and management authority shall certify that the report was available for review and comment by affected tenants prior to its submission to the Board.

(b) REVIEW OF LHMA'S.—The Accreditation Board established under section 401 shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each local housing and management authority receiving assistance under this section—

(1) has carried out its activities under this Act in a timely manner and in accordance with its local housing management plan;

(2) has a continuing capacity to carry out its local housing management plan in a timely manner; and

(3) has satisfied, or has made reasonable progress towards satisfying, such performance standards as shall be prescribed by the Board.

(c) RECORDS.—Each local housing and management authority shall collect, maintain, and submit to the Accreditation Board established under section 401 such data and other program records as the Board may require, in such form and in accordance with such schedule as the Board may establish.

Page 37, line 18, strike ''**SEC. 109.**'' and insert ''**SEC. 110.**''.

Page 38, line 6, strike ''**SEC. 110.**'' and insert ''**SEC. 111.**''.

Page 38, lines 10 and 11, strike ''and assisted families under title III''.

Page 38, line 16, after ''impartial party'' insert ''(including appropriate employees of the local housing and management authority)''.

Page 39, strike lines 13 through 17 and insert the following new subsection:

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any local housing and management authority to establish or implement an administrative grievance procedure with respect to assisted families under title III.

Page 39, line 18, strike ''**SEC. 111.**'' and insert ''**SEC. 112.**''.

Page 40, line 18, strike ''**SEC. 112.**'' and insert ''**SEC. 113.**''.

Page 39, lines 22 and 23, strike ''to provide incremental housing assistance under title III'' and insert ''for use''.

Page 40, line 2, after ''subsection (a)'' insert ''or appropriated or otherwise made available for use under this section''.

Page 40, strike lines 12 through 17 and insert the following:

(4) providing technical assistance, training, and electronic information systems for the Department of Housing and Urban Development, local housing and management authorities, residents, resident councils, and resident management corporations to improve management of such authorities, except that the provision of assistance under this paragraph may not involve expenditure of amounts retained under subsection (a) for travel;

(5)(A) providing technical assistance, directly or indirectly, for local housing and management authorities, residents, resident councils, resident management corporations, and nonprofit and other entities in connection with implementation of a homeownership program under section 251, except that grants under this paragraph may not exceed $100,000; and (B) establishing a public housing homeownership program data base; and

(6) needs related to the Secretary's actions regarding troubled local housing and management authorities under this Act.

Housing needs under this subsection may be met through the provision of assistance in accordance with title II or title III, or both.

Page 42, line 4, after ''who'' insert ''(A)''.

Page 42, line 6, strike ''and'' and insert a comma.

Page 42, line 7, strike ''or production''.

Page 42, line 8, before the period insert the following: '', and (C) is not a member of a bargaining unit represented by a union that has a collective bargaining agreement with the local housing and management authority''.

Page 42, after line 8, insert the following:

(3) RESIDENTS IN TRAINING PROGRAMS.—Any individuals participating in a job training program or other program designed to promote economic self-sufficiency.

(c) DEFINITION.—For purposes of this section, the terms ''operation'' and ''production'' have the meanings given the term in section 273.

Page 42, line 9, strike ''**SEC. 113.**'' and insert ''**SEC. 114.**''.

Page 43, after line 4, insert the following new section:

SEC. 114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this Act, which are obligated to State or local governments, local housing and management authorities, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

Page 43, line 5, strike ''**SEC. 114.**'' and insert ''**SEC. 115.**''.

Page 45, strike line 22 and insert the following:

SEC. 202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

Page 46, after line 2, insert the following new subsection:

(b) PERFORMANCE FUNDS.—

(1) IN GENERAL.—The Secretary shall establish 2 funds for the provision of grants to eligible local housing and management authorities under this title, as follows:

(A) CAPITAL FUND.—A capital fund to provide capital and management improvements to public housing developments.

(B) OPERATING FUND.—An operating fund for public housing operations.

(2) FLEXIBILITY OF FUNDING.—A local housing and management authority may use up to 10 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 203(a)(2) to be funded with amounts from the operating fund.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a local housing and management authority for a fiscal year shall be the amount of the allocation for the authority determined under section 204, except as otherwise provided in this title and subtitle B of title IV.

Page 46, line 3, strike ''(b)'' and insert ''(d)''.

Page 46, line 19, strike ''(d)'' and insert ''(e)''.

Page 47, line 3, strike ''(e)'' and insert ''(f)''.

Page 47, strike lines 7 through 11.

Page 47, line 12, strike ''(d)'' and insert ''(e)''.

Page 48, line 22, strike ''not''.

Page 49, line 12, strike ''(e)'' and insert ''(f)''.

Page 49, line 20, strike ''(f)'' and insert ''(g)''.

Page 50, strike line 4 and all that follows through page 54, line 5, and insert the following new subsection:

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b) and in section 202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may only be used only for the following activities:

(1) CAPITAL FUND ACTIVITIES.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) OPERATING FUND ACTIVITIES.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing work program under section 106, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

Page 54, line 11, after ''title III'' insert a comma.

Page 54, strike lines 16 through 25 and insert the following:

sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the local housing and management authority cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimate cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title III for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Local housing and management agencies shall identify properties that meet the definition of subparagraphs (A) through (E).

Page 55, line 3, strike ''formula'' and insert ''formulas''.

Page 55, line 6, strike ''incremental''.

Page 55, strike line 7 and all that follows through ''assistance'' on line 10.

Page 56, line 14, after ''and'' insert ''take''.

Page 58, line 10, strike ''formula'' and insert ''formulas''.

Page 58, line 12, strike ''formula'' and insert ''formulas''.

Page 58, strike line 15 and all that follows through line 22, and insert the following new subsection:

(c) EXTENSION OF DEADLINES.—The Secretary may, for a local housing and management authority, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

Page 59, line 11, strike ''**BLOCK**''.

Page 59, line 13, strike ''section 111'' and insert ''section 112''.

Page 59, line 24, strike ''a formula described in'' and insert ''the formulas described in paragraphs (1) and (2) of''.;

Page 60, lines 1 and 2, strike ''formula'' and insert ''formulas''.

Page 60, strike line 10 and all that follows through line 23 and insert the following:

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the local housing and management authority, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the local housing and management authority to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the local housing and management authority, including backlog and projected future needs of the authority;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the local housing and management authority to carry out activities that provide a safe and secure environment in public housing units owned or operated by the local housing and management authority.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(A) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(B) the number of public housing dwelling units owned or operated by the local housing and management authority; and

(C) the need of the local housing and management authority to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents.

Page 60, line 24, strike ''(2)'' and insert ''(3)''.

Page 60, line 25, strike ''formula'', and insert ''formulas''.

Page 61, line 4, strike ''formula'', and insert ''formulas''.

Page 61, line 6, strike ''(3)'' and insert ''(4)''.

Page 61, line 9, strike ''formula'', and insert ''formulas''.

Page 61, line 10, strike ''(2)'' and insert ''(3)''.

Page 62, line 10, after ''costs'' insert the following: ''and other necessary costs (such as costs necessary for the protection of persons and property)''.

Page 62, after line 16, insert the following new subparagraph:

(D) INCREASES IN INCOME.—The Secretary may revise the formula referred to in subparagraph (B) to provide an incentive to encourage local housing and management authorities to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families with a broad range of incomes, including families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the local housing and management authority shall derive the full benefit of an increase in nonrental income, and such increase shall not directly result in a decrease in amounts provided to the authority under this title.

Page 63, after line 13, insert the following new subsection:

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a local housing and management authority uses proceeds from the sale of units under a homeownership program in accordance with section 251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the authority under this section until sale by the authority, but in any case no longer than 5 years.

Page 69, line 21, strike ''25 percent'' and insert ''30 percent''.

Page 69, line 23, strike the period insert the following: '', as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.''.

Page 71, after line 11, insert the following new subsection:

(e) LOSS OF ASSISTANCE FOR TERMINATION OF TENANCY.—A local housing and management authority shall, consistent with policies described in the local housing management plan of the authority, establish policies

providing that a family residing in a public housing dwelling unit whose tenancy is terminated for serious violations of the terms or conditions of the lease shall—

(1) lose any right to continued occupancy in public housing under this title; and

(2) immediately become ineligible for admission to public housing under this title or for housing assistance under title III—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; or

(B) for other terminations, for a reasonable period of time as determined period of time as determined by the local housing and management authority.

Page 71, line 22, strike the period and all that follows through ''sources'' in line 24.

Page 72, strike line 11 and all that follows through page 74, line 20, and insert the following new subsection:

(b) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for, or tenants of, public housing as provided in section 646 of the Housing and Community Development Act of 1992.

Page 76, strike line 2 and all that follows through page 77, line 14, and insert the following:

(a) RENTAL CONTRIBUTION BY RESIDENT.—

(1) IN GENERAL.—A family shall pay as monthly rent for a dwelling unit in public housing the amount that the local housing and management authority determines is appropriate with respect to the family and the unit, which shall be—

(A) based upon factors determined by the authority, which may include the adjusted income of the resident, type and size of dwelling unit, operating and other expenses of the authority, or any other factors that the authority considers appropriate; and

(B) an amount that is not less than the minimum monthly rental amount under subsection (b)(1) nor more than any maximum monthly rental amount established for the dwelling unit pursuant to subsection (b)(2).

In determining the amount of the rent charged under this paragraph for a dwelling unit, a local housing and management authority shall take into consideration the characteristics of the population served by the authority, the goals of the local housing management plan for the authority, and the goals under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the applicable jurisdiction.

(2) EXCEPTIONS.—Notwithstanding any other provision of this section, the amount paid for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is residing in any dwelling unit in public housing and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

(b) ALLOWABLE RENTS.—

(1) MINIMUM RENTAL.—Each local housing and management authority shall establish, for each dwelling unit in public housing owned or administered by the authority, a minimum monthly rental contribution toward the rent (which rent shall include any amount allowed for utilities), which—

(A) may not be less than $25, nor more than $50; and

(B) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly rental contribution in effect for the preceding year.

Notwithstanding the preceding sentence, a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 82, line 14, before the semicolon, insert ''on or off such premises''.

Page 83, strike line 1 and all that follows through page 89, line 15, and insert the following new section:

SEC. 227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a local housing and management authority for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the local housing and management authority may make units in such developments (or portions) available only to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a local housing and management authority determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the authority may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) STANDARDS REGARDING EVICTIONS.—Except as provided in section 105(b)(1)(B), any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any local housing and management authority pursuant to this section.

(c) RELOCATION ASSISTANCE.—A local housing and management authority that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the authority and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title III, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) REQUIRED INCLUSIONS IN LOCAL HOUSING MANAGEMENT PLAN.—A local housing and management authority may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the authority, as part of the authority's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term 'supportive services' means services designed to meet the special needs of residents. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) EFFECTIVENESS.—

(1) Initial 5-year effectiveness.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 108(a) of the local housing and management authority that the information complies with the requirements under section 107 and this section.

(2) RENEWAL.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an authority may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a local housing and management authority extends the effectiveness of a designation and information under this paragraph.

(3) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a local housing and management authority shall be considered to have submitted the information required under this section if the authority has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) that has not been approved or disapproved before such date of enactment.

(4) TRANSITION PROVISION.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) before such date of enactment shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(g) INAPPLICABILITY OF UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITIONS POLICY ACT OF 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(h) USE OF AMOUNTS.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120) may also be used for choice-based rental housing assistance under title III for local housing and management authorities to implement this section.

Page 89, after line 23, insert the following new subsection:

(b) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

(1) ESTABLISHMENT.—Each local housing and management authority that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) ACCESS TO RECORDS.—Each local housing and management authority shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an authority-wide basis.

Page 89, line 24, strike ''(b)'' and insert ''(c)''.

Page 90, strike lines 13 through 16 and insert the following:

dwellings, with such applicable

Page 90, lines 20 and 21, strike the period ''subparagraph (A)'' and insert ''paragraph (1)''.

Page 91, strike ''and'' in line 12 and all that follows through line 16 and insert a period.

Page 92, strike lines 4 through 11, and insert the following:

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through the end and inserting ''assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs.''; and

(B) in subparagraph (B)(ii), by striking ''managed by the public or Indian housing agency'' and inserting ''assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking ''public and Indian housing agencies'' and inserting ''local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996''; and

(ii) by striking ''development assistance'' and all that follows through ''section 14 of that Act'' and inserting ''assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs''; and

(B) in subparagraph (B)(ii), by striking ''operated by the public or Indian housing agency'' and inserting ''assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996''.

Page 93, line 3, insert ''on a regular basis'' before the period.

Page 97, line 8, strike ''is''.

Page 108, line 16, after the period insert the following: ''In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize local housing and management authorities or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

Page 109, after line 17, insert the following new paragraph:

(6) TECHNICAL ASSISTANCE AND CLEARINGHOUSE.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

Page 110, line 19, after the period the following:

An authority may transfer a unit only pursuant to a homeownership program approved by the Secretary. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan regarding a homeownership program pursuant to this section.

Page 111, line 5, insert after ''sales'' the following: ''by purchasing units for resale to low-income families''.

Page 111, line 16, after the period insert the following:

In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.

Page 113, line 9, after ''propriate'' insert ''(whether the family purchases directly from the authority or from another entity)''.

Page 115, line 4, after the period insert the following new sentence:

Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

Page 127, line 19, insert ''and'' after the semicolon.

Page 127, line 21, strike ''; and'' and insert a period.

Page 127, strike line 22 and all that follows through page 128, line 2, and insert the following:

The Secretary shall give preference in selection to any local housing and management authority that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

Page 129, line 4, before the period insert the following: ''or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee''.

Page 129, line 9, after ''troubled'' insert ''or dysfunctional''.

Page 133, line 5, strike lines 4 and 5 and insert the following:

under this section $480,000,000 for each of fiscal years 1996, 1997, and 1998''.

Page 133, line 17, strike ''1996'' and insert ''1998''.

Page 133, after line 17, insert the following new section:

SEC. 263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—A local housing and management authority may convert any public housing development (or portion thereof) owned and operated by the authority to a system of choice-based rental housing assistance under title III, in accordance with this section.

(b) ASSESSMENT AND PLAN REQUIREMENT.—In converting under this section to a choice-based rental housing assistance system, the local housing and management authority shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the authority;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title III for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development; and

(4) identify the actions, if any, that the local housing and management authority will take with regard to converting any public housing development or developments (or portions thereof) of the authority to a system of choice-based rental housing assistance under title III.

(c) STREAMLINED ASSESSMENT AND PLAN.—At the discretion of the Secretary or at the request of a local housing and management authority, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) IMPLEMENTATION OF CONVERSION PLAN.—

(1) IN GENERAL.—A local housing and management authority may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will not be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the local housing and management authority, and the community.

(2) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is

plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the local housing and management authority to provide choice-based rental housing assistance under title III shall be added to the housing assistance payment contract administered by the local housing and management authority or any entity administering the contract on behalf of the local housing and management authority.

(f) SAVINGS PROVISION.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed immediately before the enactment of this Act).

Page 135, line 18, strike ''section 202(b)'' and insert ''section 202(d)''.

Page 138, strike line 5 and all that follows through line 7 and insert the following:

There are authorized to be appropriated for grants under this title, the following amounts:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1997, 1998, 1999, and 2000; and

(2) OPERATING FUND.—For the allocations from the operating fund for grants, $2,800,000,000 for each of fiscal years 1997, 1998, 1999, and 2000.

Page 141, line 7, strike ''(5)'' and insert ''(4)''.

Page 141, line 10, strike ''(6)'' and insert ''(5)''.

Page 140, line 21, after ''title'' insert the following: ''pursuant to the formula established under section 304(a)''.

Page 141, lines 16 and 17, strike ''subsection (c) and section 109'' and insert ''subsections (b)(3) and (c), and section 112''.

Page 143, line 19, after ''including'' insert the following: ''funding for the headquarters reserve fund under section 112,''.

Page 143, line 25, after ''displacement'' insert ''from public or assisted housing''.

Page 144, line 9, strike ''loan'' and insert ''portfolio''.

Page 148, line 22, strike ''the Secretary'' and all that follows through page 149, line 21, and insert the following: ''the Secretary shall take such steps as may be necessary to ensure that the local housing and management authority that provides the services for a family receives all or part of the administrative fee under this section (as appropriate).''.

Page 152, after line 2, insert the following new subsection:

(b) INCOME TARGETING.—Of the families initially assisted under this title by a local housing and management authority in any year, not less than 50 percent shall be families whose incomes do not exceed 60 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Page 152, line 3, strike ''(b)'' and insert ''(c)''.

Page 152, line 18, strike ''(c)'' and insert ''(d)''.

Page 153, strike line 11 and all that follows through line 25 on page 155, and insert the following new subsection:

(d) PORTABILITY OF HOUSING ASSISTANCE.—

(1) NATIONAL PORTABILITY.—An eligible family that is selected to receive or is receiving assistance under this title may rent any eligible dwelling unit in any area where a program is being administered under this title. Notwithstanding the preceding sentence, a local housing and management authority may require that any family not living within the jurisdiction of the local housing and management authority at the time the family applies for assistance from the authority shall, during the 12-month period beginning on the date of initial receipt of housing assistance made available on behalf of the family from that authority, lease and occupy an eligible dwelling unit located within the jurisdiction served by the authority. The authority for the jurisdiction into which the family moves shall have the responsibility for administering assistance for the family.

(2) SOURCE OF FUNDING FOR A FAMILY THAT MOVES.—For a family that has moved into the jurisdiction of a local housing and management authority and that, at the time of the move, has been selected to receive, or is receiving, assistance provided by another authority, the authority for the jurisdiction into which the family has moved may, in its discretion, cover the cost of assisting the family under its contract with the Secretary or through reimbursement from the other authority under that authority's contract.

(3) AUTHORITY TO DENY ASSISTANCE TO CERTAIN FAMILIES WHO MOVE.—A family may not receive housing assistance as provided under this subsection if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

(4) FUNDING ALLOCATIONS.—In providing assistance amounts under this title for local housing and management authorities for any fiscal year, the Secretary may give consideration to any reduction or increase in the number of resident families under the program of an authority in the preceding fiscal year as a result of this subsection.

Page 156, line 3, strike ''may, to the extent such policies are'' and insert ''shall, consistent with the policies''.

Page 156, lines 4 and 5, strike ''and included in the lease for a dwelling unit''.

Page 156, strike lines 11 through 14 and insert the following new paragraph:

(2) immediately become ineligible for housing assistance under this title or for admission to public housing under title II—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; and

(B) for other terminations, for a reasonable period of time as determined by the local housing and management authority.

Page 156, line 15, strike ''(h)'' and insert ''(f)''.

Page 156, after line 24, insert the following new subsections:

(i) DENIAL OF ASSISTANCE TO CRIMINAL OFFENDERS.—In making assistance under this title available on behalf of eligible families, a local housing and management authority may deny the provision of such assistance in the same manner, for the same period, and subject to the same conditions that an owner of federally assisted housing may deny occupancy in such housing under subsections (b) and (c) of section 642 of the Housing and Community Development Act of 1992.

(j) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for housing assistance under this title and assisted families under this title to the same extent an owner of federally assisted housing may obtain such records regarding an applicant for or tenant of federally assisted housing under section 646 of the Housing and Community Development Act of 1992.

Page 157, strike line 2 and all that follows through page 158, line 8, and insert the following new subsections:

(a) AMOUNT.—

(1) IN GENERAL.—An assisted family shall contribute on a monthly basis for the rental of an assisted dwelling unit an amount that the local housing and management authority determines is appropriate with respect to the family and the unit, but shall not be less than the minimum monthly rental contribution determined under subsection (b).

(2) EXCEPTIONS FOR CERTAIN CURRENT RESIDENTS.—Notwithstanding paragraph (1), the amount paid by an assisted family for monthly rent for an assisted dwelling unit, may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is an assisted family and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

Any amount payable under paragraph (3) shall be in addition to the amount payable under this paragraph.

(3) EXCESS RENTAL AMOUNT.—In any case in which the monthly rent charged for a dwelling unit pursuant to the housing assistance payments contract exceeds the applicable payment standard (established under section 353) for the dwelling unit, the assisted family residing in the unit shall contribute (in addition to the amount of the monthly rent contribution otherwise determined under paragraph (1) or (2) of this subsection for such family) such entire excess rental amount.

(b) MINIMUM MONTHLY RENTAL CONTRIBUTION.—

(1) IN GENERAL.—The local housing and management authority shall determine the amount of the minimum monthly rental contribution of an assisted family (which rent shall include any amount allowed for utilities), which—

(A) shall be based upon factors including the adjusted income of the family and any other factors that the authority considers appropriate;

(B) shall be not less than $25, nor more than $50; and

(C) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly contribution in effect for the preceding year.

(2) HARDSHIP EXCEPTION.—Notwithstanding paragraph (1), a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any assisted family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 161, line 21, strike ''section 325'' and insert ''this title''.

Page 162, line 19, before the period, insert ''on or off such premises''.

Page 163, strike lines 9 through 16 and insert the following new paragraph:

(1) IN GENERAL.—Notwithstanding subsection (a), a local housing and management authority—

(A) may not enter into a housing assistance payments contract (or renew an existing contract) covering a dwelling unit that is

owned by an owner who is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations;

(B) may prohibit, or authorize the termination or suspension of, payment of housing assistance under a housing assistance payments contract in effect at the time such debarment, suspension, or limited denial of participation takes effect.

If the local housing and management authority takes action under subparagraph (B), the authority shall take such actions as may be necessary to protect assisted families who are affected by the action, which may include the provision of additional assistance under this title to such families.

Page 163, strike line 23 and all that follows through page 164, line 2.

Page 164, line 8, before the period insert ''and any applicable law''.

Page 165, line 17, strike ''subsection (b)'' and insert ''subsection (c)''.

Page 166, strike lines 9 through 22 and insert the following new paragraph:

(2) EXPEDITIOUS INSPECTION.—Inspections of dwelling units under this subsection shall be made before the expiration of the 15-day period beginning upon a request by the resident or landlord to the local housing and management authority. The performance of the authority in meeting the 15-day inspection deadline shall be taken into account in assessing the performance of the authority.

Page 167, line 14, strike ''The authority'' and all that follows through line 19 and insert the following new sentence: ''The authority shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary and the Inspector General for the Department of Housing and Urban Development, the Housing Foundation and Accreditation Board established under title IV, and any auditor conducting an audit under section 432.''.

Page 168, line 18, before ''income'' insert ''sufficient''.

Page 170, line 18, after ''dwelling units'' insert the ''(other than public housing)''.

Page 170, line 22, strike ''or the owner''.

Page 171, strike line 15 and all that follows through page 172, line 11, and insert the following new section:

SEC. 352. AMOUNT OF MONTHLY ASSISTANCE PAYMENT.

(a) UNITS HAVING GROSS RENT EXCEEDING PAYMENT STANDARD.—In the case of a dwelling unit bearing a gross rent that exceeds the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located—

(1) the amount by which such payment standard exceeds the amount of the resident contribution determined in accordance with section 322(a)(1); or

(2) in the case only of families described in paragraph (2) of section 322(a), the amount by which such payment standard exceeds the lesser of (i) the resident contribution determined in accordance with section 322(a)(1), or (ii) 30 percent of the family's adjusted monthly income.

(b) SHOPPING INCENTIVE FOR UNITS HAVING GROSS RENT NOT EXCEEDING PAYMENT STANDARD.—In the case of an assisted family renting an eligible dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the following requirements shall apply:

(1) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of the monthly assistance payment for housing assistance under this title on behalf of the assisted family shall be the amount by which the gross rent for the dwelling unit exceeds the amount of the resident contribution.

(2) ESCROW OF SHOPPING INCENTIVE SAVINGS.—An amount equal to 50 percent of the difference between payment standard and the gross rent for the dwelling unit shall be placed in an interest bearing escrow account on behalf of such family on a monthly basis by the local housing and management authority. Amounts in the escrow account shall be made available to the assisted family on an annual basis.

(3) DEFICIT REDUCTION.—The local housing and management authority making housing assistance payments on behalf of such assisted family in a fiscal year shall reserve from amounts made available to the authority for assistance payments for such fiscal year an amount equal to the amount described in paragraph (2). At the end of each fiscal year, the Secretary shall recapture any such amounts reserved by local housing and management authorities and such amounts shall be covered into the General Fund of the Treasury of the United States.

For purposes of this section, in the case of a family receiving homeownership assistance under section 329, the term ''gross rent'' shall mean the homeownership costs to the family as determined in accordance with guidelines of the Secretary.

Page 173, line 3, strike ''large''.

Page 173, strike ''For purposes'' in line 15 and all that follows through line 19.

Page 174, line 5, after ''unit'' insert ''(with respect to initial contract rents and any rent revisions)''.

Page 179, line 25, strike ''section 110'' and insert ''section 111''.

Page 182, line 17, strike ''2'' and insert ''at least 2, but not more than 4''.

Page 183, after line 15, insert the following new subparagraph:

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

Page 186, after line 2, insert the following new paragraph:

(3) IMPROVEMENT OF INDEPENDENT AUDITS.—Providing for the development of effective means for conducting comprehensive financial and performance audits of local housing and management authorities under section 432 and, to the extent provided in such section, providing for the conducting of such audits.

Page 186, line 3, strike ''(3)'' and insert ''(4)''.

Page 186, strike lines 6 through 8 and insert the following:

grants under title II for the operation, maintenance, and production of public housing and amounts for housing assistance under title III, ensuring that financial and performance audits under section 432

Page 186, line 12, strike ''(4)'' and insert ''(5)''.

Page 187, after line 13, insert the following new subsection:

(c) ASSISTANCE FROM NATIONAL CENTER FOR HOUSING MANAGEMENT.—

(1) IN GENERAL.—During the period referred to in subsection (a), the National Center for Housing Management established by Executive Order 11668 (42 U.S.C. 3531 note) shall, to the extent agreed to by the Center, provide the Board with ongoing assistance and advice relating to the following matters:

(A) Organizing the structure of the Board and its operations.

(B) Establishing performance standards and guidelines under section 431(a).

Such Center may, at the request of the Board, provide assistance and advice with respect to matters not described in paragraphs (1) and (2) and after the expiration of the period referred to in subsection (a).

(2) ASSISTANCE.—The assistance provided by such Center shall include staff and logistical support for the Board and such operational and managerial activities as are necessary to assist the Board to carry out its functions during the period referred to in subsection (a).

Page 188, after line 22, insert the following new paragraph:

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of annual financial and performance audits of local housing and management authorities under section 432. The Inspector General may advise the Board with respect to other activities and functions of the Board.

Page 189, line 4 and 5, strike ''research or surveys'' and insert ''evaluations under section 404(b), audits of local housing and management authorities as provided under section 432, research, and surveys''.

Page 189, line 6, before the period insert the following: '', and may enter into contracts with the National Center for Housing Management to conduct the functions assigned to the Center under this title''.

Page 190, line 5, strike ''and'' and insert a comma.

Page 190, line 6, before the period insert '', and conducting audits of authorities under section 432''.

Page 190, after line 13, insert the following new subsection:

(a) REPORT ON COORDINATION WITH HUD FUNCTIONS.—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act, the Board shall submit a report to the Congress that—

(1) identifies and describes the processes, procedures, and activities of the Department of Housing and Urban Development which may duplicate functions of the Board, and makes recommendations regarding activities of the Department that may no longer be necessary as a result of improved auditing of authorities pursuant to this title;

(2) makes recommendations for any changes to Federal law necessary to improve auditing of local housing and management authorities; and

(3) makes recommendations regarding the review and evaluation functions currently performed by the Department of Housing and Urban Development that may be more efficiently performed by the Board and should be performed by the Board, and those that should continue to be performed by the Department.

Page 190, line 14, before ''The'' insert ''(b) ANNUAL REPORTS.—''.

Page 190, after line 23, insert the following new section:

SEC. 408. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Page 196, strike line 10 and all that follows through page 198, line 25, and insert the following new section:

SEC. 432. FINANCIAL AND PERFORMANCE AUDITS.

(a) REQUIREMENT.—A financial and performance audit under this section shall be conducted for each local housing and management authority for each fiscal year that

the authority receives grant amounts under this Act, as provided under one of the following paragraphs:

(1) LHMA PROVIDES FOR AUDIT.—If neither the Secretary nor the Board takes action under paragraph (2) or (3), the Secretary shall require the local housing and management authority to have the audit conducted. The Secretary may prescribe that such audits be conducted pursuant to guidelines set forth by the Department.

(2) SECRETARY REQUESTS BOARD TO PROVIDE FOR AUDIT.—The Secretary may request the Board to contract directly with an auditor to have the audit conducted for the authority.

(3) BOARD PROVIDES FOR AUDIT.—The Board may notify the Secretary that it will contract directly with an auditor to have the audit conducted for the authority.

(b) OTHER AUDITS.—Pursuant to risk assessment strategies designed to ensure the integrity of the programs for assistance under this Act, which shall be established by the Inspector General for the Department of Housing and Urban Development in consultation with the Board, the Inspector General may request the Board to conduct audits under this subsection of local housing and management authorities. Such audits may be in addition to, or in place of, audits under subsection (a), as the Board shall provide.

(c) SUBMISSION OF RESULTS.—

(1) SUBMISSION TO SECRETARY AND BOARD.—The results of any audit conducted under this subsection shall be submitted to the local housing and management authority, the Secretary, and the Board.

(2) SUBMISSION TO LOCAL OFFICIALS.—

(A) REQUIREMENT.—A local housing and management authority shall submit each audit conducted under this section to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the local housing and management authority for review and comment. Any such comments shall be submitted, together with the audit, to the Secretary and the Board and the Secretary and the Board shall consider such comments in reviewing the audit.

(B) TIMING.—An audit shall be submitted to local officials as provided in subparagraph (A)—

(i) in the case of an audit conducted under subsection (a)(1), not later than 60 days before the local housing and management authority submits the audit to the Secretary and the Board; or

(ii) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), not later than 60 days after the authority receives the audit.

(d) PROCEDURES.— The requirements for financial and performance audits under this section shall—

(1) be established by the Board, in consultation with the Inspector General of the Department of Housing and Urban Development;

(2) provide for the audit to be conducted by an independent auditor selected—

(A) in the case of an audit under subsection (a)(1), by the authority; and

(B) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), by the Board;

(3) authorize the auditor to obtain information from a local housing and management authority, to access any books, documents, papers, and records of an authority that are pertinent to this Act and assistance received pursuant to this Act, and to review any reports of an authority to the Secretary;

(4) impose sufficient requirements for obtaining information so that the audits are useful to the Board in evaluating local housing and management authorities; and

(5) include procedures for testing the reliability of internal financial controls of local housing and management authorities.

(e) PURPOSE.—Audits under this section shall be designed to—

(1) evaluate the financial performance and soundness and management performance of the local housing and management authority board of directors (or other similar governing body) and the authority management officials and staff;

(2) assess the compliance of an authority with all aspects of the standards and guidelines established under section 431(a)(1);

(3) provide information to the Secretary and the Board regarding the financial performance and management of the authority and to determine whether a review under section 225(d) or 353(c) is required; and

(4) identify potential problems in the operations, management, functioning of a local housing and management authority at a time before such problems result in serious and complicated deficiencies.

(f) INAPPLICABILITY OF SINGLE AUDIT ACT.—Notwithstanding the first sentence of section 7503(a) of title 31, United States Code, an audit conducted in accordance with chapter 75 of such title shall not exempt any local housing and management authority from conducting an audit under this section. Audits under this section shall not be subject to the requirements for audits under such chapter. An audit under this section for a local housing and management authority for a fiscal year shall be considered to satisfy any requirements under such chapter for such fiscal year.

(g) WITHHOLDING OF AMOUNTS FOR COSTS OF AUDIT.—

(1) LHMA RESPONSIBLE FOR AUDIT.—If the Secretary requires a local housing and management authority to have an audit under this section conducted pursuant to subsection (a)(1) and determines that the authority has failed to take the actions required to submit an audit under this section for a fiscal year, the Secretary may—

(A) arrange for, and pay the costs of, the audit and withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); or

(B) request the Board to conduct the audit pursuant to subsection (a)(2) and withhold amounts pursuant to paragraph (2) of this subsection.

(2) BOARD RESPONSIBLE FOR AUDIT.—If the Board is responsible for an audit for a local housing and management authority pursuant to paragraph (2) or (3) of subsection (a), subsection (b), or paragraph (1)(B) of this subsection, the Secretary shall—

(A) withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the audit, but in no case more than the reasonable cost of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); and

(B) transfer such amounts to the Board.

Page 201, line 21, strike ''to prepare''.

Page 201, line 23, after ''housing'' insert ''or functions''.

Page 202, lines 1 and 2, strike ''to prepare''.

Page 203, lines 17 and 18, strike ''the expiration'' and all that follows through ''437(b)(2)'' on line 19, and insert the following: ''such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 438''.

Page 203, line 19, strike ''437(b)(2)'' and insert ''438(b)(2) or (b)(5)''.

Page 207, line 16, strike ''section 435'' and insert ''section 436''.

Page 209, line 9, strike ''if'' and all that follows through the comma on line 12.

Page 210, line 9, before the semicolon insert '', but only after efforts to renegotiate such contracts have failed''.

Page 210, line 19, after ''laws'' insert the following: ''relating to civil service requirements, employee rights, procurement, or financial or administrative controls''.

Page 210, line 20, strike ''receiver'' and insert ''Secretary''.

Page 212, line 24, strike ''(D'' and insert ''(D)''.

Page 212, line 25, after ''laws'' insert the following: ''relating to civil service requirements, employee rights, procurement, or financial or administrative controls''.

Page 213, after line 23, insert the following new subsection:

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

Page 215, line 7, strike ''for the first year beginning after the date of enactment of this Act''.

Page 216, line 2, strike ''section 438(b)'' and insert ''section 439(b)''.

Page 217, line 7, strike ''section 432'' and insert ''section 433''.

Page 217, line 9, strike ''and 436'' and insert ''436, and 438''.

Page 218, strike lines 19 through 22 (and redesignate subsequent paragraphs accordingly).

Page 226, after line 9, insert the following new subsection:

(f) CONVERSION OF PROJECT-BASED ASSISTANCE TO CHOICE-BASED RENTAL ASSISTANCE.—

(1) SECTION 8 PROJECT-BASED CONTRACTS.—Upon the request of the owner of a multifamily housing project for which project-based assistance is provided under a contract entered into under section 8 of the United States Housing Act of 1937 (as in effect before the enactment of this Act), notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project and shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(2) SECTION 236 CONTRACTS.—Upon the request of the owner of a multifamily housing project for which assistance is provided under a contract for interest reduction payments under section 236 of the National Housing Act, notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project. The amount of the interest reduction payments made on behalf of the owner shall be reduced by a fraction for which the numerator is the aggregate basic rent for the units which are no longer assisted under the contract for interest reduction payments and the denominator is the aggregate basic rents for all units in the project. The requirements of section 236(g) of the National Housing Act shall not apply to rental charges collected with respect to dwelling units for which assistance in terminated under this paragraph. Such reduction shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(3) ELIGIBLE UNITS.—A unit may be removed from coverage by a contract pursuant to paragraph (1) or (2) only—

(A) upon the vacancy of the unit; and

(B) in the case of—

(i) units assisted under section 8 of the United States Housing Act of 1937, if the contract rent for the unit is not less than the applicable fair market rental established pursuant to section 8(c) of such Act for the area in which the unit is located; or

(ii) units assisted under an interest reduction contract under section 236 of the National Housing Act, if the reduction in the amount of interest reduction payments on a monthly basis is less than the aggregate amount of fair market rents established pursuant to section 8(c) of such Act for the number and type of units which are removed from coverage by the contract.

(4) RECAPTURE.—Any budget authority that becomes available to a local housing and management authority or the Secretary pursuant to this section shall be used to provide choice-based rental assistance under title III, during the term covered by such contract.

Page 231, line 24, after the period insert the following new sentence: ''The plan shall be developed with the participation of residents and appropriate law enforcement officials.''.

Page 240, after the matter following line 17, insert the following new subsection:

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a local housing and management authority within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c).

At the end of title V of the bill, insert the following new sections:

SEC. 504. TREATMENT OF CERTAIN PROJECTS.

Rehabilitation activities undertaken by Pennrose Properties in connection with 40 dwelling units for senior citizens in the Providence Square development located in New Brunswick, New Jersey, are hereby deemed to have been conducted pursuant to the approval of and an agreement with the Secretary of Housing and Urban Development under clauses (i) and (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

SEC. 505. AMENDMENTS RELATING TO COMMUNITY DEVELOPMENT ASSISTANCE.

(a) ELIGIBILITY OF METROPOLITAN CITIES.—Section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) is amended—

(1) by striking the second sentence and inserting the following new sentence: ''Any city that was classified as a metropolitan city for at least 1 year after September 30, 1989, pursuant to the first sentence of this paragraph, shall remain classified as a metropolitan city by reason of this sentence until the first year for which data from the 2000 Decennial Census is available for use for purposes of allocating amounts this title.''; and

(2) by striking the fifth sentence and inserting the following new sentence: ''Notwithstanding that the population of a unit of general local government was included, after September 30, 1989, with the population of an urban county for purposes of qualifying for assistance under section 106, the unit of general local government may apply for assistance under section 106 as a metropolitan city if the unit meets the requirements of the second sentence of this paragraph.''.

(b) PUBLIC SERVICES LIMITATION.—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking ''through 1997'' and inserting ''through 1998''.

SEC. 506. AUTHORITY TO TRANSFER SURPLUS REAL PROPERTY FOR HOUSING USE.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended by adding at the end the following new subsection:

''(r)(1) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for homeless individuals or families, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

''(2) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for low-income individuals or families such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

''(3) In making transfers under this subsection, the Administrator shall take such action, which shall include grant agreements with an organization receiving a grant, as may be necessary to ensure that—

''(A) assistance provided under this subsection is used to facilitate and encourage homeownership opportunities through the construction of self-help housing, under terms which require that the person receiving the assistance contribute a significant amount of labor toward the construction; and

''(B) the dwellings constructed with property transferred under this subsection shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below the prevailing market prices.

''(4)(A) Where the Administrator has transferred a significant portion of a surplus real property, including buildings, fixtures, and equipment situated thereon, under paragraph (1) or (2) of this subsection, the transfer of the entire property shall be deemed to be in compliance with title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

''(B) For the purpose of this paragraph, the term 'a significant portion of a surplus real property' means a portion of surplus real property—

''(i) which constitutes at least 5 acres of total acreage;

''(ii) whose fair market value exceeds $100,000; or

''(iii) whose fair market value exceeds 15 percent of the surplus property's fair market value.

''(5) The provisions of this section shall not apply to buildings and property at military installations that are approved for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and shall not supersede the provisions of section 2(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (10 U.S.C. 2687 note).''.

SEC. 507. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: '', and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000''.

SEC. 508. TREATMENT OF OCCUPANCY STANDARDS.

(a) NATIONAL STANDARD PROHIBITED.—The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

(b) STATE STANDARD.—If a State establishes an occupancy standard—

(1) such standard shall be presumed reasonable for purposes of any laws administered by the Secretary; and

(2) the Secretary shall not suspend, withdraw, or deny certification of any State or local public agency based in whole or in part on that State occupancy standard or its operation.

(c) ABSENCE OF STATE STANDARD.—If a State fails to establish an occupancy standard, an occupancy standard of 2 persons per bedroom established by a housing provider shall be presumed reasonable for the purposes of any laws administered by the Secretary.

(d) DEFINITION.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the term ''occupancy standard'' means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can properly manage in a dwelling for any 1 or more of the following purposes—

(A) providing a decent home and services for each resident;

(B) enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident; and

(C) avoiding undue physical deterioration of the dwelling and property.

(2) EXCEPTION.—The term ''occupancy standard'' does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(e) EFFECTIVE DATE.—This section shall take effect January 1, 1996.

SEC. 509. IMPLEMENTATION OF PLAN.

(a) IMPLEMENTATION.—Within 120 days after the enactment of this Act, the Secretary of Housing and Urban Development shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law. The Secretary shall consider and make any waivers to existing regulations consistent with such plan to enable timely implementation of such plan.

(b) REPORT.—Such city shall submit a report to the Secretary on progress in implementing the plan not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000. The report shall include quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the city's consolidated plan, identification of regulatory and statutory obstacles which have or are causing unnecessary delays in the plan's successful implementation or are contributing to unnecessary costs associated with the revitalization, and any other information as the Secretary considers appropriate.

SEC. 510. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) HOME INVESTMENT PARTNERSHIPS.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) DEFINITIONS.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(2) INCOME TARGETING.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(3) RENT LIMITS.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) by striking ''income ceilings higher or lower'' and inserting ''an income ceiling higher'';

(B) by striking ''variations are'' and inserting ''variation is''; and

(C) by striking ''high or''.

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

''(B) The Secretary may—

''(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

''(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.''.

SEC. 511. AMENDMENTS RELATING TO SECTION 236 PROGRAM.

Section 236(f)(1) of the National Housing Act (12 U.S.C. 1715z–1) (as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, and by section 228(a) of The Balanced Budget Downpayment Act, II) is amended—

(1) in the second sentence, by striking ''the lower of (i)'';

(2) in the second sentence, by striking ''(ii) the fair market rental established under section 8(c) of the United States Housing Act of 1937 for the market area in which the housing is located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,''; and

(3) by inserting after the second sentence the following: ''However, in the case of a project which contains more than 5,000 units, is subject to an interest reduction payments contract, and is financed under a State or local program, the Secretary may reduce the rental charge ceiling, but in no case shall the rent be below basic rent. For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the lower of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which the housing is located, as represents 30 percent of the tenant's adjusted income, but in no case shall the rent be below basic rent.''.

SEC. 512. PROSPECTIVE APPLICATION OF GOLD CLAUSES.

Section 5118(d)(2) of title 31, United States Code, is amended by adding at the end the following new sentence: ''This paragraph shall continue to apply to any obligations issued on or before October 27, 1977, notwithstanding any assignment and/or novation of such obligations after such date, unless all parties to the assignment and/or novation specifically agree to include a gold clause in the new agreement.''.

SEC. 513. MOVING TO WORK DEMONSTRATION FOR THE 21ST CENTURY.

(a) PURPOSE.—The purpose of this demonstration under this section is to give local housing and management authorities and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that—

(1) reduce cost and achieve greater cost effectiveness in Federal expenditures;

(2) give incentives to families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and

(3) increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—

(1) SELECTION OF PARTICIPANTS.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1997 under which local housing and management authorities (including Indian housing authorities) administering the public or Indian housing program and the choice-based rental assistance program under title III of this Act shall be selected by the Secretary to participate. In first year of the demonstration, the Secretary shall select 100 local housing and management authorities to participate. In each of the next 2 year of the demonstration, the Secretary shall select 100 additional local housing and management authorities per year to participate. During the first year of the demonstration, the Secretary shall select for participation any authority that complies with the requirement under subsection (d) and owns or administers more than 99,999 dwelling units of public housing.

(2) TRAINING.—The Secretary, in consultation with representatives of public housing interests, shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 30 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration.

(3) USE OF HOUSING ASSISTANCE.—Under the demonstration, notwithstanding any provision of this Act, an authority may combine operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act), modernization assistance provided under section 14 of such Act, assistance provided under section 8 of such Act for the certificate and voucher programs, assistance for pubic housing provided under title II of this Act, and choice-based rental assistance provided under title III of this Act, to provide housing assistance for low-income families and services to facilitate the transition to work on such terms and conditions as the authority may propose.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance refereed to in subsection (b)(3);

(2) shall be submitted only after the local housing and management authority provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the authority that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent; and

(B) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION CRITERIA.—In selecting among applications, the Secretary shall take into account the potential of each authority to plan and carry out a program under the demonstration and other appropriate factors as reasonably determined by the Secretary. An authority shall be eligible to participate in any fiscal year only if the most recent score for the authority under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) is 90 or greater.

(e) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Section 261 of this Act shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 113 of this Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON PROGRAM ALLOCATIONS.—The amount of assistance received under titles II and III by a local housing and management authority participating in the demonstration under this section shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each authority shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each authority shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH LHMA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of local housing and management authorities and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the

demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

SEC. 514. OCCUPANCY SCREENING AND EVICTIONS FROM FEDERALLY ASSISTED HOUSING.

(a) OCCUPANCY SCREENING.—Section 642 of the Housing and Community Development Act of 1992 (42 U.S.C. 13602)—

(1) by inserting ''(a) GENERAL CRITERIA.—'' before ''In''; and

(2) by adding at the end the following new subsections:

''(b) AUTHORITY TO DENY OCCUPANCY FOR CRIMINAL OFFENDERS.—In selecting tenants for occupancy of dwelling units in federally assisted housing, if the owner of such housing determines that an applicant for occupancy in the housing or any member of the applicant's household is or was, during the preceding 3 years, engaged in any activity described in paragraph (2)(C) of section 645, the owner may—

''(1) deny such applicant occupancy and consider the applicant (for purposes of any waiting list) as not having applied for such occupancy ; and

''(2) after the expiration of the 3-year period beginning upon such activity, require the applicant, as a condition of occupancy in the housing or application for occupancy in the housing, to submit to the owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such 3-year period.

''(c) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—An owner of federally assisted housing may require, as a condition of providing occupancy in a dwelling unit in such housing to an applicant for occupancy and the members of the applicant's household, that each adult member of the household provide the owner with a signed, written authorization for the owner to obtain records described in section 646(a) regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

''(d) DEFINITION.—For purposes of subsections (b) and (c), the term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).''.

(b) TERMINATION OF TENANCY.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended by adding at the end the following new section:

''SEC. 645. TERMINATION OF TENANCY.

''Each lease for a dwelling unit in federally assisted housing (as such term is defined in section 642(d)) shall provide that—

''(1) the owner may not terminate the tenancy except for violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

''(2) any activity, engaged in by the tenant, any member of the tenant's household, or any guest or other person under the tenant's control, that—

''(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the owner or other manager of the housing,

''(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises, or

''(C) is criminal activity (including drug-related criminal activity) on or off the premises, shall be cause for termination of tenancy.''.

(c) AVAILABILITY OF CRIMINAL RECORDS FOR TENANT SCREENING AND EVICTION.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended adding after section 645 (as added by subsection (b) of this section) the following new section:

''SEC. 646. AVAILABILITY OF RECORDS.

''(a) IN GENERAL.—

''(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraph (2), upon the request of an owner of federally assisted housing, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the owner of federally assisted housing information regarding the criminal conviction records of an adult applicant for, or tenants of, the federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the owner requests such information and presents to such Center, department, or agency with a written authorization, signed by such applicant, for the release of such information to such owner.

''(2) EXCEPTION.—The information provided under paragraph (1) may not include any information regarding any criminal conviction of an applicant or resident for any act (or failure to act) for which the applicant or resident was not treated as an adult under the laws of the convicting jurisdiction.

''(b) CONFIDENTIALITY.—An owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer or employee of the owner. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to an owner is used, and confidentiality of such information is maintained, as required under this section.

''(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for federally assisted housing on the basis of a criminal record, the owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

''(d) FEE.—An owner of federally assisted housing may be charged a reasonable fee for information provided under subsection (a).

''(e) RECORDS MANAGEMENT.—Each owner of federally assisted housing that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the owner is—

''(1) maintained confidentially;

''(2) not misused or improperly disseminated; and

''(3) destroyed, once the purpose for which the record was requested has been accomplished.

''(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term 'person' as used in this subsection shall include an officer or employee of any local housing and management authority.

''(g) CIVIL ACTION.—Any applicant for, or resident of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any owner, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

''(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

''(1) ADULT.—The term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

''(2) FEDERALLY ASSISTED HOUSING.—The term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).''.

(d) DEFINITIONS.—Section 683 of the Housing and Community Development Act of 1992 (42 U.S.C. 13643) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking ''section 3(b) of the United States Housing Act of 1937'' and inserting ''section 102 of the United States Housing Act of 1996'';

(B) in subparagraph (B), by inserting before the semicolon at the end the following; ''(as in effect before the enactment of the United States Housing Act of 1996)'';

(C) in subparagraph (F), by striking ''and'' at the end;

(D) in subparagraph (G), by striking the period at the end and inserting ''; and''; and

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

''(H) for purposes only of subsections (b) and (c) of sections 642, and section 645 and 646, housing assisted under section 515 of the Housing Act of 1949.'';

(2) in paragraph (4), by striking ''public housing agency'' and inserting ''local housing and management authority''; and

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

''(6) DRUG-RELATED CRIMINAL ACTIVITY.—The term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act).''.

At the end of the bill, insert the following new title:

TITLE VI—NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAMS COST

SEC. 601. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Housing Assistance Programs Cost (in this title referred to as the ''Commission'').

SEC. 602. MEMBERSHIP.

(a) APPOINTMENT.—The Commission shall be composed of 9 members, who shall be appointed not later than 90 days after the date of the enactment of this Act. The members shall be as follows:

(1) 3 members to be appointed by the Secretary of Housing and Urban Development;

(2) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee

on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate; and

(3) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives.

(b) QUALIFICATIONS.—The 3 members of the Commission appointed under each of paragraphs (1), (2), and (3) of subsection (a)—

(1) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(2) shall include—

(A) 1 individual who is an elected public official at the State or local level;

(B) 1 individual who is a distinguished academic engaged in teaching or research;

(C) 1 individual who is a business leader, financial officer, management or accounting expert.

In selecting members of the Commission for appointment, the individuals appointing shall ensure that the members selected can analyze the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no member of the Commission has a personal financial or business interest in any such program.

SEC. 603. ORGANIZATION.

(a) CHAIRPERSON.—The Commission shall elect a chairperson from among members of the Commission.

(b) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(c) VOTING.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(d) VACANCIES.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(e) PROHIBITION ON ADDITIONAL PAY.—Members of the Commission shall serve without compensation.

(f) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 604. FUNCTIONS.

(a) IN GENERAL.—The Commission shall —

(1) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs; and

(2) estimate the future liability that will be borne by taxpayers as a result of activities under the Federal assisted housing programs before the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term ''Federal assisted housing programs'' means—

(1) the public housing program under the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(2) the public housing program under title II of this Act;

(3) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(4) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(5) the programs for project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(6) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(7) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(8) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(9) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(10) the program under section 236 of the National Housing Act;

(11) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(12) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine.

(c) FINAL REPORT.—Not later than 18 months after the Commission is established pursuant to section 602(a), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under subsection (a).

(c) LIMITATION.—The Commission may not make any recommendations regarding Federal housing policy.

SEC. 605. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require for carrying out this title, including—

(A) local housing management plans submitted to the Secretary of Housing and Urban Development under section 107;

(B) block grant contracts under title II;

(C) contracts under section 302 for assistance amounts under title III; and

(D) audits submitted to the Secretary of Housing and Urban Development under section 403.

(2) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary—

(A) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this title; and

(B) provide the Commission with technical assistance in carrying out its duties under this title.

(d) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this title, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this Act and assistance received pursuant to this Act.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(f) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this title.

(g) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) LIMITATION.—Paragraphs (1) and (2) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(4) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no such individual has a personal financial or business interest in any such program.

(h) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 606. FUNDING.

Of any amounts made available for policy, research, and development activities of the Department of Housing and Urban Development, there shall be available for carrying out this title $750,000, for fiscal year 1997. Any such amounts so appropriated shall remain available until expended.

SEC. 607. SUNSET.

The Commission shall terminate upon the expiration of the 18-month period beginning upon the date that the Commission is established pursuant to section 602(a).

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and a Member opposed will each be recognized for 5 minutes.

Does the gentleman from Massachusetts [Mr. KENNEDY] rise in opposition?

Mr. KENNEDY of Massachusetts. Yes, Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Massachusetts will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. MORAN], who has been exceptionally important, a great advocate for people in need in public assisted housing.

Mr. MORAN. I thank the gentleman from New York very much for including my bill in the manager's amendment.

We call it ''one strike and you are out, part two,'' because what it does is to extend the provisions that were cast earlier and President Clinton signed into law with a great deal of support from the White House to enable us to evict drug and alcohol abusers and those that are engaged in criminal activity from all types of federally subsidized housing.

Fot too long, drug dealers and other criminals have found a haven in low-income housing projects, and although the 1990 act makes some progress in the public housing area, it did not apply to all subsidized housing.

This manager's amendment closes the most egregious loophole in public housing. It grants public housing authorities and private owners of Section 8 properties new powers to screen and evict problem tenants.

As my colleagues know, there are 1.4 million public housing units, while there are 2.1 million section 8 publicly assisted housing units, and the fact is that residents of project 8, section 8 and FHA-insured multifamily housing have had virtually no protection from drug dealers that live next door and threaten their health and safety on a daily basis. They deserve equal protection under the law.

Mr. Chairman, what we are going to do with this legislation is to see to it that drug dealers will be subject to eviction from public housing whenever they deal their drugs and wherever they deal their drugs, but it will also enable managers of section 8 properties to effectively screen prospective tenants before those tenants are involved in drug dealing or criminal activity. It is a lot easier if we can keep them out of subsidized housing than waiting until they commit crimes.

Section 8 managers will be able to conduct criminal background checks and match an applicant's name against information from the National Crime Information Center.

We have got a long waiting list of people that deserve subsidized housing and very much need it. We cannot afford to be giving housing units to people who terrorize their neighbors. This manager's amendment will put an end to that practice.

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

Mr. Chairman, I rise in strong opposition to the manager's amendment.

Mr. Chairman, it is not that I oppose everything in the manager's amendment, and there are a number of provisions within it that I would support. I do believe, however, there are provisions that are contained in the amendment which simply are wholesale changes in existing law which I was unaware were even included in this as of 9 o'clock last evening. Those range from an exemption to the Brooke amendment for over 300 public housing authorities, including the specifically mentioned, for some reason, which the gentleman from New York [Mr. NADLER] has informed me from New York City that the mayor of New York was completely unaware of providing for, regardless of whether or not the amendment offered by the gentleman from Massachusetts [Mr. FRANK] which would maintain the Brooke amendment as it is currently constituted into current law, regardless of whether or not the Frank of Massachusetts amendment passes.

This would exempt 300 public housing authorities that meet certain criteria that I do not know. Those public housing authorities would be able to wholesale throw out tremendous numbers of poor people simply because they have attained some standard by which the gentleman from New York [Mr. LAZIO] believes means they are doing a good job.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, as I understand the manager's amendment, which we did not get much time to look at, instead did an excellent job of analyzing it, the manager's amendment does two things. First of all, it does a revised version of the Brooke amendment, and then it exempts people from its own revised version. So the amendment, in fact, contains both the revision and an exemption from its own revision as I understand it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, it is always good to have the gentleman from Massachusetts around to explain things.

But the truth of the matter is that, in addition to the Brooke amendment changes that I think are very detrimental to the vulnerable people, and particularly to the working poor of this country, the bill also contains some kind of self-sufficiency contract which I have come to know as the PIP, the personal improvement program.

Now, that personal improvement plan is evidently supposed to be filed by every resident of public housing to be then; I guess maybe the gentleman from New York [Mr. LAZIO] is going to review each one of these PIP's, and once those PIP's are reviewed and they pass whatever standard Mr. LAZIO has in mind, then we are going to determine whether or not the individual in public housing has actually achieved the goals that they have set out. If they have not achieved those goals, then they can be thrown out of public housing.

Mr. Chairman, I have not heard anything so patently ridiculous in all the years that I have served in the Congress of the United States. What are we doing? We are turning ourselves into some sort of big-brother organization which determines whether or not, and I would like to see every Member of this House submit a PIP and see whether or not they could adhere to all the standards that we set for ourselves, I would like to see every member of the Housing Committee set those standards for themselves, before we start asking people in public housing to set those standards.

Third, there is some provision that got in here. Evidently somebody in the Congress has a particular interest in some GSA surplus property. Evidently that particular individual is concerned about having homeless people come next door because of a provision which says that when there is excess GSA property, that should go to homeless organizations as a first choice. That is going to be changed without ever having a hearing about it, without ever deciding what is good for it. That is going to be changed to allow this particular individual to have some kind of other organizations move in next to his particular home.

Now, I do not know that this is an appropriate place for us to be providing specific provisions like that for particular Members of Congress. I personally am outraged that those kinds of provisions are snuck into a manager's amendment, never discussed with me. As I understand the way the manager's amendment is supposed to work, is these are supposed to be technical and conforming changes that the two of us negotiate and agree upon that create a consensus as to where we can improve the bill. That was not done in this case.

And I recognize that the gentleman from New York [Mr. LAZIO] has had a very difficult job, and I once again want to compliment him on a number of provisions that are contained in this bill. I say to the gentleman, RICK, there are many provisions that I think are important changes that give local housing authorities the kind of flexibility that both of us believe that they need in order to get rid of some of these terrible housing projects and to allow the Secretary to get rid of very badly run public housing authorities. But we go too far in eliminating Brooke, we go too far in vouchering out, we go too far in these PIP programs, and we go too far in providing for individual Member of Congress' own backyard.

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

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know we all want the same things, but we all have not done the same things to help people who are the poorest of the poor who are living in public housing. It was not this majority that imposed the one-for-one requirement which said that we cannot demolish the most dilapidated buildings in public housing, and we force

communities to live in the shadows of crime, many cases crime-ridden structures with broken windows that are falling apart. It was not this majority who said frankly that there should be no home ownership opportunities for people that will have vouchers, but we are beginning the process of moving in the other direction, and this amendment does it.

Mr. Chairman, there cannot be any larger philosophical divide between the gentleman from Massachusetts and the other side of the aisle than the self-sufficiency, the tenant self-sufficiency contract.

In our amendment, Mr. Chairman, we say that somebody who comes into public housing enters into a contract with those people who are supervising that housing authority. Now, that may, in fact, be a not-for-profit, it may be for a for-profit, it may be the housing authority, but we say the tenant enters into a contract which says these are the things that I will do to transition myself back into the marketplace, these are the things that I will take advantage of, be it worker training or educational possibilities.

We can no longer say that it is a one-way street, that we are going to give people the opportunity to live in public assisted housing and expect them to do nothing in return, including improving their own lot when there are opportunities for that to happen.

This is not punitive, and, in fact, there is an escape valve here to say if someone has changed circumstances, contrary to what the gentleman would say, that that would be taken into consideration. Nobody would be thrown out because of this, but it begins the process of having people think about what they need to do to transition back into the marketplace.

We create a number of home ownership opportunities in this legislation, Mr. Chairman, including the possibility that a resident in public housing can purchase their own unit. Yes, we give that person the opportunity to do that. We value home ownership.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I understood that we had 5 minutes per side. When I heard the gentleman from Virginia [Mr. MORAN], I just assumed that we have gone over, well over, the 5-minute allocation if we take into account Mr. MORAN.

The CHAIRMAN. The gentleman from Virginia utilized 2 minutes. There were 3 minutes remaining. The gentleman from New York is utilizing his 3 minutes at this point.

Mr. KENNEDY of Massachusetts. I hope the gentleman is as generous with the 3 minutes with our side.

The CHAIRMAN. All indications are that they are being totally fair.

Mr. LAZIO of New York. In this amendment Mr. Chairman, we protect seniors, we protect the disabled, we protect the poorest of the poor, and we remove the job-killing Brooke amendment. We allow an out for minimum rents for people who have hardship exemptions, but we believe that everybody should pay something, whether it is $25 or $30 or $35.

We target our resources so that people who use vouchers, half of all the people who use vouchers, will be people who make under 60 percent of median income, again the poorest of the poor. We say that 30 percent of the units in public housing must go to people who have incomes below 30 percent of median income. Again, we insure that there are units for the poorest of the poor, but we also say, Mr. Chairman, that we need to create an environment of hope with role models where people can transition back to the marketplace where they can make their own choices for housing.

I ask for support for this amendment.

□ 1745

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States Housing Act of 1996''.

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

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DECLARATION OF POLICY TO RENEW AMERICAN NEIGHBORHOODS.

The Congress hereby declares that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) the Federal Government cannot through its direct action or involvement provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;

(3) the Federal Government should act only where there is a serious need that private citizens or groups cannot or are not addressing responsibly; and

(4) housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not be itself pull generations up from poverty.

The CHAIRMAN. Are there any amendments to section 2?

AMENDMENT NO. 43 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 43 offered by Mr. WATT of North Carolina: Page 5, strike line 20 and all that follows through page 6, line 2, and insert the following new paragraphs:

(2) it is a goal of our Nation that all citizens have decent and affordable housing;

(3) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments and by promoting and protecting the independent and collective actions of private citizens, organizations, and the private sector to develop housing and strengthen their own neighborhoods;

Page 6, line 3, strike ''(3)'' and insert ''(4)''.

Page 6, line 3, strike ''should act only'' and insert ''has a responsibility to act''.

Page 6, line 6, strike ''(4)'' and insert ''(5)''.

Mr. WATT of North Carolina. Mr. Chairman, I want to try to frame what this debate is about through the process of this amendment.

Mr. Chairman, I was interested in the characterization that the chairman of the subcommittee, the gentleman from New York [Mr. LAZIO], made about this bill being a dramatic change in housing policy in this country. I want to make sure that my colleagues understand just how dramatic that change is. I want to spend a minute or two talking about the historical housing policy of this country.

Mr. Chairman, the Housing Act that we are repealing under this bill today is the Housing Act of 1937. It started with a declaration of policy which says that it will be our policy as a government to try to remedy the unsafe and unsanitary housing conditions and the acute shortage of decent, safe, and sanitary dwellings for families of lower income. That statement of Federal housing policy was changed in 1949, almost 50 years ago.

In 1949, the housing policy was changed to state that it would be the policy of our Government to try to assure the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family. From that goal statement has come the term that has controlled the Federal housing policy of our country to provide decent and affordable housing to every American citizen for the last 50 years.

Mr. Chairman, my colleagues are going to say the gentleman from North Carolina [Mr. WATT], is making much ado about nothing. But I want everybody to understand what his bill says the policy of the Federal Government for housing should be. This is what the bill says in the very beginning of the bill: ''The Federal Government cannot, through its direct action or involvement, provide for the housing of every American citizen, or even a majority of its citizens;'' a dramatic departure, a dramatic departure from the goal of providing decent and affordable housing for every American citizen.

When we talk about this being a dramatic change in policy, it says it from the very beginning of this bill, it is a dramatic change in policy, because we are conceding as a Nation that we no longer even have as a goal providing decent housing for our citizens. The bill itself says we do not even have that as a goal anymore.

My amendment, Mr. Chairman, simply changes that policy statement. It does not do anything to the substance of the bill, but it is an abomination. We should be ashamed of ourselves as a Congress to say to the American people that we are abandoning the goal, the dream of providing decent and affordable housing to every American citizen in our country.

Mr. Chairman, if my colleagues are willing to support that, what it says to me is that they are the extreme that everybody has worried about. They are defining as a policy, do anything that is okay. Mr. Chairman, this is serious, serious business, because we are about making a major reversal in the goals and objectives and desires of our Nation.

Mr. Chairman, I ask my colleagues to support this simple amendment. It simply restores the objective in this bill.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. WATT of North Carolina. Mr. Chairman, it simply says our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments, and by promoting and protecting the independent and collective actions of private citizens, organizations, and the private sector to develop housing and strengthen their own neighborhoods, a simple goal statement.

Mr. Chairman, that is what this Government should be about. Please support this simple amendment.

Mr. LAZIO of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman just mentioned that we ought to be ashamed. He is right. Some of us ought to be ashamed. We ought to be ashamed for tolerating this failure, not for the last year or two, but for 20 years. That is something to be ashamed of.

Mr. Chairman, this is the state of public housing in this Nation. Are we proud of that, or is that something we are ashamed of? This body under the last majority did nothing about it.

They did not take this building down. It could not even take this building down, because the last majority said you cannot take this building down because of the fact that you have no money, unless you build another one in its place. These are buildings. So this hulk has scarred this neighborhood for years in New Orleans. This is New Orleans. The one I was referring to, they received a 27 score out of 100, the bottom of the barrel of the top 40 housing authorities in the Nation. That is the failure we have been tolerating.

Part of the reason we have been tolerating that is because we have deluded ourselves that this is somehow compassionate. Is that compassionate, I ask the Chairman? Is that compassionate? I would say, Mr. Chairman, it is compassionate when we begin to form partnerships, when people in communities understand what is going on; not when HUD comes in and throws a couple million dollars into an area and says, gee, we have done something important.

They have not done something important, Mr. Chairman, when they have not addressed issues like the other problems the neighborhood has, including economic development and job creation, having mixed incomes, ensuring that you have an environment where people can transition back into the marketplace. This is what we ought to be ashamed of, not the language that is in this bill, that we ought to be proud of.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I want the gentleman to explain to me, if this is the kind of housing that we have with a goal of providing decent and affordable housing, what kind of housing does the gentleman think we will have if we have no goal, and we do not even have a policy statement on the issue?

Mr. LAZIO of New York. Reclaiming my time, Mr. Chairman, under this bill we will not have buildings and hulks like that in neighborhoods anymore, scarring our communities. They will come down, and the people in those places that we purport to have compassion for will be given vouchers so they can make choices on their own and move to a decent place, so children can be raised in a decent place, not being raised in an area where children cannot play outside because there is nowhere for them to play. That is how certain people in this Chamber measure compassion. I reject that, and this bill rejects that.

Mr. WATT of North Carolina. If the gentleman will continue to yield, I would ask the gentleman, is my statement of purposes and goal as an American inconsistent with what you are saying? Why would the gentleman not incorporate my amendment into his manager's amendment as a statement of goal?

Mr. LAZIO of New York. Reclaiming my time, Mr. Chairman, I would first of all not suggest that the gentleman in any of his ideas or opinions on the floor of this House, who I have a great deal of respect for, is un-American in any way. I want to make that clear.

Second of all, I respectfully disagree with the gentleman. I think we have hit the mark on this. This is the right statement of purpose. We do talk about the fact that the Federal Government cannot do it alone. I would tell the gentleman, we cannot do it alone. We are meeting the needs of only one out of every four people who are otherwise eligible for affordable housing in this country. Let me tell the Members, of the one in four who are lucky enough to be in the lottery to get public housing, they are living in conditions where they cannot get themselves out, they cannot revert back to a good environment, their children cannot be raised in an environment where they can get a good quality of education and get a good job.

Mr. WATT of North Carolina. Mr. Chairman, if the gentleman will continue to yield, I see no statement of that objective in this bill anywhere, Mr. Chairman. When the gentleman says that the Federal Government will not provide for the housing of every American citizen or even a majority of its citizens, the gentleman is abandoning the goal that we have set for 50 years in this country, and that is an extreme measure on the gentleman's part, just like the rest of his party.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, the only thing that is extreme is some of the things that are being said and the way some people here are measuring compassion, which is to concentrate poverty and condemn people to another 40 years of terrible circumstances.

In the statement of purpose, I would say to the gentleman, it says, and I read from page 5:

> The Federal Government has a responsibility to promote the general welfare of the Nation by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy.

What is radical or extreme about that? I know that is the mantra from the other side of the aisle, when analysis will not do, but I will tell the Chairman that in fact we have hit the mark on this. We are going to break the mold. We are not going to tolerate failure anymore. We are going to give people a decent place to live.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to deal with some of the rhetoric that we have just heard from the other side and the picture that the gentleman from New York [Mr. LAZIO] held up. The truth of the matter is that if we look at what has actually occurred in terms of housing legislation, a change in the one-for-one rule, which is what Chairman LAZIO identified in his earlier remarks, prevents the demolition of the very housing project that he was identifying, was passed by a Democratic Congress in 1994. I served on the committee that passed that legislation. It passed the House of Representatives. It was defeated by PHIL GRAMM in the U.S. Senate in the last dying days of the Congress, because he did not want to give a victory to the Democrats running the House of Representatives in the Senate of the United States. That is the truth of how one-for-one died.

Mr. Chairman, if we look at what has already been provided the Secretary, the Secretary of Housing and Urban Development has, by the end of this year, demolished 24,000 units of public housing. It was Jack Kemp that stood up and said that he did not want to be the Secretary of Demolition. The truth of the matter is that there is flexibility built into the law.

I support and many of my friends, a lot of others here, the gentleman from Massachusetts, BARNEY FRANK, and a lot of us, support the ability of getting rid of the really badly run housing and taking authority away from the really bad housing authorities.

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What we are talking about is the language of the Watt amendment, which says that we should have a goal of providing affordable housing for the people of this country.

It is amazing to me to sit here in the Congress of the United States and say to one another that we believe that we cannot accomplish those goals. Of course this is a Nation of goals. That is how we built ourselves up. We are not going to attain it next year, but we can certainly lay ourselves out goals that we can all fight for and have the drive and the energy to try and hope one day that we can accomplish.

Mr. Chairman, I yield to my friend from North Carolina, Mr. WATT.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding.

I just want to make it absolutely clear that the statement of purpose, the goals for which I am substituting in this amendment contemplate partnerships, public and private. It contemplates everything that the gentleman from New York [Mr. LAZIO] has said is important to him. But it makes explicit also that we are not abandoning the goal that we have had for housing in this country, not even public housing, just housing in general, decent and affordable housing.

We have had that goal for 50 years, and all of a sudden these new breed come in here and they think there is something magic about their new philosophy and we ought to abandon everything, which is just extreme.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the amendment of the gentleman from North Carolina [Mr. WATT]. I think it is fundamentally a good amendment. I think that in 1949 and in 1996 we obviously agree that the Federal Government has

never made the commitment to provide all of the housing for low-income Americans, and the fact is that we should not abandon that goal.

I would say that the difficulty in reaching that goal today has been greatly increased by the disparities of incomes that exist in our society. Today we simply have more economic casualties than we have had before, in terms of people not making it in terms of affordable housing. We need to do something about that.

I think that the idea that the gentleman from New York has expressed with regard to partnerships and communities working together is good, and I think that the changes we talked about, one-to-one replacement, one-to-one replacement was a good idea, but what has failed here is that local communities did not have the resources.

Once we built public housing or assisted housing and put it in place, we wanted local communities to keep that commitment. That is what that was all about. I do not think that anyone ever intended that we would have buildings standing that basically were vacant, that were causing and attracting problems. But the fact is that some years ago that issue was recognized as a problem. It has been addressed, and so I do not think it is a bad thing.

I would certainly concur with the amendment of the gentleman from North Carolina [Mr. WATT] to keep in place the goal of safe and sanitary housing, to keep in place the 1937 and 1949 goals that have been consistently a part of every commitment made by this Congress in terms of safe and affordable housing for people.

I might just add that in the context of this authorization and housing preamble debate, very often it was referred to that local housing management authorities that are designated under this bill for significant responsibilities were somehow going to solve all the problems. Well, it is local housing authorities, frankly, Mr. Chairman, that have indeed been the problem, the failure or inability of some local housing and redevelopment authorities.

In this bill, with the accreditation and the troubled projects, what happened with the troubled projects—the local housing authorities that cannot make it, that do not get accredited, that in fact are not being operated properly—is that HUD has to take them over. That is basically and fundamentally what this bill does. It passes those problems back to HUD.

The issue that somehow the change here, if we have capable and local housing authorities, they are going to operate correctly, they are going to be able to accept these responsibilities, in fact, Mr. Chairman and the chairman of our subcommittee, I wanted to just point out to my colleagues that St. Paul, the district I represent, has just been recognized as having the No. 1 housing authority in the Nation, St. Paul, MN.

So the fact is that very often I think we are painting a picture here of the 3,400 housing authorities that do not function very well. Well, I would invite any of my colleagues to come to my district in St. Paul, MN and take a look at the thousands of people that are being housed in real quality public housing and in quality senior citizen high-rises that are serving people well.

The problem in my community is not the public housing. It is the private housing, the overcrowding that is associated with the private multifamily dwellings in my area.

So I would just point out to you that the effect of what this bill does in your proposal is that it does not necessarily take that problem away from HUD. In fact, it specifically directs and gives them tremendous responsibility as they have today to try to deal with those problems where we have troubled housing projects, and we have many of them in the country.

I would suggest that many of the changes made to the bill have some value, but some of them are very, very problematic in the sense that we are talking about income levels and the rent changes and the concentration of poverty that has occurred in public housing.

After all, it was the early 1980's under then-President Reagan when there was an insistence upon focusing in public housing the poorest of the poor. Up until that particular point we did not have that serry a concentration, but it was exactly that particular point in time and that came about for a variety of reasons.

One of them was the increase in the incidence of homelessness, deinstitutionalization. Others were the insistence that we only ought to be serving the lowest income persons in public housing because, as I said earlier in my statements on the floor, there are 1.3 million families in public housing but there are 13 million that qualify for it in 1996. We are only dealing with 10 percent.

So naturally anyone who would suggest that the Federal Government can take of the entire problem is out of touch with the numbers and where the responsibility lies. But the Federal Government has a key role, an important role. I think maintaining and embracing the goals of the 1937 or 1949 law are simply a core value of what the American people believe in terms of the Federal Government. Not that we can do it alone, but we certainly should not abandon that particular goal expressed in the basic public housing charter for this and other concerns.

Mr. Chairman, I continue to express my deep concern regarding the direction in which the public and assisted housing policy and legislation before the House is going. At a time when 5.3 million American renters have worst case housing needs, the very purpose of H.R. 2406 alters a long-standing goal of housing policy in this Nation—section 2 of the Housing Act of 1949 states:

> The Congress hereby declares that the general welfare and security of the Nation and the health and living standards of its people require housing production and related community development sufficient to remedy the serious housing shortage, the elimination of substandard and other inadequate housing through the clearance of slums and blighted areas, and the realization as soon as feasible of the goal of a decent home and a suitable living environment for every American family.

Several laws since 1949 have reaffirmed the national goal that every American be able to afford a decent home in a suitable environment. The measure we consider today proposes to change that goal, that commitment.

While this bill does state that the Federal Government has a responsibility to promote the general welfare and to use its resources to aid families seeking affordable homes, section 2 goes on to state clearly that the Federal Government ''cannot * * * provide for the housing of every American citizen, or even a majority of its citizens''. Is this a stroke of candor—a ''can't do'' statement, or is it a lack of will—a ''won't do'' policy?

This legislation does make some positive changes to public housing and federally assisted housing programs. And I would hasten to point out I'm in favor of fixing what is broken in public housing policy. I hear and understand the concerns that public housing authorities have that inadequate subsidies and rigid policies cause them to seek more flexibility; that we need more of an income mix of families in public housing; that we must encourage, not discourage, work. However, on the main this measure takes a theme and frankly makes it extreme. It weakens the basic safety net that the Federal Government has provided through the conduit of public and private Federally assisted housing to a point that I think is critically wrong.

In the late 1970's and the early 1980's, our laws and policies turned a trickle of housing and social problems into a waterfall in terms of homelessness in this country the with deinstitutionalization of disabled persons without the promised funding and support—and homelessness that has occurred because of the housing cost increases in almost every area of our Nation.

Unless the policy path in this bill changes, unless we limit the percentage of income that tenants—families, seniors, and the disabled—pay to no more than 30 percent, unless we restore meaningful income targeting to low and very-low income people along with adequate Federal subsidies that make that possible, I believe that in ten years or so, we will look back at the U.S. Housing Act of 1996 as another policy which drove American families onto the streets and byways across this Nation. These small changes in rent and targeting have a significant impact on people and families in public housing and on section 8. People will be vulnerable and will be pushed into an indefensible situation of homelessness. We can and should do better than this measure.

Mr. Chairman, today amendments will be offered by several Members to improve this bill—and I urge my colleague to give careful consideration and support the Frank-Gutierrez amendment restoring the Brooke protections and the Kennedy amendments on targeting. I will offer an amendment myself that will halt the termination of the current successful drug elimination program in public and assisted housing by extending the program as revised to address all criminal prevention activities in

and around public and assisted housing—a good amendment which helps retain existing public housing's livability.

Mr. Chairman, unless this bill is modified to reflect the reality of housing needs and the undeniable necessity of a strong Federal commitment to housing, I would have to urge my colleagues to oppose H.R. 2406.

Mr. CASTLE. Mr. Chairman I move to strike the requisite number of words.

Mr. Chairman, this is an interesting argument, but I think we would all agree that the public housing situation in the United States needs to be addressed, and I hope before it is done we can sort through these amendments and make sure that we are indeed addressing those things which are good and agreeing upon that so we can come up with a good piece of legislation.

With that, I yield to the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman for yielding.

Let me just say, Mr. Chairman, that there are some people who want to hang on to a failed past and who are unwilling to admit that the policies that have largely been promulgated in this body have led to that failure.

Mr. Chairman, it was not, as I say, this majority who imposed the one-for-one requirement which has assured over the many years that hulks of buildings, in many cases completely vacant, drug-infested and crime-infested, cannot come down.

There were 40 years in which the Democratic Party was in control of this House, Mr. Chairman, 40 years. Part of those years, back 15 years ago, the one-for-one provision was inserted. In none of those years afterward was it repealed, even though we knew it was a failure.

It was the last majority, to correct the record, Mr. Chairman, that imposed Federal preferences that have led to the concentration of the poorest of the poor, that have trapped people in poverty, that have denied them the ability to have role models, that have eliminated the possibility of mixed income, and that in fact have created an environment where it is impossible to transition back into the marketplace.

It was the last majority, Mr. Chairman, not this majority, in sum, that helped create the mess that we are in now. We are now in the process of moving past the past and reclaiming our heritage, at the same time moving toward the 21st century.

We are moving forward because we believe in giving hope and we believe in giving opportunity to people and we believe in giving choices to people. We believe in giving them the opportunity to buy their own home. We believe in the opportunity for them to have entrepreneurial activity and keep the fruits of their labor. We believe in that element of freedom. We believe in local control. We believe in partnerships.

We are here to say that the day in which the Federal Government can do it all is over. We are here to say that we are not going to turn our back on millions of Americans who are trapped in these public and subsidized housing projects because it is politically feasible to do that.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. Mr. Chairman, I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to know whether the gentleman has read my amendment or not.

Mr. LAZIO of New York. I have.

Mr. WATT of North Carolina. Because this amendment acknowledges everything the gentleman has said. I do not understand why he is fighting this amendment. This amendment should have been in the manager's amendment. Surely you are not saying that setting a goal of providing decent and affordable housing to the American people should not be something that ought to be in every housing bill that we have.

Mr. CASTLE. Mr. Chairman, I reclaim my time and I yield to the gentleman from New York [Mr. LAZIO], so that he may respond.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman for yielding. What I am saying is that the gentleman's attempt to strike out language which basically deletes the fact that the Federal Government cannot do it all, which is exactly the language that you are striking out, goes to the heart of this mission. The mission is to build community partnerships, not for HUD, not for this Congress to impose this one-size-fits-all, centralized Washington-based model so that somebody in Albuquerque has to live by the same rules as somebody in Babylon, NY, some resident in New York City has to live by the same rules of some people down in Louisiana or Florida.

Mr. WATT of North Carolina. Mr. Chairman, would the gentleman yield?

Mr. CASTLE. Mr. Chairman, I will yield, yes.

Mr. WATT of North Carolina. Mr. Chairman, the gentleman is focusing on what I struck out of the bill, but he needs to focus on what I put back in the bill, because I put a lot of his very language back in the bill. We are encouraging the obtaining of this goal by encouragement of the Federal, State and local governments, by promoting and protecting the independent and collective actions of private citizens, organizations and the private sector, the very same things the gentleman has said.

I did not take these things out and not put them back in. They are in this amendment, and I am encouraging the gentleman to read my amendment and agree to it.

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the gentleman from New York [Mr. LAZIO] dug himself a hole he did not have to dig. His speech was a great speech, but it had nothing to do with the amendment of the gentleman from North Carolina [Mr. WATT].

As I understand the Watt amendment, it says very simply, ''It is a goal of our Nation that all citizens have decent and affordable housing.'' Am I correct?

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, that is correct.

Mr. SANDERS. The gentleman from New York [Mr. LAZIO] spoke of demolition of housing, the role of the private sector. He spoke about a lot of things, but he did not speak about the Watt amendment. The gentleman from North Carolina [Mr. WATT] did not tell us how we can achieve the goal. He did not explicitly tell us the role of the private sector or the public sector. All that he said is that ''It is a goal of our Nation that all citizens have decent and affordable housing.''

It seems to me, Mr. Chairman, that increasingly we are becoming a divided nation. On one hand, we have CEO's of major corporations who are making 200 times what their workers are making. We have people at the top who are seeing incomes that have never been seen in the history of this country. We are seeing a growing divide between the rich and the poor.

We can have a whole lot of differences regarding the role of government, but I would hope that every Member of this body agrees that all Americans should have decent and affordable housing. That is not a radical statement. It does not say how that housing should be built.

Mr. Chairman, there is something wrong in this country when we are building more jail units than we are building affordable housing units. There is something wrong when hundreds and hundreds of thousands of people are sleeping out in the streets. There is something wrong when millions of Americans are spending 50 or 60 or 70 percent of their limited incomes on housing and, therefore, not having enough money to provide food or clothing or educational opportunity for their children.

□ 1815

All that the Watt amendment says is, ''It is a goal of our Nation that all citizens have decent and affordable housing.''

Mr. Chairman, I would yield to the gentleman from New York [Mr. LAZIO] to tell us not about demolition, not about how we should build housing, what is your objection to the sentence, ''It is a goal of our Nation that all citizens have decent and affordable housing''?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

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

Mr. LAZIO of New York. Mr. Chairman, I would tell the gentleman that we have in our statement of purpose almost the same language that says by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy. My objection is with what is stricken, which basically says that the Federal Government cannot through its direct action or involvement provide for the housing of every American citizen. We cannot. We need partnership. It is not what is inserted, it is stricken.

Mr. SANDERS. Mr. Chairman, reclaiming my time, will the gentleman accept the words that have been inserted?

Mr. LAZIO of New York. Not if the point is that we are going to strike the lines that are stricken in the Watt amendment, 6, 7, 8, and 9.

Mr. SANDERS. Mr. Chairman, I would simply conclude by stating that I think the Watt amendment is simple and straightforward. What it says is that in the United States of America, we should not have children sleeping out on the streets, we should not have people paying 50 or 60 percent of their income for rent. I would strongly support the Watt amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. There is a major inconsistency between my amendment and what is in the bill. I just want to make people aware of that. The bill says the Federal Government cannot through its action provide for the housing of every American citizen or even a majority of the citizens. All I am trying to do is put the goal back in the bill that we have had as national housing policy for 50 years.

So it is that language that I want taken out of the bill. I put all of the rest of the language back in of the gentleman from New York [Mr. LAZIO]. So if you want to agree to this, stand up and tell us, or stand up and tell the American people that you do not support that as a goal of the Federal housing policy of this country.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend the chairman of the subcommittee for his honesty in removing the goal of providing affordable and decent housing for Americans as the goal of our housing policy. It is an honest statement of what this bill would do.

This bill guts that purpose, and it is commendably honest that the Republican sponsors of this bill state that they want to abandon that purpose, which we have had since 1937, for the last 60 years, as our goal. We have fallen short of that goal to a large extent because for the last 16 years or so, 20 in fact, we have been putting very little money into the construction of new public housing. We have built, as the gentleman from Vermont mentioned, more jail cells than public housing units in the last 15 years.

So I support the amendment of the gentleman from North Carolina [Mr. WATT] because I do not think we ought to be abandoning as a goal providing affordable and decent housing for Americans, though I do think it is honest, commendably honest, of the Republican leadership to state that that is what they are doing by removing that goal from the Housing Act, because that is what the provisions of the bill do.

Let us look at the provisions of the bill for a moment. The gentleman from New York said, you have to get rid of the one-for-one rule which does not permit us to demolish eyesores and terrible housing. It would permit us to demolish that terrible housing if we were building replacement housing, if we were building housing for low income people.

The fact is that under the Republican Presidents of 12 years, you keep talking about Democratic Congresses for 40 years, but do not forget about Republican Presidents for 24 of those 40 years, and Republican Senate for I forget how many of those 40 years. This House is not the House of Commons. We do not rule the country alone. Under the last 16 years of Republican Presidents, or 12 years, for the last 20 years roughly, we have not been putting much money into the construction of low income housing. We should. Of course, if you look at our budget projections for the next seven years, we are not going to. But we should. We should return to our goal of providing decent housing.

But this bill, again, is honest. It recognizes we are not going to do it. What does it do? It recognizes the fact we are going to cut, the appropriators are cutting the subsidies to public housing agencies. That is going to cause a big deficit in their budget. We will solve that problem. And what do we do? Abolish the Brooke amendment. Let us solve the deficits of the housing authorities budgets caused by great reductions in Federal aid by saying triple your rent.

But wait a minute, these people who are earning less than 30 percent of median income cannot afford to pay that, cannot possibly afford to pay the rent increases that would be necessary to balance the housing authorities' budgets after we have cut the aid. That is okay. Remove the targeting requirements. Kick them out on the street and let them be homeless, and we will move in a higher group of people, low income, but higher income than before, that can pay the rents. It is a nice solution. It all melds together, cut the budgets, kick out the people, move in higher income people. Great idea if your only goal is saving some money. But if your goal is to provide safe, affordable, decent housing, it does not work. That is why it is commendably honest to eliminate that goal.

Let me say one other thing. This bill is an insult. It contains a provision in the manager's amendment that insults hard working people, hard working people whose only deficiency, whose only character deficit, whose only crime, is that they are making the minimum wage or perhaps one and a half or two times the minimum wage. We are going to tell them they have to have a personal improvement plan? There is something wrong with them? We are going to judge, maybe the subcommittee is going to judge or the housing authority is going to judge their morals and character?

Simply because they do not make enough money? Even though they may work one or two jobs? I will tell you how to have a personal improvement plan. Double the minimum wage. That will give you personal improvement for a lot of these people. It will improve their living conditions. It will solve the deficit problem to a large extent of our housing authorities. It will not insult working people by telling them there is something wrong with them because they do not make enough money and we have to tell them you have to have a personal improvement plan.

So, again, I rise in strong support of the amendment of the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 30 additional seconds.)

Mr. NADLER. Mr. Chairman, so again I rise in strong support of the amendment offered by the gentleman from North Carolina [Mr. WATT] because it does not abandon the goal. It would stop the abandonment of the goal, at least as a statement of providing affordable housing for our people. But I commend the honesty of the Republican leadership in stating that that is no longer going to be our goal, because this bill certainly says it will not be.

Mr. LAFALCE. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. LAFALCE. Mr. Chairman, I have tremendous professional respect and personal affection for the chairman of the subcommittee from the State of New York, but I think he is simply off base in not accepting and indeed embracing this amendment.

It is a rather simple amendment. It does not prescribe a housing program, it just articulates what ought to be a personal goal of every American, it seems to me, and a national goal too, and that is that somehow we will attempt to provide shelter for the homeless in American society.

The chairman of the subcommittee said he had no difficulty with that, it was simply what he wanted to point out we cannot do it for everybody. He

wanted to take a negative stance, if you will. I do not know if we should be quibbling about that.

I would remind the gentleman that there are certain statements in the Bible, and the Bible says that we should feed the hungry. It does not say even though we cannot feed all the hungry we would like to. And the Bible tells us that we ought to clothe those who are without clothes, even though it does not say we cannot do it for all that we would like to. And it also tells us that we should be sheltering the homeless, and it does not say even though it is impossible to give shelter to every single homeless person. No. it is an articulation of goals, if you will. It establishes a vision.

The amendment of the gentleman from North Carolina [Mr. WATT] is one that should be accepted by acclamation.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise tonight to voice my strong opposition to the amendment offered by my colleague from North Carolina, and especially to rise in strong opposition to the remarks of the gentleman who preceded me in the well of this House, for not only has the gentleman chosen to misinterpret the intent of the new majority, I believe perhaps in his own words he has expressed, quite frankly, the alternative to what he purported in standing up in support of the amendment. Because he said, let every American find housing, not empower the government to decree to every American that it shall be the government that will provide that housing; that it shall be the government in a centralized authority that shall provide that housing.

Indeed, my friends on the other side confuse compassion, for it is the opposition of compassion to try and claim that it is the sole domain of government or the basic purpose of government to control the masses, to decree where they live, and thereby somehow the government controls this.

Even to the use of Holy Scriptures, I would remind those who check Holy Scriptures, nowhere in the verses cited is there any mention that it shall be the government which shall stand to take these actions, it shall be the government which will display its compassion through decreeing to citizens what type of structure they should live in, that it shall be the government that shall decree what is charity.

Mr. Chairman, the true measure of compassion is people working with their heads and their hearts to provide not only for themselves, but for others. It is not the mission of government to take on more and more responsibility. In fact, Mr. Chairman, the government that my friends believe should be big enough to give all that they want will then be powerful enough to take away all that they have.

So I stand here in the name of true compassion to say it is by empowerment, to say it is not the goal of government to house every American, but instead it is the goal of government to empower every individual to have the opportunity to live up to the potential each individual has. Yes, with a helping hand that is a safety net, but not with a program that decrees greater and greater and greater and greater dependency. There is nothing compassionate in that equation. It is only enslavement of the working class.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Arizona performed us a service. We may be able to save time for the rest of the evening, because no cliche was left unuttered, and a lot of remarks people might have wanted to make, they will not have to make.

□ 1830

It was an interesting speech; not particularly relevant to the topic which, with the permission of the body, I will return to.

Mr. Chairman, the question is, Should we accept the amendment of the gentleman from North Carolina [Mr. WATT]? Now, in opposition to the gentleman's amendment, and I must say, I wonder who the staff members were that advised the gentleman from New York to fight this amendment rather than take it to committee. I would not put that person in for a bonus next year. But the question we have is: Do we retreat statutorily from even trying to provide housing?

Mr. Chairman, I want to comment on the history offered by the gentleman from New York. I am sorry the gentleman is not here. I asked him to yield and he would not yield. The gentleman talked about all the terrible things that the Democrats did in housing. Well, what thing has he been complaining about the most? The gentleman from New York [Mr. LAZIO] has been denouncing the Brooke amendment as a job killer.

Now, why does the gentleman so vigorously denounce a Republican who had the most distinguished record on housing of any Republican, and even any Member of this body? Why does the gentleman from New York continue denouncing Senator Brooke as a man who forced a job killing amendment? Because he said the Brooke amendment not only put a limit on what could be charged, but it put a floor on there and, therefore, it is a killer.

But, Mr. Chairman, in Ed Brooke's amendment that language did not exist. Senator Brooke did not do that. Do my colleagues know who put the job killing part on the Brooke amendment? Ronald Reagan and everybody who voted for Gramm-Latta. The gentleman is denouncing the Democrats for the Reagan budget of 1981, which many of the Republicans here voted for. That is the job killer.

Mr. Chairman, I cite that as an example of the lack of correspondence between the history, as narrated by the gentleman from New York, and reality. The gentleman simply is making it up. It is creative, it is interesting, but it is not congruent with the facts, which is, I think as clearly as one can say it under the rules of the House.

Let us look at where we are on this. How do they defend the poor? By allowing the housing authorities to raise rents beyond any limit. I believe it is very creative. The Republicans, not all Republicans, not Senator Brooke and not many of my friends on the other side, but here is their problem: They want to build the B–2 bomber and they want to build star wars and a lot of other things, so they have to cut funds for housing.

How Mr. Chairman, do we pretend that cutting the funds to maintain and operate public housing and provide security and combat drugs in the projects, how do we pretend that is in people's interest? Well, we say, ''That rent cap is hurting you, so we are going to take the rent cap off because we do not want your rent to go up when you get a job.''

We say we agree. We agree with Ed Brooke. We disagree with Ronald Reagan. We do not want there to be an automatic escalator. It is simply saying that there is a limit on the amount that a tenant can be charged, but there is no mandate that they a be charged that.

Mr. Chairman, the problem is that that way the Republicans would not be able to cut housing and let the housing authorities increase the rents. Their rationale was ripped away from them, so they now come up with a new one.

What is the new one? The new one is if tenants are making 30 percent of the median income or less, they will get the protection of the 30-percent cap, but not if they are making more. Who, now, is giving the disincentive? They are.

Under the Lazio plan, as opposed to our amendment, if tenants are making 30 percent or less, their rent is capped at 30 percent. But if they go to work, if they get off of welfare, the 30 percent level, and go to work, then there is no cap.

How does the gentleman from New York defend that? If we set a 30-percent cap, the housing authorities, because they need money, because the Republicans have cut it, will drive up to the top 30 percent. How does the gentleman prevent the housing authorities from going to 30 percent on working people? By taking the cap off.

So, miraculously the gentleman tells us if there is a 30-percent cap, the housing authorities will charge 30 percent, but if they can charge whatever they want, they will only charge 28 percent.

Mr. Chairman, here is what the gentleman does to the elderly. Those Members who are nostalgic for debating the Notch Act, be very happy with this because he says to the elderly, if they are in elderly housing, their rent will be grandfathered. We will grandparent the grandparents at 30 percent.

But new elderly people who come in will be allowed to be charged 35 and 40 and 45 percent. So within a few years, we will have a building of elderly people, some of whom will be paying 30 percent, some of whom will be paying 40 percent.

Mr. Chairman, this is inequitable, socially destructive, and indicative of the poor policy choices of this legislation.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think that, first of all, we should be ready to stay here tonight and to fight for housing for people in the United States of America.

Millions of people depend on the outcome of this debate here tonight. I think it is unfortunate that we would want to change 50 years of housing policy and do it in 1 day, and to say we are all going to wrap this up here today.

Mr. Chairman, I am happy to see Members on the Democratic side of the aisle beginning to fight with the Watt amendment, which I think is a cornerstone of what it is we are going to be debating here tonight and that is: What is the future? And the fact that my colleagues on the other side of the aisle are even refusing to accept what seems to me to be very basically logical language, very fair language about attempting to reach as a goal that all Americans could have affordable housing, and then to turn that into an antigovernment rhetoric as though we are trying to impose Big Brother on somebody, which is totally not the case.

So, Mr. Chairman, I want to thank my Democratic colleagues and I suggest we continue to fight, we continue to struggle, because this is an important struggle that millions of Americans are going to depend upon.

Now, Mr. Chairman, I want to read this. And of course, I was born in the United States of America and English is my first language. It is not my only language, thank God. But I read it and it says, ''It is the goal of our Nation.'' It does not say the goal of the Federal Government. It does not say the goal of the Government. ''The goal of our Nation that all citizens have decent and affordable housing.''

Mr. Chairman, it says ''goal of our Nation.'' And how does it say, and the gentleman from North Carolina [Mr. WATT] put this splendidly, and then he says, ''Our Nation should promote the goal of providing decent, affordable housing for all citizens through the efforts and encouragement of the Federal, State, and local governments and,'' listen up, because sometimes people on that side of the aisle only hear what they want to hear. Read the whole thing. It says, ''and by promoting and protecting the independent and collective actions of private citizens.'' Not the Federal Government. Private citizens.

It says it right here. Maybe that is why some people on that side of the aisle want English only because they cannot read it to begin with. ''Collective actions of private citizens, organizations, and private sector to develop housing and strengthen their neighborhoods.'' That we should help, that we should be a conduit. That we should be facilitators of that goal. That is what is says here.

That is what it says here. So, I do not understand the rhetoric that denounces this side of the aisle, and specifically the gentleman from North Carolina, for wanting to impose the big hand of the Federal Government, because that is just not what it says.

Now, maybe there is another English language that I have not been accustomed to or acknowledged, but I think this is what this says.

Mr. Chairman, let me just say, look, to say to us that we are going to give public housing authorities across this Nation hundreds of millions, billions of dollars less and say we care about those people, I think is a little disingenuous. Then, to come back and say, where our side is saying 30 percent should be the cap.

Mr. Chairman, if I went to a bank, because I know that side wants us to run everything like the private sector, and if I went to a bank today, that bank would say to me, ''Mr. GUTIERREZ, you cannot get a loan for your home that exceeds 28 percent of your income.'' That is banking standards across this country. But this Congress of the United States is going to say we can charge more than 30 percent of that person's salary for housing. I think let us follow the private sector.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, let me just try to bring this down to the level of what we are dealing with in this amendment, because I think the language has been overlooked here, which I think is fair language.

I am a great believer in the need for public housing and that is what we are doing, but it states, and what is being stricken here, ''The Federal Government cannot through its direct action or involvement provide for the housing of every American citizen.'' I think this is a given. ''Or even a majority of its citizens.'' ''But the responsibility of the government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods.''

I do not have a problem with that language, not as a Republican or Democrat, but just as one reading it. It is preamble language in this bill. It is fair language. I am not sure what we are arguing about.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. GUTIERREZ] has expired.

(By unanimous consent, Mr. GUTIERREZ was allowed to proceed for 30 additional seconds.)

Mr. GUTIERREZ. Mr. Chairman, I think the point is we should be working this out. We should be sitting down with the gentleman so that we can reach a consensus here that there is a role, there is a responsibility for all of us.

Mr. Chairman, we cannot cut earned income tax credit; we cannot say we are not going to give a raise on the minimum wage; we cannot say we are going to cut school lunches; we cannot say we are going to do less and less and less and you are going to do more with less. Let us come together. It should be a goal of this country, a place that we seek to reach that everybody can live in a decent and affordable home.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. TALENT. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Missouri.

Mr. TALENT. Mr. Chairman, a number of the members of the committee have spoken here, and I certainly respect their expertise in the matter as I respect the gentleman who is sponsoring and handling this bill, the gentleman from New York [Mr. LAZIO].

My perspective is broader than that. It is the experience that I have had in my district and in talking to people around the country who are trying to rebuild distressed urban neighborhoods. My experience is one that I think is shared by most of the Members of this body. It simply does not reflect well on HUD.

Mr. Chairman, let me tell a couple of anecdotes that show that. I was on a talk show about a year and a half ago with the man who used to be the mayor of the city of St. Louis. He is a member of the Democratic Party. I said, ''If you were the czar of public housing in this country,'' and he had a lot of experience with it, ''what would you do to provide good public housing for poor people?'' Mr. Chairman, he said, ''I can tell you what I would begin by doing. I would begin by abolishing the Department of Housing and Urban Development,'' and then he went on to explain why HUD was blocking the efforts of local officials and private people to provide decent housing for people.

Mr. Chairman, I visited the Columbia Heights neighborhood here in the District of Columbia and looked at what those neighborhood associations are doing to get good people into decent housing. I asked them, ''What is your big problem with housing?'' They said, ''It is HUD. HUD owns about 40 properties in our neighborhood, but will not do anything with them. Will not give them to me. I cannot rehab them. They are run down.''

HUD has a lot of people locked in a public housing project using dumb rules and it is a source of difficulty and we cannot get control and cannot do anything about it. I can go on and on. I think everybody in this body could.

It seems that there is a whole lot of people in this country, and this is encouraging, a group like Embers Beneath the Ashes of Urban America,

that are rebuilding their neighborhoods, and they keep telling us that HUD is a problem. We keep saying that it is HUD and we cannot do anything about that.

This bill is an attempt to do something about it. What do we need to do? We need to return local control back to the people in these neighborhoods. We need to say: We trust you. You can run some housing projects on your own without detailed supervision.

We need flexibility in Section 8 housing. We need to promote work instead of punishing it. We need to provide for home ownership where we can. That seems to me what is in the preamble here. I do not know that there is a lot of difference. It just seems to me that what we have in the bill with regard to the preamble makes clear that we recognize that the Federal Government is not directly responsible for performing all of those things.

Mr. Chairman, I would like to go on further and say, as it does say, the Federal Government has a responsibility to help and will help, but what we have been doing the last couple of decades is not helping, but blocking the people who really can make a difference. That is what my concern is.

We are fighting over language here. I hope that we can get behind this bill, that we can move forward, and that what we are not seeing here is some rear guard action on behalf of the status quo and that we are going to take this bill up line by line, section by section, and we end up with nothing except HUD oppressing these neighborhoods as they have been doing year after year after year.

There are so many people who see these problems back home and want to know why we do not do something and then they see us up here and nothing ever happens. I hope that is not the result tonight.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to associate myself with the remarks the gentleman from Missouri [Mr. TALENT] made about his analysis of the problem. Most of us who serve on the Subcommittee on Housing and Community Opportunity recognize that there have been many problems with HUD and that there have been, in fact, some terribly run housing projects, some even worse run housing authorities.

There are changes that are contained within this legislation that are bipartisan in nature. The statements that suggest that we have got to get rid of any problems that hold back people from going to work, that we in fact ought to allow greater local control over housing authorities, that we ought to provide tenant management programs and all kinds of innovative and creative ways of getting local control is in fact important.

□ 1845

I can say to the gentleman that I agree with him. I do not understand why a couple of Republicans are digging in their heels about setting a goal on trying to provide housing for the American people. What is the problem? I cannot believe we are having this debate. Why do not we just accept the language?

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 1 additional minute.)

Mr. BEREUTER. Mr. Chairman, I yield again to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, let me say to my friend, the last gentleman who spoke from Massachusetts, that I would hope that that is not the case as well. When I have seen a number of times, I hope that is not the case here, is Members who indicate that they are for change in these areas but keep picking and picking and picking at proposals so that at the end of the day nothing gets done. So they try and have it both ways; say, yes, we are for it, but at the end of the day nothing is being done. I hope that is not happening here.

Mr. Chairman, if there truly is not much difference between the two, what is in the bill and the gentleman's amendment, I do not know why we have to have the amendment, why it was offered and why we are fighting over there for so long.

I would say to the gentleman I hope something gets done tonight. I hope this does not become a referendum over something that does not matter and instead is a referendum over what does matter for the people of this country, which is whether we are going to rein in HUD or not. That is the way that I see this bill.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am somewhat perplexed at the length of this debate tonight. I will try not to extend it too much further. I have to admit that I looked at the language of this amendment and I do not know what is objectionable. I do not see what the problem is.

The first sentence says it is a goal of our Nation that all citizens have decent and affordable housing. What is the objectionable part? Are we opposed to all citizens having decent and affordable housing? Are we opposed to citizens having affordable housing? Are we opposed to citizens having decent housing? I do not see what the problem is. I do not see why this is an objectionable amendment.

It goes on then to say that our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State and local governments and by promoting and protecting the independent and collective actions of private citizens, organizations and the private sector to develop housing and strengthen their neighborhoods. This piece of legislation, this amendment, if handed to most Members in this body and asked them who drafted it, they would say the realtors drafted it. This looks like a statement from the realtors. The realtors believe in affordable housing. The realtors believe in decent housing. But the problem is it has been offered by the gentleman from North Carolina. That seems to be the problem.

Mr. Chairman, the language in the bill itself says that the Federal Government cannot or should not get involved through direct or indirect action but should do so only when there is serious need that private citizens or groups cannot or are not addressing the problem responsibly. Does that mean that the majority is against the deduction for home ownership? The Federal Government is getting involved in housing? The Federal Government is doing the terrible thing that most people say over there, the Federal Government is actually encouraging home ownership in this country by allowing American citizens to deduct their home mortgages.

I do not think that is such a bad thing. I think 99 percent of the people in this country think that home ownership should be encouraged. I fail to see why there is this line being drawn over this amendment. Take a look at the amendment. Read the amendment. It is a good amendment. It is a common sense amendment.

I dare say it is an American amendment. It is apple pie. Let us just take the amendment and go on.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

I have been listening to this debate, and I have had a chance to read this bill and to read the amendment. I want to congratulate our chairman. I have been listening to the debate here and had a chance to take a look at this bill. I want to congratulate the chairman because I think he is the first real leader to bring meaningful change to this issue that we have had and we have been. I have been in this Congress for 18 years, and this is the first time I can honestly say that we have got a housing bill that has some fundamental changes. So I congratulate the chairman for that.

The gentleman from New York [Mr. LAZIO] is for change. I see the opponents of this bill come in with their amendment as fighting for the status quo. This is an honest bill. What this bill says is that the Federal Government cannot, through its direct action or involvement, provide for the housing for every American citizen. It is the first time I have read an honest bill dealing with this subject in a long, long time.

Mr. Chairman, we had one of the previous speakers, my good friend from

Washington, get up and say the realtors could have drafted this amendment from the gentleman from North Carolina. Members can see that that is the point. We are not interested in special interests coming in here drafting our legislation; are we?

The gentleman from New York [Mr. LAZIO] did not have special interests drafting this legislation. It was done for the American people. Now we have got people coming in here debating the issue saying we want the realtors to draft the amendments. I do not want realtors drafting amendments. I love realtors. They are great people. They are hard working people. But I do not want them writing the legislation. I want us here in this Congress writing the legislation.

This is a great bill. I congratulate the chairman for his hard work and the members of the committee. I even congratulated the chairman, I mean the gentleman from North Carolina, for his hard work. But his amendment does not belong on this bill. This is not special interest legislation. We have had too much of that. That is why the people in the last election voted for change because they were voting for this kind of legislation, not for special interest legislation.

Mr. Chairman, for 40 years we have had the special interests come in here and write the legislation. The American people said we do not want any more of that. We want Members of the Congress to draft the legislation. That is precisely what this bill is before us. It is legislation that is drafted by Members of Congress and not by the special interests.

Mr. FLAKE. Mr. Chairman, I move to strike the requisite number of words.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think that my colleague from Wisconsin mischaracterized the statement of the gentleman from Wisconsin [Mr. BARRETT] that Mr. BARRETT is suggesting that this amendment or this language, which reiterates the 1937 and 1949 housing goal, could have been drafted by groups from the private sector, could have been drafted by others.

It should be noncontroversial, I think, was his point, not that it was drafted. Frankly, I do not know who drafted the 1937 or 1049. All I know is that it serves this Nation well to have that and hold that up as a goal. That we do not accomplish it is very disappointing.

Mr. Chairman, I thank the gentleman from New York for yielding to me.

Mr. FLAKE. Mr. Speaker, one of the great concerns I have is, as I listen to this debate, is that we seem to forget that there have been points in American history when we have found the need to be involved in whatever area we found there to be a problem that in some way made it impossible for us to have the best possible demonstration of what democracy is all about.

One of those was when our soldiers returned from war and we decided that we needed to provide housing. Therefore, we developed the VA program, subsequently the FHA programs and other programs that opened up opportunities for people to be able to move into home ownership. It was felt that the Government had a role in trying to assure that every person who was an American, every person who saluted this flag, who understood its Constitution and understood the responsibility as a citizen of this Nation could expect that there would be some benefits which would derive to them.

It seems to me now we move away from the responsibility of making sure that every American understands that they have a place, every American understands that this country is concerned about them. Particularly those Americans who go to work every day would like to be able to become a homeowner and find it difficult to do so.

I think many of us function under the notion, which I consider a bit naive, that somehow the private sector or some others will take care of the responsibility for assuring that every citizen has an opportunity to become a homeowner. I hate to tell you but that is just not a fact. There is enough data to support the notion that in this country there are reasons that are not given but in fact it is impossible for every American citizen to dare to even believe that they can own a home.

I support this amendment because I think it makes sense. It makes sense for a strong Nation with bountiful resources, with the capability to respond to almost any predicament that it finds necessary, to do so in the midst of a homeless crisis, in the midst of a situation where persons work every day and still are not able to save enough money to be able to buy a house, to at least believe that it has a responsibility to let somebody know that we as a government, we as a Nation believe that we want you to participate. We want you to share in the American dream. We want you to become a homeowner. We will do everything possible to make it real for you.

I am a provider. I know what it means not only to talk about it, the rhetoric of building communities and building homes. I do it. I know what it means when a person has an opportunity to be able to move into their own home. They not only begin to do what is necessary to pay the mortgage. They do whatever is necessary to fix that home up. They work two jobs, if necessary. They do whatever they can to provide for the needs of their family while at the same time providing the best housing opportunity.

I think that when we move away from that responsibility, we are saying to a certain segment of Americans, you do not count; you are really not important. We do not see it as our role to try to assure that you have an opportunity to participate in the American dream.

One speaker before me said, and it is indeed correct, those persons who can afford home ownership in America find that the Government in fact does in many ways pay for them to be home owners. It gives tax credits for their mortgage. It gives tax credits for other taxes that they pay to the county and State. And then we come to this place and say, no, we do not have a responsibility or an obligation.

I would challenge my colleagues. I would hope we can move out of partisanship to deal with this particular issue because I think it supersedes that. I think all of you, Democrat and Republican, black and white, female and male, must understand our obligations to one another as citizens. And when we do that, I think we can come to good legislation.

We stand up and we proudly sing, America, America, God shed his grace on thee, and crown thy good, and crown thy good with brotherhood from sea to shining sea. In between the seas there are a lot of people who are suffering. There are a lot of people who are crying. There are a lot of people who have desires. There are a lot of people who have unmet needs, and we do not meet those needs by virtue to moving away from our responsibility as a people to other people, sharing in a kind of brotherhood that lets us understand that even the poorest of us, the poorest among us have a right to be able to believe that in this society, in this Nation, they will be able to be provided with shelter.

I would hope my colleagues would bury the hatchet of separation and move together. Let us take the Watt amendment. Let us agree to it and let us more forward.

The CHAIRMAN. The time of the gentleman from New York [Mr. FLAKE] has expired.

(On request of Mr. BEREUTER, and by unanimous consent, Mr. FLAKE was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I wonder if I might be able to engage in a colloquy with the gentleman from North Carolina [Mr. WATT].

I know you are the maker of the amendment. I am just becoming familiar with the amendment and what it attempts to do. My problem, speaking only for myself, is not what you are suggesting and adding in the way of national goals. I think they are entirely appropriate. There is a long history for it.

The problem I have and I suspect that most Members have is what you are deleting. Some Members on this side of the aisle, including myself, feel very strongly that the language which says ''the Federal Government cannot, through direct action or involvement, provide for the housing of every American citizen or even a majority'' is an

important change. But there is absolutely nothing that is contestable, in my judgment, with what you are suggesting in the way of the goal of our Nation that all citizens have decent, affordable housing. Our Nation should promote the goal of providing decent, affordable housing and so on and so forth, through State, local, Federal action and private action which you describe in several ways.

Is it not possible for us to reach an agreement on this subject or do we have an impossible difference of opinion here so that you simply do not strike line 20 on page 5 through line 2 on page 6, but you add back or you add language which we have accepted in this country for a long period of time. Does the gentleman find that as a possible amendment?

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I would think that there is not a dime's worth of difference between where I think we are and where I hope the gentleman is. If it would facilitate reaching some kind of agreement about this issue, I would be happy, if we could get unanimous consent to withdraw the amendment and reoffer it. But I do not want to lose my place.

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Mr. BEREUTER. Mr. Chairman, if the gentleman will continue to yield. I would ask the gentleman a question then. I would make a unanimous consent request at this point, and we will see if the gentleman finds it acceptable.

Mr. Chairman, I would ask unanimous consent that the section in the gentleman's amendment, the amendment offered by Mr. WATT, where he strikes line 20 and all that follows through page 6, on line 2, and insert the following new paragraph:

The striking portion be deleted from the gentleman's amendment and that the appropriate re-numbering follow so that, in fact, we are adding all of the gentleman's new language to the existing language on page 5 and 6.

I would make that unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from Nebraska?

Mr. WATT of North Carolina. Mr. Chairman, reserving the right to object, I am wondering if the gentleman might allow the debate to continue while we actually look at the impact of that, and it might have some possibilities if we could just allow whoever else wants to speak on this to speak, and in the meantime we will continue to work on it.

The CHAIRMAN. Does the gentleman from Nebraska withdraw the unanimous-consent request?

Mr. BEREUTER. Mr. Chairman, I withdraw the unanimous-consent request until we have time to deliberate on it.

The CHAIRMAN. Does anyone seek recognition on the amendment?

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Members, I am pleased that I happen to come to the floor at a time where there appears that we can have some agreement about how we can get language back into this legislation that will place us squarely on the frontlines in ensuring that this Nation places priorities where they should be.

As a matter of fact, I am very pleased that the gentleman from Nebraska [Mr. BEREUTER] has offered to the gentleman from North Carolina [Mr. WATT] an opportunity to put this language back in that will ensure that this is a goal that we have in this country, that we have a goal of trying to make sure that there is safe and decent housing for all Americans.

This does not mean, however, that we have to pay for housing for everybody. This does not mean that we have to appropriate money in order to build housing. This simply means that we think it is good, it is right, and it is meaningful to have decent housing for everybody, and I think it would be a wonderful thing for the Congress of the United States, the House of Representatives this evening, to say to America we believe that everybody should have what we have.

Mr. Chairman, everybody in this Congress goes home at night to a wonderful place to sleep. As a matter of fact, most people in this Congress have two or three places to sleep. We have a place here in Washington, we have a place in our district. Some of the more fortunate have summer homes. Some have two or three homes. And I am sure that we would not want to send the message that while we enjoy the comforts of two and three and four homes, that somehow we cannot go on record as saying we think every American deserves a decent, safe, and secure place to live.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentlewoman from Texas.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent to strike the requisite number of words to enter into a colloquy with the gentleman from New York [Mr. LAZIO].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

Mr. KENNEDY of Massachusetts. I was wondering if the chairman of the Committee on Banking and Financial Services would be willing to endorse the process of having the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from North Carolina [Mr. WATT] get together to try to work out some mutually acceptable language.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman was asking whether I would support a unanimous-consent request for the gentleman from North Carolina [Mr. WATT] to withdraw his motion without prejudice with the ability to come back and re-offer his amendment after reflection and negotiation on this particular item, I would have no objection to that.

Mr. KENNEDY of Massachusetts. And, Mr. Chairman, I was wondering if the gentleman could maybe give some encouragement. I would give a great deal of encouragement to the gentleman from North Carolina [Mr. WATT] to try to work the thing out. I was wondering if we might expect the same from the gentleman with respect to the gentleman from Nebraska [Mr. BEREUTER].

Mr. LAZIO of New York. If the gentleman would continue to yield, Mr. Chairman, we have been debating this for over an hour now. The important aspect of this for me is to insure that the language which speaks to what I believe is the Federal role in terms of it being a partner is preserved to the extent that there is additional material that is inserted that is consistent, I believe is consistent, basically, with what the other elements of our purpose is. I think that it would be a rational thing to believe that we can agree on and that we be able to resolve this issue.

I am supportive of the process.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think that was a yes, and I am going to take it as one.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am moved by the gentlewoman's statement, and I appreciate the fact that she has come to the floor as I have listened to the debate as well with a very prominent housing authority facility in my district, Allan Parkway Village, that has languished for so many years because there may not have been the kind of spirit where the community would come together and say, yes, we need decent, affordable housing, so we do not have this acrimony; we want to work on affordable housing.

I want to raise with the gentlewoman, since she comes from California and I am from Texas, taking this language out would suggest to me if we want to just take it to the absurd, that if we had a disaster, and we asked FEMA to come in, that maybe in fact FEMA should not go in to recreate affordable housing or housing for people whose housing was destroyed because, we take this language and we say we want no involvement of sorts of the Federal Government.

That seems to be not what this Congress wants to say, and certainly if those who have decent housing destroyed by a natural disaster can then have new housing built, why not poor

people, and have the Federal Government's involvement to do the right thing, which is to create an opportunity for affordable housing?

Ms. WATERS. Mr. Chairman, I think the gentlewoman makes a good point that we certainly could have situations, as we know, in this United States where people lose their homes because there are acts of nature, and we certainly do not want to send the message that we do not somehow want to assume some responsibility in insuring that there is replacement housing.

But beyond that, my colleagues in this House, even with the goals that we have articulated in the preamble to housing legislation in the past, we still have millions of people who are without decent, safe housing in America. We need that goal throughout, not simply the inner cities of America. I am not talking about St. Louis and Philadelphia, and I am not simply talking about Harlem or other cities that people would immediately want to think about. I am talking about rural America also, where people are living in shacks, where people still do not have running water in America. I am talking about down in the delta in Mississippi, where we have people not only without running water, but people who have rags stuffed in the openings in the side of their homes and coverings put on roofs of plastic and other materials in order to keep the rain out.

So I am sure that those who thought about taking out this goal, this wonderful goal that speaks to family values, this goal that talks about insuring that children have a safe and decent place to live. I am sure they did not know what they were saying.

Mr. SANDERS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. Mr. Chairman, I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, let me pick up on a point. We are not only talking about housing which is slum housing.

The CHAIRMAN. The time of the gentlewoman from California [Ms. WATERS] has expired.

(On request of Mr. SANDERS, and by unanimous consent, Ms. WATERS was allowed to proceed for 30 additional seconds.)

Mr. SANDERS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. Mr. Chairman, I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, we are not only talking about inadequate housing without running water, with holes in the roof. We are talking about housing that is not affordable. Millions and millions of Americans today are paying 50, 60, 70 percent of their limited income for housing, and they have very little else to live with. And that is why the amendment offered by the gentleman from North Carolina, Mr. WATT's amendment, is important, and that is why it should be passed.

Mr. BENTSEN. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. BENTSEN. Mr. Chairman, first of all, let me say I think the language of the gentleman from North Carolina [Mr. WATT] conforms with the bill.

I am one of the few Democrats who actually supported the bill when it was sent from the Committee on Banking and Financial Services, and I do not see any problem with including this language, and I think it is true that this language not only meets the history of our Nation's commitment to housing, but it also meets the policy that I have not seen the other side of the aisle talk about doing away with.

When we look at what we do directly, indirectly, and what we do in encouraging housing in this country, if we look at things like the VA Guarantee Program, the FHA program, Fannie Mae, Freddie Mac, the government-sponsored entities, the Federal Home Loan Bank System, to create a secondary market to increase the availability and affordability of home mortgages, things like FmHA to assist in creating affordable housing in the Farmers' Home Loan Program for the rural communities, the mortgage interest deduction, which I think 80 million American families benefit from, the low-income tax credit to spur multifamily and single-family development for low-income housing, the redevelopment tax credit for historical housing, things such as the mortgage revenue bonds, multifamily bonds to provide a tax subsidy for both single-family and multifamily housing for middle-income families, and the mortgage credit certificate program.

So, clearly, it has been historically the goal of this Nation to provide assistance in housing, and the fact of the matter is over the time that we have done that we have seen home ownership, which I think both sides of the aisle seek to attain, we have seen home ownership rise dramatically since the Great Depression.

So this fits within the goal of the United States, and I think the gentleman from North Carolina's language is commensurate with what the goals of the bill are.

As I said, I support the legislation. I think it makes sense. I think there are some things that we are going to have to do to make it better. One would be the Frank-Gutierrez amendment because I think we want to be careful that the bill does not turn local housing agencies, public housing agencies and local housing management agencies, into profit centers where they seek to raise the most revenue in a time of declining Federal revenues at the expense of low-income people who need housing assistance the most.

So I intend to support that amendment, and I would encourage my colleagues to do so, but I think that it is a mistake for us to argue or have some ideological argument to think that somehow we cannot have any involvement in housing, because if we look at the tax code, if we look at other sections of the code with our government-sponsored entities, we will see that we have long, in a bipartisan fashion, done everything we could to promote housing, home ownership, and I think that is the goal that we should continue.

Mr. Chairman, I rise in support of the United States Housing Act. As a member of the House Banking Committee, I am pleased that we are considering critical public housing legislation today in the House of Representatives.

This legislation would fundamentally reform the public housing and section 8 rental assistance programs. This legislation would deregulate the Public Housing Authorities and promote more local control over public housing programs. In addition, it would consolidate section 8 certificate and voucher programs to promote efficiency and encourage more public housing residents to move into neighborhoods, rather than project-based residences. This emphasis on vouchers will ensure that public housing recipients can either rent or buy homes throughout our communities.

I am particularly pleased that this legislation will encourage home ownership and flexible vouchers for rental assistance. Home ownership has been shown to increase the financial status of purchasers and improve the quality of life for all Americans. We provide many incentives for people to buy their own home and this bill would increase these opportunities for qualified recipients. Flexible vouchers allow tenants to move into their communities, away from project-based assistance. Vouchers offer real choice for tenants and would encourage competition among developers to provide quality housing at a reasonable price.

Existing public housing programs would be consolidated and transferred to Local Housing Management Agencies [LHMA's] that would administer federally-assisted housing programs and manage these properties. These LHMA's would be accredited by the Housing Foundation and Accreditation Board to ensure that local programs are well-run and fulfilling their mission. These locally-oriented LHMA's would make decisions about what kind of housing they would offer, including project-based assistance or voucher-based assistance. As part of this process, the LHMA's would develop a local housing management plan where local residents and communities leaders would work together to accomplish this goal.

There is a real need to reform public housing programs to better meet the needs of American families. The 1.4 million existing public housing units simply are not meeting the need and are often beyond repair. Of the 13 million families who qualify for public housing, only 4.3 million families actually live in public housing. Clearly, we must do more to meet housing needs.

This legislation would provide greater flexibility to meet housing needs. Decisions about admissions and tenants would be changed so that public housing programs could include a broader mix of residents. As Federal assistance to housing declines, there is a real need to find new sources of revenue for public housing authorities. Allowing higher income families to move into Federal assisted housing dwellings will help to replace Federal subsidies.

This bill is also carefully written to ensure that those most in need will continue to receive public housing. For instance, under the manager's amendment, at least 50 percent of the tenant-based assistance will be reserved for families making 60 percent or less of the area median income.

H.R. 2406 also would reform the rents charged for public housing units. Under the manager's amendment, the maximum rents charged for current residents earning less than 30 percent of the median income would be capped at 30 percent of their incomes. In addition, current disabled and senior citizens would also be charged capped rents of 30 percent of their incomes. Representatives FRANK, GUTIERREZ, and HINCHEY will offer an amendment that would further protect low-income families. The Frank/Gutierrez amendment would cap rents at 30 percent of a family income. I support this effort because I believe we should ensure that low-income families are not required to contribute an unreasonable and unsustainable portion of their income to housing. However, the Frank/Gutierrez amendment ensures that LHMA's will receive more income from tenants without charging excessive rents for public housing residents.

During consideration of H.R. 2406 in the House Banking Committee, I successfully offered three amendments to encourage home ownership for low-income families. To really help low-income families we should do everything possible to promote home ownership. Studies have shown that the largest obstacle to home ownership is the downpayment and closing costs. My amendment would permit resident to put together their downpayment from gifts, grants, or loans in addition to their own funds. This has been utilized at the State and local level successfully. A second amendment I offered would reduce the opportunity for abusive sales practices by requiring the recapture of the Federal subsidy for the first 5 years of homeownership. We should encourage homeownership for the long term, not short term flipping. The third amendment would ensure that Federal housing programs vouchers could no be used to violate local housing deed restrictions except where these violate the Fair Housing Act. In Houston where there is no zoning, this protection would ensure that single-family neighborhoods are protected from multi-family developments, while still allowing the use of vouchers. I am pleased these improvements were made to the bill.

H.R. 2406 will streamline Federal housing programs and result in better housing opportunities for all Americans. In order to reform our housing programs, we must promote innovation and provide more local control over public housing. The U.S. Housing Act does that and I urge my colleagues' support.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the gentleman from Nebraska [Mr. BEREUTER] be allowed to address the House for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I am hoping that the chairman returns soon because I think we are close to an agreement here.

Just to reiterate what we are attempting to do: We are attempting to keep the language, page 5, line 20, through line 2, page 6, to make it clear that, ''the Federal Government cannot through its direct action or involvement provide for the housing of every American citizen,'' and the gentleman is offering a few changes there so we will delete the words ''or involvement'' and instead it would read, ''the Federal Government cannot through its direct action only provide for the housing for every American or even a majority of its citizens, but it is the responsibility of the government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;''. That would stay as opposed to being deleted by the gentleman from North Carolina.

But in addition, the gentleman would add the following language which we do not contest, it appears, on this side, and I do not think we should, which indicates the following subparagraph, subparagraph (2):

It is a goal of our Nation that all citizens have decent and affordable housing; No. 3, our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State and local governments and by promoting and protecting the independent and collective action of private citizens, organizations and the private sector to develop housing and strengthen their own neighborhood.

We have reached that point of agreement, I believe now, between the gentleman from North Carolina [Mr. WATT] and Members on this side of the aisle, and I believe that we have a unanimous-consent request to proceed.

There is one remaining item that the gentleman from North Carolina [Mr. WATT] has brought up which may yet be controversial, and so I would ask the gentleman from North Carolina if he wishes to proceed, and we would have a replacement which does accomplish what we have already attempted to do, or should we pass over this for the moment until they can resolve the final point?

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The CHAIRMAN. The Chair would hope that any modification will be submitted in writing so we can assure the accuracy of the RECORD.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have sat, incredulous, that this debate has been ongoing. Of course, I am very supportive of the amendment offered by the gentleman from North Carolina [Mr. WATT] and appreciative of the gentleman from Nebraska [Mr. BEREUTER] and those who are concerned enough to be about the business of trying to reconcile what remaining differences exist with reference to some rather innocuous language.

Mr. Chairman, this Nation built a monument to middle-class housing under the aegis of the Federal Housing Administration and the Veterans' Administration, and rightly so. We seem to forget exactly what the United States of America does for any number of entities who are involved in institutional development.

When a major institution in this country builds a new building and leases it for 99 years, it does not mean that the Federal Government is not involved in insuring the loan that constructed those magnificent high-rises in many of our communities that have absolutely nothing to do with the housing of poor individuals.

How dare we come in here and say, as policymakers of this Nation, that we do not favor a goal of ensuring that every citizen in this country has safe and inhabitable housing? I find it almost unbelievable that in the preamble to this bill that is going to change housing policy that has been in existence for as much as 50 years, we find ourselves debating something as simple as whether or not it ought to be the goal of the U.S. Congress and its Members to state that we favor every citizen in this country having safe and inhabitable housing.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to continue pretty much in the vein that the gentleman started, that talked about some of the things that we have done to carry out that kind of policy. As a matter of fact, Mr. Chairman, the GSE's come to mind, the government service enterprises, where we have FNMA and Freddie Mac. That is not about anything more than ensuring that we have the vehicles by which we can get those mortgages on the secondary market to ensure that people can own homes.

If we do not support the preamble and the goals of that preamble, are we then saying we want to remove our support from these GSE's and all of these instruments that we have developed to support ownership and means by which people can get into safe and decent housing? Would the gentleman not say that we have in place not only the GSE's, but veterans policy and other things to carry out the goals that we articulated in that preamble? Is that what the gentleman is referring to?

Mr. HASTINGS of Florida. Mr. Chairman, there is no question but what that is true, if we were to add to that the mortgage deduction that I benefit from in developing my interests in a home, or any number of aspects of the government's involvement in allowing for the development.

But what I was trying to get across is it is not only homes. We insure the homes of millionaires with their mortgages. There is nothing wrong with that. Why, then, should there not be a goal that we want to make sure that every American understands that we as

policymakers favor their right to have a safe and inhabitable house, and that the public and the private sector, local and Federal and State, ought to participate as a goal to ensure that? I thought that is what I was here about.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I appreciate the gentleman yielding. The gentleman has rightly pointed out the tremendous home ownership opportunities that have been developed in these last 50 years. To date, 65 percent of American families own their own homes.

Tonight, of course, what we are talking about is those groups that are in most desperate need, those that are receiving public housing. That is what this particular bill is about. That is why I think it is so important that we recognize this as a goal among the neediest, and I think as a Nation we have done very well.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the amendment currently under debate be withdrawn, and that an amendment which I have at the desk be substituted instead.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. BEREUTER. Reserving the right to object, Mr. Chairman, I will not object. I want to thank the gentleman for his work on it, and the chairman of the subcommittee, the gentleman from New York [Mr. LAZIO], on following through on a suggestion we made in a colloquy here. I urge my colleagues to support the unanimous consent request and the amendment that the gentleman from North Carolina will subsequently offer.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: page 5, line 22, insert ''alone'' after ''involvement'' and strike ''or involvement''; page 6, line 3 strike ''only''; page 6, after line 10 add the following: and renumber accordingly.

(5) it is a goal of our Nation that all citizens have decent and affordable housing;

(6) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments and by promoting and protecting the independent and collective actions of private citizens, organizations, and the private sector to develop housing and strengthen their own neighborhoods.

Mr. WATT of North Carolina (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. WATT of North Carolina. Mr. Chairman, basically what we have done in the bill is to acknowledge, as the original bill does, that the Federal Government cannot alone accomplish all of the housing objectives that we all have as a Nation.

We have added to that the goal, the specific language that is in the original Watt amendment, which says that our Nation should promote the goal of providing decent and affordable housing, and the rest of the language that was in the original amendment, and we have acknowledged that the Federal Government can pursue this policy. So I think all our hearts and minds are at peace on this.

Ms. WATERS. Mr. Chairman, will the gentlemen yield?

Mr. WATT of North Carolina. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I would like to say to the gentleman that I am so appreciative that he took the leadership to ensure that we did not somehow kill a philosophy that has held us in good stead as it relates to housing. I thank the gentleman.

I would like to take this time to thank the gentleman from New York [Mr. LAZIO] and the gentleman from Nebraska [Mr. BEREUTER] for bending and for accepting that it is important to have this as part of our philosophy. I think that if we continue to work in this vein, we can straighten this bill out. We have a couple more amendments to go that I think are very important, but for the time being, I think it is worth it to note that an important step has been taken here in moving in the right direction. I thank the gentleman so much.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I want to thank the gentleman as well for working with us to resolve this issue. I emphasize again that the point we are trying to make and which we continue to make and which the gentleman has agreed to graciously in terms of this language is to ensure that the Federal Government cannot go it alone. Those days are basically over. We need to develop good community partnerships, the Federal Government being a vibrant and vital partner in developing a housing strategy, together with States, together with communities, locally based solutions, for-profits, not-for-profits, institutions, all working together collaboratively.

I want to stress my support for the modification to the amendment that the gentleman has offered.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, I want to express my special thanks to my friend, and in the heat of debate sometimes people get the impression that we are not friends. The gentleman from New York [Mr. LAZIO] is my friend, but this is important public policy and an important goal that the Nation should have for affordable and decent housing for all Americans.

Mr. Chairman, I want to express a particular thanks to the gentleman from Nebraska [Mr. BEREUTER], who played the role of peacemaker and reminded us of what we are here about this evening.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to section 2?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—GENERAL PROVISIONS

SEC. 101. STATEMENT OF PURPOSE.

The purpose of this Act is to promote safe, clean, and healthy housing that is affordable to low-income families, and thereby contribute to the supply of affordable housing, by—

(1) deregulating and decontrolling public housing agencies, which in this Act are referred to as ''local housing and management authorities'', and thereby enable them to perform as property and asset managers;

(2) providing for more flexible use of Federal assistance to local housing and management authorities, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources;

(3) facilitating mixed income communities;

(4) increasing accountability and rewarding effective management of local housing and management authorities;

(5) creating incentives and economic opportunities for residents of dwelling units assisted by local housing and management authorities to work and become self-sufficient; and

(6) recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market.

SEC. 102. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) DISABLED FAMILY.—The term ''disabled family'' means a family whose head (or his or her spouse), or whose sole member, is a person with disabilities. Such term includes 2 or more persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(2) DRUG-RELATED CRIMINAL ACTIVITY.—The term ''drug-related criminal activity'' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

(3) ELDERLY FAMILIES AND NEAR ELDERLY FAMILIES.—The terms ''elderly family'' and ''near-elderly family'' mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(4) ELDERLY PERSON.—The term ''elderly person'' means a person who is at least 62 years of age.

(5) FAMILY.—The term ''family'' includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(6) INCOME.—The term ''income'' means, with respect to a family, income from all sources of each member of the household, as determined in accordance with criteria prescribed by the applicable local housing and management authority and the Secretary, except that the following amounts shall be excluded:

(A) Any amounts not actually received by the family.

(B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.

(7) INDIAN.—The term ''Indian'' means any person recognized as being an Indian, Alaska Native, or Native Hawaiian by an Indian tribe, the Federal Government, or any State.

(8) INDIAN AREA.—The term ''Indian area'' means the area within which an Indian housing authority is authorized to provide low-income housing assistance under this Act.

(9) INDIAN HOUSING AUTHORITY.—The term ''Indian housing authority'' means any entity that—

(A) is authorized to engage in or assist in the production or operation of low-income housing for Indians that is assisted under this Act; and

(B) is established—

(i) by exercise of the power of self-government of an Indian tribe independent of State law; or

(ii) by operation of State law providing specifically for housing authorities for Indians, including regional housing authorities in the State of Alaska.

(10) INDIAN TRIBE.—The term ''Indian tribe'' means any tribe, band, pueblo, group, community, or nation of Indians, Alaska Natives, or Native Hawaiians.

(11) LOCAL HOUSING AND MANAGEMENT AUTHORITY.—The term ''local housing and management authority'' is defined in section 103.

(12) LOCAL HOUSING MANAGEMENT PLAN.—The term ''local housing management plan'' means, with respect to any fiscal year, the plan under section 107 of a local housing and management authority for such fiscal year.

(13) LOW-INCOME FAMILY.—The term ''low-income family'' means a family whose income does not exceed 80 percent of the median income for the area, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the authority's findings that such variations are necessary because of unusually high or low family incomes.

(14) LOW-INCOME HOUSING.—The term ''low-income housing'' means dwellings that comply with the requirements—

(A) under subtitle B of title II for assistance under such title for the dwellings; or

(B) under title III for rental assistance payments under such title for the dwellings.

(15) NEAR-ELDERLY PERSON.—The term ''near-elderly person'' means a person who is at least 55 years of age.

(16) PERSON WITH DISABILITIES.—The term ''person with disabilities'' means a person who—

(A) has a disability as defined in section 223 of the Social Security Act; or

(B) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for public housing under title II of this Act, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(17) PUBLIC HOUSING.—The term ''public housing'' means housing, and all necessary appurtenances thereto, that—

(A) is low-income housing or low-income dwelling units in mixed income housing (as provided in section 221(c)(2)); and

(B)(i) is subject to an annual block grant contract under title II; or

(ii) was subject to an annual block grant contract under title II (or an annual contributions contract under the United States Housing Act of 1937) which is not in effect, but for which occupancy is limited in accordance with the requirements under section 222(a).

(18) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(19) STATE.—The term ''State'' means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, any other territory or possession of the United States, and Indian tribes.

(20) VERY LOW-INCOME FAMILY.—The term ''very low-income family'' means a low-income family whose income does not exceed 50 percent of the median family income for the area, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the authority's findings that such variations are necessary because of unusually high or low family incomes.

SEC. 103. ORGANIZATION OF LOCAL HOUSING AND MANAGEMENT AUTHORITIES.

(a) REQUIREMENTS.—For purposes of this Act, the terms ''local housing and management authority'' and ''authority'' mean any entity that—

(1) is—

(A) a public housing agency or Indian housing authority that was authorized under the United States Housing Act of 1937 to engage in or assist in the development or operation of low-income housing;

(B) authorized under this Act to engage in or assist in the development or operation of low-income housing by any State, county, municipality, or other governmental body or public entity; or

(C) an entity selected by the Secretary, pursuant to subtitle B of title IV, to manage housing; and

(2) complies with the requirements under subsection (b).

(b) GOVERNANCE.—

(1) BOARD OF DIRECTORS.—Each local housing and management authority shall have a board of directors or other form of governance as prescribed in State or local law. No person may be barred from serving on such board or body because of such person's residency in a public housing development or status as an assisted family under title III.

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in localities in which a local housing and management authority is governed by a board of directors or other similar body, the board or body shall include not less than 1 member who is—

(i) a resident of a public housing dwelling unit owned or operated by the authority; or

(ii) a member of an assisted family under title III.

(B) EXCEPTIONS.—The requirement in subparagraph (A) with respect to a resident member shall not apply to—

(i) any State or local governing body that serves as a local housing and management authority for purposes of this Act and whose responsibilities include substantial activities other than acting as the local housing and management authority, except that such requirement shall apply to any advisory committee or organization that is established by such governing body and whose responsibilities relate only to the governing body's functions as a local housing and management authority for purposes of this Act;

(ii) any local housing and management authority that owns or operates less than 250 public housing dwelling units (including any authority that does not own or operate public housing);

(iii) any local housing and management authority that manages public housing consisting primarily of scattered site public housing;

(iv) any local housing and management authority in a State in which State law specifically precludes public housing residents or assisted families from serving on the board of directors or other similar body of an authority; or

(v) any local housing and management authority in a State that requires the members of the board of directors or other similar body of a local housing and management authority to be salaried and to serve on a full-time basis.

(3) FULL PARTICIPATION.—No local housing and management authority may limit or restrict the capacity or offices in which a member of such board or body may serve on such board or body solely because of the member's status as a resident member.

(4) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent conflicts of interest on the part of members of the board or directors or governing body of a local housing and management authority.

(5) DEFINITION.—For purposes of this subsection, the term ''resident member'' means a member of the board of directors or other similar governing body of a local housing and management authority who is a resident of a public housing dwelling unit administered or assisted by the authority or is an assisted family (as such term is defined in section 371).

(c) ESTABLISHMENT OF POLICIES.—Any rules, regulations, policies, standards, and procedures necessary to implement policies required under section 107 to be included in the local housing management plan for a local housing and management authority shall be approved by the board of directors or similar governing body of the authority and shall be publicly available for review upon request.

SEC. 104. DETERMINATION OF ADJUSTED INCOME.

(a) IN GENERAL.—For purposes of this Act, the term ''adjusted income'' means, with respect to a family, the difference between the income of the members of the family residing in a dwelling unit or the persons on a lease and the amount of any income exclusions for the family under subsections (b) and (c), as determined by the local housing and management authority.

(b) MANDATORY EXCLUSIONS FROM INCOME.—In determining adjusted income, a local housing and management authority shall exclude from the annual income of a family the following amounts:

(1) ELDERLY AND DISABLED FAMILIES.—$400 for any elderly or disabled family.

(2) MEDICAL EXPENSES.—The amount by which 3 percent of the annual family income is exceeded by the sum of—

(A) unreimbursed medical expenses of any elderly family;

(B) unreimbursed medical expenses of any nonelderly family, except that this subparagraph shall apply only to the extent approved in appropriation Acts; and

(C) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.

(3) CHILD CARE EXPENSES.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

(4) MINORS.—$480 for each member of the family residing in the household (other than the

head of the household or his or her spouse) who is under 18 years of age or is attending school or vocational training on a full-time basis.

(5) CHILD SUPPORT PAYMENTS.—Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this paragraph may not exceed $480 for each child for whom such payment is made.

(c) PERMISSIVE EXCLUSIONS FROM INCOME.—In determining adjusted income, a local housing and management authority may, in the discretion of the authority, establish exclusions from the annual income of a family. Such exclusions may include the following amounts:

(1) EXCESSIVE TRAVEL EXPENSES.—Excessive travel expenses in an amount not to exceed $25 per family per week, for employment- or education-related travel.

(2) EARNED INCOME.—An amount of any earned income of the family, established at the discretion of the local housing and management authority, which may be based on—

(A) all earned income of the family,

(B) the amount earned by particular members of the family;

(C) the amount earned by families having certain characteristics; or

(D) the amount earned by families or members during certain periods or from certain sources.

(3) OTHERS.—Such other amounts for other purposes, as the local housing and management authority may establish.

SEC. 105. LIMITATION ON ADMISSION OF DRUG OR ALCOHOL ABUSERS TO ASSISTED HOUSING.

(a) AUTHORITY.—Notwithstanding any other provision of law, a local housing and management authority may establish standards for occupancy in public housing dwelling units and assistance under title III, that prohibit admission to such units and assistance under title III by any person—

(1) who currently illegally uses a controlled substance; or

(2) whose history of illegal use of a controlled substance or use of alcohol, or current use of alcohol, provides reasonable cause for the authority to believe that the occupancy by such individual may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to subsection (a), to deny admission or assistance to any person based on a history of use of a controlled substance or alcohol, a local housing and management authority may consider whether such person—

(1) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or use of alcohol (as applicable),

(2) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or use of alcohol (as applicable), or

(3) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or use of alcohol (as applicable),

and in making such a determination may obtain recommendations of social workers, drug and alcohol counselors, probation officers, and former landlords for such person.

SEC. 106. COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY REQUIREMENT.

(a) REQUIREMENT.—Except as provided in subsection (b), each local housing and management authority shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family shall—

(1) contribute not less than 8 hours of work per month within the community in which the family resides; or

(2) participate on an ongoing basis in a program designed to promote economic self-sufficiency.

(b) EXEMPTIONS.—A local housing and management authority shall provide for the exemption, from the applicability of the requirement under subsection (a), of each individual who is—

(1) an elderly person and unable, as determined in accordance with guidelines established by the Secretary, to comply with the requirement;

(2) a person with disabilities and unable (as so determined) to comply with the requirement;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs, and unable (as so determined) to comply with the requirement; or

(4) otherwise physically impaired, as certified by a doctor, and is therefore unable to comply with the requirement.

SEC. 107. LOCAL HOUSING MANAGEMENT PLANS.

(a) IN GENERAL.—In accordance with this section, the Secretary shall provide for each local housing and management authority to submit to the Secretary a local housing management plan under this section for each fiscal year that describes the mission of the local housing and management authority and the goals, objectives, and policies of the authority to meet the housing needs of low-income families in the jurisdiction of the authority.

(b) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans and for the contents of such plans. Such procedures shall provide for local housing and management authorities to, at the option of the authority, submit plans under this section together with, or as part of, the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the relevant jurisdiction and for concomitant review of such plans.

(c) CONTENTS.—A local housing management plan under this section for a local housing and management authority shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) FINANCIAL RESOURCES.—An operating budget for the authority that includes—

(A) a description of the financial resources available to the authority;

(B) the uses to which such resources will be committed, including eligible and required activities under section 203 to be assisted, housing assistance to be provided under title III, and administrative, management, maintenance, and capital improvement activities to be carried out; and

(C) an estimate of the market rent value of each public housing development of the authority.

(2) POPULATION SERVED.—A statement of the policies of the authority governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title III, including—

(A) the requirements for eligibility for such units and assistance and the method by which eligibility will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences established under section 223 or 321(c) and the criteria for selection under section 222(b);

(C) the procedures for assignment of families admitted to dwelling units owned, operated, or assisted by the authority;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title III, including conditions for continued occupancy, termination of tenancy, eviction, and termination of housing assistance under section 321(g);

(E) the criteria under subsections (d) and (f) of section 321 for providing and denying housing assistance under title III to families moving into the jurisdiction of the authority;

(F) the fair housing policy of the authority; and

(G) the procedures for outreach efforts (including efforts that are planned and that have been executed) to homeless families and to entities providing assistance to homeless families, in the jurisdiction of the authority.

(3) RENT DETERMINATION.—A statement of the policies of the authority governing rents charged for public housing dwelling units and rental contributions of assisted families under title III, including—

(A) the methods by which such rents are determined under section 225 and such contributions are determined under section 322;

(B) an analysis of how such methods affect—

(i) the ability of the authority to provide housing assistance for families having a broad range of incomes;

(ii) the affordability of housing for families having incomes that do not exceed 30 percent of the median family income for the area; and

(iii) the availability of other financial resources to the authority.

(4) QUALITY STANDARDS FOR MAINTENANCE AND MANAGEMENT.—A statement of the standards and policies of the authority governing maintenance and management of housing owned and operated by the authority, and management of the local housing and management authority, including—

(A) housing quality standards in effect pursuant to sections 232 and 328 and any certifications required under such sections;

(B) routine and preventative maintenance policies for public housing;

(C) emergency and disaster plans for public housing;

(D) rent collection and security policies for public housing;

(E) priorities and improvements for management of public housing; and

(F) priorities and improvements for management of the authority, including improvement of electronic information systems to facilitate managerial capacity and efficiency.

(5) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the authority under section 110.

(6) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the authority, a plan describing—

(A) the capital improvements necessary to ensure long-term physical and social viability of the developments; and

(B) the priorities of the authority for capital improvements based on analysis of available financial resources, consultation with residents, and health and safety considerations.

(7) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the authority—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title II;

(B) a timetable for such demolition or disposition; and

(C) any information required under section 261(h) with respect to such demolition or disposition.

(8) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the authority, a description of any developments (or portions thereof) that the authority has designated or will designate for occupancy by elderly and disabled families in accordance with section 227 and any information required under section 227(c) for such designated developments.

(9) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the authority, a description of any building or buildings that the authority is required under section 203(b) to convert to housing assistance

under title III, an analysis of such buildings showing that the buildings meet the requirements under such section for such conversion, and a statement of the amount of grant amounts under title II to be used for rental assistance under title III.

(10) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the authority under subtitle D of title II or section 329 for the authority and the requirements and assistance available under such programs.

(11) COORDINATION WITH WELFARE AGENCIES.—A description of how the authority will coordinate with State welfare agencies to ensure that public housing residents and assisted families will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency.

(12) SAFETY AND CRIME PREVENTION.—A description of the requirements established by the authority that ensure the safety of public housing residents, facilitate the authority undertaking crime prevention measures (such as community policing, where appropriate), allow resident input and involvement, and allow for creative methods to increase public housing resident safety by coordinating crime prevention efforts between the authority and local law enforcement officials.

(d) 5-YEAR PLAN.—Each local housing management plan under this section for a local housing and management authority shall contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the authority for serving the needs of low-income families in the jurisdiction of authority during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the authority that will enable the authority to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the authority will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the authority to meet its goals, objectives, and mission.

(e) CITIZEN PARTICIPATION.—

(1) IN GENERAL.—Before submitting a plan under this section or an amendment under section 108(f) to a plan, a local housing and management authority shall make the plan or amendment publicly available in a manner that affords affected public housing residents and assisted families under title III, citizens, public agencies, entities providing assistance and services for homeless families, and other interested parties an opportunity, for a period not shorter than 60 days and ending at a time that reasonably provides for compliance with the requirements of paragraph (2), to examine its content and to submit comments to the authority.

(2) CONSIDERATION OF COMMENTS.—A local housing and management authority shall consider any comments or views provided pursuant to paragraph (1) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted. The submitted plan, amendment, or report shall be made publicly available upon submission.

(f) LOCAL REVIEW.—Before submitting a plan under this section to the Secretary, the local housing and management authority shall submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the local housing and management authority for review and approval.

(g) PLANS FOR SMALL LHMA'S AND LHMA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to housing and management authorities that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to authorities that only administer housing assistance under title III (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

SEC. 108. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing management plan submitted to the Secretary to ensure that the plan is complete and complies with the requirements of section 107. The Secretary shall have the discretion to review a plan only to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each local housing and management authority submitting a plan whether the plan complies with such requirements not later than 75 days after receiving the plan. If the Secretary does not notify the local housing and management authority, as required under this subsection and subsection (b), the plan shall be considered, for purposes of this Act, to have been determined to comply with the requirements under section 107 and the authority shall be considered to have been notified of compliance upon the expiration of such 75-day period.

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 107, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 107.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 107 only if—

(1) the plan is incomplete in significant matters required under such section;

(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan; or

(3) the Secretary determines that the plan violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost.

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a local housing and management authority shall be considered to have submitted a plan under this section if the authority has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this Act) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1994. The Secretary shall provide specific procedures and requirements for such authorities to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 107.

(e) ACTIONS TO CHANGE PLAN.—A local housing and management authority that has submitted a plan under section 107 may change actions or policies described in the plan before submission and review of the plan of the authority for the next fiscal year only if—

(1) in the case of costly or nonroutine changes, the authority submits to the Secretary an amendment to the plan under subsection (f) which is reviewed in accordance with such subsection; or

(2) in the case of inexpensive or routine changes, the authority describes such changes in such local housing management plan for the next fiscal year.

(f) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—During the annual or 5-year period covered by the plan for a local housing and management authority, the authority may submit to the Secretary any amendments to the plan.

(2) REVIEW.—The Secretary shall conduct a limited review of each proposed amendment submitted under this subsection to determine whether the plan, as amended by the amendment, complies with the requirements of section 107 and notify each local housing and management authority submitting the amendment whether the plan, as amended, complies with such requirements not later than 30 days after receiving the amendment. If the Secretary determines that a plan, as amended, does not comply with the requirements under section 107, such notice shall indicate the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 107. If the Secretary does not notify the local housing and management authority as required under this paragraph, the plan, as amended, shall be considered, for purposes of this section, to comply with the requirements under section 107.

(3) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan, as amended by a proposed amendment, does not comply with the requirements under section 107 only if—

(A) the plan, as amended, would be subject to a determination of noncompliance in accordance with the provisions of subsection (c); or

(B) the Secretary determines that—

(i) the proposed amendment is plainly inconsistent with the activities specified in the plan;

(ii) there is evidence that challenges, in a substantial manner, any information contained in the amendment; or

(3) the Secretary determines that the plan, as amended, violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost.

(4) AMENDMENTS TO EXTEND TIME OF PERFORMANCE.—Notwithstanding any other provision of this subsection, the Secretary may not determine that any amendment to the plan of a local housing and management authority that extends the time for performance of activities assisted with amounts provided under this title fails to comply with the requirements under section 107 if the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

SEC. 109. PET OWNERSHIP.

A resident of a public housing dwelling unit or an assisted dwelling unit (as such term is defined in section 371) may own common household pets or have common household pets present in the dwelling unit of such resident to the extent allowed by the local housing and management authority or the owner of the assisted dwelling unit, respectively. Notwithstanding the preceding sentence, pet ownership in housing assisted under this Act that is federally assisted rental housing for the elderly or handicapped (as such term is defined in section 227 of the Housing and Urban-Rural Recovery Act of 1983) shall be governed by the provisions of section 227 of such Act.

SEC. 110. ADMINISTRATIVE GRIEVANCE PROCEDURE.

(a) REQUIREMENTS.—Each local housing and management authority receiving assistance under this Act shall establish and implement an administrative grievance procedure under which residents of public housing and assisted families under title III will—

(1) be advised of the specific grounds of any proposed adverse local housing and management authority action;

(2) have an opportunity for a hearing before an impartial party upon timely request within a reasonable period of time;

(3) have an opportunity to examine any documents or records or regulations related to the proposed action;

(4) be entitled to be represented by another person of their choice at any hearing;

(5) be entitled to ask questions of witnesses and have others make statements on their behalf; and

(6) be entitled to receive a written decision by the local housing and management authority on the proposed action.

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING.—A local housing and management authority shall exclude from its procedure established under subsection (a) any grievance concerning an eviction from or termination of tenancy in public housing in any State which requires that, prior to eviction, a resident be provided a hearing in court which the Secretary determines provides the basic elements of due process.

(c) COSTS OF GRIEVANCE PROCEDURE.—The costs of administering a grievance procedure under this section (including costs of retaining counsel) shall be considered operating activities of a local housing and management authority.

SEC. 111. HEADQUARTERS RESERVE FUND.

(a) ANNUAL RESERVATION OF AMOUNTS.—Notwithstanding any other provision of law, the Secretary may retain not more than 3 percent of the amounts appropriated to carry out title II for any fiscal year to provide incremental housing assistance under title III in accordance with this section.

(b) USE OF AMOUNTS.—Any amounts that are retained under subsection (a) shall be available for subsequent allocation to specific areas and communities, and may only be used for the Department of Housing and Urban Development and—

(1) unforeseen housing needs resulting from natural and other disasters;

(2) housing needs resulting from emergencies, as certified by the Secretary, other than such disasters;

(3) housing needs related to a settlement of litigation, including settlement of fair housing litigation; and

(4) providing technical assistance, training, and electronic information systems for the Department of Housing and Urban Development and local housing and management authorities to improve management of such authorities.

SEC. 112. LABOR STANDARDS.

(a) IN GENERAL.—Any contract for grants, sale, or lease pursuant to this Act relating to public housing shall contain the following provisions:

(1) OPERATION.—A provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all contractors and persons employed in the operation of the low-income housing development involved.

(2) PRODUCTION.—A provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a–276a–5), shall be paid to all laborers and mechanics employed in the production of the development involved.

The Secretary shall require certification as to compliance with the provisions of this section before making any payment under such contract.

(b) EXCEPTIONS.—Subsection (a) and the provisions relating to wages (pursuant to subsection (a)) in any contract for grants, sale, or lease pursuant to this Act relating to public housing, shall not apply to any of the following individuals:

(1) VOLUNTEERS.—Any individual who—

(A) performs services for which the individual volunteered;

(B)(i) does not receive compensation for such services; or

(ii) is paid expenses, reasonable benefits, or a nominal fee for such services; and

(C) is not otherwise employed at any time in the construction work.

(2) RESIDENTS EMPLOYED BY LHMA.—Any resident of a public housing development who is an employee of the local housing and management authority for the development and performs services in connection with the operation or production of a low-income housing project owned or managed by such authority.

SEC. 113. NONDISCRIMINATION.

(a) IN GENERAL.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with amounts made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) CIVIL RIGHTS COMPLIANCE.—Each local housing and management authority that receives grant amounts under this Act shall use such amounts and carry out its local housing management plan approved under section 108 in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990, and shall affirmatively further fair housing.

SEC. 114. EFFECTIVE DATE AND REGULATIONS.

(a) EFFECTIVE DATE.—The provisions of this Act and the amendments made by this Act shall take effect and shall apply on the date of the enactment of this Act, unless such provisions or amendments specifically provide for effectiveness or applicability on another date certain.

(b) REGULATIONS.—The Secretary may issue any regulations necessary to carry out this Act.

(c) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations authorized under subsection (b) shall not affect the effectiveness of any provision of this Act or any amendment made by this Act.

The CHAIRMAN. Are there amendments to title I?

AMENDMENT NO. 35 OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 35 offered by Mr. VENTO: Page 11, line 2, strike ''authority's'' and insert in lieu thereof ''Secretary's''.

Page 13, line 10, strike ''authority's'' and insert in lieu thereof ''Secretary's''.

Mr. VENTO. Mr. Chairman, this is, I suppose in some minds, a technical amendment. What the bill has done is provides the flexibility for the Secretary, based on findings by the local housing management authority, to change the 50 percent very low-income definition to raise it or lower it, depending upon local conditions, and to, on the 80 percent, and this really deals with the percentages in the bill, on the 80 percent, to change that, in fact; either raise or lower it, depending on local circumstances and findings.

Mr. Chairman, I have no objection to the Secretary having this flexibility. In fact, I think that it is necessary. I am concerned that the bill appears to limit this solely to the local housing management's findings. I think it is clear to me that since the Secretary has to approve it, that indeed he has and should set some standards as to what those findings are.

I do not think it is probable that 3,400 different housing authorities will in fact seek to modify these percentages, and I think it is probably somewhat unrealistic to assume that they will develop the expertise independently. I think that they have some insights, but I doubt that they on their own, without any type of guidance, would be able to in fact establish this without some signal, some direction from the Secretary of Housing and Urban Development.

So my amendment would alter that so that instead of the local housing authority making the findings, that in fact it is the Secretary. I just think it is important from the onset to understand the significance of changing these definitions in law, not handing that over to a State and local government authority, whatever the entity may be, the local housing management authority, but in fact to keep that definition responsibility in the hands of the Secretary, one that has to, in any case, approve this, and I think should be, as I said, involved from the beginning with regards to findings. This would restore what essentially is current law.

Mr. Chairman, I am not aware with any problems that have occurred with that. I think it would be clear, as I said, that local housing management authorities would certainly be consulted or be expected to in fact put together the data, so I would be happy to yield to the subcommittee chairman, the gentleman from New York, Mr. LAZIO, for further explanation. I do not recall any testimony or any problem with this issue, so I look at it as a technical amendment.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

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

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, my disagreement with him on this issue has to do with who initiates the changes that would basically define low and very low income for purposes of making adjustments to basically definitional issues.

Mr. Chairman, the gentleman would suggest that the Secretary in Washington ought to initiate this. Our position is to have maximum local control, and that the local community would be the entity to initiate the request, the change in definition in terms of the threshold, what is median income and

what is not sufficient median income to qualify.

The Secretary, obviously, in either case has a role. In our model, we would suggest that the local government, the local community, initiates it. The Secretary is consulted and has, in essence, they ability to preclude the change. The gentleman's opinion apparently is that the Secretary would have all the discretion to do this and the decisionmaking would be centralized in Washington.

Mr. VENTO. Mr. Chairman, reclaiming my time, I think the Secretary makes the decision in this particular instance in the gentleman's amendment, so we agree on who has the authority. The issue is one of the findings that such variations are necessary, because of unusually high or low income criteria. This is just the findings issue. Clearly what the intent is and I think what occurs under current law, this is current law, is that the local housing management authority or public housing authority has to initiate such process in saying that we have a problem. But we are just talking about the findings issue is really what we are talking about.

I do not think the gentleman and I necessarily disagree about who initiates it, because clearly the housing authority has to play a key role here. It is just a question of findings. The ultimate authority is in Washington no matter what, because the Secretary, if he is dissatisfied or she is dissatisfied with the information, will simply reject it. So I do not know, I do not think it is a question of authority, it is simply a question of clarifying the issue of findings, in my mind.

□ 1930

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield, I just would like to query whether the gentleman believes this is something that, if we continue a dialogue and discussion through the process moving toward conference, if we can resolve by finding a compromise we can both live with.

Mr. VENTO. Mr. Chairman, that is reasonable. I think it is not something I perceive as a problem. If there is some other basic reason the gentleman is resisting I'd be interested in learning such. I would be happy to work with the subcommittee chairman on the basis of that assurance and interest. We had a long debate on the previous amendment and we resolved that successfully.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Louisiana: In section 103(b) of the bill (as amended by the manager's amendment), strike paragraph (2) (relating to resident membership) and insert the following new paragraph:

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—In localities in which a local housing and management authority is governed by a board of directors or other similar body, not less than 25 percent of the members of the board or body shall be individuals who are—

(i) residents of public housing dwelling units owned or operated by the authority; or

(ii) members of assisted families under title III.

(B) ELECTION AND TRAINING.—Members of the board of directors or other similar body by reason of subparagraph (A) shall be selected for such membership in an election in which only residents of public housing dwelling units owned or operated by the authority and members of assisted families under title III who are assisted by the authority are eligible to vote. The authority shall provide such members with training appropriate to assist them to carry out their responsibilities as members of the board or other similar body.

Section 103(b)(5) of the bill (as amended by the manager's amendment), strike subparagraph (A) (relating to the definition of ''elected public housing resident member'').

Mr. FIELDS of Louisiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. FIELDS of Louisiana. Mr. Chairman, this amendment is a very simple amendment. It should be a noncontroversial amendment because it does not deal with the preamble, it deals with the substance of the bill.

This amendment will, quite frankly speaking, simply provide that the boards that will be in place across this country that will regulate public housing must be composed of at least 25 percent of those individuals who live in public housing. This is at a time, Mr. Chairman, when we want to give local tenants more input into the decisionmaking process, and this amendment is right along those lines.

Twenty-five percent of those individuals who are in public housing being on a board, that means that about 75 percent will not be in public housing. Although that is not a mandate in this amendment, it can very possibly be that way.

If you have a 4-member board, Mr. Chairman, only 1 member under this amendment will be from the public housing; 8 members, 2 members; a 12-member board, only 3 members; 16, 4 members. So 25 percent of whatever board we have will consist of people from the public housing who live there every day.

Second, Mr. Chairman, if there is any question about training those individuals who live in public housing, whether or not they are able to make managerial decisions, whether or not they are able to conduct themselves in a manner that is conducive to finances and things of that nature, each of these people, each of these individuals will be trained. The amendment does not deviate from the present language in the bill. It provides for training among those members who will come from the public housing to serve on those particular boards.

Last, Mr. Chairman, I would like to state that many public housing boards across this country now include members from public housing. As a matter of fact, it makes it much more conducive for implementing programs because the tenants are in a better position to know what in fact takes place on a day-to-day basis in those public housing facilities all across this country.

So this is an amendment that simply allows tenants to participate in the decisionmaking process in this country, and I do not think there is any opposition from the other side of the aisle.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would ask the gentleman if this is the same amendment that is being offered that was printed earlier, listed as Amendment No. 4.

Mr. FIELDS of Louisiana. This is the same. After the manager's amendment was adopted, I had to make a few minor modifications, but the language is the same.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield further, if I might see that first.

Mr. FIELDS of Louisiana. Mr. Chairman, I would be happy to share it with the gentleman. It is the exact amendment that I prefiled and was printed in the RECORD. The only change in this amendment versus the printed amendment is to the different language in the different parts of the bill because of the manager's amendment. So this amendment was to comply with the manager's amendment that was adopted by this House.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield once again, if I can see a copy of that language, it will help facilitate our discussion, I believe, if we have that.

Mr. FIELDS of Louisiana. Mr. Chairman, I turned in 12 copies. I would be happy to share this copy with the gentleman from New York if the gentleman does not have a copy of the amendment. It is the exact amendment that I introduced earlier. The only change is the change in location.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will continue to yield, I wonder if the gentleman can point out the differences in the original printed version relative to the corrections that he made after the adoption of the manager's amendment.

Mr. FIELDS of Louisiana. Mr. Chairman, in the manager's amendment, as the gentleman from New York is aware, the section that deals with the board of directors, the manager's amendment calls for an election of one

tenant on each board. This amendment simply went, as a result of the manager's amendment, my amendment was changed to deal with that same language, to change the number from 1 to 25 percent.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield further, could you just give me the precise language that was changed, if that is feasible?

Mr. FIELDS of Louisiana. Mr. Chairman, it is the same language. The only difference is the difference in sections.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if I may make the suggestion to the gentleman from New York [Mr. LAZIO] that we simply allow the original amendment which the gentleman from Louisiana [Mr. FIELDS] filed.

The CHAIRMAN pro tempore (Mr. GILCHREST). The time of the gentleman from Louisiana [Mr. FIELDS] has expired.

(By unanimous consent, Mr. FIELDS of Louisiana was allowed to proceed for 3 additional minutes.)

Mr. FIELDS of Louisiana. Mr. Chairman, I continue to yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. It would be my suggestion that we go back to the original Fields amendment that was filed prior to the manager's amendment and simply ask that the gentleman from New York [Mr. LAZIO] allow my technical and conforming changes made to the amendment after its potential adoption to reflect the changes that are contained in the manager's amendment.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield further, I am informed that part of this amendment strikes almost two pages of language involving exemptions for certain public housing authorities, so this is not technical in nature. As a nature of fact, it goes to the heart of the manager's amendment with respect to this particular provision.

Mr. FIELDS of Louisiana. Would the gentleman have any objections to withdrawing this amendment and going back to the original amendment, since the gentleman is quite aware of the original amendment, because it is not my intent to try to sneak an amendment on the gentleman. As the gentleman knows, this amendment is the identical amendment as the original amendment that was introduced by the gentleman, and that was printed in the RECORD.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield further, the printed amendment that I have before me, printed as amendment No. 4, strikes the language that is in question. I would like to think that the gentleman's concerns to allow for a direct election to the board, direct election by the board, were met in the manager's amendment.

I think the gentleman wants to go much further than I think is appropriate, quite frankly, with respect to some of the other provisions, including establishing a quota of 25 percent, technical training that I think gets us back into that micromanaging model that I am trying desperately to move away from, and also striking some of the exemptions that I will help make this workable in terms of direct election.

The CHAIRMAN pro tempore. Does the gentleman ask unanimous consent to withdraw his amendment?

Mr. FIELDS of Louisiana. Mr. Chairman, I ask unanimous consent to withdraw the amendment that I introduced today and be allowed to speak to the original amendment that was printed in the RECORD.

The CHAIRMAN pro tempore. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 4 OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. FIELDS of Louisiana:

Page 14, strike line 18 and all that follows through page 16, line 18, and insert the following:

(A) IN GENERAL.—In localities in which a local housing and management authority is governed by a board of directors or other similar body, not less than 25 percent of the members of the board or body shall be individuals who are—

(i) residents of public housing dwelling units owned or operated by the authority; or

(ii) members of assisted families under title III.

(B) ELECTION AND TRAINING.—Members of the board of directors or other similar body by reason of subparagraph (A) shall be selected for such membership in an election in which only residents of public housing dwelling units owned or operated by the authority and members of assisted families under title III who are assisted by the authority are eligible to vote. The authority shall provide such members with training appropriate to assist them to carry out their responsibilities as members of the board or other similar body.

Mr. FIELDS of Louisiana. Mr. Chairman, this amendment simply provides that 25 percent of all the boards of directors across the country will consist of 25 percent of tenants. Twenty-five percent of those individuals who sit around the table and make decisions on how public housing works in America will be tenants.

It is a very straightforward amendment. There is nothing complicated about it. If there is a board of four, then one member will according to this amendment come from public housing.

Second, this amendment will also provide, as I stated earlier, for training. So anyone who has any question about individuals being able to make major decisions, each individual who is elected to the board will be provided adequate training.

In terms of who will elect these members, these members will be elected by bona fide housing residents. The housing residents will meet and elect their representatives to the board, and those individuals will serve based on a time that is enumerated by the rules and the regulations of that particular board.

If there are no objections to this amendment, I suggest its adoption.

Mr. BEREUTER. Mr. Chairman, I rise in opposition to the Fields amendment.

I am not quite sure what the gentleman is attempting to add but I think I am right in understanding some of the things that he is eliminating. He is eliminating, as I understand it, the exceptions which begin on page 15, subparagraph B, and specifically on lines 22 through lines 24, and on to page 16, lines 1 and 2. He is eliminating the exception for local housing and management authorities that own or operate less than 250 public housing units, including any authority that does not own or operate public housing. We have had substantial debate on this issue.

This Member has strong objection from his own State—for example, from the city of Omaha—to in fact requiring, in contrast to State law, that a resident be a member of the public housing authority. But I certainly have strenuous objections to the smaller housing authorities also have this requirement.

I think my colleagues should know that in my State, for example, we once had the second largest number of public housing units in the country. We started quite early in the process. Many of them are for senior citizens. A great many of them have less than 30 units across the whole State. That is especially true in my district and in the district of the gentleman from Nebraska [Mr. BARRETT]. It would be not only difficult and in contrast to State law to have residents automatically being placed on the public housing authority for those units, it would be unworkable.

We have had this debate before. I think we are bending an exceptional amount already in suggesting that in fact for the larger housing units you have a resident that becomes a member of the board, but to take it down to the small housing units is something that this member cannot accept in representing his constituents. It is unworkable in the small cities and the villages in my district that have these small housing authorities. It is in contrast to State law. We are exempting the State law.

Therefore, I have to rise in strong objection to the gentleman's amendment which would remove this exception.

Mr. FIELDS of Louisiana. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. I appreciate the gentleman's comment, but I am having a hard time understanding

how a board that consists of 15 Members is OK to have one tenant from the public housing but a board that consists of five or four is not acceptable. I thought the gentleman's philosophy, and that is one of the reasons why I introduced the amendment, was to give tenants an opportunity to participate.

I see that the gentleman is not adverse to tenant participation because the gentleman has spoken to that point, and I cannot understand why just because there is a small housing facility versus a large, that those tenants should be denied the opportunity to participate.

Mr. BEREUTER. Reclaiming my time, I would say that under State law public housing authorities in my State have 5 members. You are mandating that at least one of those members automatically, despite the recommendations of the city council or the village board of trustees in my State that appoints the housing authority, must appoint one person from the residency of that public housing.

In many cases these housing units are exclusively for senior citizens. In most cases they really are. This is too much intrusion in local control and decisions about who that city council, that village board of trustees wants to have on the housing authority. In many cases they in fact do appoint it but that ought to be a decision that is made by the city council, the governing body of that particular community. That is why I object to the gentleman's amendment.

□ 1945

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Louisiana [Mr. FIELDS] for the insight and the vision that he has had with respect to this legislation. I have heard my good friend from Nebraska, and I would simply like to offer an explanation as it relates to a local situation. He has mentioned a local community and I would like to mention one as well in Houston, where we have been dealing with a public housing problem for a number of years.

There would be many that would come and suggest there are reasons why we have this problem: Federal regulations, the disagreement, if you will, between the local parties, lack of funding, lack of priority. I would offer to say that maybe the reason why we have this problem is that we have not brought parties together to be able to discuss how best to solve and create good public housing, good, clean public housing, with the involvement of residents.

I like that word ''residents,'' as opposed to ''tenants.'' It gives a certain stakeholder's role to those in public housing.

This amendment the gentleman offers is a positive amendment that is instructive. Not only does he provide for an opportunity for participants, for residents to participate, but he gives them training, the training that any board member would bring maybe from their work experience or business experience, he then allows those residents to have the same kind of training to be able to be part of a management system.

Has anyone seen their local United Ways, where they have attempted to reach out into the community? Our United Ways used to be a board of corporate CEO's. Those are the only people that could participate. They collected money and decided how it was to be distributed. We got wise until Houston realized United Way was a community organization, and that means they had to reach out to local community activists and mix them with corporate leaders and begin to solve the community's problems. United Way sought diversity on its board, and in doing so, they trained those activists and local community individuals to be on the United Way board.

This is the very same approach. This allows the residents of that particular housing entity, that housing development, to be able to participate, and it gives them the necessary training.

I am not sure whether or not we suffer in local communities with units under a certain number where we increase the number of residents. I am not sure that is detrimental when in fact in most cases the dominant participants will be selected from the community and will be able to work with a lesser number of residents. So I am unsure of the difficulty in allowing the Fields amendment to go forward.

I applaud him for this amendment. I have seen over the past 17 years in Houston where we have had strife and disagreement because we have not had the involvement of our residents to solve a problem, to provide clean and decent public housing. It is not a question of whether we demolish, it is not a question of whether we keep units, it is a question of whether people can have a meeting of the minds. You cannot have a meeting of the mind when you have residents standing on the outside with the door closed. We need to affirmatively bring them inside. Twenty-five percent is a minimal number, it is a fair number. It is a fair number for smaller units, and it is a fair number for larger units.

Mr. Chairman, I applaud the gentleman from Louisiana [Mr. FIELDS] for his vision, and would solicit the support for this amendment. I would simply say to my colleagues in opposition, we cannot do any less than our civic boards across the Nation. Let us diversify, let us include, let us solve this Nation's housing problems, not only by ourselves, but including those who are most affected, and that is the residents. I support the passage of this amendment.

Mr. Chairman, I rise today to speak in support of this very important amendment.

Having a place to call home, no matter how modest, is a cornerstone of the American dream. It is the goal of every family. A home is not just a place to live; it is also a place where individuals should and must have a voice.

This amendment would go a long way in creating a voice for residents of public housing in the decisionmaking process that affect their homes. By requiring that 25 percent of the board of directors of local housing authorities be residents of public housing, or persons receiving Federal rental assistance, the best interests of resident's would be served.

To ensure that those who will serve in this capacity are truly representative, they will be elected by the residents and be given sufficient training to fulfill their obligation to their community.

This amendment will inject fairness into this legislation and allow for residents who are personally invested in public housing to have a voice in the decisionmaking process.

I would like to thank Representative FIELDS for bringing this important amendment before the House for consideration.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman from Louisiana's amendment. I think it is a worthwhile amendment, and it is a consistent amendment with what the chairman said about his desire to put public housing into the hands of the tenants or the residents.

As a matter of fact, I have heard that statement made several times this evening, that it is the chairman's desire, it is the desire of the Republican Party, it is the desire of the leadership, to put public housing in the hand of the residents, to give them more power to make decisions about their lives and about their living.

Well, Mr. Chairman, this is the way to do it. I understand very well how it works now. As a matter of fact, many cities across this Nation simply appoint people who are well connected. You know the mayor in some cities and the mayor is making the appointment. If you have been involved in the campaign, if you know a contributor, what have you, you get an appointment.

The same thing is true with the members of the city council. They appoint their friends and cronies and those politically connected. That is okay. I guess there should be some payoff for those who are supportive.

But the fact of the matter is, residents have been excluded from decisions about their daily living. We have these resident councils in each of the housing authorities or the projects. However, oftentimes they are kind of left to try and be involved in ways that they do not really know how to be involved.

We have the residents who are supposed to be organized at each site. Oftentimes they are not getting any training. They do not even know when a board meeting takes place. They do not receive the notices, they are not encouraged to be at the board meetings. The agendas are developed without their input.

It is time for us to make sure that we mean what we say. If in fact we have the resident councils at each site and we then have the area councils, and somehow they are supposed to be involved in decision making, then we must make sure that they have the ultimate involvement, the ultimate involvement, which is that they work their way up to the board.

The gentleman from Louisiana [Mr. FIELDS] is saying in his amendment that at each of these local housing projects they would have an opportunity to vote. They would have an opportunity to recommend to those who do the appointing, those that they think will serve them well at the board.

You talk about residents in public housing projects who somehow do not seem to understand what happens and the kinds of decisions the management must make. Well, if you want people to understand the budget and how it works and whether or not they can have revitalized apartments, whether or not they can get new screens on the doors, whether or not they can change the heating systems, they have to understand how much money is available. If they do not understand the money, then they do not understand what you claim are management problems or how to help make decisions about how best to use the money.

I think residents have a lot of input that they need to be able to give. They know more about these buildings, about these grounds, and about the communities they live in than most of the political appointees, who never go to these housing projects, will ever know, and I think they deserve to be at the board meetings helping to formulate those agendas and giving input that is going to make good sense.

I think they will have some cost effective suggestions about how best to manage. I think they will know how to save money. I think they could tell the board about the personnel and the workers who are getting paid and about what they are doing and that they are not doing.

The board members do not know that now. They are not out in these housing projects. But I can tell you, the people who live there can tell you what the maintenance crew is doing and what they are not doing, if they can ever get to a board meeting. They are not encouraged to be at the board meetings, they are not wanted at those board meetings, their opinions are not respected. That is why you see some resistance to having them on boards.

It really does not make good sense to say it is all right to have them, maybe one, if there is a big housing authority, and maybe none if there is a small housing authority. That does not have anything to do with big or small. If you have got five members on a small housing authority board and five members on a large housing authority board, they both deserve representation, and it makes no difference what their size is.

Mr. Chairman, I support this amendment. This is true empowerment. This is true respect for residents. I ask support for the Fields amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of my good friend from Louisiana's amendment. I think we have heard a lot of rhetoric about the fact that we want to provide for local control of local housing authorities, and I can think of nothing more important than making certain that the people that actually live in these projects are provided some say in the direction that the projects are going to take and the kind of management and control that those projects take.

I have understood some of the concerns of my friend from Nebraska [Mr. BEREUTER] with regard to some of the smaller housing projects that constitute authorities in a rural state like Nebraska, which is very different than perhaps some of the problems that we face in places like Massachusetts.

In Boston, I found specifically in projects in my own district that there are some very, very large urban projects that would be greatly improved if we get more tenant control and more tenant say in the future of those projects, where how many units, what kinds of units, income mix, and a whole range of other issues could have some input directly by the tenant.

So I think the overall goal of tenant input is very, very important. I am hopeful we could find ways of working out an agreement on the Fields amendment that will somehow provide for exemptions for those cases such that the gentleman from Nebraska [Mr. BEREUTER] referred to, where we have very, very small numbers or clusters of units that would not apply, and in fact where this amendment might create a needless burden.

But where this is an appropriate use of an authority's response to the needs of the tenants, I think this could be a very, very useful tool. I would hope that we might be able to find a way of working out some of the concerns that we have.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I think the gentleman from Louisiana and myself have reached an agreement that satisfies my concern. He would simply remove the exemptions. But the first part of his amendment, he will provide for at least 25 percent of those housing authorities having over 250 units, whereas the existing bill provides 25 percent.

Now, 25 percent of a five-member board, for example, of the city of Omaha, is one. Whenever State law calls for an 8- or 10-member board, the Fields amendment would actually increase the number of tenants. That will be controversial for some States. For others, like my own, that has a five-member board, it is the same, one member one way, one member the other way. So there is a possibility of us working out this last sticking point.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, can the gentleman clarify for me why it would be more difficult with the eight-member board versus the five?

Mr. BEREUTER. Mr. Chairman, the Fields amendment in that case would provide for two members, and in the case of a smaller number of board members it would be only one. So there is the potential for a larger number of people who are tenants to be on the board under the Fields amendment than there is under existing language of the bill. I am not arguing the point. It is not relevant to my State. It is going to be controversial in some States. This is a matter that the gentleman from Louisiana [Mr. FIELDS] and the gentleman from New York [Mr. LAZIO] are going to have to work out.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman from Nebraska's willingness to recognize the fact that tenant involvement in these cases is important. Twenty-five percent is twenty-five percent.

Mr. BEREUTER. Mr. Chairman, if the gentleman will yield further, the bill says that a minimum of one member must be a tenant on a housing authority, but the Fields amendment says at least 25 percent. So, you see, potentially more members would be on some housing authorities who are tenants than would be under the bill, which specifies only one minimum. That is the difference.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, that was the point. We wanted to have greater tenant involvement in the process. I understand maybe that is not an issue that the gentleman was arguing, but I think that all of us recognize that what we are trying to do here is make certain that we do not have some elected board or appointed board of individuals that has very little to do or very little understanding of the direct impact of their decision making process on the local housing authorities, and in fact try to find a way to create tenant involvement in the overall decisionmaking process.

I think it is something that certainly the rhetoric that we are hearing surrounding this bill is completely compatible with, and I hope that we find a way of actually making certain that the people who are going to be most affected by these decisions are in fact involved in the decisions of the housing authority.

Now, I wonder if I could inquire from my friend, the gentleman from New York [Mr. LAZIO], whether we are close to an agreement on this issue?

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The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, the gentleman from Massachusetts has a question with respect to where we are on the Fields amendment? I would suggest to the gentleman that we continue to have an ongoing problem.

In the bill, we allow for the direct election of tenants onto boards. I have no objection if a local community wants to have 100 percent of the people on the board that are residents. What I do have an objection to is getting back to the model where again one size fits all and Washington knows best. We must use this much money for technical assistance. We must have a 25-percent quota of local residents.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has again expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I think that we have a fundamental difference of opinion with respect to the amendment. I tried to meet the objection in terms of having the direct election of a resident to the board and in the manager's amendment that was adopted. Now I think the gentleman from Louisiana [Mr. FIELDS] would like to go substantially further than that. I think there is a philosophical difference as to whether we should pursue that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I wonder whether or not the gentleman can find some consistency in saying that the problem with the amendment is that it is a Washington-based solution, where in fact the solution simply says that we ought to have local involvement in the decision-making process? We are saying that 25 percent of the people on the board ought to come from the local area. To try to identify that as a Washington-based solution is kind of bizarre.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will continue to yield, my concern here is not that we have local participation. As a matter of fact, we spend a page and a half in the manager's amendment speaking to the fact that the housing authorities should integrate into the community and have local participation. I believe deeply in it. My problem is setting quotas and saying every community should have this as opposed to——

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman from New York has a quota of one. The gentleman has a page and a half of rhetoric and he has one person. What we are trying to say, and what the gentleman from Louisiana is trying to say, is that we have 25 percent of the people, which is not anything close to the ability to carry the day on any vote, but that 25 percent of the people making the decision ought to have some direct impact and people that actually are living in these housing authorities ought to be involved in how those housing authorities are going to proceed.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would continue to yield, my problem, which I think is a philosophical divide, is whether we start to retreat back from allowing flexibility and fungibility for the housing authorities, giving them more rules, imposing on them a set quota.

I do not care if a community decides that they have all residents, but that should be the local community's decision and not Washington's.

Mr. KENNEDY of Massachusetts. Mr. Chairman, again reclaiming my time, that is the most inverted logic I have ever heard.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the amendment of the gentleman from Louisiana [Mr. FIELDS]. Quite frankly, Mr. Chairman, this is family values. Imagine those of us who live in middle-class neighborhoods, we organize into block clubs, we organize into neighborhood organizations, because it is the local residents who have the knowledge about the community in which they reside to make determinations about their particular community.

Mr. Chairman, I am of the opinion that failure of this amendment says to residents across this country that Washington knows better about the neighborhood and the development in which you reside better than you do, and what could be a more paternalistic view of the condition of people in public housing across our country than that?

Mr. Chairman, I yield to the gentlewoman from California [Ms. WATERS] for the purpose of a colloquy.

Ms. WATERS. Mr. Chairman, I would like to ask the gentleman if this business of one smacks of tokenism? It sounds familiar, that we will let one in, we will let one on, but we do not want too many if, in fact, we have more than one, they may being to have a collective voice and challenge some of the decisions.

Mr. Chairman, I wonder if the gentleman thinks that the accusation of the gentleman from New York where he says somehow that the amendment of the gentleman from Louisiana that asks for 25 percent is any different than his asking for 1 percent, except that it is more involvement. Could the gentleman from Illinois [Mr. JACKSON] expand on that a little bit?

Mr. JACKSON of Illinois. Mr. Chairman, reclaiming my time, I would like to make the argument that this is not about quotas in public housing. Residents have the right to participate in making decisions about where they live, and that is just a fact of life. I make decisions about the condominium that I live in here in Washington, DC. The gentlewoman from California certainly makes decisions as a member of a condominium or a cooperative in the neighborhood in which she lives.

Mr. Chairman, why should not low income and poor Americans be able to make decisions about the complexes and the developments within which they live? Twenty-five percent, one out of four, three out of 12, four out of 16, is not an unreasonable number to ask for participation from residents to make some determination about the conditions under which they live.

I might add, Mr. Chairman, the only real change that is actually occurring here is for the very first time the Federal Government is mandating that residents do participate in local housing authorities. Reality is those of us from middle-class neighborhoods have served in capacities for public housing authorities all across our country and, frankly, the residents have had no say.

Ms. WATERS. Mr. Chairman, if the gentleman would continue to yield, let me just say that I tried to make the point earlier that to the degree people are involved, they accept more responsibility. We have a lot of young people in public housing authorities that have no idea how these decisions get made.

Let me give some examples. I can recall in the city of Los Angeles when they would let contracts out for people to come into the public housing authorities and do work. They would contract with folks who would come from all over the extended Los Angeles area to come in and put up screens and to dig and to do all of these things. The people who lived there simply would watch out of their windows while other people come in and make money, take the money, and go home and spend it in their communities.

Mr. Chairman, we organized a little bit in some of these public housing authorities and asked the residents: What do you think the policy should be about creating job opportunities where you live? They said, ''Ms. WATERS we want to work. We think that the public housing authorities should create job opportunities for those jobs that are being done where we live. Many of these jobs do not even require training. Some of them may. We want to be trained.''

We organized and forced that kind of decision at the board to allow the residents to work in those public housing authorities where they live when the jobs become available. If there were contractors coming in, we developed a public policy where those contractors should have to hire some of the people there.

Mr. Chairman, if they had been sitting on the board where these decisions were being made, they could have told them a long time ago. There are hundreds of decisions like that. We have people in local housing authorities who

believe there should be some commerce inside the public housing authorities, that they should be able to create some businesses so they can get off of welfare, so that they can work. We will not get that unless we get people working at the board where the decisions are made, giving input, and helping those who come from every place else. But the communities, they are making decisions about understanding how to run these places.

I think in my city and in the city of the gentleman that we have seen a lot of what goes on, and we believe that we can go a long way toward solving some of the problems if we but listen to the people who live there.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

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

Mr. FIELDS of Louisiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Louisiana [Mr. FIELDS] will be postponed.

AMENDMENT NO. 44 OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WATT of North Carolina: Page 34, line 9, after ''determines that the plan'' insert ''does not comply with Federal law or''.

Mr. WATT of North Carolina. Mr. Chairman, I will not take 5 minutes, because it is my understanding that the gentleman from New York [Mr. LAZIO], the subcommittee chair, has agreed to the amendment.

Mr. Chairman, we are simply trying to make it clear that when a local housing authority submits its housing plan, that the Secretary has the authority to review it in compliance with Federal law, as well as the underlying provisions of this bill.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, in the spirit of bipartisan cooperation and reasonableness, I would support the gentleman's amendment and urge its adoption. I believe this is consistent with the current law, and for that reason I support the gentleman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GILCHREST

Mr. GILCHREST. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST: On page 30, line 8, insert the following: ''Furthermore, to assure the safety of public housing residents, the requirements will include use of trespass laws by the authority to keep evicted tenants or criminals out of public housing property.''

Mr. GILCHREST. Mr. Chairman, I rise to offer an amendment to section 107, to the section on the crime prevention plan that local housing and management authorities must have to be approved by the Secretary of HUD. The language in my amendment is needed to make sure that the local housing authorities can keep their properties safe and crime-free by invoking local criminal trespass laws. Without this amendment, local housing authorities risk lawsuits from disgruntled evicted criminal tenants, and the entire public housing community is put at risk.

In my district, there is a situation where a Federal judge issued a consent decree as part of a settlement in a lawsuit of former tenants against a local public housing authority. Aided by Legal Aid and the ACLU, the former tenants obtained a settlement that states the housing authority cannot ban evicted tenants or other troublesome visitors from returning to the public housing unless required to do so by HUD. HUD has taken no action. Since 1993, the judge's decree and HUD's inaction leave the authority unable to assure a safe, secure community.

Mr. Chairman, other housing authorities use notice of trespass with success in keeping evicted tenants and known drug criminals out of public housing, but because HUD is silent, St. Michael's Housing Authority in my district cannot use local trespass laws to provide a safe environment for all other law-abiding, lease-abiding tenants.

Mr. Chairman, the bill before us this evening brings historic reforms that will strengthen the management of local housing authorities and give public housing residents more incentives to take care of their communities. Does it not seem reasonable, then, that to carry out HUD's ''one strike and your out policy,'' local housing and management authorities must use local trespass laws to keep out those evicted tenants who have struck out?

The Federal judge's ruling in this settlement weakens the ability of St. Michael's Housing Authority to keep evicted tenants and other criminals out. I am told that other housing directors have used such notice and credit it with eliminating drug problems.

The situation described is unfortunate and another example of why reforms of HUD's management of public housing are needed. By adopting this amendment we will make sure housing authorities have the tools they need to keep out evicted tenants.

The intent of the public housing reforms is to help assure safe communities, and in keeping with this intent, HUD should require housing authorities to do their best to assure that those persons who are ineligible for public housing do not return to disrupt public housing communities. Let's finish the job by allowing authorities to keep out evicted tenants. I urge my colleagues to adopt the amendment.

Mr. Chairman, one example of what happens in this particular housing development as a result of this court ruling and this court decree, in order to get an evicted tenant evicted from the premises of this particular housing project, a tenant, not the housing manager or housing authority, a tenant must write a letter to the person that was evicted that is now trespassing.

Can my colleagues imagine a 70-year-old woman writing a letter to someone that was evicted because of drug abuse that is now back on the property before any action is taken?

Mr. Chairman, I strongly urge adoption of this amendment.

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Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the case of the gentleman from Maryland [Mr. GILCHREST] makes seems to make some sense. It is the first that any of us have seen this amendment. I do not know what kinds of legal problems or anything else that this might create, that the actual language he has written here might create, but we would be happy to work with the gentleman between now and the conference committee, if we pass this amendment this evening, to incorporate the gentleman's concerns.

Mr. Chairman, everybody wants to make certain that we keep public housing safe and secure for residents. No one wants to have evicted tenants or criminals abusing existing tenants, and we will try to work with Members to make sure that the concerns of Members and their constituents are met.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to rise in support of the amendment of the gentleman from Maryland. It is an amendment that is important in terms of the quality of life for people in public housing. It is a truism that people in public housing do not have the same protections as people in the rest of the marketplace. That is unfair.

Mr. Chairman, the gentleman from Maryland seeks to impose or create an equity where people will not be able to harass residents in public housing. He illustrates that through the use of his local community. I am in support of that. I think it is the right thing to do. I urge its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MRS. MALONEY

Mrs. MALONEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MALONEY: Page 37, line 19, strike ''A'' and insert ''(a) IN GENERAL.—Except as provided in subsections (b) and (c), a''.

Page 37, line 25, strike ''Notwithstanding the preceding sentence, pet'' and insert the following:

(b) FEDERALLY ASSISTED RENTAL HOUSING FOR THE ELDERLY OR DISABLED.—Pet

Page 38, after line 5, insert the following new subsection:

(c) ELDERLY FAMILIES IN PUBLIC AND ASSISTED HOUSING.—Responsible ownership of common household pets shall not be denied any elderly or disabled family who resides in a dwelling unit in public housing or an assisted dwelling unit (as such term is defined in section 371), subject to the reasonable requirements of the local housing and management authority or the owner of the assisted dwelling unit, as applicable. This subsection shall not apply to units in public housing or assisted dwelling units that are located in federally assisted rental housing for the elderly or handicapped referred to in subsection (b).

Mrs. MALONEY. Mr. Chairman, on behalf of myself and my friend and colleague, the gentlewoman from New York, Representative SUSAN MOLINARI, I am offering an amendment to the housing bill. As my colleagues know, SUSAN MOLINARI is at home right now, expecting the birth of her first child at any moment. Although I would have liked very much to have her join me tonight on the floor, I want to take this opportunity to offer my congratulations to SUSAN and BILL PAXON on, truly, life's greatest experience, that of becoming a parent, that of waiting to become a parent.

That aside, the key issues of my amendment are very, very simple. Senior citizens and people with disabilities should not be forced to choose between their pets and their opportunities to affordable housing.

Mr. Chairman, under current Federal law, senior citizens living in federally assisted senior designated housing have a right to own a pet. This 12-year-old policy has worked and it has worked very well.

But tragically for most seniors, senior designated housing makes up only 10 percent of all the Federal housing. In many places, specially designated senior housing is not available due to long, long waiting lists. Seniors, therefore, who live in Federal housing are forced to give up their pets. Studies have shown again and again the physical and mental health benefits of pet ownership.

When the original policy was passed in 1983, a number of public housing authorities expressed concern that pets would damage dwellings and harm other residents. According to HUD, these concerns have not been borne out. Furthermore, numerous studies have shown us that pets in public housing present little trouble and that the benefits of pet ownership far outweigh any pitfalls.

Mr. Chairman, many studies back up the lack of problems. For example, a University of California study of the 1983 law reported that 84 percent of local housing authorities who have dealt with the 1983 law allowing pets reported either positive effects or no noticeable changes.

The Massachusetts Committee on Housing found that seniors proved themselves to be responsible pet owners in every way. Our amendment provides a simple way to dramatically improve the lives of millions of our growing senior community. Most studies have found that senior citizens and people with disabilities who have pets, live longer, go to the doctor less often, recover more quickly from illnesses, and have more positive outlooks than those who do not have pets.

For older persons, isolated by widowhood or declining health, pets provide companionship.

The National Institutes of Health concluded that pets are medically beneficial to people's health. The bond between people and their pets predates recorded history. My amendment ensures that we will not deny this incredible bond to hundreds of thousands of senior citizens.

With 3.7 million Federal housing units still prohibiting seniors from keeping their pets, the need for this amendment is great. As people grow older, they often taste the loss of family and home. It is inhumane to take away someone's companion at a time when they need their unconditional love the most, when they face a fixed income and the need for public housing.

Mr. Chairman, this amendment removes the unfair distinction between seniors-only housing and other public housing in a responsible manner.

The amendment allows the housing authorities to write effective, comprehensive regulations appropriate to their own dwellings, which ensure tenant and landlord compliance while maintaining decent, safe, and sanitary housing.

Finally, Mr. Chairman, this amendment has a broad array of support from advocacy groups and Members. A coalition of groups who protect seniors rights have supported this amendment, like the American Association of Retired Persons and the Pets for the Elderly Foundation. Advocates for physical and mental health support this legislation, including the American Psychological Association, many other health groups. It is cosponsored by 130 of my colleagues from both sides of the aisle.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I know that the gentlewoman from New York speaks with conviction and sincerity. I appreciate that. But we are talking about a situation where we can barely control the maintenance and the basic order in some developments in America. We are talking about a situation not where we have $300,000 condos but where gangs control some halls, where people are actually blocked from having entrance into their apartments because gangs control the halls, seal it off, and there is crack dealing sometimes under the stairwells.

We already allow for pets in senior housing. What we are saying is that Washington should not decide this issue.

Let me explain to you what it has already done. This is where the HUD pet police enter. The recent department, the department is talking about reinventing itself, just issued 20 pages of regulations about reinventing itself, just issued 20 pages of regulations on pets in public housing. This is what the new reinvented HUD does, issues regs that state the mandatory pet rules for public housing, including specific rules on when kitty litter boxes are put out, how often that is going to be changed. Is that exactly what we are talking about here? Is that what we think about when we talk about the mission of HUD providing for decent sanitary housing?

When the dog runs down the hall, are we going to have the pet police try to identify who belongs to that dog, whether it is someone who is a senior in the building or whether it is a neighbor next door who is not allowed to have a dog? Are we going to have packs of dogs and animals running throughout the halls? Is that what we want? Is that what we are looking for. We are talking about providing safe, sanitary, healthy housing for Americans.

We are talking about reclaiming our tradition of having decent housing as public housing. We are talking about identifying and acknowledging the fact that we have failed. We have situations where ceilings are falling down, elevators do not work, the stench of waste in hallways. And we are talking about introducing pets into public housing to compound the problem that managers have. This is exactly where we are headed over here.

This defines two different visions of what we are doing over here. One vision is a vision that would say we ought to regulate how often people ought to put out the kitty litter boxes and how often they ought to be changed. Another vision would be that local communities ought to make those decisions, that they know best, that we do not get involved in these micromanagement decisions.

We are living in a fantasy land, my colleagues, if we believe that every place in America, the public housing throughout America is the same as America in some of our communities.

There are wide differences over here. There are huge challenges in terms of management. This issue, introducing

pets into public housing where we really do not regulate whether you have a pit bull, whether it is one, 5 or 10 pit bulls in a particular area, who belongs to those pit bulls. This is absolutely ludicrous.

This is exactly the model that we want to move away from. We want to move toward a situation where we have community empowerment, local decisionmaking, move away from centralized bureaucrats deciding that this is going to be the case without an understanding of what the consequences are in our neighborhoods.

We are trying to move away from neighborhoods of despair and impoverishment and failure toward communities of hope. We cannot complicate the mission of people who are trying to manage public housing and assisted housing by introducing this grave problem into the equation.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I cannot forebear commenting on the pattern that we are hearing from the chairman. In the first place, he gives the same speech on every amendment. I would suspect that his familiarity with the specifics are not what they might be. He talks about one size fits all. We have one speech fits all.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York, unlike the gentleman who would not yield to me any of the times I asked him this evening.

Mr. LAZIO of New York. Mr. Chairman, I would be happy to debate any particular section of this bill, if the gentleman wants to talk about the merits of it or the particulars. I know his comments. He often relishes being condescending and insulting. I appreciate that. But let me explain to the gentleman, I am fully prepared to discuss two different visions of where we think public housing and assisted housing needs to go in this country. If the gentleman wants to defend the failure of 40 years under his party's control, I am happy to engage the gentleman.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, the gentleman has illustrated it again. We get the same speech.

I tried when the gentleman left the floor before, he talks about 40 years of control. It was the Reagan budget, known as the Gramm-Latta bill, which amended the Brooke amendment in the way the gentleman objected to. The gentleman said that the Brooke amendment, which was a Republican proposal to limit the amount of rents that could be charged, became a job killer because it also became a floor. That was done under Gramm-Latta, under Ronald Reagan.

I have asked the gentleman to explain to me how that is the fault of the Democrats. Would he explain to me, I will be glad to yield to him, how was the fact that the Reagan budget of 1981 turned the Brooke amendment from a tenant protection to a job killer the fault of the Democrats? I would be glad to yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, let me respond to that. For the last 10 years or 12 years——

Mr. FRANK of Massachusetts. No, excuse me. I know the gentleman was talking to somebody.

Mr. LAZIO of New York. I want to tell you about the facts.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman please abide by the rules?

The last 10 years cannot be relevant to my question about 1981. We are talking about 1981. In 1981, under the Reagan domination of this House, Gramm-Latta amended the Brooke amendment to make it what the gentleman objected to. How was that the fault of the Democrats, when it was Gramm-Latta that did it in 1981?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will continue to yield, last time I recalled, 1981, the Democrats had a Democratic speaker up there. They controlled this House. This is the typical response of denial that there is any responsibility for all of the efforts that led to the position we are in right now.

Since 1981, for the last 15 years, for 13 of the 15 years, the Democrats have had a majority in this House. They have known that the Brooke amendment has been a disincentive to work. They have done nothing about it. Just like one for one, Federal preferences——

Mr. FRANK of Massachusetts. Reclaiming my time, I am only talking about the Brooke amendment now. I would make a couple of points. The gentleman from New York's argument that during 1981, when Gramm-Latta passed with Ronald Reagan's first year of the presidency, it was a Democrat, the Democrats controlling the agenda, illustrates how at variance he is with the facts.

Second, we were talking about Republican control of the Senate for all of those periods when we could not get legislation through that was not agreed to by both.

□ 2030

We also had a Republican President whose signoff we had to have on the legislation. This is an example of the kind of distortion we are talking about, and again the notion, and, by the way, during this whole period when I got here in 1981, the Republicans controlled the Senate, the Republicans controlled the Senate and the Presidency from 1981 through 1986, but according to the gentleman from New York they have no responsibility.

But I also want to talk about the substantive pattern here, and the substantive pattern here is for all the talk about empowerment, let us give the housing authorities more control over the lives of the tenants.

When the gentleman from Louisiana wanted to expand tenant rights, no, no, that is no good.

The gentlewoman from New York and her colleague, the other gentlewoman from new York, want to protect tenants' rights regarding pet ownership; no, no, no, we cannot interfere with the authorities.

Indeed the gentleman from new York says we are going to empower the tenants by letting the housing authorities raise their rents without limit. That is the gentleman from New York's answer about empowerment because in fact what he said was, and this one I am still trying to understand and I will yield to him to explain this to me; the gentleman said that if we put a 30 percent cap on what tenants can be charged, that would be bad for the tenants who were working because then the authority would go up to the 30 percent, and the way to prevent the authority from going up to a 30 percent cap is to say with those very same tenants there is no cap at all.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, I will yield to the gentleman in 10 seconds to explain to me how limiting the authorities to 30 percent of what they can charge working people, which is what my amendment would do, is a better protection for those working people in the housing authority than giving the housing authority the right to charge them unlimited rents because that is the only difference between us.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, the gentleman still thinks in the box. The gentleman still thinks that rent can only be charged as a percentage of income. What I am suggesting is that public housing authorities ought to be in power to set place-based rents or to say that a particular unit should rent for $15, or $25 a month so that if somebody goes to work, begins to earn more money, they do not have this disincentive.

Mr. FRANK of Massachusetts. Mr. Chairman, I am reclaiming my time because the gentleman simply refuses to answer a plain English question.

No, there is no disincentive, and I would ask the gentleman please to abide by the rules. The point is he does not want to answer the question. I did not ask him the question he answered.

I am not mandating any increase. He talks about a disincentive. The disincentive came from Reagan, Gramm, and Latta. What we are doing is to say, no, there is no floor, they can charge less if they want to. We are saying not that rents have to be percentage based, but that 30 percent is the limit. They

can use whatever formula and rules they want, but they cannot go above 30 percent.

And the gentleman is going to protect tenants by not letting them have pets, he would protect tenants by not having more of them on the authority, and he will protect tenants in the most bizarre logic of all by allowing the housing authorities to raise the rents without limit. We are not talking about mandating 30 percent as the basis. We are saying whatever basis they have, it cannot for working people go above 30 percent.

The gentleman's amendment says welfare recipients cannot go above 30 percent, but working people, there is no limit.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. I wonder if the gentleman would agree to a compromise when we apply Brooke to the pet amendment so 30 percent of the people could have pets?

Mr. FRANK of Massachusetts. Mr. Chairman, I would expect more in the gentleman's logic that we would propose that people could keep 30 percent of their pets; that would be more in line with the kind of thinking the gentleman has had.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I am glad we can get back to the Ace Ventura amendment here.

The truth is that if we get back to what the purposes of the amendment offered by the gentlewoman from New York [Mrs. MALONEY], it is in fact, and states quite clearly, that this provides the local housing authority with the capability of deciding on their own whether or not the pets ought to be allowed. To try to suggest that this is something that is going to Washington for decision making is a bizarre twist of what Mrs. MALONEY's amendment says. Mrs. MALONEY's amendment allows this decision to be made locally, and that is what we are trying to do here.

As my colleagues know, every time somebody stands up and makes an amendment, we have an amendment to say 25 percent of the decisions here ought to be made by people within the 25 percent of the people on the board ought to come from local housing authority. Oh, no that is Washington-based. The gentlewoman from New York [Mrs. MALONEY] offers an amendment that allows the decision to be made by the local housing authority and, oh, no, that is a Washington-based decision, and someone or another we are getting packs of pit bulls in these housing authorities as a result of having elderly people allowed to be able to have pets.

I just do not understand where the chairman is coming from when we are trying to simply allow what is already currently allowed in many, many housing authorities throughout the country.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. The gentleman correctly states the intent of the gentlewoman from New York [Mrs. MALONEY] that local housing authorities will be able to determine whether pets will be allowed. I find that perfectly acceptable. That is exactly what I am arguing for, local control.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, the bill allows local housing authorities to come forward with the rules and regulations. The one thing that they cannot do is say absolutely under no circumstances can a senior citizen or a disabled person have a fine, quiet pet.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, therein lies the problem. I agree. Local control allows the locals to decide whether pets should be allowed or not, depending on their particular circumstance, but we are not suggesting this in this amendment. We are suggesting in this amendment they must do it.

Mr. KENNEDY of Massachusetts. Reclaiming my time, I yield to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Currently, as my dear friend from New York knows, the Federal law allows seniors to have pets in federally designated senior housing and housing for the disabled. This merely extends that right to seniors and the disabled in regular housing projects, and allows local housing authorities to come forward with their own rules and commonsense regulations.

Mr. KENNEDY of Massachusetts. Reclaiming my time, I would ask the chairman of the Committee on Banking and Financial Services if, given the fact that he is now stating, as I understand, that he is not opposed to letting local housing authorities have the decision about whether or not pets should be allowed, and recognizing that the amendment offered by the gentlewoman from New York [Mrs. MALONEY] in fact provided that decision to be made in conjunction with the local housing authority, the local housing authority would have to establish the rules and regulations by which pets would be allowed within any housing project. I would think that we are close enough that if we huddle together for a few minutes, we might be able to work out some language that would allow the option to be utilized at the local level to enable people to have pets if they want them.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, completely protective in our bill in preserving the right of seniors to have pets in senior-only housing, I am also supportive and always have been supportive of allowing local housing authorities to determine, based on their own particular local circumstances, whether it makes sense to have pets in mixed populations where seniors may want pets. I have no problem with that.

I would be glad to try and work that out as long as we understand that it is my principle and my intent to retain local control on the decisionmaking.

Mr. KENNEDY of Massachusetts. Who does the gentleman not want to have pets?

Mr. LAZIO of New York. If the gentleman from Massachusetts will yield back, I do not want to make that decision at all. I want the local community to make that decision.

Mr. KENNEDY of Massachusetts. I believe, Mr. Chairman, that that is all the intent of the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

Mr. LAZIO of New York. If the gentleman would yield, Mr. Chairman, that is the gentlewoman's intent and she is willing to make the corrections. I would be happy to work with her. But the bill as currently constituted would suggest that every housing authority——

Mr. KENNEDY of Massachusetts. Hang on.

Mr. Chairman, I yield to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, it would require every housing authority to allow pets for seniors and the disabled in all Federal housing, not just senior-designated, but it also allows the local housing authority to come forward with their own commonsense rules and regulations.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Let us see if we can work it out.

Mrs. MALONEY. Legislating on the floor.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. I say to the gentleman the problem is that you will have a situation in some areas where one person in a particular public housing hall will be allowed to have a pet. The person next door will not be allowed to have a pet. We want to make sure that public housing authorities have the discretion.

Mr. KENNEDY of Massachusetts. Reclaiming my time. Mr. Chairman, I do not think that the gentleman's faith in

the local housing authority's wisdom of suggesting that Mrs. McGillicuddy is going to be able to have a dog, but Ms. Smith is not going to be able to have a dog is a lot less than my faith in the local housing authority.

Why do we not just leave this, give the right to have the dog to the homeowners and allow the terms and conditions under what? The cat maybe, if that is better. That will allow the dogs and the cats to be decided, the rules and regulations, by the local housing authority.

What is wrong with that?

Mr. LAZIO of New York. If the gentleman would yield, the difference between our perspectives is that I would allow a local housing authority that knows its neighborhoods and knows its building to make that decision, and I think the gentlewoman's perspective is that Washington knows best and that it knows what is best for every community in the entire country.

If the gentlewoman is interested in working out, if the gentleman is interested in working out a discretionary situation in terms of the housing authorities, I am interested in pursuing that. But if the gentleman or gentlewoman feels very strongly about the fact that this must be a mandate, then we have a difference in opinion.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I do not think anybody is suggesting, reclaiming my time, I do not think anybody suggesting a mandate, but it is probably the first time that I have ever heard of a Congressman running against cats and dogs.

But I say to the gentleman, go right ahead and do that territory, Mr. Chairman, and you know I would urge, if we cannot find a way to work this out, I urge us to go ahead and have a vote.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Massachusetts.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to know if the gentleman from Long Island could maybe answer this. I keep hearing that it is up to the local housing authority. I had thought I heard that there was an amendment that said that every housing authority would be required to administer this personal improvement plan.

Is that optional with the local housing authorities, the personal improvement plan whereby every tenant, every working tenant, has to do that?

I would ask the gentleman if he would yield to the gentleman from Long Island.

Mr. Chairman, I would ask the gentleman from Massachusetts [Mr. KENNEDY] if he would yield to the gentleman from New York [Mr. LAZIO]?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. No, no, that is not optional, because that is a matter of trying to transition people back into the work force.

Mr. FRANK of Massachusetts. So, in other words, Washington knows best on that, and that is the one size fits all. That is a fair point that ought to be made explicit.

Mr. LAZIO of New York. One vision is that we should be worried about how many more animals would be allowed in public housing halls, and another vision is, which is my vision, is how do we——

Mr. FRANK of Massachusetts. That is not the argument. The gentleman shifts from substance to this, ''Oh, no, it is not up to us.'' It is up to us. I think I understand the principle. It is up to us when we want it to be up to us and it is not up to us when we do not want it to be.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as my colleagues know, I have been taking a look at this amendment and I was wondering, the gentlewoman who is offering the amendment, I do not want to be accused of being against dogs and cats and pets. Being opposed to liberals is enough.

But let me ask my colleagues this:

Is pet defined in this amendment?

The gentlewoman said if it is a quiet pet.

Mrs. MALONEY. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, my amendment only allows common household pets. It does not include exotic animals, reptiles or dangerous or menacing animals, but common household pets.

Mr. ROTH. How about a pit bull that does not bite?

Mrs. MALONEY. Mr. Chairman, it would depend on the regulations of the housing authority. Most housing authorities remove dogs, if I may explain the definition.

Mr. ROTH. How about snakes? Now, snakes do not make a lot of noise, and in Florida many people have snakes.

How about alligators? Alligators do not make a lot of noise, but some people in Florida have little pet alligators.

This amendment is absolutely ridiculous. This is an idiotic amendment. I have never seen anything as crazy as this.

As my colleagues know, I opened this file today on this amendment, and what pops out is the regulations from HUD.

Now we are paying billions of dollars as taxpayers. That is why American people are opposed to what is going on in Washington.

They have got 20 pages on cat litter. Think about it.

Look at this. I just want to read one sentence to my colleague:

> In the case of cats and other pets using litter boxes the pet rules may require the pet owner to change the litter but not more than twice each week, may require pet owners to separate pet waste from litter but not more than once a day, and may prescribe methods for the disposal of pet waste and used litter.

Twenty pages, and we are paying bureaucrats to draft this stuff?

☐ 2045

At quarter to 9 at night we are debating whether you can have a pit bull in your apartment, come on; or whether a snake makes noise? And we do not know whether we can have an alligator as a pet?

Mr. Chairman, let us vote this turkey down.

Mr. WILSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we all come from different districts. We all represent different kinds of folks. But in my district, which is primarily a rural, working-class district in which there is a limited amount of public housing, the very idea that anyone, particularly a senior citizen, would have to dispose of a beloved dog or a cat in order to live in the center would be looked upon with total disbelief. It lacks compassion, it lacks sensitivity, it lack everything that I think we believe in.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

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

Mr. LAZIO of New York. Mr. Chairman, I just want to point out to the gentleman, and I appreciate him yielding, that in fact seniors who would like to have pets have many different vehicles if they need assisted housing. They can use vouchers, they can use certificates, they can go into all senior housing that allows pets. Getting into a situation where some parts of the population in a particular housing development can have pets and some cannot, in a particularly distressed environment, makes no sense to me.

I thank the gentleman.

Mr. WILSON. But, of course, the chairman of the committee knows that they represent only 10 percent of the housing, and that there is a waiting list of those people. The matter of fact is, and we would not be discussing this in the first place, but the matter of fact is that it is going to force people to dispose of pets. That is just absolutely crazy.

In east Texas, to tell somebody that because they are forced into public housing that they are going to have to get rid of their puppy, is just nuts.

Mrs. MALONEY. Mr. Chairman, will the gentleman yield?

Mr. WILSON. I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, in fact, the 1983 law still does not cover

about 90 percent of all Federal housing, or 3.7 million units. This is an issue of fairness. My amendment today would give those seniors and disabled living in non-senior or disabled-designated federally assisted housing the right to own pets.

As my colleague said, I received a letter from one of my constituents who has had a pet for 12 years. She moved into public housing. They are telling her that she must get rid of her pet. They sent information on how the pet could be euthanized. She is desperate.

Mr. WILSON. Reclaiming the balance of my time, Mr. Chairman, I have many friends on the minority side and I have many friends on the majority side. To my friends on the majority side, particularly those that are from rural districts, and especially those that are from rural southern districts, I would advise extreme caution on this vote.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would say first of all to my colleague, the gentleman from Texas, there is nothing in the bill that relates to pets. The bill is silent on the subject of pets. The debate here has been about whether or not we require housing authorities to accept pets. I think we have heard the expression of the chairman of the committee. He is quite willing to leave that authority to the housing authorities themselves, whether or not an under what conditions they want to have pets.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

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

Mr. LAZIO of New York. Mr. Chairman, I just want to emphasize again that we are preserving current law, so people who have pets, seniors who have pets now in public housing and in all senior developments, will be allowed to keep their pets. Nobody is saying to anybody that they have to dispose of their pets if they are already in public housing. What we are saying is that by extending this into a development where some people can have pets in a particular building, but some people cannot, is going to create enormous tension. It creates a huge mandate on public housing authorities who are worrying desperately about how to transition people back to work, how to keep families together, how to take care of the basic elements of quality of life without introducing or compounding the problems for housing authorities in terms of the management of those particular buildings that are under strees.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from New York. This amendment ensures that any elderly or disabled person in federally assisted housing, even federally assisted housing that is not specifically senior citizen housing, can have a pet. This is important for all the obvious reasons, which I will not repeat; but in addition we know, based upon scientific research, that older people with pets live longer, go to the doctor less often, and recover more quickly from illnesses. The lives of elderly and disabled persons, people in New York City and in the rest of the country, would be dramatically improved by this amendment.

Mr. Chairman, we have heard a lot of nonsensical arguments tonight on this amendment. Let me address a few of them. We have heard, What about snakes, what about reptiles? This amendment refers to common household pets. It allows almost complete regulation by the local housing authority, other than saying, ''not under any circumstances.''

We have heard, Mr. Chairman, the particularly hypocritical argument about Washington knows best. Let me particularly address the chairman of the subcommittee on this point.

Let me particularly address the chairman of the subcommittee on this point, because he got up a few minutes ago and said that this amendment says Washington knows best. Let me say, yes, it does. We all say Washington knows best sometimes. We passed an amendment on this floor yesterday with four dissenting votes, a bill, four dissenting votes, 42 to 4, that said that every State must amend its law to provide for community notification when a sexual criminal is released from prison. Must. We did not give them a choice. We said they must. Thirty-five States must change their laws or else they will lose Federal aid, because we thought we knew best. I voted for it. Every Member sitting in this Chamber here voted for it, because most of us thought in that instance Washington knew best.

Mr. Chairman, an amendment on the floor a few hours ago to this bill itself says that we are going to say we are going to force the housing authorities to institute these personal improvement plans to have working people, whose only fault is that they do not earn enough money because we will not raise the minimum wage, and because of economic forces beyond their control they have to have personal improvement plans. If the New York City Housing Authority thinks this is nuts, that is too bad, they had better do it or they will lose their Federal aid, because Members on that side of the aisle think Washington knows best in that instance.

Mr. Chairman, to give one other example, we passed a welfare reform bill that says States must institute time limits, States must do various things or they will lose their Federal aid. I am not going to debate the wisdom of those things. The point is this House determined by majority vote that Washington knows best in that instance, too. The only difference between many of us, among many of us on the floor, is that some of us are honest enough to say that we will judge, that is our job as Members of this House, we will judge when and under what circumstances we think that Washington knows best, and when and under what circumstances we think it is more appropriate to leave a question to local control. The question here is, is this appropriate to leave to local control, or is this appropriate, as the gentleman on that side of the aisle thought it appropriate, to mandate personal improvement plans to say Washington knows best in this instance? What are we saying that Washington knows best about, what policy judgment? It is our job to make policy judgments.

We are saying that Washington knows best that senior citizens, disabled people, are entitled to have common household pets if they want to. If the local housing authority wants to limit that in various ways, wants to regulate that in any way they want, it is a local decision. We will make the one policy that they cannot say ''not under any circumstances.'' We have made that policy decision, by the way, in the law, if they live within senior citizen and disabled household projects. Now we are going to make it for other assisted projects.

What are we afraid of? I heard some rhetoric on that side of the aisle before, that we have crime in the projects committed by the senior citizens and the disabled or their pets, that we have gangs running through the projects. Not the pets of senior citizens, they are not the gangs. They are not committing murder and mayhem. I doubt that. Who are we afraid of? Who are we protecting? The fact is, the rhetoric about local control is just that: rhetoric. We all believe in local control under some circumstances. We all believe Washington ought to dictate policy in some circumstances. We disagree when. We disagree when it is appropriate. That is fine.

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(By unanimous consent, Mr. NADLER was allowed to proceed for 1 additional minute.)

Mr. NADLER. Mr. Chairman, let us not hear as an argument that Washington should not try to dictate to the local governments; because sometimes we do in this very bill. Sometimes we do not. The question is, is it appropriate, and why is it appropriate or not appropriate?

Mrs. MALONEY. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from New York.

Mrs. MALONEY. Mr. Chairman, I would just like to add to my colleague's statement that this is a very bipartisan effort. The lead sponsor is the gentlewoman from New York, SUSAN MOLINARI. We have 57 Republican cosponsors, and 63 Democrats cosponsors. It has been very much a bipartisan effort.

Mr. NADLER. Reclaiming my time, Mr. Chairman, I am glad to see that the sentiment that sometimes we ought to make decisions here and not leave everything to local government is more or less equally shared on both sides of the aisle.

Mr. EHRLICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York [Mr. LAZIO], chairman of the subcommittee.

Mr. LAZIO of New York. Mr. Chairman, the gentleman from New York just said we judge. We judge, we make the judgments, but we do not live with the consequences of those judgments. We can send out a press release and think we have done something very important. We can take care of a political constituency. But who is watching out for the people in public housing? Obviously, nobody, for the people living in 200,000 units that are supervised by some of the most dysfunctional corrupt housing authorities in America.

For 17 years people have tolerated the failure, have tolerated the fact that these buildings are poorly maintained, they are infested in many cases with drugs and crime. Who cares about them? We are debating pets right now. I want to ask, where were some of these voices in outrage when people were trapped in poverty, when families could not transition back to the marketplace, where halls are sealed off so drug dealers can make their deals in the hallways, and people cannot move through?

Mr. Chairman, we are talking about putting pets back in the hands of people where we have mixed populations. We expect people to supervise them, housing authorities. Which housing authority is it that we believe will be able to correctly supervise this with the problems they already have on their hands? Maybe it is New Orleans, who is scoring 27 out of a possible score of 100, or the District of Columbia, that scores 33 out of a possible 100, or maybe Chicago, 44, or Pittsburgh, 47: failing scores, all troubled since the inception of this back in 1979.

Do we care about helping those people already in there? Do we care about creating an environment where people can transition back to the marketplace, or do we care about the next press release and a particular constituency, taking care of a particular association for more votes, so we can introduce more pets in what is already a troubled, difficult environment?

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would just point out that the gentleman from Long Island eloquently denounced several housing authorities, and I agree, but he is the one who says leave this to the housing authority. How in the name of a policy which says let us leave it all in the hands of the local housing authority does he decide that the way to argue for it is to denounce local housing authorities?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will continue to yield, I will explain to the gentleman exactly how that will happen. The housing authorities that are chronically on this list of troubled housing authorities, under this bill we would say, no more. We are not going to tolerate failure anymore. We are not going to continue to spend Federal dollars and condemn Americans living in public and assisted housing that is disgraceful to live under those conditions, because we are too complacent and/or it alienates our political constituency.

We say we are not going to penalize those communities, we are going to get the money to those communities, but we are going to bypass these dysfunctional, mismanaged, corrupt housing authorities and give the money to the people in the communities that are really making a difference: the community development corporations, the not-for-profits, the resident management groups, the people with firsthand experience who are innovating, who are doing a good job. We are not going to keep giving money to these corrupt housing authorities. That is the difference with this bill on the floor and what has been done over the last 30 years of tolerance of failure. We are going to expect excellence and demand excellence.

Ms. JACKSON–LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

□ 2100

Mr. Chairman, I would like to put a face on what has been a very charged debate, and I want to thank the gentlewoman from New York for her wisdom, and the collective body of members of the committee for seeing the wisdom in recognizing the value of giving human dignity to seniors and the disabled.

There are good housing authorities and there are bad housing authorities. In Houston we have a housing authority that has promoted activities for youth, training, allowed residents to participate in certain instance.

On the other hand, we cannot say that all decisions of housing authorities across this Nation are the right decisions. They do not sit as some royal decisionmaker that cannot be challenged.

The face I would like to put on this amendment is that of Eileen Hobbs in the Allen Parkway Village. I visited Miss Hobbs just about a week or so ago, living in conditions that would warrant improvement, homebound and in a wheelchair, with two dogs, her friends, her doggies, if you would call it, her companions, and yet intimidated that she might not be able to keep these long-lasting friends who she said have kept her alive, pure and simple, because there would be those in the housing authority who would determine that she might not be able to keep these long-time companions.

Someone who lives their life alone and yet has the opportunity to interact with the kind of companion that an animal may give them, that some of us may not understand. Why should we make those who live in public housing second-class citizens?

It clearly shows that when we have an opportunity for someone like a Miss Hobbs to have enhanced life, we should not give her a second-class status from seniors who live elsewhere, from those of us who have as many cats and dogs as we might desire. It is well known that pet ownership gives a psychological boost and is beneficial to seniors and the disabled.

I can only share with you, Mr. Chairman, this actual face of Eileen Hobbs, the fear, the apprehension, and the devastation of losing her companions.

This is a fair bill. This allows the participation of the housing authority, but it recognizes the value and importance of what has to be emphasized for those who live in a housing authority. They have rights, too, and those rights are to have a companion, and we should not take this jokingly. This is a serious issue, and I rise to support this amendment.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the requisite number of words, and I rise in favor of the amendment.

I have been listening to the debate in my office on C-SPAN, and I was not going to speak, but I am a cosponsor of the amendment. I am a Republican. I consider myself to be a conservative.

I had a grandmother who lived in public housing. She passed away several years ago at the age of 95. There were four units in her housing complex in a small town in central Texas. I do not know if it was a local regulation or a Federal regulation, but she was not allowed to have a pet. I think she should have been allowed to.

The gentlewoman from New York SUSAN MOLINARI, is the chief sponsor on this amendment with the gentlewoman who has been debating it on the floor on the Democratic side, and I hope that we do pass it.

I want our colleagues to know that this is a bipartisan issue. It crosses party lines, and at least one person on this side who is in favor of it is going to vote for it and speak for it. Hopefully we will allow those senior citizens who want to have pets to let the local housing authority allow them to have pets.

Mr. WILSON. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Texas.

Mr. WILSON. Mr. Chairman, I just would like to associate myself with the gentleman's remarks. The gentleman and I represent districts that are very much alike. We both know how important it is to people in public housing

projects in Crockett and in Normangee and Lufkin and in Toyahvale and in Huntington. I just want to compliment the gentleman on his remarks and his judgment.

Mr. BARTON of Texas. Mr. Chairman, I thank the gentleman, and I want to be in favor of it.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the distinguished gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I have one simple question to ask the distinguished chairman of the subcommittee, if he is here. The question I have is the following:

The gentleman spoke eloquently a few minutes ago about dysfunctional housing authorities that are not fulfilling their functions, wasting money, hurting people, et cetera. You are going to bypass those housing authorities in this bill and you are going to give money directly through tenant vouchers, et cetera. My question is simply this. In terms of this amendment, where you say you want to let local housing authorities make this decision and we should not mandate the decision, we are going to bypass these housing authorities because they are incompetent, who will make the decision as to whether we should allow senior citizens and disabled people to have pets, the nonexistent local housing authorities or the dysfunctional housing authorities?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. The dysfunctional housing authorities would effectually be defunded under the plan that we have before us. Those that are highly functioning will be given the flexibility that they all request and all deserve.

Mr. NADLER. Mr. Chairman, we have heard that before. I am asking a question you are not answering. In those districts where you are defunding the local housing authority, where there are bad and dysfunctional and horrible housing authorities, if a senior citizen, a disabled person in a housing project in that area wants to have a pet, who will make that decision whether it is okay or not?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would continue to yield, the way this bill operated, which is not the way it has operated, gave discretion to the housing authority. The individual vendor that controlled the management of the units would make the call, if they were operating successfully, in conjunction with an evaluation effectively by HUD.

Mr. NADLER. Mr. Chairman, if the gentleman from Illinois will yield, I thought the gentleman from New York just said there was no functioning housing authority there, in which case, who would make the decision?

Mr. LAZIO of New York. If the gentleman will yield further, if the housing authority, as is the case for many housing authorities, is chronically dysfunctional, ends up getting defunded, what happens is HUD is required to bid out the work that is done by this chronically dysfunctional housing authority, allow management groups, resident management groups, and not-for-profits or for-profits to do the work the housing authorities were previously supposed to be doing but were not doing.

Mr. NADLER. So in other words, in those areas where there are dysfunctional or incompetent housing authorities, no public agency would make the decision. It would be left up to some private agency. There would not be any public policy body in either the local housing authority, which you have defunded, nor the Congress nor HUD.

Mr. LAZIO of New York. Mr. Chairman, that is not a decision that will be made here in Congress. It will be a decision made on various applications.

Mr. NADLER. Made by whom?

Mr. LAZIO of New York. HUD will decide who is exactly awarded contracts to do the work that the housing authority was supposed to do, or the not-for-profit or for-profit.

Mr. NADLER. The decision will be made here in Washington by HUD?

Mr. LAZIO of New York. No. If the gentleman from Illinois will yield again, the decision ultimately, under what I am suggesting, will be made by the local housing authority itself or the successor to the housing authority, as opposed to mandating it.

Mr. NADLER. As I understand what the gentleman is saying, if you have a functional housing authority, they will make the decision. But with respect to my question where you do not have a functioning housing authority, HUD will decide on who is actually going to manage it and that private agency will make the decision.

Mr. LAZIO of New York. If the gentleman would yield, once again it does not have to be private. It could be a not-for-profit, it could be a management resident group, it could be a public entity. It cannot be the same mismanaged, dysfunctional housing authority. They are not going to get the money anymore.

Mr. NADLER. It would not be the dysfunctional housing authority but we would not make the decision.

Let me simply submit that this whole dialogue or colloquy is a good argument why in this instance on the basic policy question, not the details which we can leave to the locals but on the basic policy that senior citizens and disabled people should not be denied pets in public housing, that we are entitled and we should utilize this opportunity to make this decision by adopting the gentlewoman's amendment.

Mr. GUTIERREZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening with great curiosity, intensity to this debate. We are saying that we are passing this bill and we are bringing this legislation in order to give control to the local housing authorities and to get Washington out of the business of public housing. That has been the argument time and time again. But those are the very people that we say we have to take control away from because they are so corrupt and inept in providing the services, but we are going to give them more power so they can correct the corruptness and ineptness of everything that they do.

Then they say, well, if they do not start behaving and they do not start providing quality, affordable housing, then what we are going to do is we are going to bring in Washington, DC. We are going to bring in HUD to take them over. I thought we were getting out of the business of managing the local housing authorities and giving them more control, but if they do not abide by whatever standards or rules that we are going to impose upon them, then of course HUD takes over.

The last time I checked, HUD was a Federal agency, unless my friends on the other side of the aisle have eliminated it.

So HUD then comes and takes over. But then we are expected to believe, if we listen to the chairman, that what is going to happen is that HUD, the Federal Government, who we want to get out of the business, is going to go in there and correct the problem. Because HUD has then got to go in there and correct the problem and make sure that they can find people to provide the services that the local housing authority was not able to provide, if they do not abide by the rules.

I do now know whether we are in the business or trying to get out of the business or we are back in the business again. But it seems to me that we have to stop using this idiotic kind of argument that what we are doing here is empowering local governments and localities, because if that was the truth, and I just brought down because I think that this is very interesting, section (b), page 9, the tenant self-sufficiency contract:

> Except as provided in subsection (c), each local housing and management authority shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing. . . . The terms of a self-sufficiency contract under this subsection shall be established pursuant to consultation between the authority and the family.

Now we are going to get the public housing authority to sit down with each and every family, and be their social worker and sit down with them, but we are not going to provide day care. And if they say, ''You know, if I only had a raise in the minimum wage, I might be able to do better and reach self-sufficiency,'' we are not going to do anything about that.

Then it says kinds of, well, if they have a problem related to education,

we are going to reduce how much money we send to the people can get an education, college loans and deduction, but we want them to receive a self-sufficiency contract.

Then it says substance abuse and alcohol abuse, job training and skills training. They have to get job training, but we are going to reduce the amount of money that the House of Representatives is going to send for job training and skills training.

I do not know how it is we expect them to keep this contract if at the same time the House of Representatives is going to diminish the funding for each and every one of these categories.

But the one thing we will be able to do, we will allow the local housing authorities one power: That is to say to them, ''We are going to give you less money, we are going to give you fewer resources to deal with the issues,'' but we are going to give the local housing authorities the ability to raise the rent for everyone of these tenants.

□ 2115

We are going to be able to allow those housing authorities to change the venue of people. I think that this bill is clear to anybody who really examines it and looks at it. It is not about local housing authorities and empowering local housing authorities. It is about washing our hands, as Pontius Pilate did, of the poor and the destitute and those that have no hope in America, saying that this Congress is going to turn its back on them also. Because I just cannot understand how on the one hand we want to get out of people's lives, this is a Congress that says let us get out of people's personal lives. Congress and the Federal Government is involved in people's personal lives.

We want less government, we want less intrusion in the day-to-day affairs. But then they are going to tell every local housing authority, set up a contract on substance abuse, education, tell me when you are graduating from high school, how you are going to get there and when you are going to get there, but do not expect us to help you. Just tell us how you are going to get there, and I want you to sign this contract. If you do not sign it, you are out.

I thought we were about less government, less intrusion in people's lives. But it seems to me we are about more intrusion, when we want to destroy an institution. But it does not surprise me very much, because as I look at the status of the House GOP Contract With America, given where that contract is at today, I do not expect this will have much success either.

Mr. BARR of Georgia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I had been out at a meeting for the last hour or so, and came back into my office, and the TV was running, and the sound had been turned down, the staff was doing some work. As I watched the debate in which we apparently are still engaged, I looked at it and I saw the passion that seemed to be apparent on the faces of the folks on the other side of the aisle and the gesturing, and so forth, and I thought, well, let me turn the sound up, they are probably talking about something for which passion is required and for which important issues and important principles are at stake, such as those with which I was somewhat familiar as a U.S. attorney in prosecuting cases involving public housing units, matters such as drug trafficking, matters such as drive-by shootings, matters such as child abuse, matters that really do require our attention, because they affect the lives of the people in those homes, in those projects.

But yet when I reached over and turned the volume up on the TV, I hear that they are not talking about drug trafficking, murder, child abuse, fraud, or something important. We are talking about pets. Pets.

I would respectfully urge my colleagues on the other side of the aisle who continually chide us when we want to bring up a piece of substantive legislation with cries of ''Oh, there are more important issues. Why are you bringing up this issue that we believe is not so important,'' I would urge them respectfully to get a life. Let us focus on the true issues that are important to the people whose lives are at stake, whose lives are being snuffed out by crime, by drug trafficking, by drive-by shootings, by child abuse in these projects, and let us move on.

I think, I truly do think, that the American people believe there are matters slightly more weighty to be consuming hours of the time of the Congress of the United States than pets.

Mr. FIELDS of Louisiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I really do not understand why the gentleman on the other side of the aisle will not accept the gentlewoman's amendment to allow an elderly woman to have a pet in a home. Just because a person living in public housing, for crying out loud, does not mean they ought not have the quality of life of everybody else. Even the President of the United States of America has a pet in his home.

But I want to yield to the gentleman, I would like to if the gentleman would respond, and that is on public housing, I loud like to yield to the gentleman from New York, because I have a particular problem about some of the things even in the manager's amendment, because reading the manager's amendment, for example, the gentleman's amendment from New York, it says, ''A tenant who is elected to the housing authority or to that housing board, cannot serve as a representative of the board if he or she was convicted of a misdemeanor in a 5-year period.''

I am trying to find out what is the rationale of telling a person who lives in public housing, for crying out loud, they cannot serve on a board if they were convicted of a traffic ticket? If they were convicted of a parking ticket? If they go a ticket for jaywalking?

The gentleman continues to talk about how he wants to give the people in this country the opportunity to participate in their decisions and take it away from Washington and take it away from all these bureaucracies across America, but yet he tells the poor citizens who lives in a public housing facility that he or she cannot serve if they have been convicted of a misdemeanor. Not a felony, but a misdemeanor, for the past 5 years.

I would like to yield to the gentleman because I would like to know why the gentleman would put such strict requirements on members elected to the board who serve in housing facilities.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, let me say, first of all, with respect to the gentleman's initial comment, what I am advocating is that those people who seek public housing live in the same world that people who go out there and look for an apartment to live in, which is to say if you go look for an apartment and you are lucky enough——

Mr. FIELDS of Louisiana. Mr. Chairman, reclaiming my time, the last time I checked, there is nothing wrong with a person looking for an apartment and filing out an application who has been convicted of a parking violation. I do not understand the rationale. I can understand felonies, but I do not understand the rationale of a misdemeanor.

Mr. LAZIO of New York. Mr. Chairman, we are talking about two different things. I am trying to address the initial request about pets.

Mr. FIELDS of Louisiana. Why is it so difficult for a person to serve on a board if they have been convicted of a misdemeanor?

Mr. LAZIO of New York. If the gentleman will yield, our position is that we are trying to provide professional management in very troubled situations. We are trying to eliminate people who are convicted criminals from a fiduciary relationship in terms of boards.

Mr. FIELDS of Louisiana. If I got a parking ticket yesterday, I am a convicted criminal? If I got a ticket in Washington, DC., I cannot serve on a board. Yes or no, is that not correct?

Mr. LAZIO of New York. The gentleman misstates the law. Parking tickets are not a misdemeanor.

Mr. FIELDS of Louisiana. A parking ticket is a misdemeanor. What about if I got a traffic ticket? What about jaywalking? Then you take a 5-year period.

Second, why do we not impose this same requirement on the Members of Congress? Why do we not say to America you cannot run for the U.S. Congress if you have been convicted of a

misdemeanor in the past 5 years? I would ask the question to the Members of this Congress, how many of us would be able to qualify to run for office if we could not run if we were convicted of a traffic ticket in a 5-year period?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will yield further, I do not mean to be condescending at all, but there are two classes of crimes, felonies and misdemeanors. There is another class of offenses that go by a variety of names, including lesser offenses. Different States call them different names, but they are not crimes. A misdemeanor is a higher level of crime. It is something that you go to jail for. It is not a parking ticket, it is not a traffic infraction, it is not jaywalking. It is none of those things.

Mr. FIELDS of Louisiana. Mr. Chairman, reclaiming my time, in my State you can go to jail for not paying a traffic ticket. In my State a traffic ticket is a misdemeanor. In the State I come from a traffic ticket, a moving violation, is a misdemeanor and you can in fact go to jail for it.

What I am trying to understand, and I would hope the gentleman would think about this overnight, because tomorrow I am going to try to take this out of this bill and I would hope the gentleman would agree with me, it makes no sense whatsoever to penalize a person who lives in public housing to the extent they cannot serve on a board simply because they got a ticket for jaywalking or parking.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would hope we could move toward a vote here. I think a lot of people in the Chamber would hope we could move toward a vote. I would urge the gentleman from New York [Mr. LAZIO] to maybe take the request of the gentleman from Louisiana [Mr. FIELDS] under consideration about the misdemeanor issue. He has got a number of other issues that we are going to have to work on between now and tomorrow morning, and maybe we can all get together and try to work out some of the concerns that he has, and maybe we can see if we can urge all the Members to allow us to get to the vote on the three issues. I assume this will have a recorded vote. We can then get on to the Brooke amendment that the gentleman from Massachusetts [Mr. FRANK] is going to try to protect.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would be happy to continue an ongoing discussion with any and all Members of the minority to try to resolve some of the concerns, as I tried to do throughout the process. So we will keep talking to see if there is some way we can resolve our differences.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I would urge a vote on the Maloney amendment, and hope we can get to it very, very shortly.

Mr. EHLERS. Mr. Chairman, I move to strike the requisite number of words.

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

Mr. EHLERS. Mr. Chairman, just a few words in response to some of the things that have been said. I am well aware of the data saying that ownership of a pet can be helpful, and that is an important factor. I also recognize that this has been a partisan debate, and I cannot imagine why this should be a partisan issue, debating pet ownership.

But I also want to respond to someone who raised the point earlier and wanted to bring a human face to the issue and talked about a person who is having difficulty getting a pet in public housing. I would also like to put a human face on this debate, and that face is mine.

I happen to have intense allergies to animals, particularly dogs, cats and horses. I cannot be in a home that has a dog or a cat, even if they are absent from the premises, for more than a half hour at most.

When I first read that pets were being introduced into nursing homes and rest homes, I had an involuntary shudder. I thought if that happens and it appears in all nursing homes and rest homes, I will never be able to go to one. When we talk about public housing, we should be aware that there are lot of people who have allergies.

Now, I have never talked about my handicap before. It was enough of a handicap that I never went to school until I was college age. I had to be in my home, because I invariably got sick when I went to school, so I was home schooled, not by choice, but out of necessity.

I think I have always felt that handicap is my problem, it is not someone else's problem. So if I am near someone smoking, I do not ask them to put out their cigarette, I move away. It is my problem.

But if you are talking about a public housing situation, I think we have to be extremely careful about offering amendments or adopting amendments that will restrict the ability of local governments to deal with people who have handicaps, such as mine. And there are many, perhaps not as severe as mine, but there are many who have them.

So I advocate a voice of reason on this matter and simply say, why not allow the local authorities to make the decision? Why not allow them to designate a particular building to be pet-free, or a wing to be pet-free, things of that sort, rather than adopting an amendment that says thou shalt admit those with pets.

So I am asking for some reason, some consideration, some thoughtfulness on this amendment, rather than prescribing precisely what they have to do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. Mr. Chairman, I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman for his very sincere comments, and I offered a human face. The gentleman has offered a human face. Seeing this 82-year-old lady crying about her companions that she had had for years, I think there are two sides to that story of allowing local control. The question becomes when you allow local control and they would totally eliminate the opportunity for you to have in your self-contained apartment the rights to a pet that would not interfere with someone who may have had the condition that the gentleman now expresses.

So I think there are two sides to this story. I appreciate the gentleman's offering, but we face the same uphill battle when one would have local control who say absolutely not, even without the kinds of conditions.

Mr. EHLERS. Mr. Chairman, reclaiming my time, that sounds like a good alternative, but, unfortunately, it does not work. With anyone with high sensitivity and today's modern ventilation system, which circulates air throughout all rooms in all apartments in a wing or building, it simply does not work. I cannot live in the same building with someone who has a pet. Whenever I find an apartment, as I do here, I immediately ask whether the entire building is pet-free.

□ 2130

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am surprised my friends are not barking. I have been fascinated by the debate, too. What strikes me is the fact that this is a very interesting debate about fundamental differences in philosophy, because I know of no one on our side who does not want elderly people who live in public housing or elsewhere to have a pet if they want a pet. And then, they ought to find the kind of housing that allows them to have that pet. So, I mean those are things that can be put together as a result of local control.

But here, Mr. Chairman, is the problem in what we are now debating. We have costly, outdated Government programs that are costing taxpayers hundreds of millions of dollars a year, that are enriching trial lawyers, that are giving jobs to lawyers to do nothing but write regulations. And here is a perfect example of everything that has gone wrong in these programs directly out of Washington, because here is a program where we have 20 pages of regulations telling folks how to take care of their pet. Twenty pages of regulations that trial lawyers can then use to take on public housing authorities or take on owners of buildings or whatever, take on the owners of the pets. Twenty pages of regulations telling people everything that they can do, including how many times a day they should dump the cat litter.

Mr. Chairman, I would simply suggest that when Washington, DC, begins writing regulations in that kind of detail, we have gotten to the point where Government is too costly, we have outdated programs, and the fact is, that that is the reason why taxpayers are suffering under such a huge burden of overtaxation.

We ought not extend this program further. We ought to get to the idea of local controls so that people can have real options about whether or not they are going to have pets in their apartment. But let us stop the madness that suggests that the only people that run this town are the trial lawyers who want as many regulations written as possible so there can be as many suits as possible. Twenty pages of regulations on how to take care of your pet in the Government code is an absolute absurdity. Reject the amendment.

Mr. VOLKMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was over in my office and I could not hardly believe what I was hearing when I was listening over there, so I decided to come over and add my 2 cents to the rest of the discussion.

Mr. Chairman, as one who has been a pet owner almost all of my life, when I was growing up with dogs and cats and pigeons and everything else you can think of, and as one when we had our children, we had dogs and cats and things like that.

Mr. Chairman, I am getting to the point where I am 65. I am getting elderly. When I go home tonight, I have got a cat there. Old Bear has been with me for 16 years. Now, if I happen to be in a senior citizens complex someplace, I probably could not have old Bear. Old Bear would have to be put out and go to a new home and it would probably kill him. Or Bear would probably have to end up in a pond and that would be the end of him.

Mr. Chairman, I get a lot of solace in Bear. I will be honest, Bear comes up to me and when I go home and open up that door tonight after all of this silly discussion on whether people should have pets, because I think there is no reason for them to not have pets, when I open that door Bear is going to be upstairs. But as soon as I open that door, Bear comes running and Bear will be at that door to greet me.

The first thing he is going to want to do is he is going to want something to eat, because I have not been there all day and he was not eaten since breakfast and he is going to be hungry. It is going to be my ability to be able to feed Bear and hear him purr and have him rub up against my leg that is going to make me feel pretty good.

Mr. Chairman, I do not have a wife anymore at home. I have got Bear, and Bear is a heck of a lot better as a friend and companion than some of the Members of this body, I will be honest. I would much rather be at home with Bear than be here.

So, I would appreciate it very much if Members would permit senior citizens all over this country to have that same feeling. It is a good feeling. It provides homeliness to a person. It is really like family, believe it or not. Bear is family to me. He is not like my sons and daughters, but he is family.

I cannot see the reasoning behind the people that think that pets are not really part of an upbringing of a child, if they have been with you for a long time since birth, like Bear. Bear was born of Tiger and Tiger died back this December and Bear does not have Tiger anymore as a mom. Bear has HAROLD and that is all.

Mr. Chairman, I would appreciate it very much if the Members would see fit to let other elderly such as myself to be able to have a pet also, even if it is in the senior citizen housing complex, because I think it would be a big help to them when they come home some evening and they would like to have Bear, or somebody like Bear, around to purr and give them a little friendliness.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman New York [Mrs. MALONEY]

The amendment was agreed to.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that when the Frank amendment numbered 7 in the printed copy is considered, debate on the amendment and all amendments thereto shall be limited to 60 minutes, equally divided between Mr. FRANK of Massachusetts and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRANK of Massachusetts. Mr. Chairman, reserving the right to object, I have not raised this before, then the assumption is that the vote on that would follow immediately after the close of the debate? I assume we would not be rolling that vote? The vote would come immediately at the close of the debate?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, yes, that is my understanding.

Mr. FRANK of Massachusetts. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana [Mr. FIELDS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 254, not voting 21, as follows:

[Roll No. 154]

AYES—158

Abercrombie	Furse	Nadler
Ackerman	Gejdenson	Neal
Andrews	Geren	Oberstar
Baldacci	Gilman	Obey
Barcia	Gonzalez	Olver
Barrett (WI)	Gordon	Ortiz
Beilenson	Green (TX)	Owens
Berman	Gutierrez	Pallone
Bevill	Hall (OH)	Pastor
Bishop	Harman	Payne (NJ)
Blute	Hastings (FL)	Peterson (FL)
Bonior	Hefner	Poshard
Borski	Hilliard	Reed
Boucher	Hinchey	Richardson
Brown (CA)	Hoyer	Rivers
Brown (FL)	Jackson (IL)	Rose
Brown (OH)	Jackson-Lee (TX)	Roybal-Allard
Bryant (TX)	Jacobs	Rush
Cardin	Jefferson	Sanders
Clay	Johnson, E. B.	Sawyer
Clayton	Johnston	Schumer
Clyburn	Kaptur	Scott
Coleman	Kennedy (MA)	Serrano
Collins (IL)	Kennedy (RI)	Skelton
Collins (MI)	Kennelly	Slaughter
Condit	Kildee	Spratt
Conyers	Kleczka	Stark
Coyne	LaFalce	Stokes
Cummings	Lantos	Studds
Danner	Levin	Stupak
DeFazio	Lewis (GA)	Tauzin
DeLauro	Lincoln	Tejeda
Dellums	Lofgren	Thompson
Deutsch	Lowey	Thornton
Dicks	Luther	Thurman
Dingell	Maloney	Torkildsen
Dixon	Manton	Torres
Doggett	Markey	Torricelli
Durbin	Martini	Towns
Engel	Matsui	Traficant
Ensign	McDermott	Velazquez
Eshoo	McKinney	Vento
Evans	McNulty	Ward
Farr	Meehan	Waters
Fattah	Meek	Watt (NC)
Fazio	Menendez	Watts (OK)
Fields (LA)	Millender-McDonald	Waxman
Filner	Miller (CA)	Whitfield
Flake	Mink	Williams
Foglietta	Moakley	Woolsey
Ford	Moran	Wynn
Frank (MA)	Myers	Zimmer
Franks (NJ)		
Frost		

NOES—254

Allard	Canady	Ehrlich
Archer	Castle	Emerson
Armey	Chabot	English
Bachus	Chambliss	Everett
Baesler	Chenoweth	Ewing
Baker (CA)	Christensen	Fawell
Baker (LA)	Chrysler	Fields (TX)
Ballenger	Clement	Flanagan
Barr	Clinger	Foley
Barrett (NE)	Coble	Forbes
Bartlett	Coburn	Fowler
Barton	Collins (GA)	Fox
Bass	Combest	Franks (CT)
Bateman	Cooley	Frelinghuysen
Bereuter	Costello	Frisa
Bilbray	Cox	Funderburk
Bilirakis	Cramer	Gallegly
Bliley	Crane	Ganske
Boehlert	Crapo	Gekas
Boehner	Cremeans	Gilchrest
Bonilla	Cubin	Gillmor
Bono	Cunningham	Goodlatte
Brewster	Davis	Goodling
Browder	Deal	Goss
Brownback	DeLay	Graham
Bryant (TN)	Diaz-Balart	Greene (UT)
Bunn	Dickey	Greenwood
Bunning	Doolittle	Gunderson
Burr	Dornan	Gutknecht
Burton	Doyle	Hall (TX)
Buyer	Dreier	Hamilton
Callahan	Duncan	Hancock
Calvert	Dunn	Hansen
Camp	Edwards	Hastert
Campbell	Ehlers	Hastings (WA)

Hayworth	McHale	Salmon
Hefley	McHugh	Sanford
Heineman	McInnis	Saxton
Herger	McIntosh	Scarborough
Hilleary	McKeon	Schaefer
Hobson	Metcalf	Schiff
Hoekstra	Meyers	Seastrand
Hoke	Mica	Sensenbrenner
Holden	Miller (FL)	Shadegg
Horn	Minge	Shaw
Hostettler	Mollohan	Shays
Hunter	Montgomery	Shuster
Hutchinson	Moorhead	Sisisky
Hyde	Morella	Skaggs
Inglis	Murtha	Skeen
Istook	Myrick	Smith (MI)
Johnson (CT)	Nethercutt	Smith (NJ)
Johnson (SD)	Neumann	Smith (TX)
Jones	Ney	Smith (WA)
Kanjorski	Norwood	Solomon
Kasich	Nussle	Souder
Kelly	Orton	Spence
Kim	Packard	Stearns
King	Parker	Stenholm
Kingston	Paxon	Stockman
Klink	Payne (VA)	Stump
Klug	Peterson (MN)	Talent
Knollenberg	Petri	Tanner
Kolbe	Pickett	Tate
LaHood	Pombo	Taylor (MS)
Largent	Pomeroy	Taylor (NC)
Latham	Porter	Thomas
LaTourette	Portman	Thornberry
Lazio	Pryce	Tiahrt
Leach	Quillen	Upton
Lewis (CA)	Quinn	Visclosky
Lewis (KY)	Radanovich	Volkmer
Lightfoot	Rahall	Vucanovich
Linder	Ramstad	Walker
Lipinski	Regula	Walsh
Livingston	Riggs	Wamp
LoBiondo	Roberts	Weldon (FL)
Longley	Roemer	Weller
Lucas	Rogers	White
Manzullo	Rohrabacher	Wicker
Martinez	Ros-Lehtinen	Wilson
Mascara	Roth	Wolf
McCarthy	Roukema	Young (AK)
McCollum	Royce	Zeliff
McCrery	Sabo	

NOT VOTING—21

Becerra	Hayes	Pelosi
Bentsen	Houghton	Rangel
Chapman	Johnson, Sam	Schroeder
de la Garza	Laughlin	Weldon (PA)
Dooley	McDade	Wise
Gephardt	Molinari	Yates
Gibbons	Oxley	Young (FL)

☐ 2159

Messrs. COMBEST, RADANOVICH, POMEROY, and SHADEGG changed their vote from ''aye'' to ''no.''

Mr. BALDACCI and Mr. ZIMMER changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 2200

The CHAIRMAN. Are there any other amendments to title I?

Mr. FRANK of Massachusetts. Mr. Chairman, I ask unanimous consent that the prior unanimous-consent agreement regarding my amendment No. 7 be modified so that the modified version of amendment No. 7 be the one considered tomorrow morning.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SOLOMON: Section 105 of the bill (relating to occupancy limitation based on illegal drug use and alcohol abuse), at end of the section add the following new subsection:

(d) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act). This subsection may not be construed to require the termination of tenancy of eviction of any member of a household residing in public housing, or the termination of assistance of any member of an assisted family, who is not a person described in the preceding sentence.

PARLIAMENTARY INQUIRY

Mr. SOLOMON. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. SOLOMON. Am I correct in understanding that there are no more recorded votes this evening on this legislation or any other legislation, Mr. Chairman?

The CHAIRMAN. The gentleman is correct.

Mr. SOLOMON. So there is no reason for Members to hang around in the well to be discourteous.

The CHAIRMAN. Members should listen to this debate. The Chair prefers that they not do it in the well.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will yield, before we send a signal to Members that they can leave the well, anyone that has an amendment on this bill ought not to leave this well and ought not to leave this room until we have an agreement worked out as to what amendments might be discussed this evening. I just want to have everybody protected until we have an agreement with the other side about what amendments might still come forward this evening, despite the fact that there might not be a recorded vote tonight.

The CHAIRMAN. The gentleman from Massachusetts has good advice.

Mr. SOLOMON. Mr. Chairman; I will be very, very brief on my amendment. What this amendment simply does is say that anyone who is convicted of selling illegal drugs no longer will have access to and be able to live in public subsidized housing. It does not affect the rest of the family, should one person have to give up his residency there because of that act.

Let me just say that President Clinton just recently has stated a policy of one strike and you are out. He has suggested this to all of the housing authorities throughout the country. What this does is codify it into law; and we have to ask ourselves, Why codify it into law?

Mr. Chairman, I know that where we have this terrible, terrible situation of terrorism in public housing throughout the country, that we have intimidation of the managers and the members of the housing authority, so they are hesitant to kick out these drug dealers, these people that have been convicted of selling drugs in these housing establishments. What this amendment does, it simply codifies into law what the President has asked that the authorities do.

Assistant Secretary Andrew Cuomo, who is the son of the former Governor of New York, came up to Albany, NY, stating that ''We are going to get to the bottom of this and we are going to get rid of these people and kick them out of these public housing establishments.'' This is a follow-up on that. It is going to put teeth into it, and therefore, I think the amendment is going to be accepted on both sides of the aisle, and I would urge acceptance of my amendment.

Mr. GUTIERREZ. Mr. Chairman, will the gentleman yield?

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

Mr. GUTIERREZ. Mr. Chairman, I would ask the gentleman from New York, I think this is an excellent measure. I just have a question. If there is a mom with three kids and one of the kids gets caught selling drugs, do the mom and the other two kids have to leave?

Mr. SOLOMON. Mr. Chairman, I would say to the gentleman, absolutely not. They are entitled to, in the last sentence, at the recommendation of my good friend the gentleman from Massachusetts, JOE KENNEDY, when he appeared before the Committee on Rules today, he called to my attention that particular problem, the way the amendment was drafted.

This means that if a brother or sister or father or mother or daughter or son is convicted, that they are out. None of the others has to leave under any circumstances.

Mr. GUTIERREZ. I thank the gentleman very much.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SOLOMON].

Mr. Chairman, I appreciate the changes the gentleman made in terms of the substance of the amendment and making certain that innocent individuals that have perpetrated no crime are not going to be inadvertently punished as a result of what I think is a straightforward protection of people in public housing. We ought to try to do everything we can to get rid of drug dealers and repeat offenders. I think his amendment is well-intentioned and well thought through, and I support it. I urge support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SOLOMON].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FIELDS of Louisiana: In section 103(b)(5)(i) of the bill (as amended by the manager's amendment)

(1) at the end of subclause (I), insert ''and''; and

(2) strike ''and'' at the end of subclause (II) and all that follows through the end of subclause (III).

Mr. FIELDS of Louisiana. Mr. Chairman, this amendment is a very simple and straightforward amendment. I talked about this amendment earlier. In the manager's amendment, it simply goes in and strikes out the portion that deals with the 5-year misdemeanor. That is not a requirement of anyone else who serves on a board. It should not be a requirement of a person, simply because they live in public housing, who serves on a board.

Mr. Chairman, I suggest that we take that portion and that portion only out of the manager's amendment, which will simply provide for all the other rules and regulations, or election requirements, rather, under the amendment, but it would take out the portion that when the tenants have an election, one will not be subject to the provision that says that if you have been convicted of a misdemeanor, not a felony but a misdemeanor in the past 5 years, you cannot run for a seat on the board.

I do not know if there are any objections to that amendment.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman for yielding to me. I would tell the gentleman, we would be happy to accept the gentleman's amendment, in the spirit of cooperation. I think we have dealt with the issue to ensure that there is fiduciary responsibility by eliminating people who have felony conviction backgrounds, which I think is an important objective in terms of ensuring that we have integrity on the boards. So I am happy to take the amendment, and look forward to continuing to work with the gentleman on this.

Mr. FIELDS of Louisiana. Reclaiming my time, Mr. Chairman, I thank the gentleman from New York.

Mr. Chairman, I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT NO. 5 OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer one final amendment printed in the RECORD, amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FIELDS of Louisiana: Page 17, after line 17, insert the following new subsection:

(d) LOCAL ADVISORY BOARD.—

(1) IN GENERAL.—Except as provided in paragraph (4), each local housing and management authority shall establish one or more local advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent all of the residents of the dwelling units owned, operated, or assisted by the local housing and management authority.

(2) MEMBERSHIP.—Each local advisory board established under this subsection shall be composed of the following members:

(A) TENANTS.—Not less than 60 percent of the members of the board shall be tenants of dwelling units owned, operated, or assisted by the local housing and management authority, including representatives of any resident organizations.

(B) OTHER MEMBERS.—The members of the board, other than the members described in subparagraph (A), shall include—

(i) representatives of the community in which the local housing and management authority is located; and

(ii) local government officials of the community in which the local housing and management authority is located.

(3) PURPOSE.—Each local advisory board established under this subsection shall assist and make recommendations regarding the development of the local housing management plan for the authority. The local housing and management authority shall consider the recommendations of the local advisory board in preparing the final local housing management plan, and shall include a copy of those recommendations in the local housing management plan submitted to the Secretary under section 107.

(4) WAIVER.—The Secretary may waive the requirements of this subsection with respect to tenant representation on the local advisory board of a local housing and management authority, if the authority demonstrates to the satisfaction of the Secretary that a resident council or other tenant organization of the local housing and management authority adequately represents the interests of the tenants of the authority.

Mr. FIELDS of Louisiana. Mr. Chairman, this is a very simple amendment. It simply provides that each of the housing authorities have or create an advisory council. We have just voted whereby members can serve on a board; only one tenant, as the bill was presently perfected, only one person can actually serve on a board who lives in a housing facility.

This amendment is very simple. It provides for an advisory board. That advisory board will not be 100 percent residents. That advisory board will be 60 percent residents, which means that the advisory board will take 60 percent of its membership from the actual residents of the housing facility, and they will simply make recommendations, not rules and regulations, but only recommendations to the actual board. We would hope as a result of this, this board will take those issues into consideration.

Mr. Chairman, many housing authorities today have implemented advisory councils or advisory boards simply because they feel that is a true way to get input from the residents who live in public housing. This is a very straightforward, noncontroversial amendment that allows an individual to serve on an advisory board for the facility that he or she lives in, to make recommendations, recommendations only, to the board itself as to how they feel different rules should be implemented upon them that they have to live with.

Mr. Chairman, I do not know if there is any opposition to this amendment, but that is what it does.

Mr. LAZIO of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know the gentleman from Louisiana [Mr. FIELDS] offers this in good faith with the expectation that it will increase citizen participation. I, in fact, am fully in support of citizen participation in terms of decisionmaking by local housing authorities. In fact, the bill that has been offered has well over a page of language that asks for housing authorities to ensure that there is maximum citizen participation and integration with the community. We deeply believe that communities need to be involved in establishing local solutions to some of the challenges that are facing them.

What we disagree with is the need to create another level of bureaucracy, another local advisory board that we think, that I think, frankly, is potentially stilted. In some cases it is going to be obsolete. We have citizen participation that will be communicating with the housing authorities via electronic media, whether it is computers in a number of different areas.

We certainly allow the opportunity to have various community forums. There are many different ways of assuring maximum citizen participation without creating another board that would purport to substitute for a more aggressive effort to ensure maximum citizen participation.

Mr. Chairman, this is, in effect, micromanagement at the local level to ensure what level and what type and what form citizen participation with respect to housing authorities will take. For that reason, it is inconsistent with the core principles of this bill, which are to allow maximum local control over housing authorities, locally driven solutions. I urge a ''no'' vote.

□ 2215

Ms. ROYBAL-ALLARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Fields amendment which establishes local advisory boards for public housing residents.

One of the objectives of public housing reform is to encourage individuals to become involved in their communities and to take responsibility for the neighborhoods in which they live. The Fields amendment will give residents the opportunity to assume that responsibility by requiring housing authorities to establish local advisory boards with 60 percent of its membership made up of residents of that authority. In addition, the amendment requires that

the recommendations made by this advisory board be considered by the housing authority in the management plan that it submits to HUD.

In so doing, the Fields amendment gives residents a strong voice that will be heard by the housing authority and HUD when making management decisions that directly impact the lives of residents. This amendment is a positive step towards strengthening our goal of personal responsibility by helping tenants take control of their own lives and to determine their own destiny.

I encourage Members to vote ''yes'' on the Fields amendment.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, the legislation before us already makes substantial improvements in the opportunity for citizens in the community or county to make their views known as the local management plan is prepared.

First of all, under the legislation, of course, we have the mandate that larger communities with over 250 housing units will have a resident of a public housing authority on the local housing authority. That is one thing that is already in the bill. This amendment, I think, across the board, for every community in the country that has a housing authority, no matter how small that community might be, to require them to have a citizens advisory committee, it is another layer of bureaucracy with unclear consequences, particularly if the local housing management agency does not agree to follow the recommendations of the advisory board.

I think it is unclear what the costs will be associated with that advisory committee but I would like to call our colleagues' attention to a section that is in the bill that provides specifically for additional citizen participation that is now not required by the operations of housing authorities today.

The Chairman has already made reference to it but I want to bring out some of the details of the citizen participation section found on page 31.

Before they submit the local management plan, the local housing authority shall make the plan or the amendments publicly available in a manner that affords affected public housing residents and assisted families and others an opportunity to review the plan, and then provides for a period of not less than 60 days for that review.

Beyond that, the local housing and management authority shall consider all comments, and to make sure that anybody that reviews the plan has a full appreciation of the comments coming from the citizenry, including from public housing residents, the plan, once submitted, must contain a summary of such comments or views. It shall be attached to the plan, the amendments, or the reports submitted. Therefore, HUD will have an opportunity to look at the kind of citizen participation comments that came forward as a part of the local hearing process

I think we have really made quite substantial improvements to the way citizens have an opportunity to express their views on the management of the local housing authority. This adds another layer of bureaucracy. I strongly oppose it because it applies across the board, and I think it is unnecessary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I guess I am able to offer an additional insight to this question of an advisory board. I bring to this microphone again some long years of history as a layman dealing with public housing in our community in Houston. I think we are well known for having, as I indicated, some very exciting ventures in Houston's housing authority, including one of the first experimental combined Texas Southern University/public schools located in the Houston housing development by the name of Cuney Homes. There is something to that decision. It came about through community involvement. And when there is community involvement, solutions come about in a manner when all who are stakeholders can appreciate it.

Just a couple of weeks ago, Secretary Cisneros visited Houston and we had a difficult problem. In fact, we still have a difficult problem with one of our housing developments called Allen Parkway Village. But at the time Secretary Cisneros joined us in Houston, we gathered together community representatives, businesspersons, people from the ministerial community, lawyers and others who indicated that they too had a concern with Allen Parkway Village even though they were not residents of that village. Out of that discussion came the suggestion that we form an advisory board, an advisory board that would be the stakeholders beyond those individuals who are residents.

I am very pleased to say that such advisory board does exist. But the Fields amendment embodies and institutionalizes what is an effective tool for the community, and, that is, an advisory board that will have input and impact in solving problems and bringing fresh ideas to our local authorities. Why reject an opportunity for participation? Why not welcome and embrace? If we are talking about sending this important issue to our local communities, and I would offer to say that the Houston Housing Authority or any other housing authority does not have all of the answers. The answers come from businesspersons, teachers, doctors, lawyers, community activists and residents, and they can do that through an advisory board. I simply say the amendment of the gentleman from Louisiana [Mr. FIELDS] is right, and I rise to support it.

Mr. FIELDS of Louisiana. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Louisiana.

Mr. FIELDS of Louisiana. I thank the gentlewoman for yielding and for her support of the amendment. I would like to make the Members of the House aware of the fact that this very amendment is in the Senate bill, S. 1260, which contains the very language that this amendment contains and I am hopeful if this amendment is not adopted by this House tonight that in conference this amendment will in fact have an opportunity to be adopted so that it can in fact be the law of the land. But I truly believe that the more input we get from people who live in public housing in term of how we shape their living conditions, who knows best than them. I just think this is a step in the right direction. I would like to commend many of those local areas across the country who are now implementing local advisory boards today, like the city of New Orleans from my own State. They have an advisory board that consists of residents. I think that is a step in the right direction.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I would simply thank the gentleman from Louisiana [Mr. FIELDS] and say that I think the advisory committee that we have organized in Houston has the potential of being a very vital resource to bringing solutions to a very difficult problem. I leave the microphone with a question. If we talk about private/public partnerships, what better opportunity for private/public partnerships on the local level than to create advisory boards all who will have a stake in this issue and work with those who live in public housing?

The CHAIRMAN pro tempore (Mr. HOBSON). The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The amendment was rejected.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offered an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 38, line 24, strike ''and''.

Page 39, line 3, strike the period and insert ''; and''.

Page 39, after line 3, insert the following new paragraph:

(7) be entitled to appeal such written decision to a mandated impartial regional appeals board created by the local housing and management authorities located in the same region, such appeals board should include resident representation.

Mr. LAZIO of New York. Mr. Chairman, I reserve a point of order on the amendment. I do not have a copy of that amendment. I am wondering if I can get a printed copy of that.

The CHAIRMAN pro tempore. The gentleman from New York reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer this amendment in the spirit of what I have been listening to throughout the night. Even though

we have had disagreement on several amendments, we have talked about an opportunity for fuller participation and for residents to in fact become stakeholders in the improvement and providing solutions to problems that may result as being renters, residents in the normal course of business.

This amendment refers to the grievance procedure and it adds a moment of fairness that I think my colleagues on the other side of the aisle would certainly welcome its addition.

Let me first indicate that this process of appeal that I am adding does not in any way deal with criminal activities that might result in eviction or violation of the lease agreement.

Take this scenario. A resident living in a public housing unit has the fullest of pride about their place where they live and they go and they paint the room a different color. The appeal process is that some impartial person, it could be a single person that the housing authority would designate, could listen to them. But then the final decision is written by the housing authority or its management entity. There is no opportunity for an appeal. We realize that those who live in these kinds of facilities are in fear of losing their housing. They have no other resources. It might be because they have raised the rent, the housing authority. It might be because the resident has been charged with noise in the hallway, something that all of us have had happen with children in the house, dogs, cats. They might have been charged late fees and they actually got their rent in on time. They are fearful of losing their opportunity to be in public housing. So they get a written decision initially. This provision provides for an appeal process. Is the process in court? No. Is the process way up in Washington with the national government interfering in local business? No, it is not with HUD.

What happens is, is that the housing authority can create a locally directed appeals board that is made up on a regional basis such as, for example, the southwest part of the country, representatives from those areas to then accept appeals for this individual who feels that they have been aggrieved.

Remember, now, someone would ask the question, Are you giving the resident in a public housing authority more rights than Mrs. Smith who is down the street in an apartment building? I would say no.

Mrs. Smith may have the wherewithal and the resources to go to a small claims court or to take it up to a higher level. I am suggesting that we not go to court.

I wish that we had had something on this order and this structure 17 years ago when we were dealing with the issue of Allen Parkway Village.

I have always believed that when there is an opportunity to discuss the problem, there may be an opportunity to resolve the problem.

□ 2230

This appeals board would be a simple extension of the process now cited and would allow that aggrieved resident to be on equal plane with his or her neighbor in a private facility who had the ability to go to a small claims court.

I simply would ask that my colleagues and the chairman, who has worked very hard, listen to the offering of an opportunity for residents to be respected, to have the right to an appropriate appeal process, and to take some dignity in the fact that they have rights and due process as well.

Just think of it: You have no recourse on raising the rent, painting your apartment a different color, arguing that the noise in the hallway was not your child, and generally protecting yourselves from some sort of penalty that you may not be able to pay, because you were charged with something and you had no right to pursue it if you got a decision that was against you.

Mr. Chairman, I ask that this amendment be accepted. I would ask for support by my colleagues on both sides of the aisle. I would ask them simply to put themselves in the shoes of our residents in public housing throughout this Nation. All they have asked when I have spoken to them, whether it has been Kelly Courts or Cuney Homes or Allen Parkway Village, is simply dignity and respect and the right to be treated fairly. They too will join in to ensure that better housing is created for all Americans.

The CHAIRMAN pro tempore (Mr. HOBSON). Does the gentleman from New York [Mr. LAZIO] insist on his point of order?

Mr. LAZIO of New York. Mr. Chairman, continuing to reserve my point of order, I move to strike the last word.

Mr. Chairman, I want to compliment the gentlewoman from Texas for her interest in ensuring that there are appropriate levels of due process for people that may be aggrieved in terms of administrative decisions. Let me suggest, however, that we have gone through considerable effort to ensure that we have a fair and equitable administrative grievance procedure in the bill.

For example, we allow for a clear opportunity for a hearing by an impartial party upon timely request within a reasonable period of time; the ability to examine any written documents or records or regulations that might be raised with respect to the proposed actions; the ability to be represented by another party of their choice at any such hearing; and the abilities to call witnesses and to have others make statements on their behalf.

Beyond that, somebody who is subject to an administrative procedure, including a possible procedure for eviction, is entitled to pursue all of their rights through the courts of the State and of our Nation. Due process is thoroughly considered and assured, and that is in the bill.

The effort by the gentlewoman, whom I respect greatly, I think still has a number of different issues that are left unresolved. For example, we do not have any explanation, I have not received this before today as the subcommittee chairman, I just received this just now, we have one paragraph written. We have no idea who is part of the board, how big the board will be, who will govern the board, what rules of process there might be, what regions might be considered, how it is constituted, who sets it up, and so on and so forth.

I would suggest to the gentlewoman that perhaps we can continue to talk about this and see if there is an appropriate concern that she has, and I am sure she has a concern, that we might address in the following weeks and months. This probably is not the right time and the right place to do this.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

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

Mr. JACKSON of Illinois. Mr. Chairman, let me thank the distinguished chair of the subcommittee for this opportunity. I think that it is clear in section 110 under ''administrative grievance procedure,'' page 38, lines 12 through 24, that six procedures have been laid out that certainly address requirements for expressing these grievances.

But the gentlewoman from Texas is expressing a part of the due process concern that I think is legitimate, and I would appreciate any information the distinguished chairman can give with respect to the appellate process to which the gentlewoman from Texas is addressing.

It is clear in section 110 that people who live in public housing are to be advised of specific grounds of any of the proposed adverse local housing and management actions. They have an opportunity for a hearing, an opportunity to examine any documents. They are entitled to be represented by another person of their choice at a hearing. They are entitled to ask questions and receive a written decision.

But the gentlewoman's fundamental concern, which is a fundamental tenet of justice in this society, is due process, and that is the appellate process.

Mr. Chairman, if the distinguished chairman would address that, I would appreciate it.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I want to thank the gentleman, my neighbor from Illinois, Mr. JACKSON, and again compliment him for his interest in due process.

Again, the gentleman has laid out the six different types of due process that will be afforded a party that feels that they have been wronged. In addition to this, an individual who feels they are wronged through the administrative process has the complete and full ability that is reemphasized in this bill to continue to use the legal process, both at the trial level and up the

process through various appellate divisions within a particular court.

The concern I have, in addition to the fact that I think with respect to how this proposed appellate board is constituted and what the rules might be and what regions are considered and so on and so forth, which is not laid out in this amendment, is that during this entire time, when we are going through yet another administrative procedure, somebody who may be a danger to the other residents in a particular project will remain in place. While we want to allow for full due process and for a complete hearing, and we make that clear, by ensuring that people do not just get a written decision, but are allowed to present witnesses and hear testimony and present documents and have someone represent them, and after that they feel they are still wronged, they have the ability to do to court. There comes a time if somebody is disruptive, is truly wronging other residents in a public housing project, that they need to be separated from that and there needs to be order as there is in the places we all live in.

For that reason, I am not able to support this.

The CHAIRMAN pro tempore. Does the gentleman insist upon his point of order?

Mr. LAZIO of New York. Mr. Chairman, I withdraw my reservation of the point of order.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I want to thank the chairman for his hard work. I think we have had some vigorous debates this evening. I am here because I have lived with the problem for about 17 years dealing with public housing, and I truly believe that there is still a solution.

If I might comment on some of the points that the gentleman made and offer to him some answers to his concern, first of all, we have already spoken about the abilities of local housing authorities to manage and to make decisions. I would hope the gentleman would have the same kind of confidence in the local housing authorities in a certain region as defined by HUD. There is a Southwest Region, we have an office in Dallas. I imagine there are regions on the East Coast where the gentleman is from, New York. Those are the designated areas that would regionally comprise an appeals board. I would believe, and it is evident, just as you have left on this lower level, to the housing authority, the decision of who might be on this board, but include some participation from residents. Mind you, I did not even add a percentage.

Also this does not go to those dangerous entities, such as drug users. Somebody might be gun running. Somebody might be running or alleged to be running prostitution. Those are criminal activities and a total breach of the lease.

These are incidents where people might live at the Watergate and would have the wherewithal to sue the management company or go into a court of higher authority. But when you have people living in public housing who are in fear every moment that they are doing something that might cause them to be wrongly decided upon, if you will, then they do not have the resources, as the gentleman has argued, of going to court.

Under the Administrative Procedures Act we realize there is a hearing officer and then there is a higher tribunal before you even have to get to court. That is to ensure that, we thought, we would not have individuals clogging up the courts. On many occasions the Administrative Procedures Act has worked effectively. In Texas, for example, and around the country, we have gone to mediation. Lawyers are now doing mediation to avoid going into court.

I wish we could encourage more opportunity for citizens to have the right to address their grievances in a setting that is non-court like, and I am an attorney, so that problems can be solved at an earlier stage than what might occur later on.

Public housing residents, I would say to the gentleman from Illinois [Mr. JACKSON], do not have some of the resources to go to court. This is an administrative proceeding of sorts that would then come under the provision where costs would be attributable, if any, minimally so, to the housing authority.

Mr. JACKSON of Illinois. Mr. Chairman, reclaiming my time, I am operating under the impression that due process is not asking for very much. If the chairman is very concerned about expediting the process, then we need an expeditious due process concern. I think that the concern that the gentlewoman has raised for this particular administrative grievance procedure is one that the committee should certainly consider, and I would certainly encourage the chairman to consider due process, because we would not want to create a process whereby public housing residents tend to or end up in court because of our failure to honor a fundamental tenet of American justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, if the gentleman will yield further, I appreciate the gentleman's characterization of this amendment, because that is just what it is. It is to provide an opportunity for those who are most frightened about not having housing, some of whom have been on waiting lists for years. The community I come from has had people on waiting lists for years, and we have had lists as high as 15,000 individuals on waiting lists.

This is a procedure that helps clarify the problem, provides a hearing, and then an appeal, and gives a fair opportunity for this resident to air out their grievance and to address their grievance.

I would ask the chairman to consider what his concerns were and have us have an opportunity to look at these concerns, but not deny, not deny the opportunity for those who are residents, who are not violating criminal laws or threatening anyone, to have an opportunity to appeal their grievance in an appropriate manner.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was rejected.

The CHAIRMAN pro tempore. Are there further amendments to title I?

AMENDMENT NO. 2 OFFERED BY MR. EHRLICH

Mr. EHRLICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. EHRLICH: Page 43, after line 16 insert the following new section:

SEC. 115. PROHIBITION ON USE OF FUNDS.

Notwithstanding any other provision of law, none of the amounts provided under this Act may be used for the purpose of funding the relocation of public housing residents and applicants from Baltimore City, Maryland, to other jurisdiction in the State of Maryland if such relocation is in connection with any settlement, consent decree, injunction, judgment, or other resolution of litigation brought by public housing residents of Baltimore City, Maryland, concerning the demolition of certain public housing units in such city.

Mr. EHRLICH. Mr. Chairman, I am given to understand that a point of order will be raised with respect to amendment No. 2. It is my intent to withdraw this amendment. But before I do, I want to make a number of points and then enter into a colloquy with the chair of the subcommittee.

The first thing I would like to do is congratulate the chairman of the subcommittee, who has had a long day. He is a man of integrity, class and intelligence, and I truly appreciate his friendship and I appreciate the sensitivity he has shown toward me with respect to the issue of HUD and the lawsuit in Baltimore City over the past few weeks.

It is very interesting, Mr. Chairman, that my amendment drew a lot of attention from Members of this House over the last two days. I received a lot of phone calls from folks on both sides of the aisle, because there is a genuine concern out there that there is a Federal department increasingly out of control.

This department believes it should engage in policymaking far outside the scope of its constitutional authority. It threatens and sues people and groups who dare oppose its policies.

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It seeks to use unelected groups to bypass the electoral process. It uses

the judicial process to create class- and race-based remedies and programs it could not pass on this floor, in this House, in the Senate of the United States.

For decades, HUD policies have contributed to the denigration of the quality of life of many neighborhoods in the Baltimore Metropolitan area. Now, in Baltimore, HUD seeks to create a special race-based voucher to be given to public housing residents to be used in middle-class neighborhoods.

Mr. Chairman, I ask what kind of message are we sending working folks in this country of all races, working folks of all races? Why do we allow this department to further a sense of entitlement with respect to Federal housing policy? Whatever happened to the work ethic in the context of Federal housing policy in this country?

Mr. Chairman, I look forward to working with my good friend and the ranking member on our joint mission to reform Federal housing policy in this country and to rein in an increasingly belligerent, aggressive, and out of control Federal Department of Housing and Urban Development.

At this point, Mr. Chairman, I would like to enter into a colloquy with the gentleman from Long Island, NY [Mr. LAZIO], my colleague and my friend, the chairman of the subcommittee.

He and the staff have been very helpful and supportive of my efforts to make sure that HUD does not run roughshod over the Constitution when implementing the statutes previously passed by this Congress. At this time, I would like to yield to the chairman of the subcommittee so that he might offer his own observations of what I have described over the last 5 minutes.

Mr. LAZIO. Mr. Chairman, if the gentleman would yield, I thank the gentleman from Maryland for his very kind remarks, for being one the most energetic Members of this body, and for his commitment to his own neighborhood in the area of Baltimore.

Mr. Chairman, it is ironic as we consider this housing bill, one that makes communities responsible for their own planning and development, that in the area of Baltimore, HUD is negotiating a plan like the one described by the gentleman. Unfortunately, the bureaucrats and attorneys at HUD believe they know what is best for Baltimore and surrounding suburbs. I do not share this view and this misguided approach, the concept that Washington knows best is one of the catalysts for the legislation we are now considering.

Mr. Chairman, we both believe that rental assistance recipients should be educated about the rental marketplace and informed of their total options. I believe counseling is an integral part of this process. I strongly object to the Federal bureaucrats attempting to dictate outcomes and limit options available to renters. Such a policy runs counter to what we are trying to achieve here today.

Mr. EHRLICH. Mr. Chairman, I thank the gentleman for his comment and ask for his continued assistance. HUD attorneys need to be reminded that they can enter into all the questionable consent decrees they desire, but that it is this Congress with the ultimate control over the appropriation of Federal funds.

HUD should know that we are not bound to fund programs and policies which could not pass this Congress. We are now in the midst of consideration of the fiscal year 1997 budget, and I look forward to working with the VA–HUD appropriations subcommittee and its chairman, the gentleman from California [Mr. LEWIS], to make sure that HUD does not spend taxpayer dollars in a matter inconsistent with the will of this body.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would continue to yield, I share the gentleman's sentiments and would like to make sure that our subcommittee will continue to monitor the actions of HUD as this relates to the Baltimore consent decree, and many other areas around the country.

It is my understanding that the designers of the Section 8 program never intended for the use of vouchers to be limited to an area based solely upon race. I have strong concerns about the manner in which HUD is proceeding with certain lawsuits, and I thank the gentleman for bringing this startling pattern to the attention of this Congress.

Mr. EHRLICH. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. (Mr. HOBSON). Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN pro tempore. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—PUBLIC HOUSING

Subtitle A—Block Grants

SEC. 201. BLOCK GRANT CONTRACTS.

(a) IN GENERAL.—The Secretary shall enter into contracts with local housing and management authorities under which—

(1) the Secretary agrees to make a block grant under this title, in the amount provided under section 202(c), for assistance for low-income housing to the local housing and management authority for each fiscal year covered by the contract; and

(2) the authority agrees—

(A) to provide safe, clean, and healthy housing that is affordable to low-income families and services for families in such housing;

(B) to operate, or provide for the operation, of such housing in a financially sound manner;

(C) to use the block grant amounts in accordance with this title and the local housing management plan for the authority that complies with the requirements of section 107;

(D) to involve residents of housing assisted with block grant amounts in functions and decisions relating to management and the quality of life in such housing;

(E) that the management of the public housing of the authority shall be subject to actions authorized under subtitle B of title IV;

(F) that the Secretary may take actions under section 205 with respect to improper use of grant amounts provided under the contract; and

(G) to otherwise comply with the requirements under this title.

(b) MODIFICATION.—Contracts and agreements between the Secretary and a local housing and management authority may not be amended in a manner which would—

(1) impair the rights of—

(A) leaseholders for units assisted pursuant to a contract or agreement; or

(B) the holders of any outstanding obligations of the local housing and management authority involved for which annual contributions have been pledged; or

(2) provide for payment of block grant amounts under this title in an amount exceeding the allocation for the authority determined under section 204.

Any rule of law contrary to this subsection shall be deemed inapplicable.

(c) CONDITIONS ON RENEWAL.—Each block grant contract under this section shall provide, as a condition of renewal of the contract with the local housing and management authority, that the authority's accreditation be renewed by the Housing Foundation and Accreditation Board pursuant to review under section 433 by such Board.

SEC. 202. BLOCK GRANT AUTHORITY AND AMOUNT.

(a) AUTHORITY.—The Secretary shall make block grants under this title to eligible local housing and management authorities in accordance with block grant contracts under section 201.

(b) ELIGIBILITY.—A local housing and management authority shall be an eligible local housing and management authority with respect to a fiscal year for purposes of this title only if—

(1) the Secretary has entered into a block grant contract with the authority;

(2) the authority has submitted a local housing management plan to the Secretary for such fiscal year;

(3) the plan has been determined to comply with the requirements under section 107 and the Secretary has not notified the authority that the plan fails to comply with such requirements;

(4) the authority is accredited under section 433 by the Housing Foundation and Accreditation Board;

(5) the authority is exempt from local taxes, as provided under subsection (d), or receives a contribution, as provided under such subsection;

(6) no member of the board of directors or other governing body of the authority, or the executive director, has been convicted of a felony;

(7) the authority has entered into an agreement providing for local cooperation in accordance with subsection (e); and

(8) the authority has not been disqualified for a grant pursuant to section 205(a) or subtitle B of title IV.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a local housing and management authority for a fiscal year shall be the amount of the allocation for the authority determined under section 204, except as otherwise provided in this title and subtitle B of title IV.

(d) PAYMENTS IN LIEU OF STATE AND LOCAL TAXATION OF PUBLIC HOUSING DEVELOPMENTS.—

(1) EXEMPTION FROM TAXATION.—A local housing and management authority may receive a block grant under this title only if—

(A)(i) the developments of the authority (exclusive of any portions not assisted with amounts provided under this title) are exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision; and

(ii) the local housing and management authority makes payments in lieu of taxes to such

taxing authority equal to 10 percent of the sum, for units charged in the developments of the authority, of the difference between the gross rent and the utility cost, or such lesser amount as is—

(I) prescribed by State law;

(II) agreed to by the local governing body in its agreement under subsection (e) for local cooperation with the local housing and management authority or under a waiver by the local governing body; or

(III) due to failure of a local public body or bodies other than the local housing and management authority to perform any obligation under such agreement; or

(B) the authority complies with the requirements under subparagraph (A) with respect to public housing developments (including public housing units in mixed-income developments), but the authority agrees that the units other than public housing units in any mixed-income developments (as such term is defined in section 221(c)(2)) shall not be subject to any otherwise applicable real property taxes imposed by the State, city, county or other political subdivision.

(2) EFFECT OF FAILURE TO EXEMPT FROM TAXATION.—Notwithstanding paragraph (1), a local housing and management authority that does not comply with the requirements under such paragraph may receive a block grant under this title, but only if the State, city, county, or other political subdivision in which the development is situated contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed 10 percent of the gross rent and utility cost charged in the development.

(e) LOCAL COOPERATION.—In recognition that there should be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise, the Secretary may not make any grant under this title to a local housing and management authority unless the governing body of the locality involved has entered into an agreement with the authority providing for the local cooperation required by the Secretary pursuant to this title.

(f) EXCEPTION.—Notwithstanding subsection (a), the Secretary may make a grant under this title for a local housing and management authority that is not an eligible local housing and management authority but only for the period necessary to secure, in accordance with this title, an alternative local housing and management authority for the public housing of the ineligible authority.

SEC. 203. ELIGIBLE AND REQUIRED ACTIVITIES.

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b), amounts from a grant made under this title may be used only for the following activities and costs:

(1) PRODUCTION.—Production of public housing developments and any production costs.

(2) OPERATION.—Operation of public housing developments in a manner appropriate to ensure the viability of the developments as low-income housing and provision of safety, security, and law enforcement measures and activities necessary to protect residents from crime, which shall include providing adequate operating services and reserve funds.

(3) MODERNIZATION.—Improvement of the physical condition of existing public housing developments (including routine and timely improvements, rehabilitation, and replacement of systems, and major rehabilitation, redesign, reconstruction, and redevelopment) and upgrading the management and operation of such developments, to ensure that such developments continue to be available for use as low-income housing.

(4) RESIDENT PROGRAMS.—Provision of social, educational, employment, self-sufficiency, and other services to the residents of public housing developments, including providing part of the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs.

(5) HOMEOWNERSHIP ACTIVITIES.—Activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

(6) RESIDENT MANAGEMENT ACTIVITIES.—Activities in connection with establishing, organizing, training, and assisting resident councils and resident management corporations for public housing developments.

(7) DEMOLITION AND DISPOSITION ACTIVITIES.—Activities in connection with the disposition or demolition of public housing under section 261.

(8) PAYMENTS IN LIEU OF TAXES.—Payments in accordance with the requirement under section 202(d)(1).

(9) EMERGENCY CORRECTIONS.—Correction of conditions that constitute an immediate threat to the health or safety of residents of public housing developments, without regard to whether the need for such correction is indicated in the local housing management plan of the authority.

(10) PREPARATION OF LOCAL HOUSING MANAGEMENT PLANS.—Preparation of local housing management plans (including reasonable costs that may be necessary to assist residents in participating in the planning process in a meaningful way) and conducting annual financial and performance audits under section 432.

(11) LHMA INSURANCE.—Purchase of insurance by local housing and management authorities (and their contractors), except that—

(A) any such insurance so purchased shall be competitively selected;

(B) any coverage provided under such policies, as certified by the authority, shall provide reasonable coverage for the risk of liability exposure, taking into consideration the potential liability concerns inherent in the testing and abatement of lead-based paint, and the managerial and quality assurance responsibilities associated with the conduct of such activities; and

(C) notwithstanding any other provision of State or Federal law, regulation or other requirement, any line of insurance from a nonprofit insurance entity, owned and controlled by local housing and management authorities and approved by the Secretary, may be purchased without regard to competitive procurement.

(12) PAYMENT OF OUTSTANDING DEVELOPMENT BONDS AND NOTES ISSUED UNDER 1937 ACT.—Payment of principal and interest payable on obligations issued pursuant to section 5 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) by a local housing and management authority to finance the production of public housing, except that the Secretary shall retain the authority to forgive such debt.

(13) MUTUAL HELP HOMEOWNERSHIP OPPORTUNITY PROGRAMS FOR INDIAN HOUSING AUTHORITIES.—In the case of an Indian housing authority, production, operation, and modernization of developments under a mutual help homeownership program subject to the requirements under section 202 of the United States Housing Act of 1937 (as in effect immediately before the enactment of this Act), except that any reference in such section to assistance under such section or such Act shall be construed to refer to assistance under this title and subsection (b) of such section shall not apply.

(b) REQUIRED CONVERSION OF ASSISTANCE FOR PUBLIC HOUSING TO RENTAL HOUSING ASSISTANCE.—

(1) REQUIREMENT.—A local housing and management authority that receives grant amounts under this title shall provide assistance in the form of rental housing assistance under title III or appropriate site revitalization or other appropriate capital improvements approved by the Secretary, in lieu of assisting the operation and modernization of any building or buildings of public housing, if the authority provides sufficient evidence to the Secretary that—

(A) the building is distressed or substantially vacant;

(B) the estimated cost of continued operation and modernization of the building exceeds the cost of providing choice-based rental assistance under title III; and

(C) there is a sufficient supply of available and affordable housing to make the use of such voucher assistance feasible.

(2) USE OF OTHER AMOUNTS.—In addition to grant amounts under this title attributable (pursuant to the formula under section 204) to the building or buildings identified under paragraph (1), the Secretary may use amounts provided in appropriation Acts for incremental choice-based housing assistance and, to the extent approved in advance, for the renewal of assistance under section 8 of the United States Housing Act of 1937 (as in effect before the date of enactment of this Act), for assistance under title III for families residing in such building or buildings or for appropriate site revitalization or other appropriate capital improvements approved by the Secretary.

(3) ENFORCEMENT.—The Secretary shall take appropriate action to ensure conversion of any building or buildings identified under paragraph (1) and any other appropriate action under this subsection, if the local housing and management authority fails to take appropriate action under this subsection.

(4) FAILURE OF LHMA'S TO COMPLY WITH CONVERSION REQUIREMENT.—If the Secretary determines that—

(A) a local housing and management authority has failed under paragraph (1) to identify a building or buildings in a timely manner,

(B) a local housing and management authority has failed to identify one or more buildings which the Secretary determines should have been identified under paragraph (1), or

(C) one or more of the buildings identified by the local housing and management authority pursuant to paragraph (1) should not, in the determination of the Secretary, have been identified under that paragraph,

the Secretary may identify a building or buildings for conversion and other appropriate action pursuant to this subsection.

(5) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a building or buildings meets or is likely to meet the criteria set forth in paragraph (1), the Secretary may direct the local housing and management authority to cease additional spending in connection with such building or buildings, except to the extent that additional spending is necessary to ensure safe, clean, and healthy housing until the Secretary determines or approves an appropriate course of action with respect to such building or buildings under this subsection.

(6) USE OF BUDGET AUTHORITY.—Notwithstanding any other provision of law, if a building or buildings are identified pursuant to paragraph (1), the Secretary may authorize or direct the transfer, to the choice-based or tenant-based assistance program of such authority or to appropriate site revitalization or other capital improvements approved by the Secretary, of—

(A) in the case of an authority receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such building or buildings pursuant to section 14 of the United States Housing Act of 1937, as in effect immediately before the date of enactment of this Act;

(B) in the case of an authority receiving public and Indian housing modernization assistance by formula pursuant to such section 14, any amounts provided to the authority which are attributable pursuant to the formula for allocating such assistance to such building or buildings;

(C) in the case of an authority receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of such building or buildings pursuant to section 5(j)(2) of the United States Housing Act of 1937, as in effect immediately before the date of enactment of this Act; and

(D) in the case of an authority receiving assistance pursuant to the formula under section 204, any amounts provided to the authority which are attributable pursuant to the formula for allocating such assistance to such building or buildings.

(c) FUNGIBILITY OF AMOUNTS.—Any amounts provided under a block grant under this title may be used for any eligible activity under subsection (a) or for conversion under subsection (b), notwithstanding whether such amounts are attributable to the operating allocation under section 204(d)(1) or the capital improvements allocation for the local housing and management authority determined under section 204(d)(2).

(d) COMPLIANCE WITH PLAN.—The local housing management plan submitted by a local housing and management authority (including any amendments to the plan), unless determined under section 108 not to comply with the requirements under section 107, shall be binding upon the Secretary and the local housing and management authority and the authority shall use any grant amounts provided under this title for eligible activities under subsection (a) in accordance with the plan. This subsection may not be construed to preclude changes or amendments to the plan, as authorized under section 108(e) or any actions authorized by this Act to be taken without regard to a local housing management plan.

SEC. 204. DETERMINATION OF BLOCK GRANT ALLOCATION.

(a) IN GENERAL.—For each fiscal year, after reserving amounts under section 111 from the aggregate amount made available for the fiscal year for carrying out this title, the Secretary shall allocate any remaining amounts among eligible local housing and management authorities in accordance with this section, so that the sum of all of the allocations for all eligible authorities is equal to such remaining amount.

(b) ALLOCATION AMOUNT.—The Secretary shall determine the amount of the allocation for each eligible local housing and management authority, which shall be—

(1) for any fiscal year beginning after the enactment of a law containing a formula described in subsection (c), the amount determined under such formula; or

(2) for any fiscal year beginning before the expiration of such period, the sum of—

(A) the operating allocation determined under subsection (d)(1) for the authority; and

(B) the capital improvement allocation determined under subsection (d)(2) for the authority.

(c) PERMANENT ALLOCATION FORMULA.—

(1) FORMULA.—A formula under this subsection shall provide for allocating amounts available for a fiscal year for block grants under this title for each local housing and management authority. The formula should reward performance and may consider factors that reflect the different characteristics and sizes of local housing and management authorities, the relative needs, revenues, costs, and capital improvements of authorities, and the relative costs to authorities of operating a well-managed authority that meets the performance targets for the authority established in the local housing management plan for the authority.

(2) DEVELOPMENT UNDER NEGOTIATED RULEMAKING PROCEDURE.—The formula under this subsection shall be developed according to procedures for issuance of regulations under the negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code, except that the formula shall not be contained in a regulation.

(3) REPORT.—Not later than the expiration of the 18-month period beginning upon the enactment of this Act, the Secretary shall submit a report to the Congress containing the proposed formula established pursuant to paragraph (2) that meets the requirements of this subsection.

(d) INTERIM ALLOCATION REQUIREMENTS.—

(1) OPERATING ALLOCATION.—

(A) APPLICABILITY TO 50 PERCENT OF APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, 50 percent shall be used only to provide amounts for operating allocations under this paragraph for eligible local housing and management authorities.

(B) DETERMINATION.—The operating allocation under this subsection for a local housing and management authority for a fiscal year shall be an amount determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of operating subsidies for fiscal year 1995 to public housing agencies (as modified under subparagraph (C)) under section 9 of this Act, as in effect before the enactment of this Act.

(C) TREATMENT OF CHRONICALLY VACANT UNITS.—The Secretary shall revise the formula referred to in subparagraph (B) so that the formula does not provide any amounts, other than utility costs, attributable to any dwelling unit of a local housing and management authority that has been vacant continuously for 6 or more months. A unit shall not be considered vacant for purposes of this paragraph if the unit is unoccupied because of rehabilitation or renovation that is on-schedule.

(2) CAPITAL IMPROVEMENT ALLOCATION.—

(A) APPLICABILITY TO 50 PERCENT OF APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, 50 percent shall be used only to provide amounts for capital improvement allocations under this paragraph for eligible local housing and management authorities.

(B) DETERMINATION.—The capital improvement allocation under this subsection for an eligible local housing and management authority for a fiscal year shall be determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of modernization assistance for fiscal year 1995 to public housing agencies under section 14 of this Act, as in effect before the enactment of this Act, except that Secretary shall establish a method for taking into consideration allocation of amounts under the comprehensive improvement assistance program.

SEC. 205. SANCTIONS FOR IMPROPER USE OF AMOUNTS.

(a) IN GENERAL.—In addition to any other actions authorized under this title, if the Secretary finds pursuant to an annual financial and performance audit under section 432 that a local housing and management authority receiving grant amounts under this title has failed to comply substantially with any provision of this title, the Secretary may—

(1) terminate payments under this title to the authority;

(2) withhold from the authority amounts from the total allocation for the authority pursuant to section 204;

(3) reduce the amount of future grant payments under this title to the authority by an amount equal to the amount of such payments that were not expended in accordance with this title;

(4) limit the availability of grant amounts provided to the authority under this title to programs, projects, or activities not affected by such failure to comply;

(5) withhold from the authority amounts allocated for the authority under title III; or

(6) order other corrective action with respect to the authority.

(b) TERMINATION OF COMPLIANCE ACTION.—If the Secretary takes action under subsection (a) with respect to a local housing and management authority, the Secretary shall—

(1) in the case of action under subsection (a)(1), resume payments of grant amounts under this title to the authority in the full amount of the total allocation under section 204 for the authority at the time that the Secretary first determines that the authority will comply with the provisions of this title;

(2) in the case of action under paragraph (2), (5), or (6) of subsection (a), make withheld amounts available as the Secretary considers appropriate to ensure that the authority complies with the provisions of this title; or

(3) in the case of action under subsection (a)(4), release such restrictions at the time that the Secretary first determines that the authority will comply with the provisions of this title.

Subtitle B—Admissions and Occupancy Requirements

SEC. 221. LOW-INCOME HOUSING REQUIREMENT.

(a) PRODUCTION ASSISTANCE.—Any public housing produced using amounts provided under a grant under this title or under the United States Housing Act of 1937 shall be operated as public housing for the 40-year period beginning upon such production.

(b) OPERATING ASSISTANCE.—No portion of any public housing development operated with amounts from a grant under this title or operating assistance provided under the United States Housing Act of 1937 may be disposed of before the expiration of the 10-year period beginning upon the conclusion of the fiscal year for which the grant or such assistance was provided, except as provided in this Act.

(c) CAPITAL IMPROVEMENTS ASSISTANCE.—Amounts may be used for eligible activities under section 203(a)(3) only for the following housing developments:

(1) LOW-INCOME DEVELOPMENTS.—Amounts may be used for a low-income housing development that—

(A) is owned by local housing and management authorities;

(B) is operated as low-income rental housing and produced or operated with assistance provided under a grant under this title; and

(C) is consistent with the purposes of this title.

Any development, or portion thereof, referred to in this paragraph for which activities under section 203(a)(3) are conducted using amounts from a grant under this title shall be maintained and used as public housing for the 20-year period beginning upon the receipt of such grant. Any public housing development, or portion thereof, that received the benefit of a grant pursuant to section 14 of the United States Housing Act of 1937 shall be maintained and used as public housing for the 20-year period beginning upon receipt of such amounts.

(2) MIXED INCOME DEVELOPMENTS.—Amounts may be used for mixed-income developments, which shall be a housing development that—

(A) contains dwelling units that are available for occupancy by families other than low-income families;

(B) contains a number of dwelling units—

(i) which units are made available (by master contract or individual lease) for occupancy only by low- and very low-income families identified by the local housing and management authority;

(ii) which number is not less than a reasonable number of units, including related amenities, taking into account the amount of the assistance provided by the authority compared to the total investment (including costs of operation) in the development;

(iii) which units are subject to the statutory and regulatory requirements of the public housing program, except that the Secretary may grant appropriate waivers to such statutory and regulatory requirements if reductions in funding or other changes to the program make continued application of such requirements impracticable;

(iv) which units are specially designated as dwelling units under this subparagraph, except

the equivalent units in the development may be substituted for designated units during the period the units are subject to the requirements of the public housing program; and

(v) which units shall be eligible for assistance under this title; and

(C) is owned by the local housing and management authority, an affiliate controlled by it, or another appropriate entity.

Notwithstanding any other provision of this title, to facilitate the establishment of socioeconomically mixed communities, a local housing and management authority that uses grant amounts under this title for a mixed income development under this paragraph may, to the extent that income from such a development reduces the amount of grant amounts used for operating or other costs relating to public housing, use such resulting savings to rent privately developed dwelling units in the neighborhood of the mixed income development. Such units shall be made available for occupancy only by low-income families eligible for residency in public housing.

SEC. 222. FAMILY ELIGIBILITY.

(a) IN GENERAL.—Dwelling units in public housing may be rented only to families who are low-income families at the time of their initial occupancy of such units.

(b) INCOME MIX WITHIN DEVELOPMENTS.—A local housing and management authority may establish and utilize income-mix criteria for the selection of residents for dwelling units in public housing developments that limit admission to a development by selecting applicants having incomes appropriate so that the mix of incomes of families occupying the development is proportional to the income mix in the eligible population of the jurisdiction of the authority, as adjusted to take into consideration the severity of housing need. Any criteria established under this subsection shall be subject to the provisions of subsection (c).

(c) INCOME MIX.—Of the public housing dwelling units of a local housing and management authority made available for occupancy after the date of the enactment of this Act, not less than 25 percent shall be occupied by low-income families whose incomes do not exceed 30 percent of the area median income.

(d) WAIVER OF ELIGIBILITY REQUIREMENTS FOR OCCUPANCY BY POLICE OFFICERS.—

(1) AUTHORITY AND WAIVER.—To provide occupancy in public housing dwelling units to police officers and other law enforcement or security personnel (who are not otherwise eligible for residence in public housing) and to increase security for other public housing residents in developments where crime has been a problem, a local housing and management authority may, with respect to such units and subject to paragraph (2)—

(A) waive—

(i) the provisions of subsection (a) of this section and section 225(a);

(ii) the applicability of—

(I) any preferences for occupancy established under section 223;

(II) the minimum rental amount established pursuant to section 225(b) and any maximum monthly rental amount established pursuant to such section;

(III) any criteria relating to project income mix established under subsection (b);

(IV) the income mix requirements under subsection (c); and

(V) any other occupancy limitations or requirements; and

(B) establish special rent requirements and other terms and conditions of occupancy.

(2) CONDITIONS OF WAIVER.—A local housing and management authority may take the actions authorized in paragraph (1) only if authority determines that such actions will increase security in the public housing developments involved and will not result in a significant reduction of units available for residence by low-income families.

SEC. 223. PREFERENCES FOR OCCUPANCY.

(a) AUTHORITY TO ESTABLISH.—Any local housing and management authority may establish a system for making dwelling units in public housing available for occupancy that provides preference for such occupancy to families having certain characteristics.

(b) CONTENT.—Each system of preferences established pursuant to this section shall be based upon local housing needs and priorities, as determined by the local housing and management authority using generally accepted data sources. Each system of preferences established pursuant to this section shall be based upon local housing needs and priorities using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 107(e) or under the requirements applicable to comprehensive housing affordability strategy for the relevant jurisdiction.

SEC. 224. ADMISSION PROCEDURES.

(a) ADMISSION REQUIREMENTS.—A local housing and management authority shall ensure that each family residing in a public housing development owned or administered by the authority is admitted in accordance with the procedures established under this title by the authority and the income limits under section 222.

(b) AVAILABILITY OF CRIMINAL RECORDS.—

(1) AVAILABILITY.—Notwithstanding any other provision of Federal, State, or local law, upon the request of any local housing and management authority, the National Crime Information Center, police departments, and any other law enforcement entities shall provide information to the authority regarding the criminal convictions of applicants for, or residents of, public housing for the purpose of applicant screening, lease enforcement, and eviction.

(2) CONTENT.—The information provided under paragraph (1) may not include information regarding any criminal conviction of such an applicant or resident for any act (or failure to act) occurring before the applicant or resident reached 18 years of age.

(3) CONFIDENTIALITY.—A local housing and management authority receiving information under this subsection may use such information only for the purposes provided in this subsection and such information may not be disclosed to any person who is not an officer or employee of the authority. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided to a local housing and management authority under this subsection is used, and confidentiality of such information is maintained, as required under this subsection.

(4) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, public housing pursuant to the authority under this subsection under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term ''person'' as used in this paragraph shall include an officer or employee of any local housing and management authority.

(5) CIVIL ACTION.—Any applicant for, or resident of, public housing affected by (A) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any local housing and management authority, which disclosure is not authorized by this subsection, or (B) any other negligent or knowing action that is inconsistent with this subsection, may bring a civil action for damages and such other relief as may be appropriate against any officer or employee of any local housing and management authority responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(6) FEES.—A local housing and management authority may pay a reasonable fee to obtain information under this subsection.

(c) NOTIFICATION OF APPLICATION DECISIONS.—A local housing and management authority shall establish procedures designed to provide for notification to an applicant for admission to public housing of the determination with respect to such application, the basis for the determination, and, if the applicant is determined to be eligible for admission, the projected date of occupancy (to the extent such date can reasonably be determined). If an authority denies an applicant admission to public housing, the authority shall notify the applicant that the applicant may request an informal hearing on the denial within a reasonable time of such notification.

(d) CONFIDENTIALITY FOR VICTIMS OF DOMESTIC VIOLENCE.—A local housing and management authority shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family in public housing that was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The authority shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

(e) TRANSFERS.—A local housing and management authority may apply, to each public housing resident seeking to transfer from one development to another development owned or operated by the authority, the screening procedures applicable at such time to new applicants for public housing.

SEC. 225. FAMILY RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family shall pay as monthly rent for a dwelling unit in public housing the amount that the local housing and management authority determines is appropriate with respect to the family and the unit, which shall be—

(1) based upon factors determined by the authority, which may include the adjusted income of the resident, type and size of dwelling unit, operating and other expenses of the authority, or any other factors that the authority considers appropriate; and

(2) an amount that is not less than the minimum monthly rental amount under subsection (b)(1) nor more than any maximum monthly rental amount established for the dwelling unit pursuant to subsection (b)(2).

In determining the amount of the rent charged for a dwelling unit, a local housing and management authority shall take into consideration the characteristics of the population served by the authority, the goals of the local housing management plan for the authority, and the goals under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the applicable jurisdiction.

(b) ALLOWABLE RENTS.—

(1) MINIMUM RENTAL.—Each local housing and management authority shall establish, for each dwelling unit in public housing owned or administered by the authority, a minimum monthly rental contribution, which—

(A) may not be less than $25;

(B) shall include any portion of the cost of utilities for the unit for which the resident is responsible; and

(C) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly rental contribution in effect for the preceding year.

(2) MAXIMUM RENTAL.—Each local housing and management authority may establish, for each dwelling unit in public housing owned or administered by the authority, a maximum monthly rental amount, which shall be an amount determined by the authority which is based on, but does not exceed—

(A) the average, for dwelling units of similar size in public housing developments owned and operated by such authority, of operating expenses attributable to such units;

(B) the reasonable rental value of the unit; or

(C) the local market rent for comparable units of similar size.

(c) INCOME REVIEWS.—If a local housing and management authority establishes the amount of rent paid by a family for a public housing dwelling unit based on the adjusted income of the family, the authority shall review the incomes of such family occupying dwelling units in public housing owned or administered by the authority not less than annually.

(d) REVIEW OF MAXIMUM AND MINIMUM RENTS.—

(1) RENTAL CHARGES.—If the Secretary determines, at any time, that a significant percentage of the public housing dwelling units owned or operated by a large local housing and management authority are occupied by households paying more than 30 percent of their adjusted incomes for rent, the Secretary shall review the maximum and minimum monthly rental amounts established by the authority.

(2) POPULATION SERVED.—If the Secretary determines, at any time, that less than 40 percent of the public housing dwelling units owned or operated by a large local housing and management authority are occupied by households whose incomes do not exceed 30 percent of the area median income, the Secretary shall review the maximum and minimum monthly rental amounts established by the authority.

(3) MODIFICATION OF MAXIMUM AND MINIMUM RENTAL AMOUNTS.—If, pursuant to review under this subsection, the Secretary determines that the maximum and minimum rental amounts for a large local housing and management authority are not appropriate to serve the needs of the low-income population of the jurisdiction served by the authority (taking into consideration the financial resources and costs of the authority), as identified in the approved local housing management plan of the authority, the Secretary may require the authority to modify the maximum and minimum monthly rental amounts.

(4) LARGE LHMA.—For purposes of this subsection, the term ''large local housing and management authority'' means a local housing and management authority that owns or operates 1250 or more public housing dwelling units.

(e) PHASE-IN OF RENT CONTRIBUTION INCREASES.—

(1) IN GENERAL.—Except as provided in paragraph (2), for any family residing in a dwelling unit in public housing upon the date of the enactment of this Act, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon initial applicability of this title is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) EXCEPTION.—The minimum rent contribution requirement under subsection (b)(1)(A) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 226. LEASE REQUIREMENTS.

In renting dwelling units in a public housing development, each local housing and management authority shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) obligate the local housing and management authority to maintain the development in compliance with the housing quality requirements under section 232;

(3) require the local housing and management authority to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or local housing and management authority employees is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) require that the local housing and management authority may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, State, or local law, or for other good cause;

(5) provide that the local housing and management authority may terminate the tenancy of a public housing resident for any activity, engaged in by a public housing resident, any member of the resident's household, or any guest or other person under the resident's control, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the local housing and management authority or other manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) is criminal activity (including drug-related criminal activity);

(6) provide that any occupancy in violation of the provisions of section 227(a)(4) shall be cause for termination of tenancy; and

(7) specify that, with respect to any notice of eviction or termination, notwithstanding any State law, a public housing resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records or regulations directly related to the eviction or termination.

SEC. 227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES.

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a local housing and management authority for which the information required under subsection (c) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the local housing and management authority may make units in such developments (or portions) available only to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a local housing and management authority determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the authority may provide that near-elderly families may occupy dwelling units in the development (or portion).

(4) LIMITATION ON OCCUPANCY IN DEVELOPMENTS FOR ELDERLY FAMILIES.—

(A) IN GENERAL.—Subject only to the provisions of subsection (b) and notwithstanding any other provision of law, a dwelling unit in a development (or portion of a development) that is designated under paragraph (1) for occupancy by only elderly families or by only elderly and disabled families shall not be occupied by any individual who is not an elderly person and—

(i) who currently illegally uses a controlled substance; or

(ii) whose history of illegal use of a controlled substance or use of alcohol, or current use of alcohol, provides reasonable cause for the local housing and management authority to believe that the occupancy by such individual may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(B) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to subparagraph (A), to deny occupancy to any individual based on a history of use of a controlled substance or alcohol, a local housing and management authority may consider the factors under section 105(b).

(b) STANDARDS REGARDING EVICTIONS.—

(1) LIMITATION.—Except as provided in paragraph (2), any resident who is lawfully residing in a dwelling unit in a development designated for occupancy under subsection (a)(1) may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) or because of any action taken by the Secretary or any local housing and management authority to carry out this section.

(2) REQUIREMENT TO EVICT NONELDERLY TENANTS IN HOUSING DESIGNATED FOR ELDERLY FAMILIES WHO HAVE CURRENT DRUG OR ALCOHOL ABUSE PROBLEMS.—The local housing and management authority administering a development (or portion of a development) described in subsection (a)(4)(A) shall evict any individual who occupies a dwelling unit in such a development and who currently illegally uses a controlled substance or whose current use of alcohol provides a reasonable cause for the authority to believe that the occupancy by such individual may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents. This paragraph may not be construed to require a local housing and management authority to evict any other individual who occupies the same dwelling unit as the individual required to be evicted.

(c) REQUIRED INCLUSIONS IN LOCAL HOUSING MANAGEMENT PLAN.—

(1) IN GENERAL.—A local housing and management authority may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the authority, as part of the authority's local housing management plan—

(A) establishes that the designation of the development is necessary—

(i) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy); and

(ii) to meet the housing needs of the low-income population jurisdiction; and

(B) submits a description of—

(i) the development (or portion of a development) to be designated;

(ii) the types of residents for which the development is to be designated;

(iii) any services designed to meet the special needs of residents to be provided to residents of the designated development (or portion);

(iv) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants.

(2) 5-YEAR EFFECTIVENESS.—The information required under paragraph (1) shall be effective for purposes of designation of a public housing development (or portion thereof) under this section only for the 5-year period that begins upon

notification under section 108(a) of the local housing and management authority that the information complies with the requirements under section 107 and this subsection. A local housing and management authority may extend the effectiveness of the designation and information for an additional 2-year period beginning upon the expiration of such period (or the expiration of any previous extension period under this sentence) by updating such information in the local housing management plan for the authority.

(3) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this section, a local housing and management authority shall be considered to have submitted the information required under this subsection if the authority has submitted to the Secretary an application and allocation plan under this section (as in effect before the date of the enactment of this Act) that have not been approved or disapproved before such date of enactment.

(4) SAVINGS PROVISION.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) before such date of enactment shall be considered to be information required under this subsection that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(d) RELOCATION ASSISTANCE.—A local housing and management authority that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (a) shall provide, to each person and family relocated in connection with such designation—

(1) notice of the designation and relocation, as soon as is practicable for the authority and the person or family;

(2) comparable housing (including appropriate services and design features), which may include rental assistance under title III, at a rental rate that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(e) INAPPLICABILITY TO INDIAN HOUSING.—The provisions of this section shall not apply with respect to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

Subtitle C—Management

SEC. 231. MANAGEMENT PROCEDURES.

(a) SOUND MANAGEMENT.—A local housing and management authority that receives grant amounts under this title shall establish and comply with procedures and practices sufficient to ensure that the public housing developments owned or administered by the authority are operated in a sound manner.

(b) MANAGEMENT BY OTHER ENTITIES.—Except as otherwise provided under this Act, a local housing and management authority may contract with any other entity to perform any of the management functions for public housing owned or operated by the local housing and management authority.

SEC. 232. HOUSING QUALITY REQUIREMENTS.

(a) IN GENERAL.—Each local housing and management authority that receives grant amounts under this Act shall maintain its public housing in a condition that complies—

(1) in the case of public housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings that provide protection to residents of the dwellings that is equal to or greater than the protection provided under the housing quality standards established under subsection (b), with such applicable laws, regulations, standards, or codes; or

(2) in the case of public housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in subparagraph (A), with the housing quality standards established under subsection (b).

(b) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this subsection that ensure that public housing dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 328(b). The Secretary shall differentiate between major and minor violations of such standards.

(c) DETERMINATIONS.—Each local housing and management authority providing housing assistance shall identify, in the local housing management plan of the authority, whether the authority is utilizing the standard under paragraph (1) or (2) of subsection (a) and, if the authority utilizes the standard under paragraph (1), shall certify in such plan that the applicable State or local laws, regulations, standards, or codes comply with the requirements under such paragraph.

(d) ANNUAL INSPECTIONS.—Each local housing and management authority that owns or operates public housing shall make an annual inspection of each public housing development to determine whether units in the development are maintained in accordance with the requirements under subsection (a). The authority shall submit the results of such inspections to the Secretary and the Inspector General for the Department of Housing and Urban Development and such results shall be available to the Housing Foundation and Accreditation Board established under title IV and any auditor conducting an audit under section 432.

SEC. 233. EMPLOYMENT OF RESIDENTS.

A local housing and management authority may employ public housing residents in any activities engaged in by the authority. The Secretary shall require local housing and management authorities, in using grant amounts provided under this title, to make their best efforts to enter into agreements with contractors and subcontractors of the authority to provide residents of public housing with employment opportunities, job training, and internships.

SEC. 234. RESIDENT COUNCILS AND RESIDENT MANAGEMENT CORPORATIONS.

(a) RESIDENT COUNCILS.—The residents of a public housing development may establish a resident council for the development for purposes of consideration of issues relating to residents, representation of resident interests, and coordination and consultation with a local housing and management authority. A resident council shall be an organization or association that—

(1) is nonprofit in character;

(2) is representative of the residents of the eligible housing;

(3) adopts written procedures providing for the election of officers on a regular basis; and

(4) has a democratically elected governing board, which is elected by the residents of the eligible housing.

(b) RESIDENT MANAGEMENT CORPORATIONS.—

(1) ESTABLISHMENT.—The residents of a public housing development may establish a resident management corporation for the purpose of assuming the responsibility for the management of the development under section 235 or purchasing a development.

(2) REQUIREMENTS.—A resident management corporation shall be a corporation that—

(A) is nonprofit in character;

(B) is organized under the laws of the State in which the development is located;

(C) has as its sole voting members the residents of the development; and

(D) is established by the resident council for the development or, if there is not a resident council, by a majority of the households of the development.

SEC. 235. MANAGEMENT BY RESIDENT MANAGEMENT CORPORATION.

(a) AUTHORITY.—A local housing and management authority may enter into a contract under this section with a resident management corporation to provide for the management of public housing developments by the corporation.

(b) CONTRACT.—A contract under this section for management of public housing developments by a resident management corporation shall establish the respective management rights and responsibilities of the corporation and the local housing and management authority. The contract shall be consistent with the requirements of this Act applicable to public housing development and may include specific terms governing management personnel and compensation, access to public housing records, submission of and adherence to budgets, rent collection procedures, resident income verification, resident eligibility determinations, resident eviction, the acquisition of supplies and materials and such other matters as may be appropriate. The contract shall be treated as a contracting out of services.

(c) BONDING AND INSURANCE.—Before assuming any management responsibility for a public housing development, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the local housing and management authority against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

(d) BLOCK GRANT ASSISTANCE AND INCOME.—A contract under this section shall provide for—

(1) the local housing and management authority to provide a portion of the block grant assistance under this title to the resident management corporation for purposes of operating the public housing development covered by the contract and performing such other eligible activities with respect to the development as may be provided under the contract;

(2) the amount of income expected to be derived from the development itself (from sources such as rents and charges);

(3) the amount of income to be provided to the development from the other sources of income of the local housing and management authority (such as interest income, administrative fees, and rents); and

(4) any income generated by a resident management corporation of a public housing development that exceeds the income estimated under the contract shall be used for eligible activities under section 203(a).

(e) CALCULATION OF TOTAL INCOME.—

(1) MAINTENANCE OF SUPPORT.—Subject to paragraph (2), the amount of assistance provided by a local housing and management authority to a public housing development managed by a resident management corporation may not be reduced during the 3-year period beginning on the date on which the resident management corporation is first established for the development.

(2) REDUCTIONS AND INCREASES IN SUPPORT.—If the total income of a local housing and management authority is reduced or increased, the income provided by the local housing and management authority to a public housing development managed by a resident management corporation shall be reduced or increased in proportion to the reduction or increase in the total income of the authority, except that any reduction in block grant amounts under this title to the authority that occurs as a result of fraud, waste, or mismanagement by the authority shall not affect the amount provided to the resident management corporation.

SEC. 236. TRANSFER OF MANAGEMENT OF CERTAIN HOUSING TO INDEPENDENT MANAGER AT REQUEST OF RESIDENTS.

(a) AUTHORITY.—The Secretary may transfer the responsibility and authority for management

of specified housing (as such term is defined in subsection (h)) from a local housing and management authority to an eligible management entity, in accordance with the requirements of this section, if—

(1) such housing is owned or operated by a local housing and management authority that is—

(A) not accredited under section 433 by the Housing Foundation and Accreditation Board; or

(B) is designated as a troubled authority under section 431(a)(2); and

(2) the Secretary determines that—

(A) such housing has deferred maintenance, physical deterioration, or obsolescence of major systems and other deficiencies in the physical plant of the project;

(B) such housing is occupied predominantly by families with children who are in a severe state of distress, characterized by such factors as high rates of unemployment, teenage pregnancy, single-parent households, long-term dependency on public assistance and minimal educational achievement;

(C) such housing is located in an area such that the housing is subject to recurrent vandalism and criminal activity (including drug-related criminal activity); and

(D) the residents can demonstrate that the elements of distress for such housing specified in subparagraphs (A) through (C) can be remedied by an entity that has a demonstrated capacity to manage, with reasonable expenses for modernization.

Such a transfer may be made only as provided in this section, pursuant to the approval by the Secretary of a request for the transfer made by a majority vote of the residents for the specified housing, after consultation with the local housing and management authority for the specified housing.

(b) BLOCK GRANT ASSISTANCE.—Pursuant to a contract under subsection (c), the Secretary shall require the local housing and management authority for specified housing to provide to the manager for the housing, from any block grant amounts under this title for the authority, fair and reasonable amounts for operating costs for the housing. The amount made available under this subsection to a manager shall be determined by the Secretary based on the share for the specified housing of the total block grant amounts for the local housing and management authority transferring the housing, taking into consideration the operating and capital improvement needs of the specified housing, the operating and capital improvement needs of the remaining public housing units managed by the local housing and management authority, and the local housing management plan of such authority.

(c) CONTRACT BETWEEN SECRETARY AND MANAGER.—

(1) REQUIREMENTS.—Pursuant to the approval of a request under this section for transfer of the management of specified housing, the Secretary shall enter into a contract with the eligible management entity.

(2) TERMS.—A contract under this subsection shall contain provisions establishing the rights and responsibilities of the manager with respect to the specified housing and the Secretary and shall be consistent with the requirements of this Act applicable to public housing developments.

(d) COMPLIANCE WITH LOCAL HOUSING MANAGEMENT PLAN.—A manager of specified housing under this section shall comply with the approved local housing management plan applicable to the housing and shall submit such information to the local housing and management authority from which management was transferred as may be necessary for such authority to prepare and update its local housing management plan.

(e) DEMOLITION AND DISPOSITION BY MANAGER.—A manager under this section may demolish or dispose of specified housing only if, and in the manner, provided for in the local housing management plan for the authority transferring management of the housing.

(f) LIMITATION ON LHMA LIABILITY.—A local housing and management authority that is not a manager for specified housing shall not be liable for any act or failure to act by a manager or resident council for the specified housing.

(g) TREATMENT OF MANAGER.—To the extent not inconsistent with this section and to the extent the Secretary determines not inconsistent with the purposes of this Act, a manager of specified housing under this section shall be considered to be a local housing and management authority for purposes of this title.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE MANAGEMENT ENTITY.—The term ''eligible management entity'' means, with respect to any public housing development, any of the following entities that has been accredited in accordance with section 433:

(A) NONPROFIT ORGANIZATION.—A public or private nonprofit organization, which shall—

(i) include a resident management corporation or resident management organization and, as determined by the Secretary, a public or private nonprofit organization sponsored by the local housing and management authority that owns the development; and

(ii) not include the local housing and management authority that owns the development.

(B) FOR-PROFIT ENTITY.—A for-profit entity that has demonstrated experience in providing low-income housing.

(C) STATE OR LOCAL GOVERNMENT.—A State or local government, including an agency or instrumentality thereof.

(D) LOCAL HOUSING AND MANAGEMENT AUTHORITY.—A local housing and management authority (other than the local housing and management authority that owns the development).

The term does not include a resident council.

(2) MANAGER.—The term ''manager'' means any eligible management entity that has entered into a contract under this section with the Secretary for the management of specified housing.

(3) NONPROFIT.—The term ''nonprofit'' means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term ''private nonprofit organization'' means any private organization (including a State or locally chartered organization) that—

(A) is incorporated under State or local law;

(B) is nonprofit in character;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to low-income families.

(5) LOCAL HOUSING AND MANAGEMENT AUTHORITY.—The term ''local housing and management authority'' has the meaning given such term in section 103(a), except that it does not include Indian housing authorities.

(6) PUBLIC NONPROFIT ORGANIZATION.—The term ''public nonprofit organization'' means any public entity that is nonprofit in character.

(7) SPECIFIED HOUSING.—The term ''specified housing'' means a public housing development or developments, or a portion of a development or developments, for which the transfer of management is requested under this section. The term includes one or more contiguous buildings and an area of contiguous row houses, but in the case of a single building, the building shall be sufficiently separable from the remainder of the development of which it is part to make transfer of the management of the building feasible for purposes of this section.

SEC. 237. RESIDENT OPPORTUNITY PROGRAM.

(a) PURPOSE.—The purpose of this section is to encourage increased resident management of public housing developments, as a means of improving existing living conditions in public housing developments, by providing increased flexibility for public housing developments that are managed by residents by—

(1) permitting the retention, and use for certain purposes, of any revenues exceeding operating and project costs; and

(2) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

For purposes of this section, the term ''public housing development'' includes one or more contiguous buildings or an area of contiguous row houses the elected resident councils of which approve the establishment of a resident management corporation and otherwise meet the requirements of this section.

(b) PROGRAM REQUIREMENTS.—

(1) RESIDENT COUNCIL.—As a condition of entering into a resident opportunity program, the elected resident council of a public housing development shall approve the establishment of a resident management corporation that complies with the requirements of section 234(b)(2). When such approval is made by the elected resident council of a building or row house area, the resident opportunity program shall not interfere with the rights of other families residing in the development or harm the efficient operation of the development. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to both the corporation and council.

(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing development, in cooperation with the local housing and management authority, shall select a qualified public housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties agreed to in the daily operations of the development.

(3) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the local housing and management authority, shall enter into a contract with the authority establishing the respective management rights and responsibilities of the corporation and the authority. The contract shall be treated as a contracting out of services and shall be subject to the requirements under section 234 for such contracts.

(4) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing development shall be audited annually by a certified public accountant. A written report of each such audit shall be forwarded to the local housing and management authority and the Secretary.

(c) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing developments managed by resident management corporations may be provided with modernization assistance from grant amounts under this title for purposes of renovating such developments. If such renovation activities (including the planning and architectural design of the rehabilitation) are administered by a resident management corporation, the local housing and management authority involved may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection unless otherwise provided by contract.

(d) WAIVER OF FEDERAL REQUIREMENTS.—

(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation and local housing and management authority, and after notice and an opportunity to comment is afforded to the affected residents, the Secretary may waive (for both the resident management corporation and the local housing

and management authority) any requirement established by the Secretary (and not specified in any statute) that the Secretary determines to unnecessarily increase the costs or restrict the income of a public housing development.

(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may, subject to applicable collective bargaining agreements, permit residents of such development to volunteer a portion of their labor.

(3) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 222, rental payments under section 225, tenant or applicant protections, employee organizing rights, or rights of employees under collective bargaining agreements.

(e) OPERATING ASSISTANCE AND DEVELOPMENT INCOME.—

(1) CALCULATION OF OPERATING SUBSIDY.—Subject only to the exception provided in paragraph (3), the amount grant amounts received under this title by a local housing and management authority used for operating costs under section 203(a)(2) that is allocated to a public housing development managed by a resident management corporation shall not be less than per unit monthly amount of such assistance used by the local housing and management authority in the previous year, as determined on an individual development basis.

(2) CONTRACT REQUIREMENTS.—Any contract for management of a public housing development entered into by a local housing and management authority and a resident management corporation shall specify the amount of income expected to be derived from the development itself (from sources such as rents and charges) and the amount of income funds to be provided to the development from the other sources of income of the authority (such as operating assistance under section 203(a), interest income, administrative fees, and rents).

(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—

(1) FINANCIAL ASSISTANCE.—To the extent budget authority is available under this title, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing developments, and the securing of such support.

(2) LIMITATION ON ASSISTANCE.—The financial assistance provided under this subsection with respect to any public housing development may not exceed $100,000.

(3) PROHIBITION.—A resident management corporation or resident council may not, before the award to the corporation or council of a grant amount under this subsection, enter into any contract or other agreement with any entity to provide such entity with amounts from the grant for providing technical assistance or carrying out other activities eligible for assistance with amounts under this subsection. Any such agreement entered into in violation of this paragraph shall be void and unenforceable.

(4) FUNDING.—Of any amounts made available for financial assistance under this title, the Secretary may use to carry out this subsection $15,000,000 for fiscal year 1996.

(5) LIMITATION REGARDING ASSISTANCE UNDER HOPE GRANT PROGRAM.—The Secretary may not provide financial assistance under this subsection to any resident management corporation or resident council with respect to which assistance for the development or formation of such entity is provided under title III of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

(g) ASSESSMENT AND REPORT BY SECRETARY.—Not later than 3 years after the date of the enactment of the United States Housing Act of 1996, the Secretary shall—

(1) conduct an evaluation and assessment of resident management, and particularly of the effect of resident management on living conditions in public housing; and

(2) submit to the Congress a report setting forth the findings of the Secretary as a result of the evaluation and assessment and including any recommendations the Secretary determines to be appropriate.

(h) APPLICABILITY.—Any management contract between a local housing and management authority and a resident management corporation that is entered into after the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 shall be subject to this section and any regulations issued to carry out this section.

Subtitle D—Homeownership

SEC. 251. RESIDENT HOMEOWNERSHIP PROGRAMS.

(a) IN GENERAL.—A local housing and management authority may carry out a homeownership program in accordance with this section and the local housing management plan of the authority to make public housing dwelling units, public housing developments, and other housing projects available for purchase by low-income families.

(b) PARTICIPATING UNITS.—A program under this section may cover any existing public housing dwelling units or projects, and may include other dwelling units and housing owned, operated, or assisted, or otherwise acquired for use under such program, by the local housing and management authority.

(c) ELIGIBLE PURCHASERS.—

(1) LOW-INCOME REQUIREMENT.—Only low-income families assisted by a local housing and management authority, other low-income families, and entities formed to facilitate such sales shall be eligible to purchase housing under a homeownership program under this section.

(2) OTHER REQUIREMENTS.—A local housing and management authority may establish other requirements or limitations for families to purchase housing under a homeownership program under this section, including requirements or limitations regarding employment or participation in employment counseling or training activities, criminal activity, participation in homeownership counseling programs, evidence of regular income, and other requirements.

(d) FINANCING AND ASSISTANCE.—A homeownership program under this section may provide financing for acquisition of housing by families purchasing under the program or by the local housing and management authority for sale under this program in any manner considered appropriate by the authority (including sale to a resident management corporation).

(e) DOWNPAYMENT REQUIREMENT.—

(1) IN GENERAL.—Each family purchasing housing under a homeownership program under this section shall be required to provide from its own resources a downpayment in connection with any loan for acquisition of the housing, in an amount determined by the local housing and management authority. Except as provided in paragraph (2), the authority shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase,

(2) DIRECT FAMILY CONTRIBUTION.—In purchasing housing pursuant to this section, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(f) OWNERSHIP INTERESTS.—A homeownership program under this section may provide for sale to the purchasing family of any ownership interest that the local housing and management authority considers appropriate under the program, including ownership in fee simple, a condominium interest, an interest in a limited dividend cooperative, a shared appreciation interest with a local housing and management authority providing financing.

(g) RESALE.—

(1) AUTHORITY AND LIMITATION.—A homeownership program under this section shall permit the resale of a dwelling unit purchased under the program by an eligible family, but shall provide such limitations on resale as the authority considers appropriate for the authority to recapture—

(A) from any economic gain derived from any such resale occurring during the 5-year period beginning upon purchase of the dwelling unit by the eligible family, a portion of the amount of any financial assistance provided under the program by the authority to the eligible family; and

(B) after the expiration of such 5-year period, only such amounts as are equivalent to the assistance provided under this section by the authority to the purchaser.

(2) CONSIDERATIONS.—The limitations referred to in paragraph (1) may provide for consideration of the aggregate amount of assistance provided under the program to the family, the contribution to equity provided by the purchasing eligible family, the period of time elapsed between purchase under the homeownership program and resale, the reason for resale, any improvements to the property made by the eligible family, any appreciation in the value of the property, and any other factors that the authority considers appropriate.

(h) INAPPLICABILITY OF DISPOSITION REQUIREMENTS.—The provisions of section 261 shall not apply to disposition of public housing dwelling units under a homeownership program under this section, except that any dwelling units sold under such a program shall be treated as public housing dwelling units for purposes of subsections (e) and (f) of section 261.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

SEC. 261. REQUIREMENTS FOR DEMOLITION AND DISPOSITION OF DEVELOPMENTS.

(a) AUTHORITY AND FLEXIBILITY.—A local housing and management authority may demolish, dispose of, or demolish and dispose of nonviable or nonmarketable public housing developments of the authority in accordance with this section.

(b) LOCAL HOUSING MANAGEMENT PLAN REQUIREMENT.—A local housing and management authority may take any action to demolish or dispose of a public housing development (or a portion of a development) only if such demolition or disposition complies with the provisions of this section and is in accordance with the local housing management plan for the authority.

(c) PURPOSE OF DEMOLITION OR DISPOSITION.—A local housing and management authority may demolish or dispose of a public housing development (or portion of a development) only if the authority provides sufficient evidence to the Secretary that—

(1) the development (or portion thereof) is severely distressed or obsolete;

(2) the development (or portion thereof) is in a location making it unsuitable for housing purposes;

(3) the development (or portion thereof) has design or construction deficiencies that make cost-effective rehabilitation infeasible;

(4) assuming that reasonable rehabilitation and management intervention for the development has been completed and paid for, the anticipated revenue that would be derived from charging market-based rents for units in the development (or portion thereof) would not cover the anticipated operating costs and replacement reserves of the development (or portion) at full occupancy and the development (or portion) would constitute a substantial burden on the resources of the local housing and management authority;

(5) retention of the development (or portion thereof) is not in the best interests of the residents of the local housing and management authority because—

(A) developmental changes in the area surrounding the development adversely affect the health or safety of the residents or the feasible operation of the development by the local housing and management authority;

(B) demolition or disposition will allow the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as low-income housing; or

(C) other factors exist that the authority determines are consistent with the best interests of the residents and the authority and not inconsistent with other provisions of this Act;

(6) in the case only of demolition or disposition of a portion of a development, the demolition or disposition will help to ensure the remaining useful life of the remainder of the development; or

(7) in the case only of property other than dwelling units—

(A) the property is excess to the needs of a development; or

(B) the demolition or disposition is incidental to, or does not interfere with, continued operation of a development.

(d) CONSULTATION.—A local housing and management authority may demolish or dispose of a public housing development (or portion of a development) only if the authority notifies and confers regarding the demolition or disposition with—

(1) the residents of the development (or portion); and

(2) appropriate local government officials.

(e) USE OF PROCEEDS.—Any net proceeds from the disposition of a public housing development (or portion of a development) shall be used for—

(1) housing assistance for low-income families that is consistent with the low-income housing needs of the community, through acquisition, development, or rehabilitation of, or homeownership programs for, other low-income housing or the provision of choice-based assistance under title III for such families;

(2) supportive services relating to job training or child care for residents of a development or developments; or

(3) leveraging amounts for securing commercial enterprises, on-site in public housing developments of the local housing and management authority, appropriate to serve the needs of the residents.

(f) RELOCATION.—A local housing and management authority that demolishes or disposes of a public housing development (or portion of a development thereof) shall ensure that—

(1) each family that is a resident of the development (or portion) that is demolished or disposed of is relocated to other safe, clean, healthy, and affordable housing, which is, to the maximum extent practicable, housing of the family's choice or is provided with choice-based assistance under title III;

(2) the local housing and management authority does not take any action to dispose of any unit until any resident to be displaced is relocated in accordance with paragraph (1); and

(3) each resident family to be displaced is paid relocation expenses, and the rent to be paid initially by the resident following relocation does not exceed the amount permitted under section 225(a).

(g) RIGHT OF FIRST REFUSAL FOR RESIDENT ORGANIZATIONS AND RESIDENT MANAGEMENT CORPORATIONS.—

(1) IN GENERAL.—A local housing and management authority may not dispose of a public housing development (or portion of a development) unless the authority has, before such disposition, offered to sell the property, as provided in this subsection, to each resident organization and resident management corporation operating at the development for continued use as low-income housing, and no such organization or corporation purchases the property pursuant to such offer. A resident organization may act, for purposes of this subsection, through an entity formed to facilitate homeownership under subtitle D.

(2) TIMING.—Disposition of a development (or portion thereof) under this section may not take place—

(A) before the expiration of the period during which any such organization or corporation may notify the authority of interest in purchasing the property, which shall be the 30-day period beginning on the date that the authority first provides notice of the proposed disposition of the property to such resident organizations and resident management corporations;

(B) if an organization or corporation submits notice of interest in accordance with subparagraph (A), before the expiration of the period during which such organization or corporation may obtain a commitment for financing to purchase the property, which shall be the 60-day period beginning upon the submission to the authority of the notice of interest; or

(C) if, during the period under subparagraph (B), an organization or corporation obtains such financing commitment and makes a bona fide offer to the authority to purchase the property for a price equal to or exceeding the applicable offer price under paragraph (3).

The authority shall sell the property pursuant to any purchase offer described in subparagraph (C).

(3) TERMS OF OFFER.—An offer by a local housing and management authority to sell a property in accordance with this subsection shall involve a purchase price that reflects the market value of the property, the reason for the sale, the impact of the sale on the surrounding community, and any other factors that the authority considers appropriate.

(h) INFORMATION FOR LOCAL HOUSING MANAGEMENT PLAN.—A local housing and management authority may demolish or dispose of a public housing development (or portion thereof) only if it includes in the applicable local housing management plan information sufficient to describe—

(1) the housing to be demolished or disposed of;

(2) the purpose of the demolition or disposition under subsection (c) and why the demolition or disposition complies with the requirements under subsection (c);

(3) how the consultations required under subsection (d) will be made;

(4) how the net proceeds of the disposition will be used in accordance with subsection (e);

(5) how the authority will relocate residents, if necessary, as required under subsection (f); and

(6) that the authority has offered the property for acquisition by resident organizations and resident management corporations in accordance with subsection (g).

(i) SITE AND NEIGHBORHOOD STANDARDS EXEMPTION.—Notwithstanding any other provision of law, a local housing and management authority may provide for development of public housing dwelling units on the same site or in the same neighborhood as any dwelling units demolished, pursuant to a plan under this section, but only if such development provides for significantly fewer dwelling units.

(j) TREATMENT OF REPLACEMENT UNITS.—In connection with any demolition or disposition of public housing under this section, a local housing and management authority may provide for other housing assistance for low-income families that is consistent with the low-income housing needs of the community, including—

(1) the provision of choice-based assistance under title III; and

(2) the development, acquisition, or lease by the authority of dwelling units, which dwelling units shall—

(A) be eligible to receive assistance with grant amounts provided under this title; and

(B) be made available for occupancy, operated, and managed in the manner required for public housing, and subject to the other requirements applicable to public housing dwelling units.

(k) PERMISSIBLE RELOCATION WITHOUT PLAN.—If a local housing and management authority determines that public housing dwelling units are not clean, safe, and healthy or cannot be maintained cost-effectively in a clean, safe, and healthy condition, the local housing and management authority may relocate residents of such dwelling units before the submission of a local housing management plan providing for demolition or disposition of such units.

(l) CONSOLIDATION OF OCCUPANCY WITHIN OR AMONG BUILDINGS.—Nothing in this section may be construed to prevent a local housing and management authority from consolidating occupancy within or among buildings of a public housing development, or among developments, or with other housing for the purpose of improving living conditions of, or providing more efficient services to, residents.

(m) DE MINIMIS EXCEPTION TO DEMOLITION REQUIREMENTS.—Notwithstanding any other provision of this section, in any 5-year period a local housing and management authority may demolish not more than the lesser of 5 dwelling units or 5 percent of the total dwelling units owned and operated by the local housing and management authority, without providing for such demolition in a local housing management plan, but only if the space occupied by the demolished unit is used for meeting the service or other needs of public housing residents or the demolished unit was beyond repair.

SEC. 262. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND CHOICE-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

(a) PURPOSES.—The purpose of this section is to provide assistance to local housing and management authorities for the purposes of—

(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing developments through the demolition of obsolete public housing developments (or portions thereof);

(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood; and

(3) providing housing that will avoid or decrease the concentration of very low-income families; and

(4) providing choice-based assistance in accordance with title III for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

(b) GRANT AUTHORITY.—The Secretary may make grants available to local housing and management authorities as provided in this section.

(c) CONTRIBUTION REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant certifies to the Secretary that the applicant will supplement the amount of assistance provided under this section with an amount of funds from sources other than this section equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.

(d) ELIGIBLE ACTIVITIES.—Grants under this section may be used for activities to carry out revitalization programs for severely distressed public housing, including—

(1) architectural and engineering work, including the redesign, reconstruction, or redevelopment of a severely distressed public housing development, including the site on which the development is located;

(2) the demolition, sale, or lease of the site, in whole or in part;

(3) covering the administrative costs of the applicant, which may not exceed such portion of the assistance provided under this section as the Secretary may prescribe;

(4) payment of reasonable legal fees;

(5) providing reasonable moving expenses for residents displaced as a result of the revitalization of the development;

(6) economic development activities that promote the economic self-sufficiency of residents under the revitalization program;

(7) necessary management improvements;

(8) leveraging other resources, including additional housing resources, retail supportive services, jobs, and other economic development uses on or near the development that will benefit future residents of the site;

(9) replacement housing and housing assistance under title III;

(10) transitional security activities; and

(11) necessary supportive services, except that not more than 10 percent of the amount of any grant may be used for activities under this paragraph.

(e) APPLICATION AND SELECTION.—

(1) APPLICATION.—An application for a grant under this section shall contain such information and shall be submitted at such time and in accordance with such procedures, as the Secretary shall prescribe.

(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for the award of grants under this section, which shall include—

(A) the relationship of the grant to the local housing management plan for the local housing and management authority and how the grant will result in a revitalized site that will enhance the neighborhood in which the development is located;

(B) the capability and record of the applicant local housing and management authority, or any alternative management agency for the authority, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

(C) the extent to which the local housing and management authority could undertake such activities without a grant under this section;

(D) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development;

(E) the amount of funds and other resources to be leveraged by the grant; and

(F) whether the applicant local housing and management authority has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect immediately before the date of the enactment of this Act).

(f) COST LIMITS.—Subject to the provisions of this section, the Secretary—

(1) shall establish cost limits on eligible activities under this section sufficient to provide for effective revitalization programs; and

(2) may establish other cost limits on eligible activities under this section.

(h) DEMOLITION AND REPLACEMENT.—Any severely distressed public housing demolished or disposed of pursuant to a revitalization plan and any public housing produced in lieu of such severely distressed housing, shall be subject to the provisions of section 261.

(i) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the local housing and management authority to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purposes of this section.

(j) WITHDRAWAL OF FUNDING.—If a grantee under this section does not proceed expeditiously, in the determination of the Secretary, the Secretary shall withdraw any grant amounts under this section that have not been obligated by the local housing and management authority. The Secretary shall redistribute any withdrawn amounts to one or more local housing and management authorities eligible for assistance under this section.

(k) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) APPLICANT.—The term ''applicant'' means—

(A) any local housing and management authority that is not designated as troubled pursuant to section 431(a)(2)(D);

(B) any local housing and management authority or private housing management agent selected, or receiver appointed pursuant, to section 438; and

(C) any local housing and management authority that is designated as troubled pursuant to section 431(a)(2)(D) that—

(i) is so designated principally for reasons that will not affect the capacity of the authority to carry out a revitalization program;

(ii) is making substantial progress toward eliminating the deficiencies of the authority; or

(iii) is otherwise determined by the Secretary to be capable of carrying out a revitalization program.

(2) PRIVATE NONPROFIT CORPORATION.—The term ''private nonprofit organization'' means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

(A) is incorporated under State or local law;

(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income families.

(3) SEVERELY DISTRESSED PUBLIC HOUSING.—The term ''severely distressed public housing'' means a public housing development (or building in a development)—

(A) that requires major redesign, reconstruction or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the development;

(B) is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood;

(C)(i) is occupied predominantly by families who are very low-income families with children, are unemployed, and dependent on various forms of public assistance; and

(ii) has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area;

(D) cannot be revitalized through assistance under other programs, such as the public housing block grant program under this title, or the programs under sections 9 and 14 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act), because of cost constraints and inadequacy of available amounts; and

(E) in the case of individual buildings, the building is, in the Secretary's determination, sufficiently separable from the remainder of the development of which the building is part to make use of the building feasible for purposes of this section.

(4) SUPPORTIVE SERVICES.—The term ''supportive services'' includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities.

(l) ANNUAL REPORT.—The Secretary shall submit to the Congress an annual report setting forth—

(1) the number, type, and cost of public housing units revitalized pursuant to this section;

(2) the status of developments identified as severely distressed public housing;

(3) the amount and type of financial assistance provided under and in conjunction with this section; and

(4) the recommendations of the Secretary for statutory and regulatory improvements to the program established by this section.

(m) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section such sums as may be necessary for fiscal year 1996.

(2) TECHNICAL ASSISTANCE.—Of the amount appropriated pursuant to paragraph (1) for any fiscal year, the Secretary may use not more than 0.50 percent for technical assistance. Such assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and shall include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of local housing and management authorities, and of residents.

(n) SUNSET.—No assistance may be provided under this section after September 30, 1996.

Subtitle F—General Provisions

SEC. 271. CONVERSION TO BLOCK GRANT ASSISTANCE.

(a) SAVINGS PROVISIONS.—Any amounts made available to a public housing agency for assistance for public housing pursuant to the United States Housing Act of 1937 (or any other provision of law relating to assistance for public housing) under an appropriation for fiscal year 1996 or any previous fiscal year shall be subject to the provisions of such Act as in effect before the enactment of this Act, notwithstanding the repeals made by this Act, except to the extent the Secretary provides otherwise to provide for the conversion of public housing and public housing assistance to the system provided under this Act.

(b) MODIFICATIONS.—Notwithstanding any provision of this Act or any annual contributions contract or other agreement entered into by the Secretary and a public housing agency pursuant to the provisions of the United States Housing Act of 1937 (as in effect before the enactment of this Act), the Secretary and the agency may by mutual consent amend, supersede, modify any such agreement as appropriate to provide for assistance under this title, except that the Secretary and the agency may not consent to any such amendment, supersession, or modification that substantially alters any outstanding obligations requiring continued maintenance of the low-income character of any public housing development and any such amendment, supersession, or modification shall not be given effect.

SEC. 272. PAYMENT OF NON-FEDERAL SHARE.

Rental or use-value of buildings or facilities paid for, in whole or in part, from production, modernization, or operation costs financed under this title may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the residents in a project assisted under this title.

SEC. 273. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) ACQUISITION COST.—The term ''acquisition cost'' means the amount prudently expended by a local housing and management authority in acquiring property for a public housing development.

(2) DEVELOPMENT.—The terms ''public housing development'' and ''development'' mean—

(A) public housing; and

(B) the improvement of any such housing.

(3) ELIGIBLE LOCAL HOUSING AND MANAGEMENT AUTHORITY.—The term ''eligible local housing

and management authority'' means, with respect to a fiscal year, a local housing and management authority that is eligible under section 202(b) for a grant under this title.

(4) GROUP HOME AND INDEPENDENT LIVING FACILITY.—The terms ''group home'' and ''independent living facility'' have the meanings given such terms in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act.

(5) OPERATION.—The term ''operation'' means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a public housing development, including the financing of resident programs and services.

(6) PRODUCTION.—The term ''production'' means any or all undertakings necessary for planning, land acquisition, financing, demolition, construction, or equipment, in connection with the construction, acquisition, or rehabilitation of a property for use as a public housing development, including activity in connection with a public housing development that is confined to the reconstruction, remodeling, or repair of existing buildings.

(7) PRODUCTION COST.—The term ''production cost'' means the costs incurred by a local housing and management authority for production of public housing and the necessary financing for production (including the payment of carrying charges and acquisition costs).

(8) RESIDENT COUNCIL.—The term ''resident council'' means an organization or association that meets the requirements of section 234(a).

(9) RESIDENT MANAGEMENT CORPORATION.—The term ''resident management corporation'' means a corporation that meets the requirements of section 234(b).

(10) RESIDENT PROGRAM.—The term ''resident programs and services'' means programs and services for families residing in public housing developments. Such term includes (A) the development and maintenance of resident organizations which participate in the management of public housing developments, (B) the training of residents to manage and operate the public housing development and the utilization of their services in management and operation of the development, (C) counseling on household management, housekeeping, budgeting, money management, homeownership issues, child care, and similar matters, (D) advice regarding resources for job training and placement, education, welfare, health, and other community services, (E) services that are directly related to meeting resident needs and providing a wholesome living environment; and (F) referral to appropriate agencies in the community when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

SEC. 274. AUTHORIZATION OF APPROPRIATIONS FOR BLOCK GRANTS.

There is authorized to be appropriated, for block grants under this title, $6,300,000,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000.

SEC. 275. AUTHORIZATION OF APPROPRIATIONS FOR OPERATION SAFE HOME.

There is authorized to be appropriated, for assistance for relocating residents of public housing under the operation safe home program of the Department of Housing and Urban Development (including assistance for costs of relocation and housing assistance under title III), $700,000 for each of fiscal years 1996, 1997, 1998, 1999, and 2000. The Secretary shall provide that families who are residing in public housing, who have been subject to domestic violence, and for whom provision of assistance is likely to reduce or eliminate the threat of subsequent violence to the members of the family, shall be eligible for assistance under the operation safe home program.

The CHAIRMAN pro tempore. Are there any amendments to title II?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word to try to make certain that we understand what our business is going to be.

Mr. Chairman, I want to try to enter into a colloquy with the gentleman from New York [Mr. LAZIO], my friend and chairman about our plans for the rest of the evening, and I hope for our plans involving tomorrow's business.

I wonder if the gentleman might enlighten us as to what his plans for the subcommittee are for the rest of the evening.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, I would be happy to enter into a discussion with my friend, the distinguished ranking member, Mr. KENNEDY.

I will be happy to make the unanimous consent request.

Mr. Chairman, I ask unanimous consent that debate on all amendments to the bill, and any amendment thereto, be limited to 10 minutes, equally divided and controlled by the proponent and an opponent, except that: the modified amendment No. 7 offered by Mr. FRANK of Massachusetts be considered under the terms of the previous order of the committee, amendment No. 17 offered by Mr. KENNEDY of Massachusetts be debatable for 1 hour, amendments Nos. 33 and 34 offered by Ms. VELÁZQUEZ of New York may be considered en bloc and debatable for 20 minutes, amendment No. 22 offered by Mr. ROEMER of Indiana be debatable for 20 minutes, and amendment No. 9 by Mr. HAYWORTH of Arizona be debatable for 20 minutes.

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

Mr. KENNEDY of Massachusetts. Mr. Chairman, reserving the right to object, I appreciate the efforts that the gentleman from New York and the staff of the committee have made to try to get this bill under control for tomorrow's business. I think we have an agreement in terms of the committee's work that everyone that has offered or intends to offer an amendment can work within.

I would also like to put on the RECORD the minority's understanding of the floor schedule for testimony. That the House intends to meet at 10 a.m. That the House will take up the housing bill until completion and that the House will vote on the product liability veto override. Then the House will take up the rule on general debate only on the adoption bill and the House may take up the science rule only, and that will be it in terms of the order of business for the day.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, it is my understanding that the schedule will follow closely, or approximately, what the gentleman has simply set forth.

It looks like those issues will be resolved and I think we will probably only get to the rule vote on the science bill, tomorrow so we are hoping to wrap up. And I also want to thank the gentleman from Massachusetts for working cooperatively to ensure that we have a rational debate process for the remained of this bill before us right now.

Mr. KENNEDY of Massachusetts. Mr. Chairman, although I am a little suspect about approximatelys and hopefuls, but anyway, I appreciate working with the gentleman from New York and look forward to a shorter day tomorrow.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. HOBSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2406), to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

APPOINTMENT OF MEMBERS TO UNITED STATES DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Members of the House to the United States delegation of the Canada-United States interparliamentary group: Mr. DRIER of California, Mr. UPTON of Michigan, Mr. GIBBONS of Florida, Mr. DE LA GARZA of Texas, Mr. OBERSTAR of Minnesota, Mr. JOHNSTON of Florida, Mr. PETERSON of Minnesota, Ms. DANNER of Missouri, Mr. UNDERWOOD of Guam, and Mr. FRAZER of the Virgin Islands.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1996, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

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

[Mr. MEEHAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. PRYCE] is recognized for 5 minutes.

[Ms. PRYCE addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. LIPINSKI addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. CHAMBLISS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

[Ms. MCKINNEY addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. SMITH of Michigan addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

REPEAL OF GAS TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, very briefly, we have had almost 10 days of vigorous discussion on one of the striking concerns or outcries of the American public. It is not that the American public is not willing to pay their fair share, it is a question of fairness, and that is, of course, with the increasing cost of gasoline at the gas pump.

Many of us on both sides of the aisle have agreed that we need to assess the gasoline tax and seek its repeal. We also have heard from the President of the United States, who indicated his willingness to consider such repeal because he too believes in fairness. But we have not yet been able to resolve how we should move forward to come together on behalf of the American people.

I must take great issue with one representation by those of the majority that we will repeal and take it out of education. If there is ever a contradiction, that is one. The American people wholeheartedly support the education of their children. They, too, realize that education is the cornerstone of success in the 21st century.

So it is the evening that I have filed legislation to repeal the gasoline tax of 4.3 percent and to allow that offset to come from our defense budget, which is in excess of the budget requested by the Department of Defense. Again, the American people simply want fairness, and that fairness is to address their outcry in a manner that balances the burdens and benefits across this Nation.

I think that we should address it, ensure that we continue to educate our children, and be able to find a responsible offset that allows for a continued move toward a fiscally responsible government and one that responds to the concerns of working America, people who work every single day and simply want a fair shake.

□ 2300

Mr. Speaker, I hope my colleagues will join me in supporting my legislation and acknowledging that it is time now to give America its fair shake and repeal the 4.3-cent gasoline tax.

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

[Mr. WALKER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

[Mr. KINGSTON addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WELDON of Pennsylvania (at the request of Mr. ARMEY) from 6 p.m. today and for the balance of the week, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. MEEHAN, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. FIELDS of Louisiana, for 60 minutes, today.

(The following Members (at the request of Mr. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, on May 9.

Mr. SMITH of Michigan, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

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

(The following Members at the request of Mr. FIELDS of Louisiana) and to include extraneous matter:)

Mr. ENGEL.

Mr. FRANK of Massachusetts.

Mr. DINGELL.

Mr. HAMILTON.

Mrs. MALONEY.

Mr. HOYER.

Ms. JACKSON-LEE of Texas.

Ms. DELAURO.

Mr. GORDON in ten instances.

Mr. BAESLER.

Mr. BERMAN.

Mr. KLECZKA.

Mr. GEPHARDT.

Mr. PAYNE of New Jersey in two instances.

Ms. HARMAN in two instances.

Mr. POSHARD.

(The following Members (at the request of Mr. BEREUTER) and to include extraneous matter:)

Mr. TAUZIN.

Mr. SANFORD.

Mr. SMITH of Michigan.

Ms. DUNN of Washington.

Mr. QUINN.

Mr. RADANOVICH.

Mr. MOORHEAD.

Mr. ROTH.

Mr. DUNCAN.

Mr. CAMPBELL in two instances.

Mr. FRANKS of Connecticut.

Mr. MARTINI.

Mrs. SMITH of Washington.

Mr. EMERSON.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1467. An act to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes; to the Committee on Resources.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 641. An act to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Thursday, May 9, 1996, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2864. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the New York-New Jersey and Middle Atlantic Marketing Area; Suspension (DA–96–02 FR) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2865. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Amendment of General Regulations for Marketing Orders; Adding Stipulation Procedures (FV–95–900–1 FR) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2866. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Florida Grapefruit, Florida Oranges and Tangelos, and Florida Tangerines; Grade Standards (Docket No. FV–93–301) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2867. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Melons Grown in South Texas; Change in Cantaloup Container Requirement (Docket No. FV96–979–1 FIR) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2868. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the transfer of property to the Republic of Panama under the Panama Canal Treaty of 1977 and related agreements, pursuant to 22 U.S.C. 3784(b); to the Committee on National Security.

2869. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Obligation Guarantees: Program Administration (RIN: 2133–AB14) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2870. A letter from the Director, Office of Legislative Affairs, Federal Deposit insurance Corporation, transmitting the Corporations; final rule—Community Reinvestment Act Regulations (RIN: 3064–AB27) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2871. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Community Reinvestment Act Regulations (12 CFR Part 228) Docket No. R–0822—received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2872. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Uniform Rules and Practice and Procedure (Docket No. R–0878)—received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2873. A letter from the Assistant to the Board, Federal Reserve System, transmitting the Reserve's final rule—Regulation K—International Banking Operations (Docket No. R–0911 received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2874. A letter from the Assistant Secretary of Education, transmitting final priorities—Training personnel for the Education of Individuals with Disabilities Program and Program for Children and Youth with Serious Emotional Disturbance, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2875. A letter from the Secretary of Education, transmitting notice of Final Priorites—Special Studies Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2876. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the final regulations for the State Vocational Rehabilitation Services Program—Order of Selection—received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

2877. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Supplement to the New Mexico State Implementation Plan [SIP] to Control Air Pollution in Areas of Bernalillo County (FLR–5500–7) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2878. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Reduced Certification Reporting Requirements for New Nonroad Engines (FLR–5502–5) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2879. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal of Direct Final Rule for Approval of Redesignation Request: South Dakota (FLR–5502–1) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2880. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Oil and Hazardous Substances Contingency Plan; National Priorities List Update (FLR–5468–7) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2881. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rules—(1) Clean Air Act Interim Approval of Operating Permits Program; Delegation of Section 112 Standards; State of Massachusetts (FLR–5461–6), (2) Clean Air Act Reclassification; Arizona-Phoenix Nonattainment Area; PM10 (FRL–5503–7), (3) Hazardous Air Pollutants; Amendment to Regulations Governing Equivalent Emission Limitations by Permit (FRL–5503–3), and (4) Approval and Promulgation of Air Quality Implementation Plans; Delaware: Amendment of Final Rule Pertaining to Regulation 24—Control of Volatile Organic Compound Emissions, Section 47—Offset Lithographic Printing; Correction (FRL–5503–6) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2882. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment to the Commission's Rules Regarding a Plan for Sharing the Costs of Microwave Relocation, First Report and Order and Further Notice of Proposed Rule Making (WT Docket No. 95–157, FCC 96–196) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2883. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—GRAS Status of Propylene Glycol; Exclusion of Use in Cat Food (Docket No. 94G–0239) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2884. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

2885. A letter from the Chairman, Armed Forces Retirement Home Board, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1995, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

2886. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Training (RIN: 3206–AF99) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2887. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Retirement; Alternative Forms of Annuity (RIN: 2900–AG65) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2888. A letter from the Deputy Associate Director from Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

2889. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Service's final rules—Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Ocean Perch in the Western Aleutian District (Modification of a closure) (Docket No. 960129019–6019–01; I.D. 041596A) and Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Ocean Perch in the Western Aleutian District (Closure) (Docket No. 960129019–6019–01; I.D. 041796A) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2890. A letter from the Secretary of Transportation, transmitting the Department's study on tanker navigation safety standards: Appropriate Crew Size study, pursuant to Public Law 101–380, section 4111(c) (104 Stat. 516); to the Committee on Transportation and Infrastructure.

2891. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Adjudication Regulations; Miscellaneous (RIN: 2900–AH83) received May 8, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2892. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revenue Ruling 96–25—received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2893. A letter from the Secretary of Health and Human Services, transmitting the Department's final rule—Medicare Program; Payment for Federally Qualified Health Center Services (RIN: 0938–AF14) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on Commerce and Ways and Means.

2894. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of

the Department's intent to reprogram $1.88 million of prior year deobligated Economic Support Funds made available under chapter 4, part II of the FAA, as amended, pursuant to 22 U.S.C. 2394–1(a); jointly, to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1129. A bill to amend the National Trails System Act to designate the route from Selma to Montgomery as a National Historic Trail; with an amendment (Rept. 104–567). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2982. A bill to direct the Secretary of the Interior to convey the Carbon Hill National Fish Hatchery to the State of Alabama (Rept. 104–568). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. SHADEGG:

H.R. 3411. A bill to protect the rights of the States and the people from abuse by the Federal Government; to strengthen the partnership and the intergovernmental relationship between State and Federal Governments; to restrain Federal agencies from exceeding their authority; to enforce the 10th amendment to the Constitution; and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELLER:

H.R. 3412. A bill to require the Secretary of the Interior to conduct a study of the feasibility of establishing Calumet Ecological Park in the vicinity of Chicago, IL; to the Committee on Resources.

By Mr. MARTINI (for himself and Mr. FRANKS of New Jersey):

H.R. 3413. A bill to amend chapter 211 of title 49, United States Code, with respect to hours of service of railroad employees, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMPBELL:

H.R. 3414. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to provide for a sequestration of all budgetary accounts for fiscal year 1997—except Social Security, Federal retirement, and interest on the debt—equal to 5 percent of the OMB baseline; to the Committee on the Budget.

By Mrs. SEASTRAND (for herself, Mr. RIGGS, Mr. ROYCE, and Mr. ZIMMER):

H.R. 3415. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury; to the Committee on Ways and means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. HOUGHTON, MR. HERGER, Mrs. KENNELLY, Mr. CRANE, Mr. MCCRERY, Mr. FOX, Mr. WILSON, Mr. ROHRABACHER, and Mr. CALVERT):

H.R. 3416. A bill to amend the Internal Revenue Code of 1986 to suspend the tax on ozone-depleting chemicals use as propellants in metered-dose inhalers; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself and Mr. SCHIFF):

H.R. 3417. A bill to remove a restriction on the authority of the Secretary of Agriculture to enter into agreements with other Federal agencies to acquire goods and services directly related to improving or utilizing the firefighting capability of the Forest Service; to the Committee on Agriculture.

By Mr. QUINN (for himself, Mr. BACHUS, Mr. DOYLE, Mr. FILNER, Mr. BUYER, Mr. KENNEDY of Massachusetts, and Mr. STEARNS):

H.R. 3418. A bill to amend title 38, United States Code, to provide authority for the Secretary of Veterans Affairs to extend priority health care to veterans who served during the Persian Gulf war in Israel or Turkey; to the Committee on Veterans' Affairs.

By Mr. VENTO:

H.R. 3419. A bill to require the Federal Communications Commission to prescribe rules to protect public safety by preventing broadcasts that create hazards for motorists; to the Committee on Commerce.

By Ms. JACKSON-LEE:

H.R. 3420. A bill to amend the Internal Revenue Code of 1986 to suspend the 4.3-cent general revenue portion of the fuel excise taxes; to the Committee on Ways and Means, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. PELOSI (for herself, Mr. BONO, Mr. GEPHARDT, Mr. COX, Mr. BONIOR, Mr. SOLOMON, Mr. RANGEL, Mr. GILMAN, Mr. HYDE, Mr. SCARBOROUGH, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. BARTON of Texas, Mr. BERMAN, Mr. BORSKI, Mr. BROWN of Ohio, Mr. BRYANT of Texas, Mr. CARDIN, Mr. DEFAZIO, Ms. DELAURO, Mr. DELLUMS, Mr. DORNAN, Mr. DOYLE, Mr. DURBIN, Mr. EHRLICH, Ms. ESHOO, Mr. EVANS, Mr. FARR, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. FROST, Mr. GEJDENSON, Mr. GONZALEZ, Mr. GORDON, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOBSON, Ms. JACKSON-LEE, Mr. KANJORSKI, Ms. KAPTUR, Mr. KING, Mr. KLINK, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MASCARA, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MURTHA, Mr. NADLER, Mr. OBEY, Mr. OLVER, Mr. PORTER, Mr. RICHARDSON, Mr. ROSE, Mr. RUSH, Mr. SANDERS, Mr. SCHIFF, Mrs. SCHROEDER, Mr. SENSENBRENNER, Mr. SMITH of New Jersey, Mr. STARK, Mrs. THURMAN, Mr. WAXMAN, Mr. WOLF, and Ms. WOOLSEY):

H.R. 3421. A bill to require the imposition of increased tariffs on certain products of the People's Republic of China until the President certifies that that country is complying with its agreement with the United States regarding protection of intellectual property rights; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. POMEROY.
H.R. 163: Mr. SAXTON.
H.R. 491: Mr. TORKILDSEN.
H.R. 500: Mr. CAMP.
H.R. 739: Mr. ENGLISH of Pennsylvania and Mr. LEWIS of Kentucky.
H.R. 790: Mr. FUNDERBURK.
H.R. 833: Mr. FARR.
H.R. 1073: Mr. SCOTT, Mr. BUNN of Oregon, and Mr. MILLER of California.
H.R. 1074: Mr. SCOTT, Mr. BUNN of Oregon, and Mr. MILLER of California.
H.R. 1078: Mr. HINCHEY.
H.R. 1227: Mr. SENSENBRENNER.
H.R. 1386: Mr. HOLDEN, Mr. COLLINS of Georgia, Mr. CLYBURN, Mr. BALDACCI, Mr. HASTERT, Mr. BROWNBACK, and Mr. PORTER.
H.R. 1483: Mr. MCHUGH.
H.R. 1512: Mr. BONILLA.
H.R. 1514: Mr. FROST, Mr. CAMP, Mr. SHAYS, and Mr. GUNDERSON.
H.R. 1552: Mr. BUNNING of Kentucky, Mr. HORN, Mr. FRANKS of Connecticut, Mr. HOLDEN, Mr. MCDERMOTT, Mr. EMERSON, Mr. UPTON, Mr. DELLUMS, Mr. KLECZKA, Mr. OXLEY, Mr. BAKER of California, Mr. SABO, Mr. INGLIS of South Carolina, Ms. RIVERS, Mr. CAMP, Mrs. MEEK of Florida, Mr. BLILEY, Mr. HUTCHINSON, Mr. MYERS of Indiana, Mr. FILNER, Mr. HILLIARD, Mr. DURBIN, Mr. BARTON of Texas, and Mr. BATEMAN.
H.R. 1656: Mr. HILLIARD and Mr. NEAL of Massachusetts.
H.R. 1662: Mr. KILDEE, Mr. ROGERS, Mr. SMITH of Texas, Mr. TEJEDA, Mrs. FOWLER, Mr. HAYES, Mr. LIPINSKI, Mr. BONIOR, Mr. SERRANO, Mr. TRAFICANT, Mr. GONZALEZ, and Mr. BENTSEN.
H.R. 1785: Mr. LANTOS.
H.R. 1818: Mr. CALVERT.
H.R. 1856: Mr. GOODLING and Mrs. KELLY.
H.R. 2320: Mr. CUNNINGHAM, Mr. MILLER of Florida, and Mr. HOBSON.
H.R. 2338: Mr. BEREUTER, Mr. FOGLIETTA, and Mr. CALVERT.
H.R. 2342: Mr. PETERSON of Minnesota and Mr. DOOLEY.
H.R. 2391: Mr. SAM JOHNSON, Mr. CALVERT, and Mr. FIELDS of Texas.
H.R. 2400: Mr. HUTCHINSON and Mr. LAFALCE.
H.R. 2472: Mr. YATES and Mr. LEVIN.
H.R. 2548: Mr. REGULA.
H.R. 2566: Mr. DELLUMS.
H.R. 2578: Mr. STARK and Mr. FALEOMAVAEGA.
H.R. 2579: Mr. TANNER, Mr. GOODLATTE, and Mr. SHAW.
H.R. 2654: Mrs. THURMAN.
H.R. 2682: Mr. DIAZ-BALART.
H.R. 2705: Mr. OWENS, Mr. BORSKI, Mr. HILLIARD, Mr. GIBBONS, Ms. WATERS, Mrs. SCHROEDER, Mr. LEWIS of Georgia, Mr. JACKSON, Mr. BARRETT of Wisconsin, Mr. CUMMINGS, Mr. CLYBURN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. DEFAZIO, Mr. DOYLE, Mr. MEEK of Florida, and Mr. TOWNS.
H.R. 2864: Mr. CONDIT.
H.R. 2925: Mr. PORTER, Mr. BROWNBACK, and Mr. FUNDERBURK.
H.R. 2927: Mr. INGLIS of South Carolina.
H.R. 3002: Mr. MINGE.
H.R. 3012: Mr. NEY, Mr. COLLINS of Georgia, Mr. SANDERS, Mrs. THURMAN, Mr. SOLOMON, Mr. WAMP, Mr. BOEHLERT, Mr. NEAL of Massachusetts, Ms. WOOLSEY, Mr. HANSEN, Mr. BISHOP, Mr. DEFAZIO, and Mr. BARTON of Texas.
H.R. 3038: Mr. MONTGOMERY, Mrs. VUCANOVICH, Mr. PETERSON of Minnesota, Mr. HOLDEN, Mr. ROSE, and Mr. JOHNSON of South Dakota.

H.R. 3067: Mr. FLAKE, Mr. DELLUMS, and Mr. TORRES.

H.R. 3083: Mr. DREIER.

H.R. 3090: Mr. PALLONE, Mr. KLUG, Mr. BEILENSON, Ms. RIVERS, Mr. LIPINSKI, and Ms. PELOSI.

H.R. 3161: Mr. CUNNINGHAM.

H.R. 3180: Mr. HALL of Texas, Mr. STENHOLM, Mr. DE LA GARZA, Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. THURMAN.

H.R. 3181: Mr. HORN, Mr. FRAZER, Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. VENTO, Ms. MCKINNEY, Mr. KENNEDY of Massachusetts, Ms. PELOSI, Mr. LIPINSKI, Mr. CANADY, and Mr. BARRETT of Wisconsin.

H.R. 3199: Mr. CONDIT, Mr. SPENCE, Mr. ARCHER, and Mr. PORTER.

H.R. 3211: Mr. BALLENGER, Mr. BARRETT of Nebraska, Mr. HUTCHINSON, Mr. BOEHNER, Mr. INGLIS of South Carolina, Mr. CHRISTENSEN, Ms. PRYCE, Mr. BUNNING of Kentucky, Mr. EHRLICH, Mr. RAMSTAD, and Mr. HEFLEY.

H.R. 3217: Mr. BONIOR and Mr. DELLUMS.

H.R. 3222: Ms. LOFGREN.

H.R. 3224: Mr. CANADY and Mr. CALVERT.

H.R. 3226: Mr. FOLEY, Mr. FARR, and Mr. FALEOMAVAEGA.

H.R. 3234: Mr. MCINTOSH, Mr. BLILEY, Mr. BATEMAN, Mr. KIM, Mr. LINDER, Mr. MCKEON, Mr. FUNDERBURK, Mr. BRYANT of Tennessee, Mr. TALENT, Mr. NUSSLE, Mr. PARKER, Mr. TAUZIN, Mr. BURR, Mrs. FOWLER, Mr. INGLIS of South Carolina, Mr. RAMSTAD, Mr. CANADY, Mr. CAMPBELL, Ms. PRYCE, and Mr. COOLEY.

H.R. 3247: Mr. FOGLIETTA, Mr. DE LA GARZA, Mr. ACKERMAN, Mr. CLAY, Mr. FATTAH, Mr. TRAFICANT, Mr. STOKES, Mr. CONYERS, Mr. FORD, Mr. TOWNS, and Mr. PASTOR.

H.R. 3267: Mrs. SEASTRAND and Mr. UNDERWOOD.

H.R. 3300: Mr. SOLOMON and Mr. STEARNS.

H.R. 3303: Mr. GILMAN, Mr. ROHRABACHER, Mrs. SEASTRAND, Mr. PETE GEREN of Texas, Mr. GREEN of Texas, and Mr. JEFFERSON.

H.R. 3372: Mr. PETRI, Mr. BORSKI, Ms. BROWN of Florida, and Ms. DANNER.

H.R. 3383: Mrs. JOHNSON of Connecticut.

H.R. 3384: Mr. CALVERT.

H.R. 3391: Mr. WICKER, Mr. KLUG, and Mr. LONGLEY.

H.R. 3393: Mr. FLANAGAN, Mr. CLYBURN, and Mr. SHAYS.

H.R. 3401: Mr. MATSUI, Mr. BRYANT of Texas, Mr. DOOLITTLE, Mr. ENGEL, Mr. FROST, Mr. GUTIERREZ, Ms. LOFGREN, Mr. CAMP, Mr. NEAL of Massachusetts, Ms. ESHOO, Mr. GREEN of Texas, and Mr. MARKEY.

H. Con. Res. 160: Mr. BURTON of Indiana, Mr. KING, Mr. LEVIN, and Mr. FLAKE.

H. Con. Res. 165: Mr. MENENDEZ.

H. Res. 423: Mr. DAVIS, Mr. BROWNBACK, Mr. SHAYS, Mr. NEUMANN Mr. BASS, and Mr. RADANOVICH.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2406

OFFERED BY: MR. DURBIN

AMENDMENT NO. 45: At the end of title V of the bill, insert the following new section:

SEC. 515. PROHIBITION AGAINST ILLEGAL POSSESSION OR DISCHARGE OF FIREARMS IN PUBLIC HOUSING ZONES.

(a) CONGRESSIONAL FINDINGS.—The Congress finds and declares that—

(A) crime, particularly crime involving firearms, is a pervasive, nationwide problem;

(B) crime at the local level is exacerbated by the interstate movement of firearms;

(C) firearms and ammunition move easily in interstate commerce and illegal firearms have been found in increasing numbers in and around public housing zones;

(D) in fact, even before the sale of a firearm, the gun, its component parts, ammunition, and the raw materials from which they are made have considerably moved in interstate commerce;

(E) while criminals freely move from State to State, ordinary citizens and foreign visitors may fear to travel to or through certain parts of the country due to concern about violent crime and gun violence;

(F) the occurrence of violent crime in public housing zones has resulted in a decline in the quality of public housing in our country;

(G) this decline in the quality of public housing has an adverse impact on interstate commerce and the foreign commerce of the United States;

(H) States, localities, and local housing and management authorities find it almost impossible to handle gun-related crime by themselves; even States, localities, and local housing and management authorities that have made strong efforts to prevent, detect, and punish gun-related crime find their efforts unavailing due in part to the failure or inability of other States or localities to take strong measures; and

(I) the Congress has power, under the interstate commerce clause and other provisions of the Constitution, to enact measures to ensure the integrity and safety of the Nation's public housing by enactment of this section.

(b) PROHIBITIONS.—

(1) POSSESSION.—It shall be unlawful for any person, in or affecting interstate or foreign commerce, to possess a firearm in violation of any other Federal law or of any State or local law, at a place that the person knows or has reasonable cause to believe is in a public housing zone.

(2) DISCHARGE.—

(A) IN GENERAL.—It shall be unlawful for any person, in or affecting interstate or foreign commerce, to discharge or attempt to discharge a firearm, knowingly or with reckless disregard for the safety of another, at a place that the person knows is in a public housing zone.

(B) EXCEPTIONS.—Subparagraph (A) shall not apply to the discharge of a firearm—

(i) by a person employed by a local housing and management authority to provide security for a public housing development in the public housing zone, acting within the scope of such employment; or

(ii) by a law enforcement officer acting in his or her official capacity.

(c) PENALTIES.—Whoever violates subsection (b) shall be fined under title 18, United States Code, imprisoned for not more than 5 years, or both. Notwithstanding any other provision of law, a term of imprisonment imposed under this subsection shall not run concurrently with any other term of imprisonment imposed under any other provision of law. Except for the authorization of a term of imprisonment of not more than 5 years made in this subsection, for the purpose of any other law a violation of subsection (b) shall be deemed to be a misdemeanor.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The terms ''firearm'', ''interstate or foreign commerce'', ''person'', and ''whoever'', have the meanings given such terms in section 921(a) of title 18, United States Code.

(2) The term ''public housing zone'' means in or upon—

(A) the real property comprising the public housing developments of any local housing and management authority; or

(B) any public property which is at a distance of not more than 1,000 feet from property referred to in subparagraph (A).

(e) EFFECTIVE DATE.—This section shall apply to conduct engaged in after the end of the 60-day period that begins with the date of the enactment of this Act.

(f) GUN-FREE ZONE SIGNS.—Federal, State, and local authorities (including local housing and management authorities) are encouraged to cause signs to be posted around public housing zones giving warning of the prohibition against the illegal possession of a firearm in such zones.

H.R. 2406

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 46: In section 103(b) of the bill (as amended by the manager's amendment), strike paragraph (2) (relating to resident membership) and insert the following new paragraph:

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—In localities in which a local housing and management authority is governed by a board of directors or other similar body, not less than 25 percent of the members of the board or body shall be individuals who are—

(i) residents of public housing dwelling units owned or operated by the authority; or

(ii) members of assisted families under title III.

(B) ELECTION AND TRAINING.—Members of the board of directors or other similar body by reason of subparagraph (A) shall be selected for such membership in an election in which only residents of public housing dwelling units owned or operated by the authority and members of assisted families under title III who are assisted by the authority are eligible to vote. The authority shall provide such members with training appropriate to assist them to carry out their responsibilities as members of the board or other similar body.

Section 103(b)(5) of the bill (as amended by the manager's amendment), strike subparagraph (A) (relating to the definition of ''elected public housing resident member'').

H.R. 2406

OFFERED BY: MR. SANDERS OF VERMONT

AMENDMENT NO. 47: Page 145, line 23, strike ''6.5 percent'' and insert ''7.65 percent''.

Page 146, lines 4 and 5, strike ''6.5 percent'' and insert ''7.65 percent''.

Page 146, line 7, strike ''6.0 percent'' and insert ''7.0 percent''.

H.R. 3230

OFFERED BY: MR. SAXTON

AMENDMENT NO. 1: In section 247, strike all that follows subsection (a) (page . line through page , line) and insert the following:

(b) ESTABLISHMENT AND PURPOSES OF PROGRAM.—The Secretary of Commerce shall establish a program to be known as the ''National Oceanographic Partnership Program''. The purposes of the program are as follows:

(1) To promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication through improved knowledge of the ocean.

(2) To coordinate and strengthen oceanographic efforts in support of those goals by—

(A) identifying and carrying out partnerships among Federal agencies, academia, industry, and other members of the oceanographic scientific community in the areas of data, resources, education, and communication; and

(B) reporting annually to Congress on the program.

(c) ESTABLISHMENT OF NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—

(1) IN GENERAL.—There is a National Ocean Research Leadership Council (hereinafter in this section referred to as the ''Council'').

(2) MEMBERSHIP.—The Council is composed of the following members:

(A) The Administrator of the National Oceanic and Atmospheric Administration, who shall be the Chairman of the Council.
(B) The Secretary of the Navy.
(C) The Director of the National Science Foundation.
(D) The Administrator of the National Aeronautics and Space Administration.
(E) The Deputy Secretary of Energy.
(F) The Administrator of the Environmental Protection Agency.
(G) The Commandant of the Coast Guard.
(H) The Director of the Geological Survey of the Department of the Interior.
(i) The Director of the Defense Advanced Research Projects Agency.
(J) The Director of the Minerals Management Service of the Department of the Interior.
(K) The President of the National Academy of Sciences, the President of the National Academy of Engineering, and the President of the Institute of Medicine.
(L) The Director of the Office of Science and Technology.
(M) The Director of the Office of Management and Budget.
(N) One member appointed by the Chairman from among individuals who will represent the views of ocean industries.
(O) One member appointed by the Chairman from among individuals who will represent the views of State governments.
(P) One member appointed by the Chairman from among individuals who will represent the views of academia.
(Q) One member appointed by the Chairman from among individuals who will represent such other views as the Chairman considers appropriate.

(3) TERM OF OFFICE.—The term of office of a member of the Council appointed under subparagraph (N), (O), (P), or (Q) of paragraph (2) shall be two years, except that any person appointed to fill a vacancy occurring before the expiration of the term for which his or her predecessor was appointed shall be appointed for the remainder of such term.

(4) INITIAL APPOINTMENTS OF COUNCIL MEMBERS.—The Administrator of the National Oceanic and Atmospheric Administration shall make the appointments required by paragraph (2) by not later than December 1, 1996.

(d) RESPONSIBILITIES OF COUNCIL.—The Council shall have the following responsibilities:

(1) To establish the Ocean Research Partnership Coordinating Group as provided in section 7903.

(2) To establish the Ocean Research Advisory Panel as provided in subsection (f).

(3) To submit to Congress an annual report pursuant to subsection (e).

(e) ANNUAL REPORT.—Not later than March 1 of each year, the Council shall submit to Congress a report on the National Oceanographic Partnership Program. The report shall contain the following:

(1) A description of activities of the program carried out during the fiscal year before the fiscal year in which the report is prepared. The description also shall include a list of the members of the Ocean Research Partnership Coordinating Group, the Ocean Research Advisory Panel, and any working groups in existence during the fiscal year covered.

(2) A general outline of the activities planned for the program during the fiscal year in which the report is prepared.

(3) A summary of projects continued from the fiscal year before the fiscal year in which the report is prepared and projects expected to be started during the fiscal year in which the report is prepared and during the following fiscal year.

(4) A description of the involvement of the program with Federal interagency coordinating entities.

(5) The amounts requested, in the budget submitted to Congress pursuant to section 1105(a) of title 31 for the fiscal year following the fiscal year in which the report is prepared, for the programs, projects, and activities of the program and the estimated expenditures under such programs, projects, and activities during such following fiscal year.

The first annual report required by this subsection shall be submitted to Congress not later than March 1, 1997. The first report shall include, in addition to the information otherwise required by this subsection, information about the terms of office, procedures, and responsibilities of the Ocean Research Advisory Panel established by the Council.

(f) OCEAN RESEARCH PARTNERSHIP COORDINATING GROUP.—

(1) ESTABLISHMENT.—The Council shall establish an entity to be known as the ''Ocean Research Partnership Coordinating Group'' (hereinafter in this section referred to as the ''Coordinating Group'').

(2) MEMBERSHIP.—The Coordinating Group shall consist of members appointed by the Council, with one member appointed from each Federal department or agency having an oceanographic research or development program.

(3) CHAIRMAN.—The Council shall appoint the Chairman of the Coordinating Group.

(4) RESPONSIBILITIES.—Subject to the authority, direction, and control of the Council, the Coordinating Group shall have the following responsibilities:

(A) To prescribe policies and procedures to implement the National Oceanographic Partnership Program.

(B) To review, select, and identify and allocate funds for partnership projects for implementation under the program, based on the following criteria:

(i) Whether the project addresses critical research objectives or operational goals, such as data accessibility and quality assurance, sharing of resources, education, or communication.

(ii) Whether the project has broad participation within the oceanographic community.

(iii) Whether the partners have a long-term commitment to the objectives of the project.

(iv) Whether the resources supporting the project are shared among the partners.

(v) Whether the project has been subjected to adequate peer review.

(C) To promote participation in partnership projects to each Federal department and agency involved with oceanographic research and development by publicizing the program and by prescribing guidelines for participation in the program.

(D) To submit to the Council an annual report pursuant to paragraph (8).

(5) PARTNERSHIP PROGRAM OFFICE.—The Coordinating Group shall establish in the National Ocean Service and oversee a partnership program office to carry out such duties as the Chairman of the Coordinating Group considers appropriate to implement the National Oceanographic Partnership Program, including the following:

(A) To establish and oversee working groups to propose partnership projects to the Coordinating Group and advise the Group on such projects.

(B) To manage poor review of partnership projects proposed to the Coordinating Group and competitions for projects selected by the Group.

(C) To submit to the Coordinating Group an annual report on the status of all partnership projects and activities of the office.

(6) CONTRACT AND GRANT AUTHORITY.—The Coordinating Group may authorize the National Ocean Service to enter into contracts and make grants, using funds appropriated pursuant to an authorization for the National Oceanographic Partnership Program, for the purpose of implementing the program and carrying out the Coordinating Group's responsibilities.

(7) FORMS OF PARTNERSHIP PROJECTS.—Partnership projects selected by the Coordinating Group may be in any form that the Coordinating Group considers appropriate, including memoranda of understanding demonstration projects, cooperative research and development agreements, and similar instruments.

(8) ANNUAL REPORT.—Not later than February 1 of each year, the Coordinating Group shall submit to the Council a report on the National Oceanographic Partnership Program. The report shall contain, at a minimum, copies of any recommendations or reports to the Coordinating Group by the Ocean Research Advisory Panel.

(g) OCEAN RESEARCH ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Council shall appoint an Ocean Research Advisory Panel (hereinafter in this section referred to as the ''Advisory Panel'') consisting of not less than 10 and not more than 18 members.

(2) MEMBERSHIP.—Members of the Advisory Panel shall be appointed from among persons who are eminent in the fields of marine science or marine policy, or related fields, and who are representative, at a minimum, of the interests of government, academia, and industry.

(3) RESPONSIBILITIES.—

(A) REVIEW OF PARTNERSHIP PROJECTS.—The Coordinating Group shall refer to the Advisory Panel, and the Advisory Panel shall review, each proposed partnership project estimated to cost more than $500,000. The Advisory Panel shall make any recommendations to the Coordinating Group that the Advisory Panel considers appropriate regarding such projects.

(B) OTHER RECOMMENDATIONS.—The Advisory Panel shall make any recommendations to the Coordinating Group regarding activities that should be addressed by the National Oceanographic Partnership Program that the Advisory Panel considers appropriate.

(4) INITIAL APPOINTMENTS OF ADVISORY PANEL MEMBERS.—The Council shall make the appointments to the Advisory Panel by not later than January 1, 1997.

(h) AUTHORIZATION FOR PROGRAM.—Of the amount authorized to be appropriated to the Department of Defense in section 201, $30,000,000 is authorized for the National Oceanographic Partnership Program.

(i) REQUIRED FUNDING FOR PROGRAM OFFICE.—Of the amount appropriated for the National Oceanographic Partnership Program for fiscal year 1997, at least $500,000, or 3 percent of the amount appropriated, whichever is greater, shall be available for operations of the partnership program office established under subsection (f)(5) for such fiscal year.

H.R. 3322

OFFERED BY: MR. BROWN OF CALIFORNIA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 8: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Science and Technology Investment Act of 1996''.

TITLE I—NATIONAL SCIENCE FOUNDATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Science Foundation $3,325,000,000 for fiscal year 1997, which shall be available for the following categories:

(1) Research and Related Activities, $2,472,000,000, which shall be available for the following subcategories:

(A) Mathematical and Physical Sciences, $708,000,000.
(B) Engineering, $354,300,000.
(C) Biological Sciences, $326,000,000.
(D) Geosciences, $454,000,000.
(E) Computer and Information Science and Engineering, $277,000,000.
(F) Social, Behavioral, and Economic Sciences, $124,000,000.
(G) United States Polar Research Programs, $163,400,000.
(H) United States Antarctic Logistical Support Activities, $62,600,000.
(I) Critical Technologies Institute, $2,700,000.
(2) Education and Human Resources Activities, $619,000,000.
(3) Major Research Equipment, $95,000,000.
(4) Salaries and Expenses, $129,100,000.
(5) Office of Inspector General, $4,700,000.
(6) Headquarters Relocation, $5,200,000.

TITLE II—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

SEC. 201. FISCAL YEAR 1997 AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Aeronautics and Space Administration for fiscal year 1997 the following amounts:

(1) For ''Human Space Flight'' for the following programs:
(A) Space Station, $1,802,000,000.
(B) United States/Russian Cooperation, $138,200,000.
(C) Space Shuttle, $3,150,900,000, including for Construction of Facilities relating to the following programs:
(i) Replacement of LC–39 Pad B Chillers (KSC), $1,800,000.
(ii) Restoration of Pad B Fixed Support Structure Elevator System (KSC), $1,500,000.
(iii) Rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, External Tank Manufacturing Building (MAF), $2,500,000.
(iv) Restoration of High Pressure Industrial Water Plant, Stennis Space Center, $2,500,000.
(D) Payload and Utilization Operations, $271,800,000.
(2) For ''Science, Aeronautics, and Technology'' for the following programs:
(A) Space Science, $1,857,300,000.
(B) Life and Microgravity Sciences and Applications, $498,500,000.
(C) Mission to Planet Earth, $1,402,100,000.
(D) Aeronautical Research and Technology, $857,800,000, of which $5,000,000 shall be for the identification and upgrading of national dual-use airbreathing propulsion aeronautical test facilities.
(E) Space Access and Technology, $725,000,000
(F) Academic Programs, $100,800,000.
(G) Mission Communication Services, $420,600,000.
(3) For ''Mission Support'' for the following programs:
(A) Safety, Reliability, and Quality Assurance, $36,700,000.
(B) Space Communication Services, $291,400,000.
(C) Construction of Facilities, including land acquisition, including the following:
(i) Modernization of Electrical Distribution System, Ames Research Center, $2,400,000.
(ii) Modification of Aircraft Ramp and Tow Way, Dryden Flight Research Center, $3,000,000.
(iii) Restoration of Hangar Building 4801, Dryden Flight Research Center, $4,500,000.
(iv) Modernization of Secondary Electrical Systems, Goddard Space Flight Center, $1,500,000.
(v) Restoration of Chilled Water Distribution System, Goddard Space Flight Center, $4,000,000.
(vi) Modification of Refrigeration Systems, Various Buildings, Jet Propulsion Laboratory, $2,800,000.
(vii) Rehabilitation of Electrical Distribution System, White Sands Test Facility, Johnson Space Center, $2,600,000.
(viii) Rehabilitation of Utility Tunnel Structure and System, Johnson Space Center, $4,400,000.
(ix) Replacement of DX Units with Central Chilled Water System, Logistics Facility, Kennedy Space Center, $1,800,000.
(x) Rehabilitation of Central Air Equipment Building, Lewis Research Center, $6,500,000.
(xi) Modification of Chilled Water System, Marshall Space Flight Center, $6,700,000.
(xii) Rehabilitation of Condenser Water System, 202/207 Complex (MAF), $2,100,000.
(xiii) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $57,900,000.
(xiv) Minor construction of new facilities and additions to existing facilities at various locations, not in excess of $1,500,000 per project, $3,400,000.
(xv) Facility planning and design, not otherwise provided for, $18,700,000.
(xvi) Environmental compliance and restoration, $33,000,000.
(D) Research and Program Management, $2,078,800,000.
(4) For ''Inspector General'', $17,000,000.

SEC. 202. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENT.

Section 102(d)(1) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(d)(1)) is amended by inserting ''and its climate and environment,'' after ''knowledge of the Earth''.

TITLE III—DEPARTMENT OF ENERGY

SEC. 301. SHORT TITLE.

This title may be cited as the ''Energy Research and Development Act of 1996''.

SEC. 302. FINDINGS.

The Congress finds that—
(1) Federal support of research and development in general, and energy research and development in particular, has played a key role in the growth of the United States economy since World War II through the production of new knowledge, the development of new technologies and processes, and the demonstration of such new technologies and processes for application to industrial and other uses;
(2) Federal support of energy research and development is especially important because such research and development contributes to solutions for national problems in energy security, environmental protection, and economic competitiveness;
(3) the Department of Energy has successfully promoted new technologies and processes to address problems with energy supply, fossil energy, and energy conservation through its various research and development programs;
(4) while the Federal budget deficit and payments on the national debt must be addressed through cost-cutting measures, investments in research and development on key energy issues must be maintained;
(5) within the last two years, the Department of Energy has made great strides in managing its programs more efficiently and effectively;
(6) significant savings should result from these measures without hampering the Department's core missions; and
(7) the Strategic Realignment Initiative and other such efforts of the Department should be continued.

SEC. 303. DEFINITIONS.

For purposes of this title—
(1) the term ''Department'' means the Department of Energy; and
(2) the term ''Secretary'' means the Secretary of Energy.

SEC. 304. ENERGY CONSERVATION.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for energy conservation research, development, and demonstration—
(1) $99,721,000 for energy conservation in building technology, State, and community sector-nongrant;
(2) $159,434,000 for energy conservation in the industry sector;
(3) $221,308,000 for energy conservation in the transportation sector; and
(4) $28,350,000 for policy and management activities.

SEC. 305. FOSSIL ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for fossil energy research, development, and demonstration—
(1) $102,629,000 for coal;
(2) $52,537,000 for petroleum;
(3) $103,708,000 for gas;
(4) $4,000,000 for the Fossil Energy Cooperative Research and Development Program;
(5) $2,188,000 for fuel conversion, natural gas, and electricity;
(6) $60,115,000 for program direction and management;
(7) $3,304,000 for plant and capital improvements;
(8) $15,027,000 for environmental restoration; and
(9) $5,000,000 for mining.

SEC. 306. HIGH ENERGY AND NUCLEAR PHYSICS.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for high energy and nuclear physics activities of the Department—
(1) $679,125,000 for high energy physics activities;
(2) $318,425,000 for nuclear physics activities; and
(3) $11,600,000 for program direction.

SEC. 307. SOLAR AND RENEWABLE ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for solar and renewable energy research, development, and demonstration—
(1) $263,282,000 for solar energy;
(2) $35,600,000 for geothermal energy;
(3) $11,012,000 for hydrogen energy;
(4) $17,301,000 for policy and management;
(5) $36,050,000 for electric energy systems and storage; and
(6) $5,700,000 for in-house energy management.

SEC. 308. NUCLEAR ENERGY.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for nuclear energy research, development, and demonstration—
(1) $137,750,000 for nuclear energy, including $40,000,000 for the Advanced Light Water Reactor program;
(2) $79,100,000 for the termination of certain facilities;
(3) $12,704,000 for isotope support; and
(4) $18,500,000 for program direction.

SEC. 309. ENVIRONMENT, SAFETY, AND HEALTH.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for research, development, and demonstration—
(1) $73,160,000 for the Office of Environmental Safety and Health; and
(2) $39,046,000 for program direction.

SEC. 310. ENERGY RESEARCH DIRECTORATE.

(a) AUTHORIZATIONS.—There are authorized to be appropriated to the Secretary for fiscal year 1997—
(1) $379,075,000 for biological and environmental research activities;
(2) $255,600,000 for fusion energy research, development, and demonstration;

(3) $653,675,000 for basic energy sciences activities, of which $1,000,000 shall be for planning activities for neutron source upgrades; and

(4) $158,143,000 for computational and technology research.

(b) REPORT TO CONGRESS.—Before May 1, 1997, the Secretary, after consultation with the relevant scientific communities, shall prepare and transmit to the Congress a report detailing a strategic plan for the operation of facilities that are provided funds authorized by subsection (a)(3). The report shall include—

(1) a list of such facilities, including schedules for continuation, upgrade, transfer, or closure of each facility;

(2) a list of proposed facilities to be provided funds authorized by subsection (a)(3), including schedules for the construction and operation of each facility;

(3) a list of research opportunities to be pursued, including both ongoing and proposed activities, by the research activities authorized by subsection (a)(3); and

(4) an analysis of the relevance of each facility listed in paragraphs (1) and (2) to the research opportunities listed in paragraph (3).

SEC. 311. SUPPORT PROGRAMS FOR ENERGY SUPPLY RESEARCH AND DEVELOPMENT.

There are authorized to be appropriated to the Secretary for fiscal year 1997 for support programs for Energy Supply Research and Development—

(1) $2,000,000 for Energy Research Analyses;

(2) $28,885,000 for the Multi-Program Energy Laboratory program;

(3) $14,900,000 for the Information Management Investment program;

(4) $42,154,000 for program direction;

(5) $19,900,000 for University and Science Education programs;

(6) $12,000,000 for the Technology Information Management Program; and

(7) $651,414,000 for Civilian Environmental Restoration and Waste Management.

TITLE IV—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

SEC. 401. SHORT TITLE.

This title may be cited as the ''National Oceanic and Atmospheric Administration Authorization Act of 1996''.

SEC. 402. POLICY AND PURPOSE.

It is the policy of the United States and the purpose of this title to—

(1) support and promote continuing the mission of the National Oceanic and Atmospheric Administration to monitor, describe and predict changes in the Earth's environment, protect lives and property, and conserve and manage the Nation's coastal and marine resources to ensure sustainable economic opportunities;

(2) affirm that such mission involves basic responsibilities of the Federal Government for ensuring general public safety, national security, and environmental well-being, and promising economic growth;

(3) affirm that the successful execution of such mission depends strongly on interdependency and synergism among component activities of the National Oceanic and Atmospheric Administration;

(4) recognize that the activities of the National Oceanic and Atmospheric Administration underlie the societal and economic well-being of many sectors of our Nation; and

(5) recognize that such mission is most effectively performed by a single Federal agency with the capability to link societal and economic decisions with a comprehensive understanding of the Earth's environment, as provided for in this title.

SEC. 403. NATIONAL WEATHER SERVICE OPERATIONS AND RESEARCH.

There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out the operations and research activities of the National Weather Service $471,702,000 for fiscal year 1997.

SEC. 404. NATIONAL WEATHER SERVICE SYSTEMS ACQUISITION.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to improve its public warning and forecast systems $68,984,000 for fiscal year 1997. None of the funds authorized under this section may be used for the purposes for which funds are authorized under section 102(b) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 (Public Law 102–567).

(b) AWIPS COMPLETE PROGRAM AUTHORIZATION.—(1) Except as provided in paragraph (2), there are authorized to be appropriated to the Secretary for all fiscal years beginning after September 30, 1996, an aggregate of $271,166,000, to remain available until expended, to complete the acquisition and deployment of the Advanced Weather Interactive Processing System and NOAA Port and to cover all associated activities, including program management and operations and maintenance through September 30, 1999.

(2) No funds are authorized to be appropriated for any fiscal year under paragraph (1) unless, within 60 days after the submission of the President's budget request for such fiscal year, the Secretary—

(A) certifies to the Congress that—

(i) the systems meet the technical performance specifications included in the system contract as in effect on August 11, 1995;

(ii) the systems can be fully deployed, sited, and operational without requiring further appropriations beyond amounts authorized under paragraph (1); and

(iii) the Secretary does not foresee any delays in the systems deployment and operations schedule; or

(B) submits to the Congress a report which describes—

(i) the circumstances which prevent a certification under subparagraph (A);

(ii) remedial actions undertaken or to be undertaken with respect to such circumstances;

(iii) the effects of such circumstances on the systems deployment and operations schedule and systems coverage; and

(iv) a justification for proceeding with the program, if appropriate.

(c) REPEAL.—Section 102(b)(2) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

SEC. 405. WEATHER SERVICE MODERNIZATION.

(a) WEATHER SERVICE MODERNIZATION.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by amending subsection (b) to read as follows:

''(b) CERTIFICATION.—The Secretary may not close, consolidate, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of services to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.'';

(B) by striking subsections (c), (d), and (e);

(C) by redesignating subsection (f) as subsection (d); and

(D) by inserting after subsection (b) the following new subsection:

''(c) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office which is located at an airport, unless the Secretary, in consultation with the Secretary of Transportation and the Committee, first conducts an air safety appraisal, determines that such action will not result in degradation of service that affects aircraft safety, and includes such determination in the certification required under subsection (b). This air safety appraisal shall be issued jointly by the Department of Commerce and the Department of Transportation before September 30, 1996, and shall be based on a coordinated review of all the airports in the United States subject to the certification requirements of subsection (b). The appraisal shall—

''(1) consider the weather information required to safely conduct aircraft operations and the extent to which such information is currently derived through manual observations provided by the National Weather Service and the Federal Aviation Administration, and automated observations provided from other sources including the Automated Weather Observation Service (AWOS), the Automated Surface Observing System (ASOS), and the Geostationary Operational Environmental Satellite (GOES); and

''(2) determine whether the service provided by ASOS, and ASOS augmented where necessary by human observations, provides the necessary level of service consistent with the service standards encompassed in the criteria for automation of the field offices.''; and

(2) in section 707—

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

''(c) DUTIES.—The Committee shall advise the Congress and the Secretary on—

''(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

''(2) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service.''; and

(B) by amending subsection (f) to read as follows:

''(f) TERMINATION.—The Committee shall terminate—

''(1) on September 30, 1996; or

''(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2),

whichever occurs later.''.

(b) SENSE OF CONGRESS REGARDING ADDITIONAL MODERNIZATION ACTIVITIES.—It is the sense of Congress that the Secretary of Commerce should plan for the implementation of a follow-on modernization program aimed at improving weather services provided to areas which do not receive weather radar coverage at 10,000 feet. In carrying out such a program, the Secretary should plan for a procurement of Block II NEXRAD radar units.

SEC. 406. BASIC FUNCTIONS AND PRIVATIZATION OF NATIONAL WEATHER SERVICE .

(a) BASIC FUNCTIONS.—The basic functions of the National Weather Service shall be—

(1) the provision of forecasts and warnings including forecasts and warnings, of severe weather, flooding, hurricanes, and tsunami events;

(2) the collection, exchange, and distribution of meteorological, hydrologic, climatic, and oceanographic data and information; and

(3) the preparation of hydrometeorological guidance and core forecast information.

(b) PROHIBITION.—The National Weather Service shall not provide any new or enhanced weather services for the sole benefit of an identifiable private entity or group of such entities operating in any sector of the national or international economy in competition with the private weather service industry.

(c) NEW OR ENHANCED SERVICE.—If the Secretary determines, after consultation with appropriate Federal and State officials, that a new or enhanced weather service is necessary and in the public interest to fulfill the international obligations of the United States, to enable State or Federal emergency or resource managers to better perform their State or Federal duties, or to carry out the functions of the National Weather Service described in subsection (a), the National Weather Service may provide such new or enhanced service as one of its basic functions if—

(1) each new or enhanced service provided by the National Weather Service will be limited to the level that the Secretary determines necessary to fulfill the requirements of this subsection, taking into account the capabilities and limitations of resources available, scientific knowledge, and technological capability of the National Weather Service; and

(2) upon request, the National Weather Service will promptly make available to any person the data or data products supporting the new or enhanced service provided pursuant to this section, at a cost not greater than that sufficient to recover the cost of dissemination.

(d) FEDERAL REGISTER.—The Secretary shall promptly publish in the Federal Register each determination made under subsection (c).

(e) PRIVATIZATION REVIEW.—The Secretary shall, by February 15, 1997, conduct a review of all existing weather services and activities performed by the National Oceanic and Atmospheric Administration in order to identify those activities which may be transferred to the private sector. Such review shall include a determination that activities identified for privatization will continue to be disseminated to users on a reasonably affordable basis with no degradation of service. The Secretary shall, by March 15, 1997, provide to the Speaker of the House of Representatives and the President of the Senate a plan for transferring these identified services to the private sector.

SEC. 407. CLIMATE AND AIR QUALITY RESEARCH.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its climate and air quality research activities $122,681,000 for fiscal year 1997.

(b) GLOBE.—Of the amount authorized in subsection (a), $7,000,000 are authorized for fiscal year 1997 for a program to increase scientific understanding of the Earth and student achievement in math and science by using a worldwide network of schools to collect environmental observations. Beginning in fiscal year 1997, amounts appropriated for such program may be obligated only to the extent that an equal or greater amount of non-Federal funding is provided for such program.

SEC. 408. ATMOSPHERIC RESEARCH.

There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its atmospheric research activities $43,766,000 for fiscal year 1997.

SEC. 409. SATELLITE OBSERVING AND ENVIRONMENTAL DATA MANAGEMENT SYSTEMS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out its satellite observing systems activities and data and information services, $348,740,000 for fiscal year 1997, and, in addition, such sums as may be necessary to continue planning and development of a converged polar orbiting meteorological satellite program. None of the funds authorized in this subsection may be used for the purposes for which funds are authorized under section 105(d) of the National Oceanic and Atmospheric Administration Act of 1992 (Public Law 102–567).

(b) REPEAL.—Section 105(d)(2) of the National Oceanic and Atmospheric Administration Authorization Act of 1992 is repealed.

SEC. 410. PROGRAM SUPPORT.

(a) EXECUTIVE DIRECTION AND ADMINISTRATIVE ACTIVITIES.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out executive direction and administrative activities, including management, administrative support, provision of retired pay of National Oceanic and Atmospheric Administration commissioned officers, and policy development, $64,694,000 for fiscal year 1997.

(b) ACQUISITION, CONSTRUCTION, MAINTENANCE, AND OPERATION OF FACILITIES.—There are authorized to be appropriated to the Secretary of Commerce for acquisition, construction, maintenance, and operation of facilities of the National Oceanic and Atmospheric Administration $37,366,000 for fiscal year 1997.

(c) AIRCRAFT SERVICES.—There are authorized to be appropriated to the Secretary of Commerce to enable the National Oceanic and Atmospheric Administration to carry out aircraft services activities, including aircraft operations, maintenance, and support, $10,182,000 for fiscal year 1997.

SEC. 411. EDUCATIONAL PROGRAMS AND ACTIVITIES.

The Secretary of Commerce may conduct educational programs and activities related to the responsibilities of the National Oceanic and Atmospheric Administration. For the purposes of this section, the Secretary may award grants and enter into cooperative agreements and contracts with States, private sector, and nonprofit entities.

TITLE V—ENVIRONMENTAL PROTECTION AGENCY

SEC. 501. SHORT TITLE.

This title may be cited as the ''Environmental Research, Development, and Demonstration Authorization Act of 1996''.

SEC. 502. DEFINITIONS.

For the purposes of this title, the term—

(1) ''Administrator'' means the Administrator of the Environmental Protection Agency;

(2) ''Agency'' means the Environmental Protection Agency; and

(3) ''Assistant Administrator'' means the Assistant Administrator for Research and Development of the Agency.

SEC. 503. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Administrator $580,460,000 for fiscal year 1997 for the Office of Research and Development for environmental research, development, and demonstration activities, including program management and support, in the areas specified in subsection (b).

(b) SPECIFIC PROGRAMS AND ACTIVITIES.—Of the amount authorized in subsection (a), there are authorized to be appropriated the following:

(1) For air related research, $88,163,200.

(2) For water quality related research, $26,293,800.

(3) For drinking water related research, $26,593,700.

(4) For pesticide related research, $20,632,000.

(5) For toxic chemical related research, $12,341,500.

(6) For research related to hazardous waste, $10,343,900.

(7) For multimedia related research expenses, $300,837,000.

(8) For program management expenses, $8,184,700.

(9) For research related to leaking underground storage tanks, $681,000.

(10) For oil pollution related research, $1,031,000.

(11) For environmental research laboratories, $85,358,200.

(c) CONTINGENT AUTHORIZATION FOR RESEARCH RELATING TO THE CLEANUP OF CONTAMINATED SITES.—To the extent that the Hazardous Substances Trust Fund is authorized to receive funds during fiscal year 1997, there are authorized to be appropriated for that fiscal year $42,508,000 from such Fund to the Administrator for research relating to the cleanup of contaminated sites.

TITLE VI—TECHNOLOGY

SEC. 601. SHORT TITLE.

This title may be cited as the ''Technology Administration Authorization Act of 1996''.

SEC. 602. AUTHORIZATION OF APPROPRIATIONS.

(a) UNDER SECRETARY FOR TECHNOLOGY.—There are authorized to be appropriated to the Secretary of Commerce for the activities of the Under Secretary for Technology/Office of Technology Policy $9,531,000 for fiscal year 1997.

(b) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—There are authorized to be appropriated to the Secretary of Commerce for the National Institute of Standards and Technology for fiscal year 1997 the following amounts:

(1) For Industrial Technology Services, $450,000,000, of which—

(A) $345,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $105,000,000 shall be for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

(2) For Scientific and Technical Research and Services, $270,744,000, of which—

(A) $267,764,000 shall be for Laboratory Research and Services; and

(B) $2,980,000 shall be for the Malcolm Baldrige National Quality Award program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a).

(3) For Construction of Research Facilities, $105,240,000.

SEC. 603. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) in section 25(c)—

(A) by striking ''for a period not to exceed six years'' in paragraph (1); and

(B) by striking ''which are designed'' and all that follows through ''operation of a Center'' in paragraph (5) and inserting in lieu thereof ''to a maximum of ⅓ Federal funding. Each Center which receives financial assistance under this section shall be evaluated during its sixth year of operations, and at least once each two years thereafter as the Secretary considers appropriate, by an evaluation panel appointed by the Secretary in the same manner as was the evaluation panel previously appointed. The Secretary shall not provide funding for additional years of the Center's operation unless the most recent evaluation is positive and the Secretary finds that continuation of funding furthers the purposes of this section''; and

(2) in section 28—

(A) by striking ''or contracts'' in subsection (b)(1)(B), and inserting in lieu thereof

''contracts, and, subject to the last sentence of this subsection, other transactions'';

(B) by inserting ''and if the non-Federal participants in the joint venture agree to pay at least 50 percent of the total costs of the joint venture during the Federal participation period, which shall not exceed 5 years,'' after ''participation to be appropriate,'';

(C) by striking ''provision of a minority share of the cost of such joint ventures for up to 5 years, and (iii)'' in subsection (b)(1)(B), and inserting in lieu thereof ''and'';

(D) by striking ''and cooperative agreements'' in subsection (b)(2), and inserting in lieu thereof '', cooperative agreements, and, subject to the last sentence of this subsection, other transactions'';

(E) by adding after subsection (b)(4) the following:

''The authority under paragraph (1)(B) and paragraph (2) to enter into other transactions shall apply only if the Secretary, acting through the Director, determines that standard contracts, grants, or cooperative agreements are not feasible or appropriate, and only when other transaction instruments incorporate terms and conditions that reflect the use of generally accepted commercial accounting and auditing practices.''; and

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

''(k) Notwithstanding subsection (b)(1)(B)(ii) and subsection (d)(3), the Director may grant extensions beyond the deadlines established under those subsections for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government and it is in the Federal Government's interest to do so.''.

TITLE VII—UNITED STATES FIRE ADMINISTRATION

SEC. 701. SHORT TITLE.

This title may be cited as the ''Fire Administration Authorization Act of 1996''.

SEC. 702. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(a)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof ''; and''; and

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

''(G) $27,560,000 for the fiscal year ending September 30, 1997.''.

TITLE VIII—FEDERAL AVIATION ADMINISTRATION RESEARCH, ENGINEERING, AND DEVELOPMENT

SEC. 801. AVIATION RESEARCH AUTHORIZATION.

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking ''Not more than the following amounts'' and inserting in lieu thereof ''For fiscal year 1997, not more than $195,700,000 for Research, Engineering, and Development'';

(2) by inserting ''40119, 44912,'' after ''carry out sections''; and

(3) by striking ''of this title'' and all that follows through the end of the subsection and inserting in lieu thereof ''of this title''.

SEC. 802. RESEARCH PRIORITIES.

Section 48102(b) of title 49, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by striking ''AVAILABILITY FOR RESEARCH.—(1)'' and inserting in lieu thereof ''RESEARCH PRIORITIES.—(1) The Administrator shall consider the advice and recommendations of the research advisory committee established by section 44508 of this title in establishing priorities among major categories of research and development activities carried out by the Federal Aviation Administration.

''(2)''.

SEC. 803. RESEARCH ADVISORY COMMITTEE.

Section 44508(a)(1) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by striking the period at the end of subparagraph (C) and inserting in lieu thereof ''; and''; and

(3) by inserting after subparagraph (C) the following new subparagraph:

''(D) annually review the allocation made by the Administrator of the amounts authorized by section 48102(a) of this title among the major categories of research and development activities carried out by the Administration and provide advice and recommendations to the Administrator on whether such allocation is appropriate to meet the needs and objectives identified under subparagraph (A).''.

SEC. 804. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c) of title 49, United States Code, is amended—

(1) in paragraph (2)(A) by striking ''15-year'' and inserting in lieu thereof ''5-year'';

(2) by amending subparagraph (B) to read as follows:

''(B) The plan shall—

''(i) provide estimates by year of the schedule, cost, and work force levels for each active and planned major research and development project under sections 40119, 44504, 44505, 44507, 44509, 44511–44513, and 44912 of this title, including activities carried out under cooperative agreements with other Federal departments and agencies;

''(ii) specify the goals and the priorities for allocation of resources among the major categories of research and development activities, including the rationale for the priorities identified;

''(iii) identify the allocation of resources among long-term research, near-term research, and development activities; and

''(iv) highlight the research and development activities that address specific recommendations of the research advisory committee established under section 44508 of this title, and document the recommendations of the committee that are not accepted, specifying the reasons for nonacceptance.''; and

(3) in paragraph (3) by inserting '', including a description of the dissemination to the private sector of research results and a description of any new technologies developed'' after ''during the prior fiscal year''.

TITLE IX—NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM

SEC. 901. AUTHORIZATION OF APPROPRIATIONS.

Section 12 of the Earthquake Hazards Reduction Act of 1977 (42 U.S.C. 7706) is amended—

(1) in subsection (a)(7) by striking ''and $25,750,000 for the fiscal year ending September 30, 1996'' and inserting in lieu thereof ''$25,750,000 for the fiscal year ending September 30, 1996, and $18,825,000 for the fiscal year ending September 30, 1997'';

(2) in subsection (b) by striking ''and $50,676,000 for the fiscal year ending September 30, 1996'' and inserting in lieu thereof ''$50,676,000 for the fiscal year ending September 30, 1996, and $46,130,000 for the fiscal year ending September 30, 1997'';

(3) in subsection (c) by adding at the end the following new sentence: ''There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Science Foundation, $28,400,000 for fiscal year 1997, including $17,500,000 for engineering research and $10,900,000 for geosciences research.''; and

(4) in subsection (d) by adding at the end the following new sentence: ''There are authorized to be appropriated, out of funds otherwise authorized to be appropriated to the National Institute of Standards and Technology, $1,932,000 for fiscal year 1997.''.

H.R. 3322

OFFERED BY: MR. BROWN OF CALIFORNIA

AMENDMENT NO. 9: Page 83, line 1, strike ''$445,668,000'' and insert in lieu thereof ''$471,672,000''.

H.R. 3322

OFFERED BY: MR. BROWN OF CALIFORNIA

AMENDMENT NO. 10: Page 83, line 1, strike ''$445,668,000'' and insert in lieu thereof ''$471,672,000''.

Page 89, line 5, strike ''$147,664,000'' and insert in lieu thereof ''$108,164,000''.

Page 89, lines 20 through 22, strike ''Of the sums'' and all that follows through ''$39,500,000'' and insert in lieu thereof ''In addition to the sums authorized in subsection (a), there are authorized such sums as may be appropriated''.

H.R. 3322

OFFERED BY: MR. GEKAS

AMENDMENT NO. 11: Page 87, after line 21, insert the following new subsection:

(h) REPORT.—Section 704 of the Weather Service Modernization Act (15 U.S.C. 313 note) is amended by adding at the end the following new subsection:

''(c) REPORT.—The National Weather Service shall conduct a review of the NEXRAD Network radar coverage pattern for a determination of areas of inadequate radar coverage. After conducting such review, the National Weather Service shall prepare and submit to the Congress, no later than 1 year after the date of the enactment of the Omnibus Civilian Science Authorization Act of 1996, a report which—

''(1) assesses the feasibility of existing and future Federal Aviation Administration Radars to provide reliable weather radar data, in a cost-efficient manner, to nearby weather forecast offices; and

''(2) makes recommendations for the implementation of the findings of the report.''.

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 12: Page 26, line 12, strike ''$42,167,400,000'' and insert in lieu thereof ''$2,085,900,000''.

Page 30, line 11, strike ''$1,957,850,000'' and insert in lieu thereof ''$2,039,350,000''.

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 13: Page 30, line 11, strike ''$1,957,850,000'' and insert in lieu thereof ''$2,039,350,000''.

H.R. 3322

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 14: Page 7, line 6, strike ''$120,000,000'' and insert in lieu thereof ''$129,100,000''.

Page 7, line 9 through 16, strike subsection (c).

Page 19, lines 13 through 23, amend section 130 to read as follows:

SEC. 130. REORGANIZATION.

(a) PLAN.—The Director shall carry out a review and analysis of the organizational structure of the National Science Foundation for the purpose of developing a plan for reorganization that will result in reduced administrative costs, while maintaining the quality and effectiveness of the Foundation's programs. The plan shall include one or more options for reorganization of the Foundation, and one option shall be an organizational structure having fewer than 7 directorates.

(b) REPORT.—By February 15, 1997, the Director shall transmit to the Congress a report containing the plan required by subsection (a). The report shall document the advantages and disadvantages of each option included in the plan, provide an estimate of cost savings for each option, and designate the Director's preferred option.

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MS. LOFGREN

AMENDMENT NO. 15: Page 118, line 17, strike paragraph (2).

Page 118, line 18, through page 119, line 12, redesignate paragraphs (3) through (11) as paragraphs (2) through (10), respectively.

H.R. 3322

OFFERED BY: MR. ROEMER

AMENDMENT NO. 16: Page 24, line 20, insert ''and'' after ''Administration;''.

Page 24, lines 21 through 24, strike paragraph (2).

Page 25, line 1, redesignate paragraph (3) as paragraph (2).

Page 25, line 12, strike paragraph (1).

Page 25, lines 13 and 15, and page 26, lines 4 and 6, redesignate paragraphs (2) through (5) as paragraphs (1) through (4), respectively.

Page 26, line 14, strike ''$498,500,000'' and insert in lieu thereof ''$230,700,000''.

Page 27, line 4, strike ''$711,000,000'' and insert in lieu thereof ''$679,400,000''.

Page 38, line 14, through page 43, line 6, strike subtitle C.

Page 43, line 7, redesignate subtitle D as subtitle C.

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MR. ROEMER

AMENDMENT NO. 17: Page 25, line 12, strike ''$1,840,200,000'' and insert in lieu thereof ''$1,740,200,000''.

H.R. 3322

OFFERED BY: MR. ROEMER

AMENDMENT NO. 18: Page 137, after line 4, insert the following new title:

TITLE X—ENDOCRINE DISRUPTER RESEARCH PLANNING

SEC. 1001. SHORT TITLE.

This title may be cited as the ''Endocrine Disrupter Research Planning Act of 1996''.

SEC. 1002. FINDINGS.

The Congress finds that—

(1) recent reports in the media have focused public attention on a possible link between exposure to chemicals that may mimic hormones and may have adverse biological effects in humans and wildlife, including carcinogenic, reproductive, neurological, and immunological effects, now commonly referred to as endocrine disrupters;

(2) given the significant scientific uncertainties concerning the effects of such endocrine disrupters on humans and wildlife, it cannot at this time be concluded whether or not endocrine disrupters constitute a significant threat to human health or the environment;

(3) neither a conclusion that potentially costly regulation is immediately needed, nor a conclusion that the risks are insignificant or exaggerated, is warranted on the present state of scientific knowledge;

(4) additional research is needed to more accurately characterize the risks of endocrine disrupters;

(5) risk assessment principles should be used to guide the development of a coordinated research plan to ensure that research results are relevant and adequate to guide future public policy decisions;

(6) research carried out by the Federal Government should be done in a planned and coordinated manner to ensure that limited resources are spent efficiently and that critical information gaps are filled as quickly as possible; and

(7) researchers from academia, industry, and Federal laboratories should coordinate efforts to prioritize research topics, identify capital needs, and, in general, develop a comprehensive research plan to address important scientific and policy questions surrounding the potential effects of such chemicals.

SEC. 1003. RESEARCH PLANNING REPORT.

(a) RESEARCH PLANNING REPORT.—The Administrator of the Environmental Protection Agency, in coordination with other Federal agencies with scientific expertise in areas relevant to assessing the human health and ecological risks of endocrine disrupters, shall submit to Congress, along with the President's Budget Request for fiscal year 1998, a plan for conducting additional research needed to assess and characterize the risk of endocrine disrupters on human health and the environment.

(b) CONTENTS.—The plan submitted under this section shall include—

(1) the role of each participating agency in the research plan and the resources required by each agency to carry out the research plan, including human and capital resources needed to ensure that agencies have appropriate expertise, facilities, and analytical capabilities to meet the goals of the research plan;

(2) the mechanisms by which each agency will carry out research, including the use of Federal laboratory facilities, extramural grants and contracts, cooperative research and development agreements with universities, research centers, and the private sector, and mechanisms to avoid duplication of effort and for appropriate peer review;

(3) specific research strategies and timelines for addressing the critical information gaps with respect to hazard identification, dose-response assessment, and exposure assessment; and

(4) an assessment of the current state of scientific knowledge concerning the human and ecological effects of endocrine disrupters including identification of scientific uncertainties unlikely to be capable of significant resolution in the near term, and the opportunity for public comment.

(c) SENSE OF CONGRESS.—It is the sense of Congress that all budget requests for endocrine disrupter research beginning in fiscal year 1998 should be consistent with the research plan submitted pursuant to this section. To avoid duplication and unnecessary expenditures.

H.R. 3322

OFFERED BY: MR. SCOTT

AMENDMENT NO. 19: Page 27, line 14, strike ''$823,400,000'' and insert in lieu thereof ''$857,800,000'.

Page 27, line 19, strike ''$152,800,000'' and insert in lieu thereof ''$187,200,000''.

H.R. 3322

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 20: Page 137, after line 4, insert the following new sections:

SEC. 904. ROTC ACCESS TO CAMPUSES

(a) DENIAL OF GRANTS AND CONTRACTS.—(1) No funds appropriated for civilian science activities of the Federal Government may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the agency to which the funds were appropriated, in consultation with other appropriate Federal agencies, has an anti-ROTC policy.

(2) In the case of an institution of higher education that is ineligible for grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the agency to which the funds were appropriated, in consultation with other appropriate Federal agencies, that the institution no longer has an anti-ROTC policy.

(b) NOTICE OF DETERMINATION.—Whenever an agency makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the agency—

(1) shall transmit notice of that determination to the Secretary of Education and the Congress; and

(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a) on the eligibility of that institution for grants and contracts.

(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—Each agency shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for grants and contracts by reason of a determination of the agency under subsection (a).

(d) ANTI-ROTC POLICY.—In this section, the term ''anti-ROTC policy'' means a policy or practice of an institution of higher education that—

(1) prohibits, or in effect prevents, the maintaining or establishing of a unit of the Senior Reserve Officer Training Corps at that institution; or

(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

SEC. 905. RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—(1) No funds appropriated for civilian science activities of the Federal Government may be provided by grant or contract (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the agency to which the funds were appropriated, in consultation with other appropriate Federal agencies, has a policy of denying, or which effectively prevents—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students,

for purposes of military recruiting.

(2) In the case of an institution of higher education that is ineligible for grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the agency to which the funds were appropriated, in consultation with other appropriate Federal agencies, that the institution no longer has a policy described in paragraph (1).

(3) Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) NOTICE OF DETERMINATION.—Whenever an agency makes a determination under subsection (a) that an institution has a policy described in subsection (a), or that an institution previously determined to have such a policy no longer has such a policy, the agency—

(1) shall transmit notice of that determination to the Secretary of Education and the Congress; and

(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a) on the eligibility of that institution for grants and contracts.

(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—Each agency shall publish in the

Federal Register once every six months a list of each institution of higher education that is currently ineligible for grants and contracts by reason of a determination of the agency under subsection (a).

(d) DEFINITION.—For purposes of this section, the term ''directory information'' means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 21: Page 137, after line 4, insert the following new sections:

SEC. 904. ROTC ACCESS TO CAMPUSES.

(a) DENIAL OF GRANTS AND CONTRACTS.—(1) No funds appropriated for civilian science activities of the Federal Government may be provided by contract or by grant (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has an anti-ROTC policy and at which, as determined by the Secretary, the Secretary would otherwise maintain or seek to establish a unit of the Senior Reserve Officer Training Corps or at which the Secretary would otherwise enroll or seek to enroll students for participation in a unit of the Senior Reserve Officer Training Corps at another nearby institution of higher education.

(2) In the case of an institution of higher education that is ineligible for grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary of Defense that the institution no longer has an anti-ROTC policy.

(b) NOTICE OF DETERMINATION.—Whenever the Secretary of Defense makes a determination under subsection (a) that an institution has an anti-ROTC policy, or that an institution previously determined to have an anti-ROTC policy no longer has such a policy, the Secretary—

(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a) on the eligibility of that institution for grants and contracts.

(c) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for grants and contracts by reason of a determination of the Secretary under subsection (a).

(d) ANTI-ROTC POLICY.—In this section, the term ''anti-ROTC policy'' means a policy or practice of an institution of higher education that—

(1) prohibits, or in effect prevents, the Secretary of Defense from maintaining or establishing a unit of the Senior Reserve Officer Training Corps at that institution, or

(2) prohibits, or in effect prevents, a student at that institution from enrolling in a unit of the Senior Reserve Officer Training Corps at another institution of higher education.

SEC. 905. MILITARY RECRUITING ON CAMPUS.

(a) DENIAL OF FUNDS.—(1) No funds appropriated for civilian science activities of the Federal Government may be provided by grant or contract (including a grant of funds to be available for student aid) to any institution of higher education that, as determined by the Secretary of Defense, has a policy of denying, or which effectively prevents, the Secretary of Defense from obtaining for military recruiting purposes—

(A) entry to campuses or access to students on campuses; or

(B) access to directory information pertaining to students.

(2) In the case of an institution of higher education that is ineligible for grants and contracts by reason of paragraph (1), the prohibition under that paragraph shall cease to apply to that institution upon a determination by the Secretary of Defense that the institution no longer has a policy described in paragraph (1).

(3) Students referred to in paragraph (1) are individuals who are 17 years of age or older.

(b) PROCEDURES FOR DETERMINATION.—The Secretary of Defense, in consultation with the Secretary of Education, shall prescribe regulations that contain procedures for determining if and when an educational institution has denied or prevented access to students or information described in subsection (a).

(c) NOTICE OF DETERMINATION.—Whenever the Secretary of Defense makes a determination under subsection (a) that an institution has a policy described in subsection (a), or that an institution previously determined to have such a policy no longer has such a policy, the Secretary—

(1) shall transmit notice of that determination to the Secretary of Education and to the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives; and

(2) shall publish in the Federal Register notice of that determination and of the effect of that determination under subsection (a) on the eligibility of that institution for grants and contracts.

(d) SEMIANNUAL NOTICE IN FEDERAL REGISTER.—The Secretary of Defense shall publish in the Federal Register once every six months a list of each institution of higher education that is currently ineligible for grants and contracts by reason of a determination of the Secretary under subsection (a).

(e) DEFINITION.—For purposes of this section, the term ''directory information'' means, with respect to a student, the student's name, address, telephone listing, date and place of birth, level of education, degrees received, and the most recent previous educational institution enrolled in by the student.

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 22: Page 137, after line 4, insert the following new section:

SEC. 904. BUY AMERICAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that any recipient of a grant under this Act, or under any amendment made by this Act, should purchase, when available and cost-effective, American made equipment and products when expending grant monies.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In allocating grants under this Act, or under any amendment made by this Act, the Secretary shall provide to each recipient a notice describing the statement made in subsection (a) by the Congress.

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MR. WAMP

AMENDMENT NO. 23: Page 83, line 1, strike ''$445,668,000'' and insert in lieu thereof ''$459,048,000''.

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Senate

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Come and find the quiet center
In the crowded life we lead,
Find the room for hope to enter,
Find the frame where we are freed;
Clear the chaos and the clutter,
Clear our eyes, that we may see
All the things that really matter
Be at peace and simply be

—Hymn ''Come Find the Quiet Center'' by Shirley Erena Murray.

Father, thank You for this sacred moment of prayer. We come to You just as we are and receive from You the strength to do what You want us to do. We trust You to guide us throughout this day. Keep us calm in the quiet center of our lives so that we may be serene in the swirling stresses of life. Fill us with Your perfect peace that comes from staying our minds on You. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, the time between now and 10 o'clock will be equally divided prior to a cloture vote at 10 a.m. on H.R. 2937, the White House Travel Office legislation. If cloture is not invoked at 10 o'clock, it may be possible to consider any of the following items: Gas tax legislation, taxpayer bill of rights, minimum wage legislation, and TEAM Act. We hope to have some resolution of these matters today.

I again say it is rather ironic that we are prepared to accept the minimum wage proposal offered by my colleagues on the other side of the aisle. We are prepared to repeal the gas tax that my colleagues on both sides of the aisle would like to repeal, the Clinton gas tax which was not for highways or bridges or roads, but for deficit reduction, and was part of the larger $268 billion tax increase in 1993, the largest tax increase in the history of the world, let alone America. We do not understand why our colleagues, who I think want to do those things, would be holding it up because of one little amendment we offered called the TEAM Act, which simply says employees can talk to employers.

This is America. But of course the labor bosses, who put $35 million, just lately, into the pot on the other side of the aisle, said we do not like that. So when the labor bosses speak, our colleagues on the other side say yes—yes, sir.

So if we are going to let the labor bosses dictate repeal of the gas tax, the increase in the minimum wage because they dislike one provision that simply says that employees can talk to employers, then I think it is a rather sad state of affairs. We hope to debate that at length today, because I believe the American people, once they understand this issue, will be on the right side.

If some employee has a good idea on productivity or whatever it may be, why can that employee not talk to management? Because since 1992 the NLRB says you cannot do that. We are simply trying to change the law. We think it is good policy. We think it makes a lot of good, common sense. We believe it improves the working relationship in the workplace. For all the reasons I can think of, we hope to be able to persuade our colleagues on the other side that this is a package that should pass this Senate by 100 to 0.

Perhaps they are waiting for the liberal media to put their spin on it, but it is pretty hard to even put—they do not have a spin. Even the liberal media, who wait for the Democrats' spin and then print it almost verbatim on a daily basis around here, find it very difficult. Because we are going to accept their package on minimum wage, our package on gas tax repeal. Then we had TEAM Act and we are ready to vote, after an hour debate on each side. We have even provide they can have a separate vote on minimum wage and a separate vote on TEAM Act.

Some may not want to vote for the minimum wage increase so we provide for that. Some may not want to vote for TEAM Act, so we provide for that. So we have gone not only the extra mile, but miles and miles beyond.

We hope there could be some resolution of this today. If not, we will take our case to the American people and we will continue the debate throughout today and tomorrow and Friday. Hopefully, sooner or later, our colleagues will recognize this is a very fair and very reasonable proposal we have made and it should have unanimous support in the Senate.

Mr. GRAMS addressed the Chair.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. INHOFE). If the Senator from Minnesota will suspend for a moment, under the previous order, the leadership time is reserved.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

The PRESIDING OFFICER. Under the previous order, there will now be 30 minutes of debate to be equally divided.

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I wish to address the Senate as in morning business for the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota is recognized.

Mr. GRAMS. I thank the Chair.

(The remarks of Mr. GRAMS pertaining to the introduction of legislation are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRAMS. Thank you, Mr. President. I yield the floor.

Mr. HATCH. Mr. President, I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself the leader's time. How much time is there of the minority leader's time?

The PRESIDING OFFICER. It would take unanimous consent to yield leader's time, to take 10 minutes.

Mr. KENNEDY. Mr. President, I have been informed by the leader that he is willing to let me have the leader's time prior to vote on the cloture.

The PRESIDING OFFICER. The Senator may have that.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time?

The PRESIDING OFFICER. The Senator will now have 11 minutes remaining.

Mr. KENNEDY. Mr. President, I yield myself 10 minutes.

Over the period of the last 24 hours, there have been a series of different proposals for Senate action that I hope will eventually be resolved. One deals with the minimum wage, which we have tried to raise at different times over the period of the last year and a half and have been denied the opportunity for a vote up or down.

I understand we will have a chance to vote on, hopefully, the gas tax. There are other measures on education that I had hoped we could have included as well. But I want to speak right now on another issue which had been talked about earlier today and certainly yesterday, and that is the Anti-Workplace Democracy Act, otherwise known as the TEAM Act.

We have really not had the opportunity for much debate and discussion on that measure, and I will just take a few moments now to raise some of the very important questions that I think this legislation effectively raises. That is, whether this legislation is really what it is suggested to be, and that is just legislation to permit cooperation between employers and employees in order to deal with a lot of the issues that might be in the workplace, and, as we have seen, as I stated yesterday, the type of cooperation which has been talked about here on the floor as being the reasons for that cooperation is already taking place. It has been included and recognized in the findings of the bill itself and has also been referenced in the report itself where cooperation is taking place between management and workers.

There are only three areas where that kind of cooperation is not on the table and which would be altered and changed by the TEAM Act, and that is with regard to wages and working conditions. That has been recognized to be a position since the time of the 1930's to be issues reserved to representatives of employees. Effectively, that is the rock upon which workers are able to negotiate their working conditions and also their wages, and the matters that will affect their take-home pay and what will be available to them to protect their interests and their families.

So the idea that this is just legislation that is going to move us into the next century and increase America's capacity to compete is a false representation.

It is interesting to me that Republicans and Democrats alike stood so strong with Solidarity and Lech Walesa. Why did they stand with Lech Walesa? Why did they stand with Solidarity? There were unions in Poland. They were government/employer-controlled unions. There was not union democracy. I can remember hearing the clear, eloquent statements by then-Republican George Bush that said, ''We support democracy, and we support real workers' rights in Poland, and we support Solidarity.''

Why did they support Solidarity? Because Solidarity represented workers. The TEAM Act effectively is going to be company-run union shops or company-run management teams. Does anybody in this body think that if they establish that an employer picks representatives of workers, pays their check, that those particular workers are going to buck the management that put them on the team? Of course, they will not. That is as old as the company-run unions that we had in the 1930's. That was the issue when this body debated the National Labor Relations Act in the 1930's and implemented that particular legislation.

That is what the issue is, plain and simple: Are we going to say that company CEO's and management are going to be able to dictate to the workers in this country exactly what their wages are going to be, or are we going to let employees represent their interests and go ahead and bargain with the employers as to what those wages and working conditions are going to be? It is just that simple.

The TEAM Act is effectively company-run unions. That is effectively what it is. No ifs, ands, or buts about it. It is so interesting to me, Mr. President, as someone who has followed the whole debate about company-run unions and antidemocracy representation in the workplace, where these organizations were when they had the Dunlop commission only a few years ago that was trying to look over the relationship between CEO's and companies and also the employees. The same groups that are supporting this legislation testified in that committee that they did not think there ought to be a change in the labor laws. The only thing that changed was the 1994 election and the Republicans gaining control in the House and the Senate. If you look over what presentations were made before the Dunlop commission, you would say they feel that the relationship between employer and employees is fine with them.

So, Mr. President, we ought to understand exactly what this is going to be. It is going to be the government-run kind of unions in a different way.

All of us fought for and wanted to see the restoration of democracy in Eastern Europe. Most of all, the Eastern European countries had government-run unions, effectively employer-run unions. And here in the United States, we were giving help and assistance to workers for worker democracy. Now we are saying on the floor of the U.S. Senate, ''Well, we want the TEAM Act,'' and the TEAM Act effectively is going to eliminate the workers' rights in this country. No ifs, ands, or buts about it.

I hear on the floor of the U.S. Senate the central challenge that we are facing as we move to the end of this century is to give life to the 65 or 70 percent of Americans who are being left out and left behind.

I hear a great deal about income security, about job security being the issues that this country ought to address. I tell you something, you might as well write off those speeches if we are going to go ahead and pass the TEAM Act. Write them off. What you see is continued exploitation.

You talk about the battle for the increase in the minimum wage. Write

that off, because you will give such power to the employers in this country that they will be able to write any kind of wage scale that they want. Does anyone think that the team makes the judgment and decision about workers' rights, about what the employees will get paid? Of course not. They make the recommendation to the employer, and the employer decides. That is the principal difference: Whether the workers are going to be able to make that judgment and decision, sitting across the table from the employer, or whether the team is going to make a recommendation to the employer, then the employer will make the judgment.

Mr. President, with respect to all of our colleagues who talk about where we are going to go in terms of the U.S. economy, what we need to be able to compete in the world at the turn of the century is a mature economy with mature relationships between workers and employers and an economy which is going to benefit all of the workers and workers' families.

We are going in that wrong direction, as we have seen. The right direction for the wealthiest corporations, the right direction for the wealthiest individuals—we have seen the accumulation of wealth in terms of the richest individuals and corporations taking place in this country unlike anything we have seen. But those 65 or 70 percent of American working families are being left out and left behind. You pass this particular act and you will find that it will not be 65 or 70 percent, but it will be 80 percent. They will not just fall back somewhat; their whole life will be disrupted and destroyed with regard to their economic conditions.

Mr. President, we are entitled to have some debate and discussion on this issue because its implications in terms of working families are profound. It is basically an antiworker act. It ought to be labeled such. That is something that we ought to at least have a chance to debate and discuss.

Mr. HATCH. Mr. President, I have listened to my colleague. Nobody argues more forcefully for big labor than the distinguished Senator from Massachusetts.

Although I want to talk about the Billy Dale matter, I do have to say that most of what the Senator has said is pure Washington-inside labor line. The fact is, the NLRB went way beyond where it should have gone and took the rights of individual employees to meet with management to resolve problems that really have nothing to do with collective bargaining. It seems ridiculous to call this antidemocracy. Give me a break. What is antidemocracy is to close shop where 51 out of 100 employees want a union and the other 49 have to comply and have to pay dues and have to be part of the union whether they want to or not. That is not democracy.

On the other hand, what is wrong with management and labor being able to get together in teams and make the workplace a safer, better place to work in?

I had to say that because I listened to the distinguished Senator. He is eloquent and forceful. He just happens to be wrong.

Mr. President, why we are really here this morning is the Billy Dale matter. Billy Dale and his colleagues at the White House were very badly mistreated by greedy people who wanted to take over the White House Travel Office—and I might add, there is some indication that the travel offices of every agency in Government—so they could reap millions, if not billions of dollars of free profits at the expense of these people who had served eight Presidents over a pronounced period of time and had served them well, done a good job, and who Peat Marwick says did it in a reasonable manner.

They were mistreated. The law was used against them in an improper way. The FBI was brought in an improper way. I might add, the power of the White House was used against them, the power of the Justice Department was used against them. Virtually everybody who looks at it, especially those who look at it honestly, say this is a set of wrongs that ought to be righted. In the process, their lives happen to be broken because they are now stuck with all kinds of legal fees that would break any common citizen in this country.

We want to right that wrong. Yesterday, my colleagues on the other side voted en masse against cloture which would allow this matter to go to a vote. One of the arguments which was superficial and fallacious was they cannot even amend it. Of course they can. After cloture, germane amendments are in order. If they want to bring up a germane amendment to this Billy Dale bill, they are capable of doing so. That is just another false assertion and false approach.

I think it is time to do what is right around here. It is time to rectify these wrongs. It is time to do what is the right and compassionate thing. In all honesty, we have not been doing it as we listened to the arguments on the other side as to what should be done. It has been nearly 3 years since the termination of the White House Travel Office employees, and they are still in the unfair position of defending their reputations. It is time to close this chapter on their lives.

The targeting of dedicated public servants, apparently because they held positions coveted by political profiteers, demands an appropriate response. Although their tarnished personal reputations may never fully be restored, it is only just that the Congress do what it can to rectify this wrong.

This bill will reimburse Travel Office employees for the expenses of defending themselves against these unjust criminal persecutions. I call it ''persecutions'' even though there was a ''prosecution'' of Billy Dale.

The argument that invoking cloture will foreclose the option of amendments is nonsense. Germane amendments can still be offered, although I question why anyone would want to delay any further the compensation of these people who have been so unjustly treated. The argument that passing the Billy Dale bill will undermine the likelihood of seeing the Senate vote on the minimum wage increase is equally hollow. In fact, it is superficial and wrong.

Only yesterday the majority leader proposed a plan which would ensure a vote on the minimum wage increase this week, and my colleagues on the other side rejected it. My friends on the other side of the aisle should be careful about what they ask for because they might get it. That is what happened yesterday.

Here we are today, back on the Billy Dale bill, and their excuse for filibustering is still the minimum wage. Given the political transparency of this filibuster, I hope our colleagues will get together to do the decent and honorable thing and pass this important measure.

Let me say, I think it is almost unseemly my friends on the other side are saying we just want the minimum wage bill and you Republicans should not do anything else because we want this and we have a political advantage in talking about it. That is not the way it works around here. Of course, we are able to ask the majority, combined other good bill aspects, to make this bill even more perfect. Frankly, the repeal of the gas tax would do that. It will make it more perfect. The TEAM Act bill would certainly be more fair to employees throughout America, more fair to businesses throughout America, more fair in bringing economic cooperation among them, without interfering with the collective bargaining process. The NLRB is very capable of making sure that management does not abuse that problem.

For the life of me, I cannot see one valid or good argument about it. Bringing what happened in Eastern Europe does not necessarily cut the mustard here in America, where we have the most protective labor laws in the world. Rightly so. I have worked with those laws for years, long before I came to the Senate, and, of course, as former ranking member and chairman of the Labor Committee, worked with them during that period of time as well.

Mr. President, all of that aside, those are hollow arguments with regard to holding up this bill. I hope my colleagues on the other side are willing to vote for cloture so that we can pass the Billy Dale bill and go on from there, then face the minimum wage, the TEAM Act, gas tax reduction, and go on from there and do what is right.

The bottom line is that the minimum wage bill is controversial, should not be attached to a bill that has broad bipartisan support, that the President has said he will sign and support and that will right some tremendous wrongs that need to be righted.

The PRESIDING OFFICER. The minority has 52 seconds remaining.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the cloture motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. All time has expired. The mandatory quorum has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on H.R. 2937, the White House Travel Office bill shall be brought to a close.

The yeas and nays are required, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a live pair with the Senator from Vermont, [Mr. LEAHY]. If he were present and voting, he would vote ''nay.'' If I were permitted to vote, I would vote ''yea.'' I therefore withhold my vote.

Mr. FORD. I announce that the Senator from Vermont [Mr. LEAHY] is absent because of a death in the family.

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Campbell	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Helms	Simpson
Cochran	Hutchison	Smith
Cohen	Inhofe	Snowe
Coverdell	Jeffords	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—45

Akaka	Feingold	Levin
Baucus	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Nunn
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Conrad	Kennedy	Rockefeller
Daschle	Kerrey	Sarbanes
Dodd	Kerry	Simon
Dorgan	Kohl	Wellstone
Exon	Lautenberg	Wyden

PRESENT AND GIVING A LIVE PAIR

Pell, for

NOT VOTING—1

Leahy

The PRESIDING OFFICER (Mr. SANTORUM). On this vote the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

The majority leader is recognized.

AMENDMENT NO. 3956 WITHDRAWN

Mr. DOLE. Mr. President, I withdraw amendment numbered 3956.

The PRESIDING OFFICER. The amendment is withdrawn.

AMENDMENT NO. 3960 TO AMENDMENT NO. 3955

Mr. DOLE. I send an amendment to the desk, which is the text of the gas tax repeal, with the minimum wage language suggested by my colleagues on the other side of the aisle, and the TEAM Act, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3960 to amendment No. 3955, to the instructions of the motion to refer.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

Mr. DOLE. Mr. President, yesterday we discussed how we might resolve the issues at hand. So now we have an opportunity for all Members to repeal the gas tax, which I think has broad support, probably 80 votes, to adopt the minimum wage suggested by my colleagues on the other side of the aisle, 45 cents July 1 this year, 45 cents next July, and then adopt this small provision on the TEAM Act, which means that in America employees can talk to management, which I thought was sort of the American way. We are prepared to vote on the whole package right now. It would also reimburse Billy Dale and others who incurred legal expenses because of charges brought against them.

I should like to take this opportunity to support the Teamwork for Employees and Management Act. I think my colleague, the chairman of the Labor Committee, is in the Chamber, and she will be addressing that later.

It is hard to believe that in 1996, Federal laws tell employers and employees that they cannot work together in cooperative teams to jointly resolve issues of concern in the workplace. Since 1992, the National Labor Relations Act of 1935 has been interpreted to prohibit forms of collaborative discussions between groups of employees and management that deal with key issues such as workplace safety, productivity rewards and benefits, and job descriptions.

Does that make sense? No. And it does not make sense to most Americans. The TEAM Act simply allows common sense to reign in the workplace. Employees and employers can and should be able to resolve workplace issues among themselves without the fear of lawsuits.

So, why is the other side so exercised by this commonsense effort to help employees? Because of the big labor bosses. They see any effort to improve the workplace environment without their involvement as a threat. In other words, they do not want the employees to come up with any idea unless it goes through the labor bosses.

Suddenly, the minimum wage is not at all that important because somewhere, someplace, some employee might have an idea that improves productivity, that makes the workplace safer, all without the blessing of the labor bosses. So that is what this debate is all about. I am not certain, many of the employees even—in fact, I understand that some employees came to lobby people on the TEAM Act and they were asked what it was and they did not know what it was. Once it was explained to them, they did not see much wrong with it.

It might occur to some employee that he or she does not need a labor boss, that he or she can be their own boss. So, it is all about power. It is not about politics, it is about power. It is about contributions. It is about power. I think it is time we pass this package, increase the minimum wage, repeal the gas tax.

Yesterday at midnight tax freedom day ended. I hope that workers can have some control over their lives and workplace, the conditions in the workplace. I believe we ought to do everything we can to encourage this relationship, talking back and forth. We do it here from time to time. Sometimes we are able to work things out by talking to each other. If we cannot talk to each other, if employees cannot talk to management, I do not see how anything can be worked out.

In fact, President Clinton used to think so, too. I never cease to be amazed about how he can shift his positions, but even on this issue he had a position. In his State of the Union Address last January President Clinton said, ''When companies and workers work as a team, they do better—and so does America.''

Let me repeat that, because many people probably forgot that President Clinton said that. I bet he has forgotten that he said it. ''When companies and workers work as a team, they do better—and so does America.'' That is all the TEAM Act is. We have taken what President Clinton said in the State of the Union Message and drafted it so it is now a statute. So it is a Clinton provision, really, the TEAM Act. If President Clinton was right then, he is right now.

So what happened between January and May? The labor bosses called in

and contributed $35 million. That is one thing that happened. I do not know what else happened. They may have also spent millions on television, attacking Republicans on Medicare and everything you can think of. A lot of the workers are now having their dues increased who may not want to participate in that process, who may want to vote for somebody else. They cannot be dictated to, anymore than we can dictate to anybody.

So, it seems to us that we have an issue here now. We are all set. We have accepted the minimum wage offer. We have accepted what the American people want; that is, repealing the gas tax, 4.3 cents, $4.8 billion a year. We pay for it. It does not add to the deficit.

But now we are hung up on whether or not we ought to focus on the American worker. If that worker has an idea, should that worker be able to go to his employer, or be with a group of workers? Apparently, my colleagues on the other side say you cannot do that in America, you cannot talk to each other. Employees cannot talk to employers. It does not interfere with the activities unions already have established in companies, and it leaves in place protection against sham unions. It simply extends to nonunion workers the rights union workers already have, to have an effective voice for change in the workplace.

So it seems to me that we have an opportunity here, now, to move this legislation forward. We are obviously not going to get cloture on the Billy Dale, the underlying bill. It was hoped that this amendment might be an incentive for everybody to move forward, end the gridlock. It used to be called gridlock by the liberal press when Republicans were holding up things, but I have not seen the word ''gridlock'' used by the liberal media in the past 15 months. They cannot spell it anymore, the 89 percent of those who cover us who voted for President Clinton.

But it is gridlock. We have had to file 63 cloture motions this year in an effort to move the Senate forward. Since it takes 60 votes and we only have 53, it is rather difficult. But I know the Washington Post will figure out somewhere to come down on the right side, the side of the liberals. So will the New York Times. So will the L.A. Times. So will the other liberal papers.

But this is an argument about workers, maybe some who work at the Washington Post; maybe they do not cover the Hill. Maybe some who work for the Washington Times; maybe they do not cover politics. This is about workers and it is about power and it is about power of the labor bosses. That is what this is about. I do not care how they report it, the word will go to the workers that we are prepared to say they have a right to talk. They can talk for themselves. They can exercise their first amendment rights. They do not give up their rights to free speech or to engage in discussion when they join a labor union.

So, it seems to me we have a package here that should be irresistible. If, in fact, the Senator from Massachusetts is serious about the minimum wage and if, in fact, those of us on both sides are serious about repealing the gas tax, as we are, this bill can be passed by noon and be on its way to the House. I think the Speaker would act expeditiously. It is going to take a while, July 1, the first increase in minimum wage—it is going to take a while to implement it to make all those things happen. It will take a while for the gas tax repeal to be implemented.

So, I hope that we can proceed, get an agreement, say an hour on each side. I ask unanimous consent that there be an hour on each side, that each side have 1 hour, there be no intervening amendments, and then we can proceed to vote on the amendment.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Two hours? Two hours on each side?

Apparently there must be something other than the time that is the problem on the other side.

Mr. DORGAN. Mr. President, will the Senator from Kansas yield?

Mr. DOLE. I will be happy to yield for a question.

Mr. DORGAN. For a question. Does the Senator from Kansas anticipate he will not allow an amendment on the gas tax proposal to make sure the consumers get the benefit of a gas tax reduction? My understanding is the request the majority leader made would preclude any amendments to be offered on the gas tax reduction issue; is that correct?

Mr. DOLE. We have a provision in the gas tax proposal that requires that a study has to be completed and that mandates that the savings go to the consumer. I do not know how—I would be happy to look at the amendment. In fact, we could probably agree on it. We have gone so far as to say if we get cloture on the amendment, we could have a separate vote on TEAM Act, so all my colleagues on that side could protect themselves and vote against it. We could vote for it. We have minimum wage, where I think some on each side are not certain how they are going to vote. So we would have a separate vote on minimum wage and a separate vote on TEAM Act. If we could agree now to have a cloture vote on the amendment without waiting until Friday, and get 60 votes on cloture, then we could have a separate vote on each. Some of my colleagues would probably like to vote against some portion of it; I do not know which. That would seem to be even going the extra mile.

I do not know how we can put into law, how we are going to mandate that in every, every, every case. I do not know how many thousands of service stations there are in America, but there are millions of people out there who buy gasoline. I do not know how we are going to make certain that that 4.3 cents goes into the pocket of the consumer.

The service station operators will tell you that is going to happen. We hope to have letters today from their national association. I have had some tell me personally that is going to happen. They know their customers. In most cases they are regular customers. They want to keep those customers. It is all a good-faith business practice.

But if the Senator had some idea on how we can adopt some language that is going to make certain it happens, we would certainly be pleased to look at it. Or if there are other amendments that deal with the minimum wage, we would be happy to look at that. Since it is the minimum wage package of the Senator from Massachusetts, I do not think he would want to amend it.

So, Mr. President, if I can just suggest the absence of a quorum——

Mr. DASCHLE addressed the Chair.

Mr. DOLE. Excuse me.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, before we go into a quorum, if I could just respond to the distinguished majority leader. I guess I begin by saying, here we go again. Once again, the Republicans have put together a package that they know will go nowhere.

We have one of two choices here. We can pass legislation, or we can play games. If this package is good, let us get a little bit more elaborate, more inventive. How about adding campaign finance reform? Why not add MFN for China? Let us add the budget. How about a peace treaty? There may be something in there we could deal with as well. Let us put it all in and pass it in one vote. That seems to be the practice around here these days: Load it up, no amendments, no debate and that is it. ''We're telling you, you have to do it this way or there's not going to be anything at all.''

Mr. President, that is unacceptable. They would not have stood for it 2 years ago and we cannot stand for it now. We have suggested a way with which to resolve our outstanding differences here procedurally. We ought to have an up-or-down vote on minimum wage.

We are prepared to have a good debate about the TEAM Act, and I want to touch on that in just a minute.

We are prepared to have a debate about gas taxes, but we want to make absolutely certain that the benefit goes to the consumer, and if we cannot figure out a way to do that, then maybe we should not do it at all. It seems to me that if we cannot guarantee the consumer is going to benefit—and there is a pretty good possibility that they will not benefit if you read the papers again this morning—then we will not be providing the relief we claim to be providing in this proposal. We can lash out against the press, we can lash out against labor if we want to, but the

fact is the arguments ought to be debated and we ought to make some decisions. We ought to have some understanding of whether or not this is going to work before we do it. That is really what the amendment process is all about, to have a good-faith debate and some opportunities to discuss these important matters.

The distinguished majority leader noted that he has had to file cloture a few times. Well, I must say, when you load up the tree and deny opportunities for Democrats to have votes on amendments that we care about, I really do not know what option we have. We are not trying to prevent legislation from being considered. In fact, in the last week, there were two examples where we worked through our differences as soon as we were allowed to offer amendments. The immigration bill and the Presidio bill both passed because we wanted to work with the majority to pass them. We did not want to hold up those bills. But we wanted the right to offer amendments.

And that is true, again. We have no desire to hold up the gas tax bill. We will have some good debate about it. We want to get this minimum wage issue behind us. We have a whole agenda. We have not talked yet about pensions, and we are going to talk a lot more about pensions in the balance of this year. We have not talked about losing jobs overseas, an amendment the distinguished Senator from North Dakota is talking about. We want to do a little bit of that.

And if we are not resolved on this health care bill pretty soon, we are going to be bringing that up in the form of an amendment. So we will have a lot of action agenda items, a lot of issues we care deeply about that we want to offer and have a good debate about.

Now, as to the TEAM Act, let me just say, Mr. President, I listened carefully to the majority leader. He said all we want is the right for employers and employees to be able to talk together. If that is all they want, they ought to be satisfied with current law.

Ninety-six percent of large companies today have employee involvement programs. Seventy-five percent of all workplaces already have programs where employers and employees work together, and guess what? The only issues on which they cannot make agreements with employees are mandatory bargaining issues such as hours and wages. Furthermore, if they violate what the National Labor Relations Board and the law requires with regard to what is legitimate consultation and what is actual negotiations with labor on issues involving pensions or security issues or work issues or wages, there is no penalty, there is no penalty at all. They must only disband the committee that has violated the law.

So workers are encouraged to work through their problems with employees through the arrangements that are set up right now under current law.

What the Republicans want to do is roll back 60 years of labor law. They want to be able to allow companies to set up rump organizations to negotiate with themselves. It is like the father asking the son-in-law to negotiate on behalf of the employees and to come up with a plan the employees are supposed to accept as fact in that workplace.

That is unacceptable. But we ought to have a debate about it. We ought to decide whether or not we want to roll back 60 years of labor law. This may be one of the most antiworker Congresses we have seen in decades—blocking an increase in the minimum wage, fighting health care, and now rolling back labor law that protects workers. We are not in any way, shape or form opposed to good discussions and good negotiations and good opportunities for employers and employees to work out their differences. That should be a fact. It is a fact in 96 percent of large corporations. But we will not tolerate rump organizations negotiating with companies in the name of labor and calling that some advancement in the workplace.

So, Mr. President, we ought to have an opportunity to debate it. We ought to have an opportunity to offer amendments. We ought to have some up-or-down votes. That is what the Senate is made for. That is what we have always done. I yield to the Senator.

Mr. DORGAN. Will the Senator yield for a question?

Mr. DOLE. You cannot yield the floor except to yield for a question.

Mr. DASCHLE. I yield for a question.

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Dakota for a question only?

Mr. DASCHLE. I yield to the Senator from North Dakota for a question.

Mr. DORGAN. Mr. President, I say to my colleague from South Dakota, I heard this discussion about delay and stalling. Is it not the case that in a couple recent occasions, just in recent weeks, we have seen legislation filed in the Senate and a cloture motion filed on the bill that was before the Senate before debate began on the legislation? In other words, a motion to shut off debate before debate began on two pieces of legislation in the last several weeks; is that not the case?

Mr. DASCHLE. The Senator is absolutely correct. A bill is filed, a bill is proposed; the amendment tree is completely filled; and cloture is filed. It is a pattern now that has been the practice here for the last several weeks.

Mr. DORGAN. If the Senator will yield for one further question. I guess what I observe about that is that it is hardly stalling to suggest there ought to be some debate on legislation. Filing a cloture motion to cut off debate before debate begins is apparently a new way to legislate but not, in my judgment, a very thoughtful way to legislate.

I ask the Senator one additional question. In this morning's newspaper there is a story that says ''Experts Say Gas Tax Wouldn't Reach the Pumps.'' It quotes a number of experts. One of the experts says, and I would like to ask you a question about this:

> The Republican-sponsored solution to the current fuels problem . . . is nothing more and nothing less than a refiners' benefit bill . . . It will transfer upwards of $3 billion from the U.S. Treasury to the pockets of refiners and gasoline marketers.

My question is, does the Senator from South Dakota believe, when we deal with the issue of reducing the gas tax by 4.3 cents, that we ought to be able to offer some amendments on the floor to make darn sure that it goes in the right pocket?

Mr. DASCHLE. The Senator is correct. That is all we want to do here. We want to have an opportunity to debate the issue, to offer amendments to provide assurance to the consumer and taxpayer that we are simply not asking the taxpayers to bail out the oil companies with a $4 billion bailout this year. That is what it could mean if we are not careful about how this is handled.

Everybody ought to understand that if we do not have the assurance, and it is going to take more than a study to give us that assurance, if we do not have the assurance, what this means. I heard the majority leader talk about power and contributions, I do not know what power and contribution connections there may be with the gas tax, but I will tell you this, that it is a $4 billion bailout this country cannot afford if, indeed, the result of repeal of the gas tax is $4 billion in additional profits for the oil companies.

We ought to work through this, and if we can do that, I am sure there is not going to be a problem with regard to providing that assurance to the American people.

Mr. WELLSTONE. Will the Senator yield?

Mr. KENNEDY. Will the Senator yield?

Mr. DASCHLE. I yield to the Senator from Minnesota for a question.

Mr. WELLSTONE. It is a very brief question.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. WELLSTONE. I thank the Chair. Listening to the Senator talk about the distinction between games and moving this forward, am I correct that the Senator is saying, the minority leader is saying that we ought to have the opportunity to have amendments and debate on these issues, legitimate debate, and then have separate votes on the wisdom of enacting all three bills, whether it be minimum wage, whether it be TEAM, or whether it be a repeal of the gas tax, that that is what we are aiming for, that we want to have an opportunity for amendments and we want to address each bill in turn?

Mr. DASCHLE. That is correct.

Mr. WELLSTONE. Consider each one separately, so all of us are accountable, no putting different kinds of combinations together, no confusion for people,

no blurring distinctions, just straightforward accountability to people in the country as to where we stand. Is that what the Senator is proposing?

Mr. DASCHLE. The Senator from Minnesota is absolutely right. That is how we do things around here. We provide opportunities for Senators to offer to bills amendments that are legitimate questions of public policy. That is all we are suggesting here. That is why we offered the minimum wage in the first place. When we first offered it, we said, ''Look, we prefer to have the independent freestanding vote.'' If we cannot do that, obviously, we will offer it as an amendment. If we start packaging all these disparate issues together, then I think it is fair to ask why not add campaign finance reform and MFN for China and a whole range of other things we might want to debate some time this year.

I yield to the Senator from Massachusetts for a question.

Mr. KENNEDY. I have a question for Senator DASCHLE. That is, as I understand the National Labor Relations Act as it exists now and as proposed in the TEAM Act, is that the TEAM Act would apply not only to the 13 million workers who are organized, but it applies to about the 107 million American workers that are in the workplace as well, and that the Senator might agree with me that effectively what we are talking about is company unions replacing legitimate collective bargaining appearing by workers pursuing their own interests.

Is that the effect of the TEAM Act?

Mr. DASCHLE. The Senator is correct, that is the effect.

Mr. KENNEDY. Is the Senator concerned that, as he pointed out, part of a whole process evidently against working families, where we have had the repeal of some of the EITC, the opposition to the minimum wage, the undermining of the OSHA Act, and feel that this would be a further reduction in the protections for American workers, and that they may, if this legislation goes into effect, be further left out and left behind in the modern economy?

Mr. DASCHLE. The Senator is absolutely correct.

Let me just say that there is this perception sometimes created by some of our colleagues on the other side that efforts to protect workers somehow automatically position you against business. We ought to be for business, probusiness, just as this administration has shown itself to be with so many of its policies.

Business has never had a better 3-year period than they have had in the last 3 years. We have seen growth in this economy. The stock market has boomed to levels we never dreamed of a couple of years ago. Export sales are up. Everything is going exceedingly well. This economy is as strong as it has been almost in my lifetime. So this administration has been probusiness. There are a lot of things we have proposed that are probusiness, but we ought to say probusiness also ought to mean proworker, making sure that not only corporate executives benefit from this wonderful growth in the economy, but the workers do, too: that the workers have a chance to benefit, whether it is in health care, a good paycheck, or retirement security. Those kinds of things ought to be part of the overall economic agenda here so that we do not see the stratification within our economy that we are seeing right now.

Be probusiness and proworker. If we do that, I think we can look forward to a lot stronger economy and a lot more blessings for all the American people than we have had in the last couple of years.

Mr. DOLE. Mr. President, we would certainly be agreeable we could have three separate votes, gas tax repeal, TEAM Act, minimum wage. In fact, we are prepared, if cloture is invoked, to have three separate votes. We cannot get agreement to have three separate votes. So they will have to filibuster gas tax repeal and increase in minimum wage because of the one deal that upsets the labor bosses. That is certainly a right they have.

Somehow the Washington Post and other papers will figure out some way to make it sound good, but the facts are the facts. We are prepared to move right now. The Senator from Massachusetts said on the floor, and I have his quotes here, a couple of times he only needs 30 minutes on the minimum wage. We will have 30 minutes on that, 30 minutes on TEAM Act, and 30 minutes on gas tax. That is an hour and a half equally divided, and then we can vote.

The Senator from North Dakota has some amendment, if he has figured out a way to make certain that in every single case the 4.3 cents will go back to the consumer, maybe have to station a policeman at each service station, or a Federal employee, that would be one way to do it. I am not certain what he has in mind.

The bottom line is we are prepared to take action. So now we have on this floor the minority saying we will not let you do anything unless you do it our way. We want to do it our way, and even though you are the majority, you do it our way. As I said, I had a little trouble explaining that to my policy luncheon yesterday. They said if they can have their way, why can we not have our way? My view is why not everybody have their way? We will have a separate vote on minimum wage, a separate vote on gas tax repeal, and a separate vote on TEAM Act. It seems fair and reasonable to me.

I hope that will be the resolution. If there are amendments that should be offered, we have always been able to work out reasonable amendments. But that is not the thrust coming from the other side. The thrust is they will raise this, the experts say maybe the 4.3 cents will not get back to the consumer and this is somehow antiworker, it is antiboss, it is antilabor boss, it is proworker.

Again, let me quote the President of the United States who said in the State of the Union Message last January, ''When companies and workers work as a team they do better and so does America.''

Mr. FORD. Will the Senator yield?

Mr. DOLE. Not right now.

We are prepared to accept the President—in fact, the Senator from Kansas, Senator KASSEBAUM, chairman of the Labor Committee really understands the TEAM Act—and explain how this statement by the President sort of underscores and supports what we are trying to do here today.

We have the support of the President, apparently, on the minimum wage and on TEAM Act. I do not know where he is on the gas tax repeal.

CLOTURE MOTION

Mr. DOLE. Mr. President, just so we can bring this matter to a head, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Dole amendment, No. 3960:

Bob Dole, Orrin Hatch, John Warner, Trent Lott, Thad Cochran, Slade Gorton, Phil Gramm, Kay Bailey Hutchison, Connie Mack, Strom Thurmond, Dan Coats, Craig Thomas, Dirk Kempthorne, Jesse Helms, Bob Smith, Jim Jeffords.

Mr. DOLE. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the cloture vote occur at 5 p.m. on Thursday, May 9, the mandatory quorum being waived and the time between now and 5 p.m., Thursday, be equally divided in the usual form for debate.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. DOLE. So the cloture vote will occur on Friday, but I ask unanimous consent at this time if cloture is invoked on amendment 3960, the amendment be automatically divided, with division I being the gas tax issue, division II being the TEAM Act, and division III being the proposal for minimum wage, and the time on each division be limited to 2 hours each, equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to vote on division I, division II, and division III, back to back, with no further motions in order prior to the disposition of each division.

Mr. DASCHLE. Reserving the right to object, I ask unanimous consent that the unanimous-consent agreement also include campaign finance reform and MFN.

Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Is there objection?

Mr. DASCHLE. I object.

Mr. DOLE. Objection to this.

So, we will have a cloture vote, then, on Friday, if not before. If there are amendments, we always try to accommodate our colleagues.

I learned about how you introduce and file cloture by my friend, the former majority leader, Senator MITCHELL. I thought it was very effective. I made notes at that time.

Mr. FORD. Fill the tree.

Mr. DOLE. We do not have it down to the art he had it down to, but we want to tell the press how to spell ''gridlock,'' something they used extensively when we were in the minority. You never see the word. Suddenly the word has disappeared. This is gridlock. This is Democratic gridlock, because the labor bosses do not want this to happen. And he who controls the purse I guess controls the agenda. We will see what happens in the next few days.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, let me just respond briefly. I know a lot of our colleagues want to be able to speak.

This is unnecessary gridlock. This has nothing to do with the Democratic minority. This has everything to do with Republicans simply not allowing the Senate to be the Senate. I do not recall a time—and we can go back and check—when my predecessor, Senator MITCHELL, filled the tree every single time a bill was presented on the floor. I would like to go back and find that time in the last Congress when that happened.

I can recall, woefully, how many times we worried about Republican amendments and how we were going to come up with second-degree amendments because we were not going to stop them from being offered. And they were offered.

So, Mr. President, we have different views about what happened in the last Congress. I will tell my colleagues on the other side, we are taking notes, and should we have the opportunity again—and I know we will—to be in the majority, what goes around comes around. It may be that we are going to have to extend the session of Congress to 4 years rather than just 2, because I am not sure we are going to get anything done in 2 anymore. How unfortunate. How unfortunate.

This does not have to be gridlock. We did not want gridlock. Just last week we passed some good legislation. We can do that again. We ought to do that again, but we ought to be respectful of the minority and the opportunities that we have always had to offer amendments. That is all we are asking. In the name of fairness, in the name of tradition, in the name of this institution, we owe it to the American people to have these reasonable and fair debates.

The majority leader offered a unanimous-consent to have up-or-down votes on amendments collectively to a bill that he knows is going nowhere. What we have said is, let us have independent votes, free of the opportunity to obfuscate these issues, opportunities to offer amendments, opportunities to ensure that we can have a good debate about each of these issues—no limits, no filled trees, simply a good, old-fashioned Senate debate about all the issues that the majority leader and I and others want to confront.

So as soon as that happens, I have a feeling we can get a lot of work done. But until that happens, nothing will get done.

Mr. DORGAN. Will the Senator yield?

Mr. DASCHLE. I yield for a question.

Mr. DORGAN. I want to inquire of the Senator from South Dakota, having listened with great interest to the presentation by the Senator from Kansas, which was an interesting political presentation but a presentation that complained that there was stalling and gridlock in the Senate, first, and then a second presentation that concluded with a cloture motion being filed to shut off debate on something where debate has not yet started, I guess the presumption is that we are pieces of furniture on this side of the aisle, we are not living, contributing Senators that are interested in legislation. But we are more than furniture. We have a passionate agenda that we care deeply about.

I guess I am confused by someone who alleges that there is stalling and then files a cloture motion to shut off debate before debate begins. What on Earth kind of process is this? It does not make any sense.

I ask the Senator if he finds it unusual that we have a circumstance where the majority leader and others come out and they offer a proposition to fill up the tree so that no one else can intervene with amendments and then claim somehow that somebody else is causing their problems. Is it not true they are causing their own problems?

The way the Senate ought to do its business is to come and offer legislation on the floor of the Senate, in a regular way, and ask for those who want to amend it to offer their amendments, have up-or-down votes, and then see if the votes exist to pass legislation. But instead we have these parliamentary games, and then we have this pointing across the aisle to say, ''By the way, you're the cause of this,'' and then the filing of a cloture motion to shut off debate before debate begins. Apparently, it is a new way to run the Senate.

Mr. DASCHLE. Apparently the Senator is right. That is the essence of the problem we have here. It is why we are absolutely paralyzed until we can resolve it. All we are trying to do is have the opportunity to have a good debate about each of these issues.

We can debate the TEAM Act. We are not averse to having a good old-fashioned debate about whether you roll back 60 years of labor law. We can debate the gas tax and figure out whether there is a way to address the issue that the Senator from North Dakota and others have raised about making sure the consumer, and not the oil companies, get the benefit.

Mr. JOHNSTON. Will the Senator yield?

Mr. DASCHLE. We can debate the minimum wage for whatever length of time we want. A half-hour is fine with us, but if they want more time, we can do that.

Mr. COCHRAN. Will the Senator yield?

Mr. DASCHLE. I will be happy to yield to my colleague on my side, the Senator from Louisiana, and then to the Senator from Mississippi.

Mr. JOHNSTON. I thank the distinguished minority leader for yielding.

There has been some negotiation and talks on the floor about votes on these three different issues. I just want to ask the leader whether he has had any discussion about packaging the three, because I do not propose, myself, to allow that, except to the extent the rules allow it, for a vote to come up on this gasoline tax, because I think that is one of the wackiest ideas I have heard. To the extent that we can successfully filibuster, yes, filibuster. Call it gridlock, call it what you want. I am opposed to it. I am not willing to let that come up. I think there are a lot of people who feel like I do.

I wonder if there has been any negotiation toward saying, ''Well, we'll let you have that on a majority vote as opposed to 60 votes, as long as you will allow a vote on minimum wage''?

Mr. DASCHLE. There have been a lot of different discussions regarding various packages and various scenarios, and it is obvious from the exchanges this morning that no decisions and certainly no agreement has been reached.

Mr. EXON addressed the Chair.

Mr. DASCHLE. I yield to the Senator from Nebraska.

Mr. EXON. I thank my friend. I was trying to seek the floor in my own right. I would ask a question.

Mr. DASCHLE. I will be happy to yield to the Senator from Mississippi.

Mr. COCHRAN. I appreciate very much the distinguished Senator yielding to me for a question. My question is, when I heard your discussion of the unanimous-consent request propounded by the Republican leader, there seemed to be—is this correct—the complaint that the minimum wage issue is something that had not been scheduled and, therefore, this was an issue that needed to be scheduled and have a full debate, and we had to have votes.

My question is, why were there not debates and why were there not votes

when the Democrats were in the majority in the Senate and in the House and in the administration for the 2 years in the previous Congress?

We never had an amendment offered by a Democrat, we never had a bill offered by a Democrat, and we never had a unanimous-consent request on the floor propounded by the Democratic leader on that issue. Now, on another unrelated issue, we have to stop now and cannot proceed to take up anything because of the request being made on the Senator's side that there be an immediate debate and a vote on a minimum wage proposal that has never been to committee and never had any hearings in either the last Congress or this Congress. All of a sudden the facts are overwhelming that this is something that has to be done right now. Why is that?

Mr. DASCHLE. I am so blessed that the Senator from Mississippi asked the question. I was hoping that one of my colleagues would ask it, because obviously it is an issue that has come up before.

We made a very calculated decision in the beginning of the last Congress that we were not going to be able to do both health care and the minimum wage. Obviously, if we could have done both and had the agreement of our Republican colleagues to do both, we would very much have wanted to be able to do that. But we decided that at best—at best—we were going to be able to pass a bill that does a lot more than 90 cents for the American worker.

So what we decided to do—and people could accuse us of being conservative here and not wanting to do both—but what we decided to do, in a conservative approach to our agenda, was to say, ''Look, we'll take this one step at a time. Let's pass health care. Let's find a way to deal with health care that will affect every one of our workers in a monetary, as well as a personal way.'' That is what we decided to do.

Unfortunately, because of the opposition of our colleagues on the other side, we could not even pass benefits for our workers for health care in the last Congress. So we are relegated now to the Kennedy-Kassebaum bill, and we may not even pass that, given the insistence by some on the other side to add unrelated and very devastating provisions to this bill that would deny the American worker some opportunity for benefit. So that is the answer to my colleague and good friend from Mississippi.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, let me suggest that it appears to this veteran of 18 years in the U.S. Senate and, before that, 8 years as Governor of Nebraska, that this place is more off balance than any supposed representative body that I have ever witnessed. To put it bluntly, it has gone bonkers.

Here we have a group of supposedly thoughtful and mature men and women wallowing in politics, throwing aside what is right for America, in a seizure of fiscal madness, at the very time we are about to vote on a constitutional amendment to require a balanced budget by the year 2002.

No one—no one—in this body has been more intent on amending the Constitution to require a balanced budget. But the irresponsible bed that we are making, and the grandiose plans for what represents fiscal balance down the road, is so fraught with craziness that I am reconsidering my support.

I am very concerned that the recent political circus, with more than three rings, designed to present ''The Greatest Show on Earth'' and prove beyond a doubt that there is ''a sucker born every minute,'' will go down in history as one of the most shameful exercises in the history of the Senate. This year, 1996, could go down as the year that we deep-sixed the people under a guise of fiscal sanity that is, in reality, insanity.

Mr. President, America deserves better. Unfortunately, the ringmasters of all of this are the Republican majority leadership in the House and the Senate. The Republican majority leader in the House even suggested making up the billions in lost revenue by reducing education funding even more than the Republicans have previously announced. That will not fly.

The Senate majority leader, 20 points behind in the race for the Presidency, has come up with a gimmick to reduce the gas tax by 4.3 cents, which would cost the Treasury $34 billion in revenue by the magical year 2002, when we are already far short of any attainable goal to meet the constitutionally guaranteed balance by that date.

It is politics at its worst. Sooner or later, the American people will see it for what it is, if they have not already.

I call on the Republican leadership to announce that they have come to their senses and renounce their fiscal indiscretion, and get on with balancing the budget, passing a constitutional amendment to balance the budget, and putting the campaign back on a sane course.

Mr. President, I have long supported a balanced Federal budget and a balanced budget amendment to the Constitution. I used to think that if you favored one, you almost had to support the other. But I have to admit that the antics around here on the gas tax have caused me to question whether people who favor a balanced budget amendment in speeches really do want to balance the budget at all.

You hear all of these pious speeches about how we want to balance the budget. I suggest that if we had a dollar for every speech in the Senate that favored a balanced budget, we would have reached a surplus a long time ago.

But then comes along a year divisible by 4, and all of a sudden Senators are falling over themselves to cut taxes. I heard one Senator say this was not the first tax that he would cut, but, heck, it was an opportunity to cut taxes, and he was not going to miss it. It is a transparent political ploy, Mr. President, and this Senator, for one, has had about enough of it.

Repeal of the 4.3-cent gas tax is a costly enterprise. Between June of this year and the end of the year 2002, it would cost $34 billion in lost revenue, and it would worsen the deficit by the year 2005 to $52 billion. Yes, I say, ''worsen the deficit,'' because the offset that the majority cobbles together to pay for the tax cut will, in all likelihood, be something we were already counting on, or desperately need, to help balance the budget by the year 2002 under a constitutional amendment. One way or the other, we are going to have to come up with another $52 billion in additional deficit reduction, or increase taxes, over the next 10 years. I suggest, Mr. President, that that will not be easy.

As I said when I started these remarks, this whole gas tax charade has made me reconsider the sincerity of the debate that I have heard about the balanced budget amendment. The willingness of Senators and Congressmen to rush headlong to cut the gas tax makes me question whether I want to be a part of an enterprise that promises to balance the budget down the road but avoids every hard vote to cut the deficit in the here and now.

In closing, Mr. President, I want to say that I will consider very closely and see how Senators vote on the balanced budget amendment to the Constitution. I certainly feel that, as of now, the balanced budget amendment to the Constitution that I voted for previously, and supported, needs to be examined as to how Senators vote and how sincere they are, which will be keenly measured, I suggest, on the gimmick of repeal of the 4.3-cent gas tax. If people vote to cut taxes with wild abandon and then ask me to join them in support of a balanced budget amendment, they may find this Senator unwilling to go down that crooked road of no return.

The people should understand that if the tax cut proposed by the Senate majority is followed with a constitutional amendment to balance the budget by the year 2002, the Congress at that time will face, by far, the largest tax increase ever imagined in history.

I do not want a small tax cut now that probably would trigger and find its way into higher taxes in the future. In this regard, I must also say that even if the Senate and the House would invoke a law that eliminates that tax, there is no assurance whatsoever, or likelihood, that the money would end up in the consumers' pockets. It would end up elsewhere. Unless someone can rationally explain to me how the numbers work out on this, I will not vote again for a constitutional amendment under the Republicans' changed scenario.

In my view, Mr. President, as a fiscal conservative it would be the height of fiscal and budget irresponsibility to do so.

I thank the Chair. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I tried to be recognized earlier because I wanted to ask the distinguished minority leader a question when he was on the floor talking about the TEAM Act. I find it hard to think that the people of South Dakota would not be very supportive of the ability to have employers and employees form teams in which they can talk about conditions in their own company. These teams clearly will enhance the quality of work, the quality of working relationships, and the productivity of the company.

I think there is broad support for that. The distinguished majority leader indicated that President Clinton in the State of the Union speech mentioned the importance of working together as a team and how that enhances the productivity and the competitiveness of American industry. We all know how important that is today.

The other side of the aisle suggests that the TEAM Act permits sham unions. That is not correct, Mr. President. The legislation does not permit sham unions in any way.

The question was raised, why do we need the legislation? I would suggest that one of the reasons we need the TEAM Act is that we need clarity regarding the barriers in Federal labor law regarding worker and management cooperation.

William Gould, who was appointed Chairman of the National Labor Relations Board in 1994 by President Clinton, made the following statement on employee involvement to a seminar at Indiana University School of Law on February 29, 1996. I want to state that Chairman Gould is opposed to the TEAM Act, but he did say that although he opposed it, he does feel that an amendment to section 8(a)(2) is necessary to promote employee involvement. He said:

> Nonetheless, as I wrote three years ago an agenda for reform, a revision of 8(a)(2) is desirable. The difficulties involved in determining what constitutes a labor organization under the act as written subjects employees and employers to unnecessary and wasteful litigation, and mandates lay people to employ counsel when they are only attempting to promote dialog and enhanced participation and cooperation.

Mr. President, I can think of no more effective statement than that of the Chairman of the National Labor Relations Board.

This is not a question of wanting to roll back 60 years of labor law; not at all. It is really designed to enhance labor law so that we can enter a new century and a new time in the strongest, most productive fashion. And it is only common sense, Mr. President, that would say employers and employees should be able to sit down at the table and reason together. This is not an effort to do away with unions. It is an effort to bring some clarity to section 8(a)(2), as was mentioned by Chairman Gould, so that there can be an understanding of what indeed constitutes, or does not constitute, a violation of Federal labor law.

I would just suggest, Mr. President, that workers know their jobs better than anyone else. They are the ones who are there day in and day out listening to customers, making a product, and delivering it to clients. Their contributions improve productivity, reduce environmental waste, increase quality, and perhaps most important raise job satisfaction. Participation means that there is a commitment then to the success of that company. Yet Federal labor laws have stood in the way of unleashing, I suggest because of this lack of charity, a vast reservoir of human capital in America's workplaces.

Yesterday there was I thought an exceptionally good exchange, and an elaboration of why the TEAM Act is important, between the Senator from Vermont [Mr. JEFFORDS] and the Senator from Missouri [Mr. ASHCROFT]. Just to quote from Mr. ASHCROFT briefly:

> More importantly than trying to strike a balance from Washington, DC, we should provide American workers with the ability to strike that balance for themselves.

Senator ASHCROFT went on to lay out examples of reasons why this would become very apparent. Senator JEFFORDS had said, ''Why in the world would unions oppose this?'' It really is not trying to undermine the unions as has been portrayed. He said, ''They are nervous because they have been going down, and they did not want to do anything that would in any way enhance the workers and management to get together to improve productivity. Is it being done out of fear that, indeed, the unions would no longer be able to control the agenda?''

I hope not, Mr. President, because that is not the intent of this legislation. I myself would like to provide an example to illustrate the obstacles to employee involvement.

A group of workers in a manufacturing plant want to discuss health and safety issues with their supervisor. The supervisor forms a safety committee with the foreman and three or four workers and the group meet once a week. The workers know that the floor is often slippery, and workers have fallen causing injuries and significant worker compensation costs for the company. The workers also note that most accidents happened on Mondays. So perhaps a brief safety reinforcement briefing at the start of the shift coming off the weekend would improve plant safety.

Acting on these employee suggestions the supervisor makes sure that mops are available to mop the floors and institutes a 5-minute safety meeting for workers each Monday morning. Sounds reasonable. I would think most of us would agree that these suggestions are reasonable ideas for workers to bring to their supervisor.

What is incredible is that this type of employee involvement is illegal under Federal labor law. The National Labor Relations Act actually prohibits nonunion employees and supervisors from meeting in committees to discuss workplace issues like health and safety.

I have never viewed the TEAM Act as a union-management issue. Instead, I think it is a quality of life issue for workers who do not want to just say, ''We are on the floor of our workplace and do what we are told to do and have no input into what we see may be something of real benefit in improving the quality of life there.''

In the example I just mentioned the workers are the ones who observed the wet floors. They are the ones who were there. They are the ones who are injured when they slip on the floors, and they are the ones who have suggestions for dealing with the problem. This, I think, is the quality of work life issue for workers, and not a labor-management issue.

And for firms, employee involvement is a necessary way to enhance the efficiency of the plant. That has been proven over and over again where, indeed, companies have had team relationships that have proved successful.

I think since the 1980's many American companies have tried to copy what companies were doing in Japan, because frequently there were employee-employer relationships that our Japanese competitors were using some years ago that were found to be successful.

We can even improve on what the Japanese have done. I would suggest, Mr. President, that employee involvement is a necessary way to enhance the efficiency of our workplaces. And more importantly, there are significant contributions that I believe workers can make with innovative and thoughtful ways of improving the workplace.

Unfortunately, the National Labor Relations Board has issued a series of decisions beginning in 1992 that interpreted Federal labor law to prohibit many forms of employee involvement. These decisions have created uncertainty as to what types of employee involvement programs are permissible, as Chairman Gould pointed out.

These decisions have cast doubt on all employee involvement in nonunion settings. In union settings it works all right. But in nonunion settings it has raised suspicion, doubt, fear, and an aggressiveness that I think has proven totally counterproductive on the part of the unions. I think we need a legislative solution to address the problem.

Mr. President, the TEAM Act removes the barriers in Federal labor law to employee involvement. It clarifies what that involvement can be. At the same time, the legislation maintains

protections to ensure that workers have the right to select union representation. The TEAM Act assures that employee involvement programs may not negotiate collective bargaining agreements or seek in any way to displace independent unions. And nothing in the TEAM Act permits employers to bypass an existing union if that is what the union and that is what the workers have chosen.

Finally, I point out that the Congress prohibited company unions in the National Labor Relations Act of 1935. They were prohibited then because firms were negotiating with company unions and refusing to recognize independent unions which the workers had selected. But the TEAM Act requires employers to recognize and negotiate with independent union representatives if that is what the workers have decided they want. It really is urging that workers become more involved. The workers are encouraged to participate and employers are encouraged to listen to their employees.

I suggest, Mr. President, that the TEAM Act is good for workers. It is good for firms. It is good for America. It is not attempting to roll back labor law. It is attempting to enhance it in ways that I think will be far more constructive and productive.

I yield the floor.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, the Presidential years are referred to as the ''silly season'' and certainly this Presidential year is the silly season. The competition for the award for the most improvidently proposed bill is very keen in the Chamber, Mr. President, but surely the 4.3-cent gasoline tax decrease has got to take the cake for this year.

Mr. President, all this Congress we have heard about the balanced budget. I endorse the balanced budget. I am part of that bipartisan group of Senators that is trying to get a balanced budget passed. But now that we finally propose it, it is not being accepted by my friend, the majority leader.

On top of that, with budget deficits continuing, with no plan approved for the balanced budget, we now have a proposal to cut taxes. Surely, Mr. President, this has got to be in the category of bread and circuses of ancient Rome when proposals are put out not for the good of society but in order to please the voters.

Now, the American voters may not be very smart on some issues, but they are not stupid, and they know that this is not good policy. At a time when we are trying to cut all kinds of programs, all across the board, to come in and then cut taxes on gasoline is surely not good policy. Gasoline in the United States is somewhere between one-half and one-fourth as expensive as it is in Europe. In France, in Germany, in Italy, in those countries you pay three and four times as much for gasoline as you do in the United States. But if the gasoline goes up a very small amount in the United States, it is used as a trigger to try to cut those taxes.

Mr. President, let us look at the facts about gasoline.

If you look at gasoline in real prices, in inflation adjusted prices, this chart represents what gasoline prices have been since 1950 through 1996, and it shows that in real inflation adjusted prices, the price of gasoline is close to the lowest it has been since 1950—almost 50 years. Now, to be sure, there is a small blip of, what, 20 cents a gallon in some places. But in terms of the actual purchasing price that you have to pay for gasoline, it is almost a historic low.

The next question is: what is going to happen from here? Is this increase in gasoline prices permanent or is it likely to come down?

It is clear it is going to come down. When you look at crude oil prices—these first two blocks on this chart are actual prices from April and May—you will note that they have come down from over $25 a barrel already to about $21 a barrel. Those are actual prices that are coming down very fast.

These prices on this chart are futures prices, and futures prices, of course, are real prices. You can purchase the crude now for delivery in May or September or whatever these months are, so they are price reductions already realized. So we already have realized price reductions in the price of crude oil from over $25 a barrel to about $19 a barrel, or a decrease of $6 a barrel already realized in the price of crude oil.

Now, Mr. President, this rather busy chart shows the relationship between crude oil and gasoline prices. On the bottom, we have crude oil prices, which shows a slight up-tick in crude oil for the month of April, and it already shows that crude oil is going down. With respect to wholesale regular gasoline prices—these are in real prices—we see that went up for the month of April and has already begun to go down.

Wholesale California reformulated gasoline is already coming down rather precipitantly. California is the area of the country, of course, which has the greatest concern about this because you have the greatest runup in prices. But wholesale California reformulated gasoline prices are coming down very fast.

Retail gasoline prices in the United States and retail in California have leveled off. They are not yet reflecting these downturns in prices of crude oil, wholesale regular gasoline and wholesale reformulated gasoline in California. But these prices will begin—already in retail it has come down slightly in California and leveled off in the United States generally. However, as night follows the day, it is inevitable that these prices will come down and come down precipitantly because wholesale prices are coming down.

Mr. President, what caused the shortage and the runup? On this rather busy chart here, these hash lines show the historical range of gasoline stocks, and they go up and down every year because the summer driving season and the heating season call for greater or lesser supplies and usually the actual amount follows within those hash mark lines, and when that happens supply and demand are in balance.

When we go to January and the spring of 1996, our supply line drops well below the traditional levels. And why was that? Well, it was, first of all, because the winter was much colder than usual. Second, because many refineries across the country, particularly in California, were down. Third, because there was an anticipation that the embargo on Iraqi oil was to be lifted, and that was not lifted as expected, so the influx of Iraqi oil was not as we expected, plus driving was up as well as the fuel efficiency of cars was down. That caused our stocks to be down. However, this is already being corrected. As you can see, the stocks have begun to come up. This chart shows gasoline imports, and gasoline imports are up precipitously.

This is caused by two things. First of all, the market. When the price is high, then that extra refining capacity in Europe is used to export to the United States. Consequently, our imports are drastically up. With imports coming up, it is clear that this upswing in gasoline prices is soon to be over with. I mean it is not a problem to worry about in the first place, as I mentioned, because we are at almost historic lows in the price of gasoline—almost. We are up only slightly from historic lows for the last 50 years. But even that small upswing, about 20 cents a gallon, is soon to be over with because of these factors: Additional imported crude oil, the supply; imported gasoline; supply of crude oil coming up.

Finally, there is this vexing problem of why is it? I mean, are we being ripped off? Is there price gouging by the oil companies? Oil companies, I know, are those we love to hate. People think this market does not work. The fact of the matter is, it is a highly competitive market and it does work, as those imports of gasoline show. This is evidence that that market is working. As the price goes up, the imports of gasoline go up.

Let us deal with this question of profits. What this rather busy chart shows is the spread between gasoline prices and the price of crude oil, in this case west Texas intermediate, which is usually the marker for the price of crude oil. The gasoline is the New York harbor price of gasoline.

This shows the spread, starting in January 1989 through April 1996. You will notice that there are ups and downs every year. There is a higher spread starting in the spring and that always ameliorates every single year as you get further, as the summer driving season is over with. What this shows is that there is an increase in price level, an increase in the spread in

April 1996 compared to March 1996. However, if you go back to Aprils—go back to April 1995, the spread was even greater. The spread was less in April 1994, slightly less in April 1993, but in April 1992 it was more, and in April 1991 it was much more, in April 1990 it was much more, and in April 1989 it was much more.

What does this tell us? It tells us that, if you look at the last 7 years, the spread between the cost of crude oil and the price of gasoline is less now, on the average, than it has been in the past 7 years. It tells you that this is not an unusual spread compared to past years. It also tells us that April is one of the very highest months and that the spread comes down from April because of competitive pressures.

I mention this because many people think—there have been these charges without one shred of evidence, without a whisper of evidence to support them—that there is a conspiracy to make that price go up. But as you can well see, profit margins are less than the average they have been in the last 7 years, even though slightly more than they were in 1994, but less than they were in 1995.

Any legislation such as an amendment I have heard that would say, in effect, that it shall be unlawful for any person to fail to fully pass through a price reduction—it would be completely impossible, as you can see, to identify what the price reduction is, because every year there is wild fluctuation between the price of crude oil and the price of gasoline, the spread between those two prices. So if you say you have to pass through this price reduction—compared to what? What is your baseline? Is it the average of the last 7 years? Is it this month's price the day on which you price it? Suppose you had a big spread on the day on which this amendment passed; can you rely upon that? Could you up your prices at the pump on that particular day and thereby say, I am going to pass this on by giving you 4.3 cents less than the highest level we have charged in the last 7 years?

I think any such amendment would be impossible to draw, impossible to enforce, and a very improvident thing for this Congress to do.

It is always nice to be for a tax decrease. But at a time when we are trying to bring this deficit down, to decrease taxes, whether they be income taxes, whether they be taxes on beer or gasoline or anything else, I believe the American public has sense enough to be able to see through that kind of political pandering. That is all it is, to try to pander to the American public and give them a little bread and circuses.

I do not know what the polls show. I have heard that the polls show that people like tax decreases, not surprisingly. But I believe that any blip in polls caused by giving a small amount of decrease in price, even if it was passed on—and who can possibly say whether it is passed on or not? How can you identify a 4.3-cent decrease against the background noise of swings, which are annual swings in the price? You could not identify that.

So there is hardly anything that the driver in America can point to, to thank the Congress for reducing his price, because you are not going to be able to determine what that decrease is or, indeed, whether it is passed along at all. But whatever that recompense, whatever that thanks would be they would give would surely be short-lived because the American public would understand that the deficit, about which we have been preaching for 2 years solid, nonstop rhetoric about the deficit—they would understand that that deficit is only to be higher because we reduced taxes in an election year.

It is not a good thing to do. It is not good policy. Prices are lower than they have been at almost any time in the last 50 years in real terms in the United States. They are a third to a fourth what they are in Europe. They ought to be higher, from the standpoint of conservation. Whatever happened to conservation in this country? Don't we care about that anymore? Do we want to encourage gas guzzlers? Do we want to encourage bigger cars, more gas-guzzling cars? I guess so, because that is the direction in which this goes.

It is not good policy, Mr. President. I hope we will not do it. If it is done, it will not be with my vote.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, perhaps a brief review of what it is that we are debating on the floor of the U.S. Senate might be in order at this point for those who may be watching or listening. The bill before us is to provide a modest degree of relief, the reimbursement of attorney's fees and costs incurred by former employees of the White House Travel Office who were fired at the beginning of the Clinton administration and one of whom was unsuccessfully prosecuted. That bill has passed the House of Representatives.

If the Senate were permitted to pass it, it would go to the President and, I presume, be signed. It is not particularly controversial. But the majority leader of the Senate has been unable to get consent from the other side of the aisle simply to pass that bill and send it to the President without conditions being imposed upon that consent.

So now this modest House resolution has had included with it a reduction in the tax on motor vehicle fuel, the 4-plus-cents-a-gallon tax that was imposed in 1993.

At the time at which it was imposed, at the time at which that tax hike was passed, every Member on the Republican side of the aisle voted against it. In some measure, that vote was simply a statement that we did not feel that increased taxes was appropriate.

But there is another element in the opposition then and the desire to repeal it now, which is equally important. That element is the fact that for the first time in the history of the Congress and almost without precedent in any of the 50 States of the United States, a motor vehicle fuel tax was imposed to pay for various social and political programs entirely unrelated to transportation. I think it is appropriate to say that perhaps the least objectionable tax to most of the people of the United States is a gas tax, a motor vehicle fuel tax, when it is used to improve transportation, when it is used to maintain or to build roads and highways or, for that matter, to improve mass transit systems in our major metropolitan areas.

Lord knows that we have fallen far behind in that traffic infrastructure. This gas tax increase in 1993, however, was not for that purpose. That was not a part of the agenda at the beginning of the Clinton administration. It was simply for the wide range of other spending programs in which the then new President desired to ''invest,'' in his own words, to ''spend'' in ours. And so much of the impetus for this reduction comes from the fact that that was a terrible precedent to set.

The gasoline tax is not a general purpose tax, should never have been used that way in the first place and should not be used that way now and, therefore, ought to be repealed. If the President wishes to come to the Congress with a proposal that would build our infrastructure by the use of user fees, he would certainly get a more positive response than he does when it is simply to disappear into the mass of hundreds of other programs.

This view, that we ought to repeal this gas tax, is not partisan in nature. There are, I think, at least a few Republicans who feel it to be unwise. There are a significant number of Democrats who are quite ready to vote for it, and the President has at least indicated that he will sign and approve it. But, Mr. President, when the majority leader asked that we deal with the gas tax repeal alone, he was denied that right unless certain other unrelated demands on the part of the Democratic Party were met.

So we cannot provide the relief for people wrongly fired in the White House Travel Office; we cannot deal simply with a gas tax repeal which, whether wise or not, is something the American people understand and understand the debate about; no, we cannot do any of these things unless, Mr. President, paradoxically we agree that we will, in fact, have a vote on an increase in the minimum wage uncluttered by any irrelevancies.

So it is do as I say, not as I do. Those on the other side of the aisle demand the right for absolutely uncluttered votes on their agenda but deny that right to the majority party.

Personally, I think an increase in the minimum wage undesirable for the very people it is nominally designed to benefit. My inclination is to believe

that it will cost a significant number of jobs, both among those who lose their jobs, because their employers do not think that they really produce this larger hourly wage, but even more significant, among those who are attempting to work their way off welfare or are teenagers coming into the job market who will not get jobs in the first place because of a minimum wage that is too high.

It also seems to me that it is an extremely blunt instrument with which to increase the obviously too low income of those Americans who are the primary support for families and who are now on full-time employment at the minimum wage, something like 3 percent of those who are making the minimum wage at the present time.

But, I am perfectly willing to admit that there is an argument on the other side of that question. Most middle-of-the-road economists think that an increase in the minimum wage is neither a particularly good idea nor a particularly bad idea; that it will not have all of the harmful effects that some of its opponents state and clearly will not have the positive effects that its proponents assert.

As a consequence, I think as a part of an overall look at the economy of the country, it is perfectly appropriate that we vote on increasing the minimum wage. But, Mr. President, I think it is perfectly appropriate and far more logical that we vote on it at the same time that we vote on something else which really will help the economy of the United States, which will improve labor-management relations, which will increase productivity and which will increase the number of jobs that we have for people who are coming into the job market or seeking to improve the position that they hold in it. But we are told that the TEAM Act, which has actually been the subject of hearings in the Labor Committee and approved by the Labor Committee, unlike a minimum wage increase, is such a hard prospect that we will not be allowed to vote on it by a minority that demands the right to vote clean on a minimum wage increase.

Mr. President, that is simply an unsupportable position. If we are to do something that clearly makes it more difficult for people who provide jobs to provide them for those who are coming into the market, we certainly at the same time are overwhelmingly justified in saying that a practice that is now in place in some 30,000 places of employment in the United States, the setting up of informal teams to deal with questions of productivity and vacations and the incidental frustrations that are a part of everyday life, should be validated as against a decision of the courts not wanting that which says, ''No. You can't do any of these things unless you have a union and engage in them through collective bargaining.''

That is great for the people who lead labor unions. And there may even have been the remotest justification for it in the 1930's. But in the 1990's, and a more prosperous time, in a more competitive time, the time at which the United States is very much in competition with the rest of the world, and a time in which the ancient total antagonism between management and labor is being increasingly succeeded by cooperation, a system, a proposal which encourages that cooperation is not only a good idea, it is a necessity.

So what we have before us right now is a refusal by filibuster, however politely described, to allow a vote, to allow a majority to determine whether or not we should have the passage of the TEAM Act, very much needed in a growing economy, together with an increase in the minimum wage, together with a reduction in the gas tax, and tend to this horrid precedent that we use it for other than transportation purposes, together with the relief of the victims of the White House Travel Office.

Mr. President, that seems to me to be highly reasonable. If a majority of the Members of the U.S. Senate do not like it, they can certainly vote against it. Personally I think it is quite clear that a majority of the Members of the Senate would vote for it. But the demand that we can only deal with a minimum wage and that the minimum wage is the only proposal to which this rule applies, without attaching anything else to it, that it is so important, so pristine, that it must go through without amendment, while everything else can be filibustered, that is a demand that is as unreasonable as it is unlikely to succeed.

So, Mr. President, my suggestion is that we go forward, we have a debate on the merits, the shortcomings, of the TEAM Act, on the merits and the shortcomings of a minimum wage increase, on the merits and shortcomings of the gas tax increase, being the three elements in this amendment, and then vote on the amendment and determine whether or not we are for it, or alternatively, as the majority leader has suggested, without acceptance, that we vote separately on those first two. And if both are passed, they go out of this body together to the House of Representatives. If one is passed, and one is defeated, the survivor goes out as it is.

All kinds of alternatives have been offered to the minority party. But it will accept only its own proposition for the way in which the business of the Senate will be conducted. That is neither in the interest of the Senate, Mr. President, or of the people of the United States. Let us go forward and by the end of the afternoon vote on the amendment that the majority leader has proposed for us, and get on to other business.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I fail to be persuaded by the argument of my good friend from the State of Washington. I think that the point was made very, very well by our leader that there were going to be some amendments that would be offered to the gas tax. It would be directly related to that issue to try and make sure that if there was going to be a repeal, that actually it would go down to benefit the families that would be going to the gas pumps. And that has effectively been denied.

I know the majority leader said, ''Well, if there's an amendment that makes some sense, we'll be glad to consider it.'' But this body is not a traffic cop for just the majority leader or the minority leader or any particular Member to say what a Senator can offer, outside of the issues of cloture, to a particular measure. That is a rule of the Senate. It might not be acceptable to some other Members, but that has been the rule here for 200 years.

Effectively you are closing out the Senator from North Dakota, you are closing out the Senator from Massachusetts, other members of the Human Resources Committee, who offered other amendments to the TEAM Act during the committee's consideration of the bill. All one has to do is look over the debate that took place in the House of Representatives, for example, and review that debate, and see that Congressman SAWYER, for example, offered a substitute to try to address the kind of questions about the particular language that some had raised to provide some additional clarity about the effect of 8(a)(2). And that was very thoughtfully debated over there.

I think the Sawyer amendment included a number of different measures that I think the Senate would be interested in. It may very well help work out a point of accommodation so that that legislation would pass unanimously. But we are denied any opportunity to consider any such possibility either today or tomorrow or after the period of cloture.

So with all respect, the right of Senators to offer amendments is being cut off—and there might have even been Members who wanted to go back to the original proposal on the minimum wage. That was 50 cents—50 cents—50 cents over a period of 3 years, and also had an increase in the cost of living, so that we would not have the situation where workers would fall continuously behind. That is a directly related kind of subject matter, probably worthy of debate, in trying to deal with the fact that this program of the increase in the minimum wage it is exceedingly modest. People are denied that opportunity as well and are just foreclosed any opportunity to do anything other than speak. There was not a desire to prolong the debate and discussion on any of these measures, but we are denied the opportunity even to offer them.

So we will have a chance to vote whether the Senate is going to be willing to be gagged or not gagged on the proposal that is now before the Senate.

And all we have to do is look at the floor of the U.S. Senate right now.

We invite all Americans to take a good look at the floor of the U.S. Senate. There are three Members here. We are effectively being denied the opportunity to address these issues that are going to affect working conditions for workers, not only those that affect the 14.5 million that are part of a trade union, but the 110 million Americans who are not union members, their interests, their wages, their hours, their working conditions.

It just seems to me at a time when about 65 or 70 percent of the American workers are falling further and further behind, it is unfortunate that our Republican friends have made a pretty wholesale assault on those conditions for workers by trying to fight the increase in the minimum wage, fight the earned income tax credit, fight against Davis-Bacon that provides an average of $27,000 for a construction worker in this country, and other matters which we debated at other times.

We are foreclosed from making any changes. They said you either have to take it or leave it. I find it quite amusing to hear the leader talk about, ''Well, we will have to go along with what the majority wants.'' The majority have indicated they favor the increase in the minimum wage. He has the facts wrong. The majority of the Senators favor the increase. When he says, ''Well, the majority is going to insist you either take it our way or not,'' I do not think is a fair representation of what the fact situation is. We are where we are, and we will have to do the best we can. We will do so.

I want to take just a few moments to correct the record on representations that were made in the last day or so and then speak briefly with regard to the TEAM Act and respond to some of the points that have been raised here. Then I will yield to others who want to address the Senate. I see my friend and colleague and a member of our Human Resource Committee, the Senator from Illinois, Senator SIMON, on the floor at this time. I was wondering if we might ask him—I know he has been very involved and interested during the course of our hearings on the TEAM Act, and also during the markup. I will ask him maybe a few questions, if that is all right.

Mr. President, the Republicans say that an employer cannot talk to his employees in a nonunion shop about things like smoking policies or flextime schedules where employees work a 4-day week or whether to have a pension plan or how to do the work safely; is that true?

Mr. SIMON. Absolutely not, I say to my colleague from Massachusetts. That is hogwash. In a nonunion shop, the employer can talk to his employees about anything. He can call them together as a group or talk to them individually. Nothing in the law prevents a nonunion employer from talking to his employees. In fact, section 8(c) of the National Labor Relations Act specifically protects his right.

Mr. KENNEDY. I thank the Senator.

As you know, this point was made yesterday about no smoking. There were a whole series of issues that were brought out in one of the court opinions, of which one was no smoking. But the rest of it dealt with a variety of different workplace issues.

It is being used selectively in distorting and misrepresenting a legal holding to suggest that this kind of communication is not permitted at the present time. That is a gross distortion and a gross misrepresentation.

It is interesting, our Republican friends must all be reading from the same briefing sheet, because if you read through the debate in the House of Representatives, you find exactly the same quotation. I would have thought that perhaps Members of the Senate might have changed at least a few words about it. I am glad to get the response of the Senator.

Second, I mention that yesterday one of our colleagues said that the law prohibits an employee from going to the employer to ask for a day off to attend a child's award ceremony at school; is that true?

Mr. SIMON. Senator KENNEDY, that is absolutely not true. When you talk about distortions, you are absolutely correct. This thing has been so distorted.

If this bill passes, we will have a huge imbalance. In a union shop, the employees bargain with the employer to have personal leave days. In a nonunion shop, under current law, any employee can bargain individually or ask the employer as an individual for time off.

Mr. KENNEDY. Further, there were some suggestions yesterday that the whole future of labor-management cooperation is threatened if what they call the TEAM Act—I call it the antiworkplace democracy act myself—but they say the whole future of labor-management cooperation is threatened if this bill does not pass.

Now, does the Senator remember the testimony that we have had in probably the last Congress by the head of OSHA, Mr. Dear, about actions taken, for example, in the State of Washington, where employers and employees worked effectively together to reduce hazards in the workplace? As a direct result of that cooperation, we saw a 38-percent reduction in workmen's compensation costs, and we see corresponding increases in wages for workers. The associated industries from that State praised that cooperation, which is already taking place, can take place today without this legislation, that saved industry approximately $1 billion over the period of the last 5 years.

Is the Senator aware of what is included in Senator KASSEBAUM's findings, that we already have a multitude of these working partnerships and relationships? Even in the Republican report that is on everyone's desk here they acknowledge that they are taking place in 96 percent of the major corporations and over 75 percent of medium and small companies. That seems to be working.

Mr. SIMON. Absolutely. This is taking place in thousands and thousands of plants in your State, in my State, in every State here. The law has permitted explosive growth in cooperative programs and employee involvement plans.

The committee report claims that 75 percent, as you pointed out, of all employers use employee involvement; 96 percent of large employers do so. That has occurred without this so-called TEAM Act. I agree, it is misnamed. The law has not changed one iota with respect to company unions in 61 years. The TEAM Act is completely unnecessary.

Mr. KENNEDY. The reference was made yesterday by the majority leader that this was necessary because of the NLRB holding in 1992, the Electromation case in 1992, which allegedly changed the law and allegedly prohibits teams and committees and quality circles. I know the Senator is familiar with that case because it was a subject of a good deal of discussion in our committee hearing.

It is always interesting that even after this case, as the Senator knows, we had testimony before the Dunlop Commission by the various groups that are pounding on the door. It is so interesting to listen to those who are complaining about those who present workers' rights and who complain about the money that is being spent presenting workers' rights.

Maybe we should talk about the various companies and corporations that are supporting this legislation and what they have contributed to various candidates. Evidently that is the way you have to get along in these times to try to impugn those who might have some benefit in here. I guess that is what we are sinking to. We have not done that. I would just as soon avoid it. But it is worth noting that many of those who are going to benefit from this bill are companies and corporations that have made sizable contributions, I daresay, not to Democrats but to Republicans.

Let me ask the Senator, is the Senator not interested that this legislation that purportedly is going to protect workers is being driven not by workers themselves that want that protection, but by the companies that are going to establish these company-owned, effectively company-run unions.

Mr. SIMON. The Senator is absolutely correct. One of the things that is wrong in our society today and wrong in this body is those who are heavy contributors have an inordinate access and inordinate power. We have to struggle to get millions of people who are getting the minimum wage—they are not big contributors; 41 million Americans do not have health care, and

they are not big contributors. But a few, a very few employers would be affected here; they are contributing.

It is interesting, you mention the Electromation case. A unanimous Labor Relation Board made up of Republican appointees held that the Electromation case was a typical garden variety case of a company union. It held that no new principles were involved in finding the company union unlawful. The court of appeals again unanimously found that the case had nothing to do with quality circles or productivity teams. The case was about an employer who was trying to control disgruntled employees by imposing on them a representative that they did not ask for or choose.

I would add, when you mentioned the Dunlop Commission headed by former Secretary of Labor John Dunlop, he was the Secretary of Labor under a Republican administration. He says this kind of thing does not make any sense.

Mr. KENNEDY. I think you noted that all of the members of the National Labor Relations Board that made that unanimous judgment in the Electromation case had all been appointed by Republican Presidents.

Mr. SIMON. That is correct.

Mr. KENNEDY. I suppose that the reason for that is the one that is outlined in our own report. It says, on page 27 at the top:

> No good purpose is served by allowing the employer to choose and dominate the employees' representative. Cooperation is not truly furthered because the employer is not really dealing with the employees if he is dealing with his own hand-picked representative. An employer does not need the pretense of a team or committee if he only wants to cooperate with himself.

Does the Senator think that sort of captures exactly what this piece of legislation is about?

Mr. SIMON. I think that is well stated. It is a good summary of what this is all about.

Mr. KENNEDY. Now, some claim that under the NLRB rule, management may not include nonmanagement employees in the decisionmaking process, is that true?

Mr. SIMON. That is not the case. Ever since the General Foods case in 1977, it has been clear that employees can be given decisionmaking authority without violating section 8(a)(2). If management wants to set up work teams and allow them to schedule their own hours, investigate plant safety, or redesign job procedures, the law permits it.

Mr. KENNEDY. Now——

Mr. MCCAIN. Mr. President, is parliamentary procedure being observed here?

Mr. KENNEDY. The regular order is that the Senator from Massachusetts has the floor and is recognized. That is the regular order.

The PRESIDING OFFICER. That is correct. And the Senator is so advised that he may yield for a question.

Mr. KENNEDY. I would be glad to yield——

Mr. MCCAIN. You would think that after some years the Senator from Massachusetts would observe the regular procedure on the floor of the Senate.

Mr. KENNEDY. Well, the Senator is doing that. Regular order, Mr. President.

The PRESIDING OFFICER. The Senator from Massachusetts has the floor.

Mr. KENNEDY. It might not be pleasing to the Senator from Arizona, but that is the rule and that is the regular order.

Mr. SIMON. Mr. President, if I may ask the Senator from Massachusetts a question. We talked about the fact that quality teams are legal, as long as they do not strain the questions concerning wages, hours, terms and conditions of employment. But what if they do, or what if an employer wants to appoint a safety team to figure out why so many employees had back injuries, for example? Can the employer do that?

Mr. KENNEDY. Very definitely. As the Senator knows, management has the right to direct employees to do the job it wants done, whether the job is driving a truck or figuring out the best pension plan. Management can direct employees working as a team to solve safety problems or production problems. What it cannot do is to appoint employees to a safety committee that is supposed to represent the views of other employees—other employees—about what pension benefits they want, or what safety issues concern them. Management can find out what the employees think by asking them, but it cannot establish an employee organization, choose its membership and deal with the organization as if it were the representative of the employees.

I think the Senator would understand the logic of that position and the reason for it.

Mr. SIMON. Finally, the Republicans have said in their official position that it is illegal for an employer to provide paper and pencils or a place to meet for a team or a committee; is that true?

Mr. KENNEDY. No. That is completely untrue. I just ask those that are coming up with those speeches to read the debate over in the House of Representatives, where the same examples are being used. These are pat and standard, evidently, speeches being handed out and used by our colleagues here, because the same language is included in the House debate. I do not know whether it would be worthwhile to include the debate that took place over in the House. But I urge my colleagues to read it because I think it is incisive as to what this whole issue is really about.

I thank the Senator very much for those interrogatories. I will just speak briefly about this legislation that is before us.

As I mentioned earlier, my good friend and highly regarded chairperson of our committee, Senator KASSEBAUM, indicated that the principal reason for this legislation was some ambiguity in terms of the language of certain holdings. I find myself at odds with that understanding and, if that is the difficulty, it is certainly not reflected in the number of cases that are being brought to the NLRB. If you look at the period of last year, and the year before, you are talking about a handful of cases. It is not of such an urgency because even if there is a finding that there is some misunderstanding about what a company can or cannot do, there are no penalties. There are problems out there in terms of protecting workers and workers' rights. But, quite frankly, this does not appear to be one of them.

As I mentioned earlier, it is interesting to me that those who are pushing this particular proposal—you can go back and examine the testimony before the Dunlop Commission, in 1993, made up of a bipartisan group of labor relation experts in business and academia. They conducted an intensive study of labor-management cooperation and employee participation. And the committee held 21 public hearings, and had testimony from 411 witnesses, and received and reviewed numerous reports and studies. The commission made one recommendation that is of particular relevance. This is the recommendation: ''The law should continue to make it illegal to set up or operate company-dominated forms of employee representation.''

That is one of the strong recommendations, and that runs completely contrary to the antiworkplace democracy act.

It is for very sound reasons, Mr. President. It makes no sense for a company and a CEO to pretend to represent workers when that individual has bought that representation lock, stock, and barrel, with the paycheck. It is a disservice to those employees to appoint a worker and to say, ''Well, that worker is going to represent all of you in the workplace, and I am paying him. I have the ability to dismiss him, and I have the ability to fire him tomorrow. I have the ability to tell him when they are going to have a meeting and what the agenda is going to be.''

That is what this legislation effectively does. It says that an employer can name anyone they want to be the representative of workers, and that individual is going to be paid by the employer, who can fire them the moment that person makes a recommendation or a suggestion that is at odds with the employer or the CEO, and they will set the agenda for that worker and tell them what the nature of the debate is going to be, and tell them who that worker will recognize in any debate, and effectively control that person.

Now, if you call that representing employees, Mr. President, I do not. That does not represent the employees. That is what this legislation is about. It is not about just issues of cooperation.

As I mentioned just yesterday, in the legislation, S. 295, the bill introduced

by Senator KASSEBAUM, on page 2, it says:

> Employee involvement structures, which operate successfully in both unionized and non-unionized settings, have been established by over 80 percent of the largest employers of the United States and exist in an estimated 30,000 workplaces.

That is good. It is happening. That is taking place today. The report itself recognizes it.

On page 99, the report talks about the commission on the future of worker-management relations. The survey found that 75 percent of responding employers, large and small, incorporate some means of employee involvement in their operation, meaning that larger employers, those with 5,000 or more employees, the percentage was even higher—96 percent. It is estimated that as many as 30,000 employers currently employ some form of employee involvement or participation. Amen. That is the way to go. We urge that. It is taking place.

We looked at the provisions. If there is some question about that, we looked at the various provisions to understand what is included and permitted and what would be prohibited. Basically, we are talking about encouraging people and company employee teams to work on everything other than the wages and the hours and the exact working conditions. There has been a point in talking about, Well, what about certain types of working conditions? I had hoped at least to be able to address that issue and work with our Republican colleagues to clarify that. I think those measures have been clarified in the proposal that was advanced in the House of Representatives when it talked about three different committees that would be set up and how they would be set up to address any possible question about what is permitted and what is not permitted. But that was summarily dismissed in the House of Representatives, which gives you a pretty good idea about what is underlying this bill.

As a matter of fact, in the House of Representatives, they even excluded these kinds of activities in the House version—excluded the companies' employees who already had voted for representation. That was the Petri amendment to H.R. 743. We have not done so in this legislation.

Mr. President, I want to just take a few moments to talk about why this concept is, I think, a dangerous one for working families, those families that are represented by the 120 million Americans who are in the workplace virtually every single day, not just the 13.5 million who are members of the trade union movement, but all working Americans. We know—and we have examined here on the floor very considerably—what has happened to the American work force from 1947 to 1970. All Americans had moved up with the expansion of the economy. All had moved up.

What we have seen since 1972 to 1992 is that more than 60 percent of Americans have actually fallen further and further behind. It is close to about 75 percent. Many of us believe that is a major issue and challenge for us as a society.

It boils down to one basic question. Are we going to have an economy in the United States of America that is only going to benefit the richest and the most powerful individuals in our country and society, or are we going to have an economy in which all Americans participate in a growing economy?

I believe that was really the concept that was supported by Republicans and Democrats for years, and years, and years. It is now being undermined by these assaults on working families. We saw it in the early part of this Congress when one of the first actions of our Republican friends was to try to eliminate the Davis-Bacon Act. The Davis-Bacon Act provides a prevailing wage for workers who work in a particular geographical area. It works out effectively to about $27,000 a year for working families that work in construction.

I do not know what it is about our Republican friends that they feel that one of the major problems in this country is to try to undermine workers that are working for $27,000 a year. There are a lot of problems that we have in our society, but that does not seem to me to be uppermost, and it should be uppermost in the minds of the Members of the Senate. But that was there.

Then, second, we have gone along a few weeks. We saw the assault on the earned-income tax credit. That is important as we are talking about the increase in the minimum wage because the earned-income tax credit helps those workers that are on the bottom rung of the economic ladder and who have children, and it goes on up to $25,000, $26,000, and $27,000. Sure enough. We saw that the one part of the Republic budget that was before the Senate was not only to provide $270 billion in tax cuts for the wealthy individuals but to cut back on that help and support for working families that have children. It was about the same time that Republican opposition came about in terms of opposition to the increase in the minimum wage; about the same time.

What is it about—$27,000 for construction workers and $23,000 for working families with children—the opposition to the increase in the minimum wage that helps working families if they are by themselves, or just a couple? Families are aided more by the earned-income tax credit if they have several members in their families and working in that particular area. But we have the cutbacks in the earned-income tax credit and the opposition in terms of the increase in the minimum wage.

Then we came out on the floor of the U.S. Senate on that budget which provided corporate raiders the opportunity to invade pension funds. We had a vote here of 94 to 5 to close that out. That went over to conference with the House of Representatives, and the doors had not even closed, and the action that was taken overwhelmingly by the Senate was effectively eliminated.

We should not have been so surprised at that because when we tried to close the billionaires' tax cut that provides billions and billions of dollars to a handful of Americans who make it in the United States and then renounce their citizenship—the Benedict Arnold provisions—and take up citizenship overseas to escape paying their taxes here, we repealed that two different times, and we could not kill it. We went over in the conference, and it kept coming back. There just was not a tax break out there for powerful interests that the majority was not prepared to support.

Here they go again looking after the company heads, those heads of companies that want to set up phony unions and exploit the workers. That is what this is all about. It was virtually unanimously rejected by the Dunlop Commission, a Republican, former distinguished Secretary of Labor, a balanced commission of Republicans and Democrats, representatives of employees and employers. They rejected that concept of going in this nefarious direction. We have got it back now.

I talked earlier today about how Republicans cheered with the emergence of solidarity in Poland in opposition to effectively have company-run unions and company-structured benefits and wages in all workplaces in Poland and, for that matter, for all of Eastern Europe. The reason Republicans—President Bush, Republicans all over—hailed Lech Walesa and those brave shipyard workers—many of us have had a chance to visit that shipyard, and we have seen the memorial outside where those shipyard workers had faced down the military that shot many of them in cold blood as they were demonstrating for their own economic rights. We cheered them on and we supported them. Why? Not because they had a government-run union or controlled company union, but because power was going to the people and they were representing themselves and working for democracy and fighting tyranny.

Now we are going just in the opposite direction here. We are falling over ourselves with time limits and no effective debate on this issue, which I call the antiworkplace democracy act.

Mr. President, it will undermine that kind of effective empowerment which permits workers to be able to sit across the table and to be able to represent their own interests and to be able to try to work out a process by which their sweat and their work will be respected instead of being dictated to as was the case before the National Labor Relations Act.

So, Mr. President, this issue that is before us today is basically about workplace democracy. It is about whether workers should have the right to choose their own representatives

and not have them dictated by the company, or the Government. This is not a new issue for our country or the world. This very issue was fought out in Eastern Europe and the Soviet Union over many years. When the Communist Party controlled the governments in those countries, they established sham unions which were completely dominated by the government instead of being freely elected by the workers. In effect, these sham unions were the means by which the Communist Party subjugated workers throughout these countries, suppressing their wages and living conditions.

The effect of the company-run unions is to suppress the wages and working conditions and living standards. As we know, Lech Walesa finally stood up and challenged the antidemocratic system when he jumped over the wall at the shipyard in Gdansk and led workers out on strike. The central issue was workplace democracy.

This legislation, this antidemocracy piece of legislation, is not about empowering workers and workers' rights; it is about empowering companies and management rights. That is what it is about. That is what we are basically talking about. It is not just a little bill to talk about cooperation. We have already addressed that issue. We have cooperation. It is important. We support it. That is not what this is about. That is not what this bill is about.

Now, thanks to the courageous actions of Lech Walesa and thousands of Polish workers, they finally prevailed in their struggle for workplace democracy, and the strike at Gdansk not only led to solidarity of the free and independent Polish trade union but also led ultimately to the collapse of communism.

When Lech Walesa visited the United States, he was widely honored and acclaimed by Republicans and Democrats for his courageous struggle on behalf of workers' rights and democracy.

Mr. President, I submit that American workers are entitled to the same fundamental rights as the Polish workers and workers throughout Eastern Europe and the Soviet Union. If we believe that workers should have the right to choose their own representatives in these countries, then we should also be committed to the principle that American workers should also be guaranteed this same right. If it is wrong for the government-run companies in Poland and other Communist countries to dictate who would serve as the representatives of their workers, then surely it is wrong for companies in this country to dictate who will serve as representatives of American workers.

I do not understand why that concept should be so difficult to understand. We cannot shower Lech Walesa with praise and honors for his leadership in the fight for workplace democracy and then try to deny democratic rights to American workers. That is what the fight over S. 295 is all about. That is why this bill should be known as the antiworkplace democracy act, because that is what it is designed to do. It is designed to undermine the rights of workers to democratically elect their own representatives who can sit down as equals with the employer to discuss wages, hours and other terms and conditions of employment. It is designed to allow employers to establish sham, company-dominated committees which can be controlled and manipulated by management as a means of suppressing legitimate worker aspirations. And it is no secret why big business is pushing the antiworkplace democracy act.

Just as the Communist-dominated unions in Poland and the Soviet Union were an instrument for suppressing workers' wages and benefits, the sham company-dominated unions which would be legalized under S. 295 would be used as a mechanism for holding down wages and benefits of American workers, just at a time when I thought we were beginning to understand the importance of addressing this fundamental development in our economy that working families are being left further behind in the last 10 to 12 years, and we ought to be trying to find ways of working together to try and see that they are going to participate in the economic growth and expansion of our society rather than freeze them out.

If workers are denied the right to have their own independent representatives, clearly it becomes much easier for the employers to say no to their demands for better wages, better health care, better pensions, and better and safer work conditions. For as long as employees are precluded from having their own independent, democratically elected representatives, then it becomes very difficult for workers to improve their standard of living and conditions of work. Thus, the current effort by our Republican friends to pass S. 295 is simply another example of GOP attacks on workers' rights and the standard of living of working men and women.

The Republican leader continues to block the efforts to pass a modest increase in the minimum wage which would help provide a living wage to millions of low-income working families at the same time their leaders are pushing S. 295 in an effort to give big business another weapon for suppressing the wages of millions of workers throughout this country. It is time to call a halt to these attacks on American workers. It is time to stand up for democracy in the workplace and the right of workers to choose their own representatives, not have them be dictated by the company or the Government. It is time to stand up for the rights of workers for better wages, better benefits, and better conditions of employment—in short, the right of workers to freely and democratically improve their standard of living.

Mr. President, we will have an opportunity, I imagine, to address the Senate further on this issue. I see others of my colleagues wish to address the Senate, and I will return to this subject at the appropriate time.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I have listened intently to the impassioned pleas of my good friend from Massachusetts, with whom I have served either across the bodies here in the House and Senate or across the aisle in the Senate for 22 years now. He is articulate. He believes strongly in his issues.

I would like to, however, try to get us back to the issues as I see them and as I believe they are before us in this body. Few of my colleagues in the Senate support all three of the measures that are before us today. I am one of those. I support repeal of the gas tax because it does not go where it ought to go—into infrastructure repairs which would benefit the users. I support increasing the minimum wage because I believe it is due time that it be increased to reflect the reality of the wages and cost of living in our country. And I am an original cosponsor and a strong supporter of the TEAM Act because I believe we are here talking about not the issues which have been raised by my good friend from Massachusetts but, rather, about improving productivity and working together to straighten out some provisions of the law which have created havoc with respect to businesses working in a friendly relationship with employees in order to improve productivity.

That is the issue which we have before us. It is a volatile issue because the unions sense that this will somehow inhibit them from being able to organize and represent workers. However, they are wrong. The bill does not apply if there is a union present.

We have also in the act before us, S. 295, specifically stated that it will not interfere with union operations or interfere with the desires of a union.

Let me just read those words, and then I will be happy to yield to the Senator from Arizona.

What we do is we modify the provision of the law which does define these matters, and we add these words. First of all, we do not change in any way section 8(a)(5), which defines the employer obligation to bargain collectively with the union that is the certified representative of the employees. We do change section 8(a)(2) because of the ambiguities inherent in the act. There are some 70 cases now which have tried to define the line as to whether or not discussions by employer-employee work teams or other cooperative groups are infringing upon workers' rights to only be represented by a union. But there is no clarity on this issue.

We add these words. They can discuss matters of mutual interest, including issues of quality, productivity and efficiency, and then it adds:

And which does not have, claim or seek authority to negotiate or enter into collective

bargaining agreements under this act with the employer or to amend existing collective bargaining agreements between the employer and any labor organization.

That just clarifies it. What you have now is they say, well, why bother, because you have thousands and thousands of these teams out there, but every one of them, if you take a look at those 70 cases which cut one way or another, what you have is 70 areas of confusion, leaving employers in a position to have an action brought before the National Labor Relations Board where they can get a cease-and-desist order and demolish the team, they can be fined. So this is just an attempt to make sure that what ought to be done can be done and there should be no disagreement about it.

I would be happy to yield to the Senator from Arizona.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. JEFFORDS. For a question.

Mr. MCCAIN. I wish to ask a question of Senator JEFFORDS.

I ask my colleague and the Chair if I was appropriate in demanding regular order as an aggrieved Senator when the Senator from Massachusetts and the Senator from Illinois were in a colloquy which was not within the rights of the Senate. I would ask the Chair if I was within my rights in calling for regular order at that time.

The PRESIDING OFFICER. The Senator may call for the regular order.

Mr. MCCAIN. At any time, whether I happen to have the floor or not? If I saw a violation of the rules of the Senate, I was within my rights as a Senator to call for regular order; is that correct?

The PRESIDING OFFICER. By the rules of the Senate, you are correct.

Mr. MCCAIN. It is very unfortunate, I say to my friend from Vermont, the Senator from Massachusetts continues to violate the rules of the Senate and then—he has been here for more than a few years—and then rides roughshod over a legitimate objection made by a colleague. You know, it has characterized, I am sorry to say, my exchanges with the Senator from Massachusetts. I want to let it be on the Record that when I see the Senator from Massachusetts violating the rules of the Senate, I will act within my rights, and I hope the Chair, rather than what happened, his yelling for regular order, that the Chair will intervene, because I was fully within my rights as a Senator to intervene when the rules of the Senate were being violated.

It is very unfortunate, and it does not help the comity around here, when the Senator from Massachusetts deliberately violates the rules of the Senate and then, when called that those rules are being violated, continues to just act in a bellicose fashion.

I think he owes the Senate and me an apology.

Mr. President, very briefly, the Democratic leader came to the floor of the Senate and, in response to a request for a unanimous consent—a request by the majority leader—he then asked that campaign finance reform be added. When the majority leader refused, the Democratic leader, Senator DASCHLE, then objected to the proposed unanimous-consent agreement.

I know it is getting very politicized around here. I know things are getting rather tense. I understand the tactics that are being employed by the minority. I understand them, and I do not disrespect those tactics.

But when the Senator from South Dakota, the Democratic leader, comes to this floor and talks about campaign finance reform and politicizes that issue, when I have been working with the Senator from Wisconsin and others on a bipartisan basis, and attempts to use it for political gain, then I have to come to this floor and take strong exception to this crass politicization of this issue which for 10 years was blocked, was blocked because it was politicized.

The Senator from South Dakota is not a cosponsor of the bill. He has announced that he is opposed to certain portions of the bill. Yet, he has the chutzpah to come to the floor of the Senate and call for the inclusion of campaign finance reform being included in a unanimous-consent agreement.

I have been working with the majority leader and I have been working with my friends on the other side of the aisle, trying to work out an agreement where we can bring this issue up, where we can debate it and dispose of it one way or another. If the Senator from South Dakota wants to politicize this issue, then that is fine. But what he will do is politicize this issue, and then we will make no progress.

I remind my colleagues, for the first time in 10 years we have a bipartisan bill, and we have to move forward in a bipartisan fashion. The distinguished majority leader has expressed his willingness to try to work out some kind of accommodation. But if the Democratic leader comes to this floor and politicizes this issue, then we will make no progress. Again, the American people will be deeply disappointed. I hope—I hope—the Senator from South Dakota will let us work through this, bring it up this month and have this issue disposed of one way or another.

Again, I express my deep disappointment that the Senator from South Dakota should stoop to politicizing this issue in that fashion.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Vermont has the floor.

Mr. WELLSTONE. Could I ask my colleague, and this is asking for a courtesy, that I might have a moment? It will not be acrimonious at all.

Mr. JEFFORDS. I yield for a question only. I am trying to get back on the discussion.

Mr. WELLSTONE. Just in the form of a question, I guess. The Senator yielded for a question from the Senator from Arizona; is that correct? It sounded like——

Mr. JEFFORDS. If you have a question for me, I will be happy to yield to you for the question.

Mr. WELLSTONE. I do. I will be brief. I am sorry to put it this way but it is a question, in the form of a question, but it is a point. In the spirit of honesty, I just wonder whether the Senator from Vermont knows—whether or not the Senator from Vermont knows that, as much respect as I have for the Senator from Arizona, and I love working with him on issues, that I believe that this morning—I could be wrong, we can look at the record, but I was here out on the floor—I wonder whether the Senator from Vermont knows that when the minority leader came out, he was just simply saying that, if we keep putting together all these different kinds of pieces of legislation, what will be the final combination? He then went on to say, we could have campaign finance reform, we could have foreign policy, we could have something dealing with arms agreements.

I do not think it was an announcement that in fact the minority leader intended to put the campaign finance reform bill, the bill so many of us have worked on, as an amendment on this.

I wonder whether the Senator understands that? That is a clarification.

Mr. JEFFORDS. I am not clear as to what all the discussion was on the floor at that time, so I will have to let the record speak for itself in that regard.

Mr. WELLSTONE. I thank the Senator for yielding to me.

Mr. JEFFORDS. Mr. President, I think we ought to get back to the extremely important issue which is before us today, and that is the TEAM Act.

I am a cosponsor of the TEAM Act because I believe that cooperation between employers and employees is the wave of the future, and it should have been the wave of the past.

We went into it at length yesterday, in discussing what happened some 40 years ago when the issues were how management and labor can get together and go into the future in order to work hand in hand to improve productivity. The problem was we did not change the then so-called Taylor policy of real confrontation and arm's-length negotiations between the workers and management.

Our competitors—and this is the issue of the day—on the other hand, in Europe and in Asia, said, ''Great idea over in America. You have a great idea.'' Briefly, I would say, there was a U.S. company that did the same thing, the Donnelly Corp. If you want to read a record of the difficulties they have had over the years, trying to defend what is entirely within the TEAM Act's perspective and would be allowable matters for them to get together

and improve productivity, you will understand why we are here today—to get rid of the ambiguities, to make it crisp and clear that, if a company works with employees on productivity, as long as they do not get into matters of collective bargaining, et cetera, it is perfectly allowable. But right now there are thousands of teams that are out there that are in jeopardy of being brought to the NLRB and then being given an order to get rid of the team they are working with, and they could be fined.

So that is where we are. I want to make sure we understand that. Over 30,000 companies use employee involvement programs. The TEAM Act addresses the concern that the National Labor Relations Board, the NLRB, will discourage future efforts at labor-management cooperation. Specifically in the Electromation decision, the NLRB held that the employer-employee action committees that involved workers meeting with management to discuss attendance problems, no-smoking rules, and compensation issues constituted unlawful company-dominated unions.

Congress enacted section 8(a)(2) of the National Labor Relations Act forbidding employer domination of labor organizations to eliminate the sham unions of the early 1930's. No one disagrees with that. The TEAM Act is a direct recognition that the world of work has changed since the 1930's. In that era, many American businesses believed that success could be achieved without involving workers' minds along with their bodies. In those days, with the kind of work that was there, that is probably true. But today, recognition is widespread among business executives that employee involvement from the shop floor to the executive suite is the best way to succeed.

The employee involvement efforts protected by the TEAM Act are not intended to replace existing or potential unions. In fact, the language of the bill that I read earlier specifically prohibits this result. The legislation allows employers and employees to meet together to address issues of mutual concern, including issues related to quality, productivity and efficiency.

However, those efforts are limited by language that prohibits the committees or other joint programs from engaging in collective bargaining or holding themselves out as being empowered to negotiate or modify collective bargaining agreements. That is all it does.

Mr. President, the essence of the matter is that the definition of labor organization under the NLRA is so broad that whenever employers and employees get together to discuss such issues, that act arguably creates a labor organization. In that situation, the existing language, section 8(a)(2) comes into play. The question becomes whether the employer has done anything to dominate or support that labor organization. Such domination and support can be as little as providing meeting rooms or pencils and paper for the discussions. This is simply too fine a line to ask employers to walk successfully.

We want to clear that line up to make it absolutely clear that things everyone would agree are sensible, logical and appropriate can go forward without having the NLRB stop in and say, ''No.''

Earlier, I heard Senator KENNEDY state that upward of 80 percent of American companies are engaging in some form of teamwork or other cooperative workplace programs. Fine. His conclusion is that all this activity is going on out there now without a change in the law, so there is no need to change the law.

What that argument misses is the fact, as I have said, that much of this activity is a technical violation of existing law. While these programs may be doing wonders for the productivity of the company where they are employed, any one of them is no more than a phone call away from running afoul of the NLRA.

What we have to remember is that the NLRA is very specific in all of the decisions, some 70 of them, where all these kinds of borderline cooperative activities are illegal and the defense of an employer is very fragile.

It is no defense to an unfair labor practice charge that the program is working, that working conditions and productivity have improved and the company's bottom line has risen. None of this matters if it is a technical violation of the antiquated rule. The NLRB will shut down the team, fine the company and force it to sign papers swearing it will never do it again. The TEAM Act will prevent continuation of these absurd results so detrimental to the national interest.

I recently was visited by a workplace team from my own State of Vermont. I am certain that many of my colleagues in the Senate have had similar visits, since there are successful teams operating all over the country. The workers who visited me were from IBM, the computer-chipmaking facility in Burlington, VT. The more traditional top-down management style still prevails on most shifts and in most departments at their plant. However, on the night shift at this plant, the workers decided about 3 years ago to try a cooperative work team. They chose the name Wenoti, meaning ''We, Not I.'' In other words, the workers and the company would work together toward common goals. Wenoti was their group. That name is a combination, as I said, of the words ''We, Not I'' to symbolize their focus on what is good for all and not just one.

When the team representatives came to my office a few months ago, they were as proud a group of employees as I have ever met. The Wenoti team consistently leads the plant in all productivity and quality-control measures. Moreover, they told me that their job satisfaction has risen directly in relation to their ability to contribute meaningfully to the successful completion of their job. That is what this is all about. For God's sake, what is wrong with it? How can anybody argue that fostering this progress is not good for the country?

IBM is a profitmaking organization. It is not promoting employee involvement solely out of altruism. Rather, IBM has come to the realization that employee involvement is vital to the company's bottom line. Doing so has the added dividend of giving employees a greater stake and greater satisfaction with their jobs.

Time and again you hear employees praise companies that do not ask them to check their brains at the door. So if affected employers and employees support this legislative effort, what is the problem? It comes as no great surprise that organized labor takes a dim view of it. Oddly enough, to do so, it must take a dim view of American workers as well.

Organized labor's arguments are based on the assumption that workers are not smart enough to know the difference between a sham union and a genuine effort to involve them in a cooperative effort to improve the product, productivity and their working environment. I think workers are smart, and I think that is exactly why employers are trying to harness their brains in the workplace as well as their backs.

The real problem for unions is that under current law, they have a monopoly on employee involvement. Like the AT&T or the Vermont Republican Party of old, nobody likes to lose their monopoly. But consumers or voters or workers profit from choices and competition, not from static responses to a changing environment. This is clearly the trend of the future.

Yesterday, I spent some time before my colleagues going back into the history and pointing out that I thought it was ironic—if you can just get the unions to sit down and look at what has happened in the last 40 years—that it was back 40 years ago when the leaders in academia and others who had studied business and were looking toward the future and wondered what could be done to ensure that we improve productivity in this Nation. They came up with concepts that said if we could get workers and business to work together so that there is productivity and then profit, and then that profit can be split, everybody gains, everybody benefits.

All sorts of suggestions were made. I went through them yesterday. What about dividends to the employees in terms of stock profit-sharing or stock options or even going so far as to put a member of the union or the workers' representative on the board of directors?

What happened in this country? Little or nothing. A few companies like Donnelly, which I mentioned before, took it to heart and were very successful, but the majority of ours did not.

What happened overseas? The Japanese, the Germans, and others looked at these and said, ''Hey, good idea.'' The ironic part is, their unions, having adopted that philosophy, are now stronger and much more dominant in their industries than ours are. So why would the unions in this country want to continue to do what created, in my mind, their failures? And that is, not to recognize that much more gets done by working with management with an eye toward improving productivity.

Mr. President, if you really want to understand better what is going on, Hedrick Smith, who I am sure many of my colleagues know, is a Pulitzer Prize winner and author of ''The Power Game'' and ''The Russians,'' wrote a tremendous book. It is ''Rethinking America: A New Game Plan for American Innovators, School, Business People and Work.''

It really outlines the serious problems we have in this Nation. It outlines those problems which are giving us trouble now. On education, Hedrick, as he traveled all over the world going to education centers, going to schools and examining what is going on in Japan and what is going on in Europe and what is going on in this country, finds that we have been placed way back in our ability to compete in our educational system.

I will not dwell on it today. I dwelled on it before. That is a very critical part. What they learned is, you have to start cooperation of people in the schools. In Japan, for instance, they learn right from day one that everyone works together. In the grade schools, everybody works to make sure everybody reads, right on through.

Then they also realized—this is true in Europe also—that the time for business to get involved, the time for business to get involved in education, is not after a kid graduates from high school, but, rather, when they are in high school or middle school. So they designed programs for skill training where businesses come in and they are held just to dramatize how the different systems are.

In this country, our businesses spend $200 billion a year—$200 billion a year—in the training and retraining of the kids that graduate from high school in our work force. The Europeans —and that is just Europeans—spend the same amount of money, $200 billion. You know where they spend it? In high school and middle school, so when the kids graduate from high school they are already a trained work force.

Our schools have failed to recognize the importance of that. We have to change that. We are beginning to change that. I was in Mississippi this past weekend, and the area has had a very difficult time with their education. But they have learned from it. They are now revitalizing their schools and their whole vocational-educational programs to model them after what is going on in Europe and Japan. The rest of the country has to do the same thing.

Hedrick Smith spent a lot of time putting this together. He went, articulately, through and documents exactly what happens. But for relevance today, he goes through what happened in the businesses in Europe and the businesses in Asia after the 1950's when our academia and some business leaders recognized that the wave of the future, due to all the technology changes and all, was to make sure we had a qualified work force that was available and ready to work but, most important, that when they were working, with all the kinds of technology changes and the complications of the industrial structures now, that the workers are the best ones to know when the quality is going down or what to do to improve the quality of your goods and services. So they worked with them. And, lo and behold, we had to learn that.

There are wonderful stories about how Motorola got involved in understanding this and how they went through and realized that if they did not improve the skills of their workers and did not work together and get them to help them out, they could not compete in Japan. So they changed their whole operation, and they were able to keep jobs here instead of losing them.

Senator KENNEDY talked about—maybe it was the minority leader—about the huge expansion of the profits in our corporations, but if you examine those profits, you will find that most of those profits are coming from overseas ventures. We should be keeping those ventures here. But we cannot do that if we do not improve our education but also, as importantly, if we do not have the TEAM Act to allow the workers to work with the employers, to improve productivity, to understand what is going on on the assembly line, to correct the problems which are creating goods that are not saleable before they become that. That is the lesson that we have to learn in this country.

It is productivity that is the issue here. Is this Nation going to be as productive as it can and must be in order to endure as a leader in economics in this next century? We are about there now. We established sometime ago—in 1983, we took a look at our educational system and said, ''Hey, yeah, you're right. We have to improve it. The present system isn't going to work.'' We have not entirely touched on improving it. So we have to do that.

Also, essentially, at that time, especially with auto workers, there is another example, and I would hate to see it kind of reverting back. The UAW recognized that they had to change their ways when they saw the flood of cars coming in, much higher quality from Japan and Europe, and demolishing their markets. So they finally said, ''Oh, boy, we've got to change our ways.'' So they sat down, and, working with management, they improved their productivity, improved their quality and got together. And we were able to change things to meet the markets.

We have to be ready to do that or we are going to be driven out. The future of this Nation depends upon our ability to compete in the world markets. There is fantastic opportunity out there, but we cannot be dragged down by old concepts from the 1930's on what worker-management relationships should be. We have to look to the future. The TEAM Act is a leading tool to do that. It will clarify the law. It will legitimize about 30,000 teams that are out there, which are in jeopardy right now if we do not change the law.

So I urge all of my colleagues to please support the TEAM Act. As I said earlier, I support all of these issues that we are facing. I have no bias one way or the other. I am looking objectively at these things and think we should pick and choose those. And, finally, I would thank my colleagues for their time and would hope everyone would get down to the real issues here and not try to get tied up with the emotionalism and rhetoric.

Mr. President, I yield floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business.

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

Mr. FEINGOLD. Thank you, Mr. President.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. First, with regard to the matter that just came up on the floor a few minutes ago, I want to clarify an exchange that occurred with regard to the issue of campaign finance reform. The Senator from Arizona came to the floor and spoke and pointed out that he had heard the minority leader asked unanimous consent that the campaign finance reform issue be added to a unanimous-consent proposal that the majority leader had propounded. The Senator from Minnesota, Senator WELLSTONE, indicated that he believed a different attempt had been made and that in fact the minority leader had simply suggested that this was a matter that might come up.

The Senator from Minnesota asked that I clarify this issue and that it is, in fact, the case that the minority leader, Mr. DASCHLE, did specifically ask unanimous consent that campaign finance reform be added to the unanimous-consent agreement. So, in fairness, the Senator from Arizona did accurately portray what was requested.

Let me just say this, however. It is very important, as the Senator from Arizona indicated, as I know the Senator from Minnesota believes, that this issue remain not a part of partisan bickering. Obviously, there are many reasons why some partisanship is being demonstrated on the floor at this time. That is entirely inappropriate on some of the issues that are being discussed. But I agree with the Senator from Arizona that when it comes to campaign

finance reform, in this session, with this Congress and this President, that it has to be a bipartisan effort.

It is my view that when Mr. DASCHLE, the minority leader, made this unanimous-consent request, that he was not seeking to make this a partisan issue. Senator DASCHLE has indicated that he believes that the so-called McCain-Feingold bill ought to be the vehicle for achieving campaign finance reform. He has indicated that he disagrees with some aspects of it. But I believe that the Senator from South Dakota is a friend to the issue of campaign finance reform.

Nonetheless, I think we will do better on the issue of campaign finance reform if it is offered on the basis of a bipartisan agreement, either by Senators working together on the bill, as Senator MCCAIN and Senator WELLSTONE and I are doing, or preferably if the two leaders, the Senator from Kansas and the Senator from South Dakota, were to get together and make sure that in the very near future this body turn specifically to the issue of campaign finance reform as the order of the day. That is what all of us who cosponsor this bill prefer, although we stand ready to attach this bill as an amendment to other legislation if we are not afforded that opportunity.

So let me just reiterate, the campaign finance reform effort is the first bipartisan effort of its kind in 10 years in this body. It is a real effort. It is an effort that has enormous support, and we will not allow any partisan maneuvers on either side to prevent us from our opportunity to make this change that the American people want very, very much.

INTERNATIONAL TRADE AND BRIBERY

Mr. FEINGOLD. Mr. President, on another matter, international trade is a high priority in almost every country today. We are negotiating all sorts of agreements to bring down barriers and protect our workers and promote economic development worldwide.

One issue, Mr. President, that I have tried to identify as a barrier for competition for American businesses is the issue of bribery. American businesses live in accordance with the Foreign Corrupt Practices Act. This was a bill offered by my predecessor from Wisconsin, Senator William Proxmire. Most businesspeople praise it as a way of maintaining honesty, and thus stability, in their business relationships. But, unfortunately, other countries—and one example is Germany—actually give their businesses the opportunity to write off a bribe in a foreign country as a tax deduction at the end of the year. So it is illegal for one German to bribe another German, but if they were to offer that bribe to somebody in another country, they can use it as a tax deduction. This produces some pretty unhappy faces when American businesspeople find this out.

Some say that bribes are the cost of doing business overseas, particularly in some developing countries. I believe, however, it is a barrier to doing business in the long run, particularly overseas, since it can only retard economic growth in some of the developing countries.

As a result, Mr. President, I have introduced legislation to try to get at this problem. In the State Department authorization bill for this year, I offered an amendment requiring an interagency study on bribery and corruption and the impact it causes on American businesses. I was disappointed that the majority dropped it in conference committee, but I am pleased that the Commerce Department is going ahead and pursuing a study of its own on this study anyway. I appreciate that.

I have also raised the issue of international bribery consistently in the Senate Foreign Affairs Committee, not only as we examine how to promote U.S. products, but in my role as the ranking member of the Subcommittee on African Affairs, to try to raise the issue of bribery with the African heads of States and other officials when we have confirmation hearings for ambassadors headed to the region. I believe that the ambassadors should be intimately involved in this issue as we seek to promote American products overseas.

I also want to praise Ambassador Kantor's very direct and public efforts on this issue and to say that I think his recent efforts have been critical in making headway on a universal acceptance of the principles that underlie the American Foreign Corrupt Practices Act. I am particularly encouraged that the administration seems to want the WTO to consider sanctions against bribers when Government contracts are under consideration.

Mr. President, it is important that even though we have this tough law and our businesses have to abide by it, we are not alone in this campaign. There have been many significant accomplishments. The Organization of Economic Cooperation and Development, OECD, took a landmark step 2 years ago in recognizing that bribery is a destabilizing factor in international trade, and they recommended that the member states cooperate on revisions of their domestic laws about bribery.

Several weeks ago, OECD tried to eliminate tax writeoffs on the laws of the member States of the kind that exist in Germany. Latin America has also taken this issue on. In March of this year, the Inter-America Convention Against Corruption, known as the Caracas Convention, identifies corruption as a main obstacle to democratic development in public trust in government institutions, and it also calls and provides for the prohibition on transnational bribery.

Mr. President, perhaps some might see this document from the Inter-America Convention as a utopian document that cannot be enforced, but what it does do is begin the process, in Latin America, as has been done in the rest of the world, to commit the parties—in theory, at least—to the notion that bribery is a destructive force in democratic development and international business.

Given the developments with the OECD, the United States and Latin America, one would have thought it was a trend for the future, but we are really making progress. Unfortunately, however, at the end of April, the seven-member Association of Southeast Asian Nations spoke out for the first time on the issue of bribery and unfortunately opposed any attempt by the United States to stamp out corruption, saying they would not talk about it in the context of the World Trade Organization.

Deputy United States Trade Representative Jeff Lang tried to raise the issue and was criticized by Malaysia and Indonesia officials for plotting against the developing nations. This reaction to the seven countries is a very counterproductive reaction. We focus on bribery to engage more in business, not to discriminate. I hope that Malaysia and Indonesia and others think of this as an area of cooperation, of mutual interest, rather than an area for polarizing, as has been done in this case.

Mr. President, to conclude, if international markets are indeed to connect nations around the globe, somehow we have to be able to conduct business in a transparent and responsible manner. Bribery has to be discouraged, not rewarded, by all governments.

I hope that the ASEAN countries will reconsider this issue and join governments from every continent in seeking to end the corruption that does exist in international markets.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call the roll.

Mr. FAIRCLOTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3960

Mr. FAIRCLOTH. Mr. President, I rise today in support of the teamwork for employees and management. If ever there were a law that makes no sense, it is to forbid teamwork between management and employees.

This is a bill to encourage worker-management cooperation. It is sorely needed in this country in industry today. Senator DOLE has made this part of the repeal of the gas tax and a rise in the minimum wage. The TEAM Act will permit employees in nonunion

settings, which are most of the employees in this country, to work with management to address, in a commonsense way, workplace issues that are mutual interests and will benefit the workplace scenery and the company as a whole.

Under current law, these discussions are permitted only if employees are represented by a union and the discussions go through the union bargaining representative. Nothing could be more ludicrous as a way to have cooperation than to have to channel your discussion through union representatives. It just does not make common sense, or any other kind of sense.

The current law prohibits workers and managers in nonunion settings from sitting down to cooperate on a long list of basic workplace issues—safety, quality, and productivity. By not allowing employee involvement, this antiquated law deprives 90 percent of U.S. workers in the private sector of having any voice in their workplace. They simply cannot talk to the owners and the management for whom they work, and you eliminate cooperation. The lack of employee involvement also makes the American industrial sector less competitive. Almost every U.S. industry faces strong and aggressive competition from foreign firms that are free to draw on and utilize the ideas, thoughts, and abilities of their employees. They use this to compete against American companies and American workers.

Now, American business leaders know that including employees in this decisionmaking would make them more competitive. They would have an ability to draw firsthand on the workers, what would be more efficient, more effective, and what would cut costs, which would certainly lead to increased competitiveness. The older approach of telling workers, ''When you punch the time clock, leave your mind at the door,'' and dictating to them how to do the job without having any back-and-forth discussion with the worker as to the best way to do the job is absolutely the worst law, which should be abandoned. Employers know that the people who perform the work know better how to do it and the most efficient way to do it.

It concerns me that, under current law, employees cannot be involved in workplace decisions, unless they do it through a union steward or a union representative. Workers that are knowledgeable about how to do the work, how to do it better, should have a say in making the decisions and certainly should share their opinions about how it should be done. Employers are anxious to listen to them. They are anxious to have the input and the advice. They want it. The TEAM Act will give employees the voice in the workplace that everyone wants them to have and that they want to have.

Mr. President, I am a cosponsor of Senate bill 295. I believe this legislation is essential if we are going to improve our competitive position in America as compared to other countries around the world—especially in manufacturing, where we so sorely need jobs to be created.

If we are really concerned about doing something to help the working Americans to improve their lot in life and also the competitiveness of the country as a whole, the best we think we can do is to pass the TEAM Act.

Mr. President, I thank you. I yield the floor.

Mr. PRESSLER addressed the Chair.

THE PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. I thank the Chair.

(The remarks of Mr. PRESSLER, Mr. WARNER, and Mr. BRYAN pertaining to the introduction of S. 1735 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Utah.

Mr. HATCH. Mr. President, I thank you. I just have a few words to say about the state of affairs on the floor of the U.S. Senate.

I was somewhat appalled with the President's press conference, which is clearly as blatantly political a press conference as I believe has ever happened in this town, basically saying that the Republicans are tying up this legislation in the Senate today.

How could anybody make that comment when his own side refuses to grant cloture on something as simple, as fair, as decent, as worthwhile, as bipartisan as the Billy Dale bill? And they do it all under the guise that they are not getting what they want on the minimum wage, and then they vote against cloture today knowing that Senator DOLE said they can have a vote on their minimum wage. But if they want their vote on minimum wage, we are going to do something about the gas tax, and we are going to do something about the TEAM Act.

I have to say I support Senator DOLE in his effort to repeal the 4.3-cent-per-gallon tax on gasoline that President Clinton and the Democrats passed back in 1993. While some critics might try to dismiss this bill as an election year gimmick, I believe they are missing the main point. This is about far more than just the 4.3-cent gas tax.

The fact is the 1993 tax bill was the largest tax increase in history. We are now paying taxes at the highest rate in history. Yesterday was tax freedom day, signifying how long we have to work just to pay our State and local taxes, and that does not include all the costs of regulatory burdens and other things. As of yesterday, the seventh of May, it took the average American all those months, the first 4 months and 7 days, just to pay their Federal and State taxes. Think about that.

The fact is that the President has added the largest tax increase in history. We are paying at the highest tax rates in history, and we are still going into debt phenomenally because the tax increases, like the gas tax, have not gone to fill the pot holes in the roads or to help our highway system or to help States with their peculiar difficulties in highways and roads; those moneys have gone for more social spending, more social welfare spending by none other than Democrats throughout the country.

Frankly, they have used the gas tax, which is disproportionately unfair to the poor, disproportionately unfair to the West, disproportionately unfair to rural States, and plowed it all back into their core constituencies right back here, primarily in the East, or in other large major urban areas, rather than using those funds to benefit everybody through road improvements.

We are talking about $30 billion here that we are going to repeal. Our colleagues on the other side really do not want that repeal to occur, because that means there is going to be more pressure on them because they will not be able to spend more and more buying votes out there in social spending programs, which has been the route that they have taken to power for most of the last 60 years. It is not right. It is not right. It is not fair. It is disproportionately harmful to the poor. It is disproportionately harmful to the West. It is disproportionately harmful to rural States, and it is time to be fair in this process.

Well, that is what the repeal of the gas tax will do.

I have to say that this 4.3-cent tax has caused gas prices to go up. It is not the only reason it has caused it to go up, but it is one of the pivotal reasons. Gas taxes would not be as high as they are had it not been for that 4.3 cents added on in 1993.

We were told time after time by President Clinton in 1993 that the tax bill would affect only the very wealthiest in our society. Yet, that bill contained at least nine separate new tax hikes on families who are not wealthy—at least nine.

The gas tax increase of 4.3 cents per gallon was one of the worst of those. I wish we could repeal all the 1993 tax bill, because it has caused damaged to our economy.

Let me get into the 1993 tax increases on the nonrich:

No. 1, increase in individual marginal tax rates. That affects the nonrich in the cases of estates and trusts, small businesses, S corporations, and so forth. No question, there has been an increase in marginal tax rates, which always hurts the middle class.

No. 2, increase in the percentage of Social Security benefits that are taxable. This happened because of President Clinton. That is not just on the 2 percent rich, it is on many many senior citizens.

No. 3, the 4.3-cent-a-gallon tax on gasoline.

No. 4, the reduction in the compensation limit for qualified retirement plans. This is important.

No. 5, reduction in the meals and entertainment expense deduction that has cost an awful lot of damage in the restaurant industry and other industries as well, which used to be stronger because they had that deduction.

No. 6, the increase in the withholding rate on supplemental compensation.

No. 7, the increase in the recovery period for depreciation of nonresidential real property.

No. 8, limitations in moving expense deductions that have cost the middle class.

No. 9, increased marriage penalties that have always been very, very unfair.

I have to say, the Heritage Foundation, one of our better think tanks here in Washington, although conservative in nature, recently released a study that shows that President Clinton's 1993 tax and budget plan cost the economy $208 billion in lost output from 1993 to 1996. In 1995 alone, our gross domestic product would have grown by $66 billion more than it actually did if these taxes had not been raised. Moreover, there would have been 1.2 million more private-sector jobs created absent the 1993 bill, and those jobs would have meant more revenue to the Treasury, not less.

The thing that is mind-boggling is what President Clinton said. Why would he say this during his campaign, and then immediately revoke it by the tax increase? He said: ''I oppose Federal excise gas tax increases.''

Now, why would the President say that if he did not mean it? No sooner does he get elected than he does the exact opposite. That is what Bill Clinton said when he ran for President in 1992: ''I oppose Federal excise gas tax increases.''

But what he did once he was elected was push through the Democrat-controlled Congress a permanent 4.3-cent-per-gallon gas tax hike as part of his overall $268 billion tax increase in 1993, the largest tax increase in history.

Not a single Republican in the House or the Senate voted for that tax increase. Just think about it. His gas tax increase affects all Americans, not just the rich. In fact, President Clinton's gas tax hike hits hardest those families least able to afford it.

Now, as Senator DOLE said today, drivers across America are paying for the President's mistake. President Clinton raised the gas tax hoping to generate $25 billion. That is what the administration represented before the Senate Finance Committee, upon which I sit. But they thought it would generate $25 billion to help fund the President's liberal agenda and social welfare programs, not to fund highway and transportation maintenance, as was historically done with general excise taxes.

The President originally wanted to raise the gas taxes even more, proposing a sweeping $73 billion Btu energy tax increase in 1993 that would have raised the price of gas by 7.5 cents per gallon. Senate Republicans, under the leadership of Senator DOLE, killed that. I was one of those who worked hard to kill that. We killed Clinton's Btu tax. It should have been killed. It was not fair. It was not fair to the average person, was not fair to society as a whole and, frankly, was not fair in light of the excessive taxes that we are paying today.

I might say, voters should not be surprised by the President's gas tax increases. As Governor of Arkansas, President Clinton raised the State gas tax by a total of 10 cents per gallon from 1979 to 1991. He loves to raise taxes. They do it under the guise that they are reducing the deficit, when in fact these taxes have gone for social spending programs. There is no question about it.

Let me just say this. The Heritage study also shows that income tax rate increases in the 1993 tax bill delivered only 49 percent of the revenues that the President promised we would have or that were estimated by the Congressional Budget Office to be received by the Treasury. When compared with the jobs that were never created because of this bill, this means we sacrificed 17,600 jobs for every $1 billion in deficit reduction. This is a very high price to pay for deficit reduction that can be achieved in a better way.

My Democratic colleagues and the President are quick to defend the 1993 tax bill by pointing out the progress that has been made in the deficit over the last few years. Let me be clear about this. Balancing the budget should not provide the rationale for raising taxes. It is merely an excuse for those who want to continue the tired, old liberal policies of taxing and spending.

For almost half of the last century, the Federal Government has spent $1.59 in expenditures for every $1 received through taxes or every new $1 in taxes. Government is not taxing the American people to eliminate the deficit; it is taxing the people in order to continue spending. I do not think anybody really doubts that on either side of the floor.

We Republicans have demonstrated that we can balance the budget without increasing taxes. In fact, we balanced the budget while cutting taxes on the American family by providing incentives for new economic growth.

Mr. FORD. Would the Senator yield for a question?

Mr. HATCH. If I could finish.

Mr. FORD. I want to ask about Social Security.

Mr. HATCH. I will be happy to yield if the Senator wants me to.

President Clinton chose to veto the Balanced Budget Act of 1995, just as in 1993 he turned his back on the American family and vetoed the bill that would have gone a long way toward reversing the tax increases he pushed through in 1993. President Clinton's veto of the Balanced Budget Act cost a family of four a minimum of $1,217 a year. A minimum. For many families, it will cost a lot more than that. That is the average family of four. This figure does not even begin to take into account possible tax savings from capital gains tax rate reductions, the adoption credit, the enhanced IRA provisions or deductions for student loan interest.

Can you imagine what it really cost the American family? The least it costs them is $1,217 a year. Also, that does not take into account the substantial savings that would accrue to American families on mortgage interest, auto loans, student loans, other private borrowing, that a balanced Federal budget would mean by lowering interest rates by an estimated 2 percent. Those are economic realities.

I am the first to agree this 4.3-cent-per-gallon tax repeal would not solve all of our problems. I agree with that. But it is an important start in reversing the trend toward taxing Americans to death. Frankly, that is what we have seen from this administration in the 4 years that it has been in existence.

I said yesterday was tax freedom day. This is the day that the nonpartisan Tax Foundation says that average American workers stop working for the Government and start earning money that they can spend on their families. That was yesterday. You have the first 5 months of this year. Never has tax freedom day occurred so late in the history of this country as it has in 1996. Look at the calendar. And 1996 is more than a third over.

Americans work one-third of the entire year just to support the Federal, State and local governments. Just think about it. A family of four in my home State of Utah, with an estimated median income of about $45,000, paid $8,800 in direct and indirect Federal taxes. On top of this outrageous amount, they must also pay over $5,700 in State and local taxes, bringing the total family tax burden to $14,500. This is an effective tax rate for the average family of four of over 32 percent. Think about it.

But if we add to this the cost of Federal and State regulations and their effect on the prices of goods and services—and, of course, we have had filibusters against trying to change the regulatory system so we can get some reason into it, so people can live within the system, so we can still regulate in a reasonable and decent way, so we do not have the overbalances that we have today—even so, if you add the cost of Federal and State regulations and the effect they have on the prices of goods and services, along with the added interest, the cost the families must pay because of our failure to balance the Federal budget, the true family tax burden is even much higher than that $14,500, or 32 percent. In fact, these costs are estimated—just these costs alone, these overregulatory costs—at

about $8,600 for a family of four in Utah. Thus, the estimated total cost of government to a family of four earning $45,000 a year is over $23,000, better than half of what that family has coming in.

This is over half of the typical Utah family's income. So when you talk about repealing the gas tax, I say, let us do it. But I call on the President to go beyond this repeal and let us pass more of the significant tax relief provisions that were included in last year's Balanced Budget Act.

Having said that about the gas tax, let me just say a few words about the TEAM bill. Having been in labor, one of the few who really came through the trade union movement, I was a card-carrying union member as a wood, wire, and metal latherer. I worked in building construction trade unions for 10 years. As one who would fight for the right to collective bargain and who has fought for free trade unionists all over the world, I have to say that to allow what Senator DOLE has offered to our colleagues on the other side to be stopped—some on the other side do not want to allow employees, workers, if you will, to meet with management, in the best safety interests of the workers and of the companies—is just plain unbelievable.

There is only one reason why the folks on this other side take this position. Their biggest single funder of Democratic Party politics in this country happens to be the trade union movement. The trade union movement brings in about $6 billion a year. It is well known in this town that 70 to 80 percent of every dollar in dues that comes in goes to paid political operatives who do nothing but push the liberal agenda in this country.

Even something as simple and as reasonable and as decent as allowing workers to meet with their owners and their managers, in the best interests of safety on the job, is being fought against by these folks over here for no other reason than big labor does not want that TEAM Act.

Now, why do they not want that TEAM Act? I cannot see one good reason why, except you have to think like they do. They know that the more the employees and the employers get together in meetings and discuss things, the more they find common ground, the better the employees understand the management concerns, and the better the management people understand the employees' concerns, the better they work together. Because of that, the union movement believes they will find there is no need for a union because management will treat the employees fairly, and the employees will treat management fairly. Why pay union dues? That is pretty shortsighted.

There are good reasons to have unions. Frankly, unions should not be afraid to compete in a reasonable situation. If they have good programs and they have good policies and they have good approaches, the employees will join them. If they do not, then they are not going to join. That is why the movement dropped from 33 percent of the work force down to 13 percent of the work force today. It is because of being afraid of even allowing employees and employers to get together. Why are they not allowed to get together under current law? You would think reasonable, educated, civilized countries would allow employees and employers to get together and talk about safety and the best interests of both sides. You would think that would be just a given.

The reason it is not a given, Mr. President, is because the National Labor Relations Board has been taken over by Clinton appointees who do whatever organized labor within the beltway wants them to do, regardless of whether it is in the best interests of the worker. A few years back, the National Labor Relations Board threw out the right to have teamwork together between management and labor, causing a divide and divisiveness that should not exist, for no other reason than because their largest supporters, the union leaders in Washington, did not like it and were afraid they might lose union members because of a reasonable relationship with management.

That is ridiculous. It is not right. It is not fair. That is what the National Labor Relations Board ruled. Now we are stuck with it unless we pass a statute that allows these two interested parties, who ought to be getting along together, who ought to look for common ground, who ought to work together in the best interests of safety, unless we allow them to get together. That is all this is. It is such a simple, small thing, you would think nobody who looks at it objectively and reasonably could disagree.

Then we have the President at a press conference indicating we are slowing things down. Gracious, what will he not say if he can say something like that? Is there no argument that he will not make no matter how unjustified it might be? We have had almost 70 filibusters in a little over a year since the Republicans have taken over. I cannot remember ever having anything like that for Republicans when we were in the minority.

Now, I will say this: Senator MITCHELL had this common habit of coming out here and filing a bill and then filing cloture and accusing us of filibuster when nobody on our side intended to filibuster anyway. In almost every case where there was a reasonable bill, the bill passed or at least was debated.

Here we have had a slowdown on almost everything, and for the last number of days because the other side wanted the minimum wage. Senator DOLE walks out here and reasonably says, ''We will give it to you and let you have a vote up or down on your bill, on your minimum wage, but we want these two other things that are reasonable—repeal the tax gas in the best interests of our citizens, and we certainly, certainly, want to allow employees to meet with their management leaders in order to work on the workplace concerns of businesses all over America. Employees have every right to talk to their employers and express their concerns. I think these are reasonable requests, and I think the majority leader is being very reasonable.

Frankly, I do not understand why we have to continue to put up with the stonewalling that we have on the other side. Now, I cannot remember referring to stonewalling in several years, and I have not seen the word ''stonewalling'' used by the media during the last 2 years, hardly at all. I do not recall a time. I am sure there have to be a few times, but I do not recall. It was a daily drumbeat when the Democrats were in control and the Republicans were fighting for principles they believed in.

Here is Senator DOLE willing to give the other side an opportunity on the principles that they want to fight for, give them a chance to vote up or down, and all he asks is we have a chance to vote up or down on some of the principles we want to fight for and let the chips fall where they may. That is the right way to do it in this particular case. It may be the right way to do it in many cases.

Mr. President, it bothers me that underlying this whole thing, knowing that Senator DOLE, our majority leader, is making an effort to try to bring people together, to try to get the matters moving ahead, to do things that give both sides shots at their particular bills, that underlying this whole thing is a deliberate attempt to try to deny Billy Dale and his colleagues, former White House staff, who were just plain treated miserably, unfortunately, dishonestly, by people who got their marching orders from, according to those who testified, the highest levels of the White House, from getting just compensation for the attorney's fees they were unduly charged because of the mistreatment that they suffered at the hands of the White House.

It is a bill that I think would pass the U.S. Senate 100-zip. It is being held up for no good reason at all. Now, the ostensible reason was that the Democrats did not have a chance to get a vote on the minimum wage they wanted to amend to the bill. Now Senator DOLE has provided them with that opportunity. Why do they not seize that and let Billy Dale get compensated?

Mrs. BOXER. Will the Senator yield?

Mr. HATCH. Sure.

Mrs. BOXER. I wanted to know the Senator's feeling on this. Is it the Senator's view that the taxpayers ought to pick up the bills of any individual who is indicted by a grand jury, Federal grand jury, and then after indicted, is proved innocent, is not proven guilty, does he think it would be appropriate for the taxpayer to do what he wants to

do in this particular case for all of those who were indicted by a Federal grand jury?

Mr. HATCH. Of course not. The fact of the matter is this is a case that everybody agrees is an egregious example of excessive use of power, and greedy power at that, of the White House, and this is a case where the President himself said we should reimburse them with legal fees.

Mrs. BOXER. The reason I ask the question, I want to make the point that when we set precedence around here——

Mr. HATCH. I ask, Who has the floor?

Let me say to my distinguished friend and colleague, let me finish making my explanation, and then I will be glad to yield for another question.

The fact of the matter is we have an injustice here, a gross injustice, which the Democrats and the Republicans admit is a gross injustice, caused by White House personnel and outside people who were greedy. The President wants this to be done and says he will sign the bill. It is not comparable to everybody who is indicted.

Second, I said yesterday that if people are indicted who are unjustly treated like this because of the same circumstances, I would be the first to come to the floor and try to help them. But not everyone who is indicted fits that category. In fact, very few do. I do not know of many White Houses that have shabbily treated former White House staff like this one has.

Now, when we find something similar to that, I am happy to fight for it, regardless of their politics or regardless of who they are, regardless of whether I like them or do not. I am willing to go beyond that. I would like to right all injustices and wrongs, but the mere fact that somebody is indicted does not say we should spend taxpayer dollars to help them. We have to look at them as individual cases. As chairman of the Judiciary Committee, I can say that this is what we have done in the past, what we will do in the future. As I view my job as chairman, it is to right wrongs and to solve injustices.

Now, we have the distinguished Senator from Arkansas here yesterday saying we should reimburse all of the people who have appeared before the Whitewater committee. Well, we are not giving Billy Dale reimbursement for attorney's fees in appearing before Congress. Frankly, I do not think you do that until you find out what is the end result of Whitewater, and then maybe we can look at it and see if there are some injustices. I think you will be hard pressed to say there is some injustice that comes even close to what has happened to Billy Dale and his companions. And if we put it to a test and have a vote on it, I think you would find that 100 percent of the people here will vote for it. I think that will be the test.

Mrs. BOXER. If the Senator will yield for a final question and observation, the reason I raise the question is, I think it is important when we do take action around here, that we let the taxpayers know what they are paying for. Actually, when this first came up, I say to my friend, it did not come into my mind until it was raised by another Senator, who said that there are many people who are indicted by a Federal grand jury and then the guilt is not proven.

We have to be careful what we are doing here. I think the fact that my friend responded in the way he did, that he is open to looking at this in a larger context, is important because I think whatever we do here will have ramifications. That was the purpose of my question, and I thank my friend for answering.

Mr. HATCH. I thank my colleague. She makes the very good point that we should not just be an open pocket for people who get indicted.

In this particular case, I think almost everybody admits we have to right this wrong. It is the appropriate thing to do. There may be others that we will have to treat similarly. I will be at the forefront in trying to do so.

With that, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. MURKOWSKI. Mr. President, let me recognize and thank my friend, Senator HARKIN, who was kind enough to allow me to proceed out of order to accommodate my schedule. I ask unanimous consent that he may be recognized next.

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

NUCLEAR WASTE STORAGE

Mr. MURKOWSKI. Mr. President, very soon, we must make an important decision which will lead us to a safer future for all Americans. Mr. President, today we have highly radioactive nuclear waste and used nuclear fuel that is accumulating at over 80 sites in 41 States, including waste stored at DOE weapon facilities.

Here is a chart showing the locations of used nuclear fuel and radioactive waste destined for geologic disposal. Each Member can see where used nuclear fuel is stored in his or her own State. Out at Pearl Harbor, we have naval reactor fuel. In Illinois and New Jersey, for example, we have commercial reactors. In many States, particularly on the east and west coasts, we have shut down reactors with spent fuel on site. We have non-Department of Energy research reactors, as indicated by the green, in various States. We have DOE-owned spent fuel and high-level radioactive waste scattered in across the country.

The purpose of this chart is to show each Member that used fuel is stored in populated areas. It is near neighborhoods, it is near schools, it is on the shores of our lakes and rivers, and in the backyards of our constituents young and old all across our land.

Now, as you can see, this nuclear fuel is being stored in highly populated areas, near where most Americans live. It may be in your town, my town, your neighborhood, my neighborhood. Unfortunately, used fuel is being stored in pools that were not designed for long-term storage. Mr. President, some of this fuel is already over 30 years old. With each year that goes by, our ability to continue storage of this used fuel at each of these sites in a safe and responsible way diminishes.

It is irresponsible to let this situation continue. It is unsafe to let this dangerous radioactive material continue to accumulate at more than 80 sites all across America. It is unwise to block the safe storage of this used fuel in a remote area, away from high populations. This is a national problem that requires a coordinated national solution.

Senate bill 1271 solves this problem by safely moving this used fuel away from these areas to a safe, monitored facility in the remote Nevada desert. This is a facility designed to safely store the fuel. It is the very best that nuclear experts can build—certified safe by the Nuclear Regulatory Commission.

Senate bill 1271 will end the practice of storing used fuel on a long-term basis in pools such as Illinois, Ohio, Minnesota, California, New York, New Jersey, and 35 other States across the country. And Senate bill 1271, Mr. President—make no mistake about it—will solve an environmental problem. That is why I was so dismayed to receive the statement of administration policy, dated April 23, 1996, which threatened to veto Senate bill 1271 ''because it designates an interim storage facility at a specific site.''

Mr. President, although the statement claims, ''The administration is committed to resolving the complex and important issue of nuclear waste storage in a timely and sensible manner,'' such words ring hollow in the context of a threat to veto any legislation that does anything but perpetuate the status quo. That is just what a veto of Senate bill 1271 would do.

I hope that it is not true, but I have to ask if the President is playing politics with this issue. If so, its a political calculation that I do not understand. Perhaps the President is simply getting poor advice.

Are President Clinton and Vice President GORE really telling the voters in Illinois, New Jersey, and all of the other States on this map, that nuclear waste is better stored in their States than out there in the Nevada desert? I challenge Vice President GORE, who feels strongly about the environment—much to his credit—to go to the State of Minnesota, to go to New Jersey, to go to Wisconsin, and tell those voters that they must continue to store nuclear waste in their State.

The administration's approach on this matter is simply business as usual. The administration's strategy is to avoid making a decision. Mr. President, that is no strategy at all. But the approach of Senate bill 1271 is to get the job done, to do what is right for the entire country.

For those who are not familiar with the program, let me describe the status quo. We have struggled in this country with the nuclear waste issue for almost 15 years already, and we have collected $11 billion from the ratepayers. But the Washington establishment has not delivered on its promise to take and safely dispose of our Nation's nuclear waste by 1998, only 2 years from now. Hard-working Americans have paid for this as part of their monthly electric bill, and they are entitled to have the Government meet its obligation to take the used nuclear fuel away. Those people that have paid their electric bills have not gotten results. The program is broken; it has no future unless it is fixed. We can end this stalemate. We can make the right decisions. The job of fixing this program is ours. The time for fixing the problem is now.

During the debate that will unfold in future days, we will have my good friends, the Senators from Nevada, opposing the bill with all the arguments they can muster, and that is understandable. They are merely doing what Nevadans have asked them to do. Nobody wants nuclear waste in their State. But it simply has to go somewhere.

The Senators from Nevada, both friends of mine, have talked to me about this issue, and I understand that they are doing what they feel they must do to satisfy Nevadans. But as U.S. Senators, Mr. President, we must sometimes take a national perspective. We must do what is best for the country as a whole.

To keep this waste out of Nevada, the Senators from Nevada will use terms like ''mobile Chernobyl'' to frighten Americans about the safety of moving this used fuel to the Nevada desert where it belongs. They will not tell you that we have already move commercial and naval nuclear fuel today. The commercial industry has shipped over 2,500 shipments of used nuclear fuel over the last 30 years, Mr. President. They will not tell you that an even larger amount of used fuel is transported worldwide. Since 1968, the French alone have safely moved about the same amount of spent fuel as we have accumulated at our nuclear power plants today. They will not tell you that our Nation's best scientists and our best engineers have designed special casks that are safety-certified by the Nuclear Safety Regulatory Commission to transport the used fuel. They will not tell you about the rigorous testing that has been done by the Sandia National Laboratory and others to ensure that the casks will safely contain used fuel in the most severe accidents imaginable.

There is proof that these safety measures work. Out of the over 2,500 shipments of used fuel that have taken place in the United States over the last 30 years, there have been seven traffic accidents involving spent nuclear fuel shipments. But when the accidents have happened, the casks have never failed to safely contain the used fuel. Mr. President, there has never been an injury caused by a cask, there has never been a fatality, and there has never been damage to the environment.

Can the same be said of gasoline trucks? Of course not.

Still we can expect that our friends from Nevada will try to convince people that transportation will not be safe. But the safety record of nuclear fuel transport, both here and in Europe, speaks for itself.

This issue provides a clear and simple choice. We can choose to have one remote, safe and secure nuclear waste storage facility at the Nevada test site, the area in the Nevada desert used for nuclear weapons testing for some 50 years. Or, through inaction and delay, we can perpetuate the status quo and have 80 such sites spread across the Nation.

Mr. President, it is not morally right to perpetuate the status quo on this matter. To do so would be to shirk our responsibility to protect the environment and the future of our children and our grandchildren. This Nation needs to confront its nuclear waste problem now. The time is now. Nevada is the place. I urge my colleagues to support the passage of Senate bill 1271.

Again, I thank my friend, Senator HARKIN, for allowing me the opportunity to move ahead of him on the Senate schedule.

Mr. President, I see my colleague has stepped out. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ASHCROFT. Mr. President, I ask unanimous consent to speak as if in morning business.

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

Mr. ASHCROFT. Mr. President, thank you for recognizing me.

THE TEAM ACT

Mr. ASHCROFT. Mr. President, I rise to make some comments on the TEAM Act, which is one of the matters that we have been discussing in the U.S. Senate. The word ''team,'' of course, is a favorable word in the mentality of Americans because we are accustomed to teams. It is an Olympic year when we want to support our team, and we want to do well in the competition between the nations. So ''team'' has favorable connotations. I think all of us would want to be in favor of an act called the TEAM Act. But it is far more important that we understand the act itself in that we just have the connotations of the word ''team.''

As a matter of fact, the need to be operating as a team in the United States is a mutually agreed upon concept. We need to operate as a team because, indeed, we are in competition and the competition is far greater than the competition of the Olympics. We talk about the competition of the Olympics, ''going for the gold.'' It is an award, and it is an honor.

But to be honest with you, the competition between nations is more than just a competition for an award or for an honor. It is the competition between nations. The need for productivity which will allow America to succeed and to continue to be at the top is a competition for existence. It is the competition for the survival of and for the success of our society in the next century. Are we going to prepare for the next century? Are we going to have a framework for work and productivity which allows us to succeed?

You have nations approaching the competitive arena of the workplace, nations like China. You have the Pacific rim all the way from Korea and Japan down through Singapore and Indonesia, hundreds of millions of individuals whose educational levels have skyrocketed, who are poised with the capacity to challenge us for our ability to meet the needs of the world.

We as Americans want to be able to meet the needs of the world. When we meet the needs, we have the jobs. When we do not meet the needs, someone else has the jobs. When we have made the commitment in terms of our own development and our own capacity, we will be the people who are the beneficiaries. If we restrain ourselves, if we hamstring ourselves, if we decide we do not want to do our very best, we will yield the gold, not just the gold medal of the Olympics but the prize of enterprise to other countries.

We would not think of sending our individuals to the Olympics if we did not allow them to train to be their very best. We would not think of taking 9 out of 10 members of the Olympic team and keeping them from being able to discuss ways to improve their performance with their coaches. It would be unthinkable.

Why would a company, or a country, want to restrain its work force, or want to restrain its competitors from being at their very best? Yet, that is the strange argument that we hear from those who oppose the TEAM Act.

Let us just stop for a moment to consider what the TEAM Act authorizes. The TEAM Act authorizes employers to confer with and discuss with employees ways in which to do a number of things: One, to improve productivity. If they think there is a more efficient way to do it, if there is a better way to do it, if there is a better way to

build the project, if a mousetrap can be improved, the employee is most likely to know about it. After all, if you work on these things 8 hours a day, 5 days a week, and 50 weeks a year, you are probably likely to have some ideas and very good ideas.

Professor Demming in the 1930's, I think, originally wrote about that. We did not take that to heart until the Japanese demonstrated it with their high-quality products and their competition in automobiles and electronics, which finally got our attention. We decided to say that we want to be able to tap the energy that exists when workers and managers talk together to figure out better ways to do things just like when coaches and players talk together to discuss ways of improving performance.

So in the United States there are about 30,000 companies now that have institutionalized this practice of saying to workers, We want to get together with you; we want to hear from you about ways that we can improve our performance so that we can have the jobs of the next century. We want you to be partners with us so that we can get the job done efficiently and effectively so that, in the competition of the next century, America continues to be the survivor; that America provides the much-needed goods and services around this world that leaves America at the top of the heap.

Good plan. It is working. You have seen it work. You have seen it work in automotives and a variety of other settings. In industry, we have begun to witness a recovery. In automotives, our quality assurance has gone higher and higher until we compete now very effectively with the nondomestic producers in large measure because of what the workers can bring to the equation, their contribution to quality, their contribution to efficiency, their contribution to increased safety, and their contribution in part because of their realization that when they are full-fledged partners and they are real contributors to the process, they feel a lot better about themselves. I like to think that I am respected for what I can be and ought to be.

The ability to have these teams is a way of respecting and understanding the great value that American workers bring to the equation. It is the working population of America that distinguishes this country from countries around the globe. Everything was working pretty well in that direction until, just in this decade, the National Labor Relations Board ruled that it is illegal for managers to confer with employees about safety and about a variety of other things.

These rulings are so stunning that I think I have to tell you the names of the cases and all to let you know what the National Labor Relations Board has forbidden.

In the case of Sertafilm and Atlas Micro Filming, the NLRB ruled that it was illegal to discuss extension of employees' lunch breaks by 15 minutes. Employers could not talk about that with employees.

In the case of Weston versus Brooker & Co., the length of the workday could not be discussed—wrong for employers to discuss this with a view toward accommodating the needs and demands of workers. Now, you and I know, with the number of people working in our families and our need to accommodate our responsibilities as parents as well as our responsibilities as workers, we need to be able to discuss things like working arrangements with our employers. That is against the law according to the Weston versus Brooker NLRB case, which was decided just a few years ago. A decrease in rest breaks from 15 minutes to 10 minutes, the U.S. Postal Service could not do that, according to the NLRB. Paid holidays were off limits, according to the Singer Manufacturing case. Extension of store hours during the wheat harvest season, Dillon Stores, 1995, that is off limits. Employers could not confer with their employees about things like this.

We need to be able to tap the genius, the innovation, the problem-solving capacity of American workers. We have a law against it. Jimmy Richards Co., which is a 1974 case, discussing paid vacations was illegal.

Here are some more. Flexible work schedules. That is interesting to me. The NLRB has said that it is illegal for the employer to ask employees what they would like to have and to consider, get into a dialog with the employees about what they would like to have in terms of flexible work schedules. We need for people to have flexible work schedules.

As a matter of fact, I have introduced a bill to give to the working population in the private sector the same kind of break that the Federal Government has had for flexible work schedules since 1978. I regret to tell you that the administration opposes it. I am sorry about that because the President himself keeps talking about flexible work schedules.

As a matter of fact, USA Today for Monday of this week talks about President Clinton, and he is going to hold a convocation about corporate citizenship with dozens of CEO's. According to the newspaper:

> President Clinton has outlined five challenges that he says contribute to corporate responsibility. He singles out companies for praise saying that they should establish family-friendly policies.

We want to have the TEAM Act, which will allow employers to talk to their employees about flexible work schedules. You would think, if you read the newspaper, that surely since the President is calling upon the corporate community to establish family-friendly policies—and he is right in calling on them to do so—he would support the ability of corporations to talk with their employees about flexible work schedules. But, no, it is against the law to do so. We want to change the law so that we can operate as a team, so we can talk to each other about the objectives and the working conditions and the safety conditions and the like. The President and his administration threaten to veto the concept.

I began this inquiry for myself about almost a year ago today. Frankly, this is May 8, the birthday of a notable Missourian. Harry Truman was born on May 8. He sat at one of these desks in the Senate. But on May 10 of last year, I wrote to the Secretary of Labor, Robert Reich, and I asked him about the TEAM Act. I quoted to him his demands upon the American corporation that we would cooperate for flexible work schedules and that we would confer with each other and that we would act as teams. I asked him to support the TEAM Act because I am a cosponsor of the TEAM Act, but, more than that, I asked him to support the TEAM Act because it will help us prepare for the next century. We want the jobs to be here for our children. We do not want the jobs to be overseas for their children. We want to preserve the advantages that our forefathers gave us when they worked hard and sacrificed. The productivity, the competitiveness, the capacity of American workers should not be frittered away because we do not allow the team to confer with the coaches.

We are 363 days away from the time I sent this letter, and I have yet to receive a response. I suspect it is very difficult to respond to this letter because their position is that they want to veto the TEAM Act. They oppose the TEAM Act. People on the other side of the aisle have opposed the TEAM Act consistently, and yet all their speeches are talking about teamwork.

I was just very pleased with the President's references to teamwork in his State of the Union Message. He called upon the citizens of this great country to work together. He called upon the Congress to call for teamwork, saying that we can only do things together; we cannot do them separately. But the TEAM Act still seems to be beyond the teamwork he is calling for.

Where is it legal in the United States for people, employers to confer with employees? Where can that happen? Well, it can happen when there is a union present. But it is illegal to do it if there is not a union there. Really, the fact is that only 11 percent of America's workers outside of Government are in unions. So for 9 out of 10 workers in America we are tying their hands. We are saying you cannot have the benefits of these kinds of discussion groups. You cannot have the improved potentials that come. You cannot have the productivity. You cannot have the chance for success that you could otherwise have.

I think, if it is appropriate and good to have this kind of discussion in union facilities, and it is—I mean our automotive people have made great strides

in improving productivity and improving quality and improving safety and improving on-time deliveries; they have done it all, where it is allowed—I do not see why we do not allow this in other areas as well.

So I believe we ought to allow this to extend to the rest of the community. Nine out of ten workers should not be forbidden. There are those who say the TEAM Act will permit an employer to have sham unions. Not so. No rule about sham unions is changed at all. I mean, if a person wants to petition to have a union election, the same rights inure, the same rights to vote in favor of a union inure to workers whether the TEAM Act is in place or not. The TEAM Act would merely authorize the coach to talk with the players, to decide things that would improve productivity.

There is an interesting case in my State. The company is named the EFCO company. They employed about 100 people or so when I became Governor 10 years ago—12 years, I guess. Time flies. They decided they wanted to be expert. They wanted to be the best in their field. They knew they could not do that just from a management perspective, so they had to call upon the team of employees. They invited them in. One of the first things they wanted to address was on-time deliveries. They had not been making on-time deliveries very well, 70-some percent in on-time deliveries. And they wanted to boost that. They moved from 70-some percent in on-time deliveries to well over 90 percent in on-time deliveries by tapping the ingenuity, creativity, understanding, and perspective of people on the job floor.

What did that do to the job? Did that hurt the working people of Missouri? Not really. Because that company went from 100-plus to 1,000-plus people in manufacturing, and their architectural glass now graces skyscrapers not only across America but around the world. It came as a result of the increased capacity of workers when they conferred with each other in the context of talking with the coach, with management. If we want to go for the gold, I think we have to be able to do that.

The folks on the other side of the aisle said there are 30,000 employers who are doing it now, it must be legal. It is hard to say it is legal when the NLRB is out filing charges and saying it is illegal and chilling this operation. Frankly, in my judgment, I think it is important to note if people on the other side of the aisle say it must be legal, and there are 30,000 companies that are doing it now, what is the big hubbub? Why filibuster the potential? Why oppose it? Why say it is a draconian measure, that it is going to ruin the country? You cannot have it both ways. If there are 30,000 people that have them and you do not think it is a problem, why say that this is the end of our ability to be competitive?

I believe people want to be able to confer with the coach. People want to be able to confer with each other. People want to be able to improve the working conditions. I was just stunned in reading more of these things that were off limits for discussion. It was off limits to talk about bonuses to be given to people as compensation for their good work, off limits to talk about merit wage increases, off limits to talk about free coffee, off limits to talk about safety issues. I was stunned.

Mr. HARKIN. Will the Senator yield for a question?

Mr. ASHCROFT. Sure.

Mr. HARKIN. I was trying to pay attention to the Senator. Will the Senator repeat again how many people there are working in the United States that have these kind of arrangements? I thought I heard 30,000. Will the Senator please clarify that for me so I have an understanding of that figure? Was it 30,000 different businesses? Or 30,000 people? I am sorry, I just did not hear it and I apologize.

Mr. ASHCROFT. There are 30,000 employers, I believe, that have sought to use this kind of collaboration.

Mr. HARKIN. Was that 30,000 that use this?

Mr. ASHCROFT. That have sought to do this, yes, and some are not any longer doing it. Obviously, when the NLRB began to prosecute this as a violation of the law, there are those who have chilled their operation. There are some under an order to quit. They have been ordered to stop conferring about things.

One of the things they were ordered to stop conferring about was safety. It stunned me, the Dillon case said it was inappropriate to discuss safety labeling of electrical breakers. I would certainly hope if I were employed in a plant you could confer with management about the appropriate labeling of electrical breakers.

But tornado warning procedures—I know there is going to be discussion about tornado procedures. I mean, if the tornado starts to hit the plant, there will be discussion, regardless of whether the NLRB says it is legal or not. But I would hope it is not illegal to do so in advance. The absurdity of saying it is illegal for employers to discuss with employees evacuation procedures in the event of a tornado points out the fact that this law, which was passed in the mid-1930's, is so out-of-step with America of the year 2000.

It is our job to prepare for the future. We ought to be saying we want more discussion between employees and employers and I am pleased that the President is saying that. He is calling this conference to say he wants more discussion. But to say you only want more discussion in the context of unionized plants, which represent 11 percent of the working people of this country, and you will not allow it in terms of the other 89 percent or 88 percent, that boggles the mind. That challenges any credible or reasonable approach to the thing.

If, indeed, we want to be competitive and if, indeed, we want people to have job satisfaction and we want them to have job security, we will build the strongest job base possible and we will not say to all those people who are not members of unions: You are not intelligent enough, strong enough or worth enough to be able to confer with your employers, and you will not have the ability to tell whether you are in a union or not.

I have had the wonderful privilege of going home to work. It is one of the things I do as a U.S. Senator. I go home, work on production lines. I have worked next to people filling feed sacks. I have worked next to people building windows and window components for new construction. I worked in a wide variety of things. I do not care what job I have done, whether it has been assembly or manufacturing or if has even been in the service industry—one time I helped prepare tax returns—everyone that I have ever talked to was plenty intelligent enough to know how to make improvements and could make suggestions. And they all knew whether or not they were in a union and would know the difference between a sham union and a real union. And they would all know how to call the NLRB if there was an unfair labor practice and make that kind of complaint.

For the resistance to mount to the authorization for American workers to talk with their employers about safety conditions, about improving productivity, about innovation, about improving marketability, even about sales practices and, sure, about safety—things like leaving the building in the event of a tornado? Here is a case which said for the employer to talk with the employees about rules relating to employees that got in fights was illegal. I would think it would be important, to confer with our workers on things like that.

The purpose of committees—they are designed to improve the security and productivity of American jobs and we should enact the TEAM Act. Let me just give a few words from the language of an administrative law judge who ruled on one of these cases. I quote the administrative law judge's opinion from the EFCO opinion. I am quoting now.

The committees ''were established by the company, in furtherance of Chris Fuldner's [that's the CEO's] vision for a more productive, more profitable and more satisfying place for employees to work, [by improving] employment policies, employee benefits, employee safety; and employee suggestions.''

That is what these things were created for, ''To make a more productive, more profitable, and more satisfying place for employees to work, [by improving] employment policies, employee benefits, employee safety; and employee suggestions.''

The opinion went on to say, ''In Fuldner's view, management should encourage employees to feel good about themselves and their jobs, and management should try to keep employees

happy with their benefits, and to appreciate these benefits.''

That was the goal. The administrative law judge confessed that these were all the positive benefits. But then said that the law requires that these be stricken as inappropriate because the company not only talked about these benefits but actually took them to heart, provided things like places for the groups to meet, and pencils and papers upon which they could write.

We started out talking about the Olympics. We would not want to send our team to the Olympics without a chance to win. We do not want American employees to compete in the world marketplace without the ability to win. You would not think of sending 9 out of 10 athletes to the Olympics without allowing them to talk with their coaches and each other about ways to improve their performance, and yet, we have a rule in American industry that to confer with workers, 9 out of 10 of them—there are 11-something percent that are in unions; they are allowed to make these discussions—for the ones not in unions, it is against the law.

I do not think we can afford to look to the future and say to 88 or 89 percent of our work force, ''You can't take advantage of your creativity, your innovation, your wisdom, and share it with your employer and improve productivity and performance in order to be on a winning team.''

Because we cannot afford to go into the competitive marketplace with our hands tied behind our back, we should enact the TEAM Act, which provides specific authority, not for anything great, not for anything outlandish, but basically for something the President says he wants: cooperation, teamwork—he asked for it in his State of the Union Message—between employees and employers.

I believe, if we provide the American people, through the right legal framework, the opportunity to cooperate and work as teams, we will come home with the gold. We have shown it over and over again; even when we slip behind, if you let the American people put their shoulder to the wheel and their nose to the grindstone, we cannot be beaten. But if you hamstring us for special interests rather than turn us loose to win the game, we will have a hard time competing.

We must enact the TEAM Act in behalf of the workers of today and the children of tomorrow for the jobs we hold, not only for us, but we hold them in trust for those who will follow us.

Thank you, Mr. President.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. COATS). Under the previous unanimous consent agreement, the Senator from Iowa is recognized.

Mr. HARKIN. I thank the President.

Mr. President, I was listening to the statements by my friend from Missouri, with whom I serve on the committee of jurisdiction dealing with this so-called TEAM Act, and I will use that phrase, ''so-called TEAM Act.''

Listening to my friend from Missouri and looking at the title of this bill, the TEAM Act, which stands for, if I am not mistaken, ''teamwork for employees and management,'' I cannot help but be reminded of that wonderful phrase from ''Alice in Wonderland, Through the Looking Glass,'' where Humpty-Dumpty is talking to Alice. Let me paraphrase: ''When I use a word it means just what I mean it to mean.''

And Alice says, ''Well that's not fair. It doesn't work that way.''

And Humpty-Dumpty says: ''The real question is, who's going to be the boss?''

That is really what this is all about. Who is going to be the boss? Are we, in fact, going to have a structure that allows for real cooperation?

I will say to my friend from Missouri that real cooperation, productive cooperation, can only occur when the parties who are seeking to cooperate do so on a level playing field. To have one side or the other impose a structure, to impose rules, to impose what the framework is is not going to lead to productive cooperation. What my friend from Missouri is advocating would be like—and under the TEAM Act, I do not say my friend from Missouri—but under the TEAM Act, so-called TEAM Act, it would be like if Senator DOLE were to pick the representatives of the Democratic Party to represent the Democratic Party on the floor of the Senate.

Mr. ASHCROFT. Will the Senator yield for a question?

Mr. HARKIN. I will in just a second. I just want to finish my thought on that. So, again, we would not want that to happen. Maybe Senator DOLE would like that to happen now that he is majority leader, or perhaps if the tables were turned and the Democrats were in charge, maybe the Democratic leader would like to pick who represents the Republicans.

I think the Senator sees what I am getting at. But it can only be done if you have that level playing field. I think we have that level field. There is nothing in section 8(a)(2) now that prohibits management and labor from getting together to discuss these items and to have working relationships. I see them all the time. It just comes about when management says, ''We want to cooperate and here's the terms of our cooperation. As long as you agree, we can cooperate.''

That is what we are trying to avoid. That is really what this so-called TEAM Act does.

I yield to my friend.

Mr. ASHCROFT. You have said you do not think progress can be made as long as the management has the prerogatives that we ask for in the TEAM Act. We are really asking for the prerogatives to confer. If there is nothing in the law against it, why is this so terrifying?

In the one case where they have tried to shut this down in Missouri, which is the most notable case in my State, it went from 100 employees to 1,000 employees. The workers have stormed my office and said, ''We want this. The National Labor Relations Board is keeping us from doing this.''

It seems to me you are saying it will not work in theory. But there are a thousand workers in Monett, MO, saying, ''It sure works in practice, because we have 10 times the jobs we used to have, and we like it.''

I met with 300 or 400 workers this morning who were here to lobby the Congress saying, ''Let us keep doing what we are doing.''

I understand you might say theoretically it cannot work. You said there cannot be any progress under the things we are asking for, and the things we are asking for, when it was allowed to operate that way—I saw one plant in my State that went from 100 workers to 1,000 workers. I call that progress.

Mr. HARKIN. I will say to my friend from Missouri, I can give examples in my own State and around the Nation of businesses, companies, where the owners and the managers deal forthrightly and with every sense of equality with the workers. Some of those plants are not organized, they are not organized labor. So they say, ''We don't need organized labor. Look, we get along fine, the workers like it, we have great benefits, we have a good system set up for any kind of dispute resolutions.'' That is true. There are a lot of those around. But the fact is there are a lot more that maybe are not, and that is why we have labor law, that is why we have the National Labor Relations Act. That is why we have section 8(a)(2), to provide a framework whereby workers can select their own representatives and where they are on an equal footing with management.

I suppose the Senator disagrees with my philosophy on this. My philosophy is that capital and labor ought to be represented equally. I do not think capital ought to be above labor, nor do I think labor ought to be above capital, but I think the two ought to work together. I believe it is not in the best interest of our capitalistic system to place capital above labor, because that will destroy our productivity and destroy our labor force in this country.

I also think the opposite is not good either, trying to elevate labor over capital. So we have to try to keep a balance. That is what the National Labor Relations Act is about; that is what section 8(a)(2) is about.

I am sure the Senator can find examples of businesses where they treat the workers fine; gosh, why do you need a labor union for all this? Yes, I can show you examples of that in my own State, too.

The Senator talks about the EFCO case in Monett, MO, but there is another side to that story. I listened to the Senator from Missouri talking

about this example of a circuit breaker switch or tornado warning. I believe the Senator is a good lawyer, and it is like if you only read the prosecution side of a case, you say the person is guilty. If that is all you read is the prosecution side, you say the person is guilty. If you read the defense side, you say, ''Hey, that person's innocent.'' To find out the truth of the facts, you have to read both sides. I do not know what the whole story is about the circuit breaker or the tornado warnings. I do not know all the facts. But I would like to know the whole story.

It is like EFCO. There is another side to that story. In fact, I will start to go through some of that now. But the fact is, that EFCO really started reacting only when the employees started to organize. There was the threat of that.

The Senator says, hundreds of employees came to him and said, ''We like this, and we want to continue it.'' Yes, I can understand that, if they are afraid of losing their jobs because they did not have that kind of bargaining unit, but I thought I might just go through the sequence of events that led up to the administrative law judge's ruling on the EFCO.

I think that my friend from Missouri and others have mischaracterized this case and what the decision represents. My friend from Missouri and others use the EFCO decision as really an example of why we need this bill. Quite frankly, I think it is an example of why we really do not need this bill.

Let me go through some of the factors here. If the Senator from Missouri wants to try to correct me on this, he should feel free to do so. I am trying to get to the bottom of this and the facts. In April 1992—first of all, the administrative law judge's decision in EFCO ruled that four inplant committees were unlawfully dominated and assisted by EFCO, by the management. None of those committees demonstrated ''shared management decisionmaking or co-determination of cooperation by the work force,'' but they all resembled classic forms of management-directed sham bargaining vehicles, or ''employer representation plans, that were deliberately outlawed by the Wagner Act of section 8(a)(2).''

So what happened in this case? In April 1992, EFCO's president suddenly directed its plant facilitator to revive a defunct safety committee. The plant facilitator announced the formation of the committee on April 21, 1992, defining its role as setting and enforcing safety policies. He, the plant facilitator, selected the members of the committee from volunteers, and they shared the first meeting on June 4, 1992.

He was succeeded as the director of the committee by EFCO's safety director, who continued to set the agendas for the meetings. The committee never had or exercised any authority to enforce or discipline violations of safety policies—never.

In September 1992, EFCO's president announced the employee benefit committee to the employees on September 8, 1992, defining its function as soliciting ideas regarding employee benefits from the employees and making recommendations to the management committee, which was EFCO's core management group—and in which, I might add, no rank-and-file employees participated. This was all management directed.

EFCO's chief financial officer selected the 10 committee members again from volunteers, but those volunteers previously screened by the human resources manager, again, were part of management. Among the appointees was a supervisor and the president's confidential secretary. Imagine that. They were part of the team they selected to represent the employees.

At the initial meeting on October 1, 1992, EFCO's president designated the first issues to be considered and directed that other issues be solicited from the employees. The human resources manager, the CFO, and, later, the comptroller attended the committee meetings. The committee's chairman met with the management committee to discuss and clarify the committee's recommendations. The management committee determined whether or not to adopt the committee's recommendations.

Let me repeat that. The management's committee determined whether or not to adopt the committee's recommendation.

Mr. ASHCROFT. Would the Senator yield?

Mr. HARKIN. I would be glad to.

Mr. ASHCROFT. Is the Senator's position that the management should not make the final decision about procedures, that it is inappropriate to confer with workers unless you turn over the final decision to them? I mean, it seems to me that——

Mr. HARKIN. No, management always makes the ultimate decision. However, it is this Senator's position that when we are talking about teamwork, in these kinds of structures, there ought to be a level playing field so that the employees can pick their own representatives where there is not the heavy hand and the ever present authority of management there guiding, directing, and selecting, and then have that discussion proceed, have the committees, management, labor committees jointly reach their agreements, and then, yes, management can sign off on it. That was not the structure in this case.

Mr. ASHCROFT. So it is the Senator's position that management could only adopt a policy which had been previously forwarded to them by the workers? I mean, as I understand it, you allow workers, their contribution to be made, but you do not have to surrender the management of the corporation to do it. I do not think most workers want you to surrender, but they want input.

Mr. HARKIN. I would say to my friend, they want input that is genuine input from the employees, from employee organizations that are not structured by management—as I just pointed out, this was structured by management. The representatives were selected from volunteers by management, not the employees. Management selected them. I just pointed out that management selected the confidential secretary of the president.

Mr. ASHCROFT. Do you think the confidential secretary of the president should not have the right to participate in making contributions like other workers?

Mr. HARKIN. If they work on the management side. But let the workers decide who they want to represent them, not management. That is my point.

Mr. ASHCROFT. I believe there are differences. That is more of a side versus side rather than a team here. It is this Senator's understanding that we ought to operate as a team, not one side versus another. We ought to try to work together.

Mr. HARKIN. But you see, in order for a team to work, there must be open discourse, there must be a consideration, and there must be not just the semblance of, but the genuine foundation of cooperation and equal participation.

See, I think what my friend from Missouri still believes is that management ought to be able to tell workers what to do all the time just because they own the plant. They ought to be able to tell a worker exactly what to do, when to do it and everything else, and if the worker does not like it, out the door. I do not happen to believe that, you see. I am sorry we have a philosophical difference. I happen to believe that workers, that labor should take equal positions with capital. They both ought to be respected.

Mr. ASHCROFT. How do you break the deadlock in the case of a deadlock under your system, if they are equal positions and one says yes and one says no? Are you saying that if the workers say, ''I don't want to do that,'' and the employer says, ''We need to have that done,'' is it a deadlock for you, or who breaks the deadlock?

Mr. HARKIN. In all of the organizations that I have seen which are organized under 8(a)(2), where you have employer representatives and you have management and where they met in that spirit of mutual respect, I can tell you I have not seen one case, nor do I know of one, where there has been that kind of a gridlock and deadlock.

I think there is an assumption by the Senator from Missouri that labor is always—or at least sometimes—always going to act in a way that is going to be detrimental to the management. Workers do not want to do that. They want the company to function correctly. What they want is their rights protected. They want their rights protected.

No one wants to return to slavery in this country where someone just tells a

human being, ''Look, you do as I say, or else, out the door.'' We have advanced beyond that. We do not want to go back to the old days where labor had no rights whatsoever.

Mr. ASHCROFT. I believe we have rights, and I think they ought to be protected, but I believe that when the employer says something needs to be done, it has to be that way. I would say this, and I thank the Senator, and I will not further interrupt your speech, but I would just ask——

Mr. HARKIN. We ought to have more discussions like this.

Mr. ASHCROFT. My whole point is, it is not my way or the highway. My whole point is, we need to allow managers to welcome and to capitalize on and to implement and to benefit from the special expertise, creativity, and input from people in the production pool. Then it is a very valuable thing. It is not that it is antagonistic. I do not think management can survive without it.

I do believe you are right, that there are very few times when it is against the interests of management to hear from labor. I think in the overwhelming number of cases really what I have sought to do is to provide a framework in which that is something that is legal and is appropriate and management is free to solicit the view of labor and to go and ask for it.

I thank the Senator for the time.

Mr. HARKIN. I thank the Senator. I think we ought to have more like this. I would be glad to discuss it even further because I think we start to get to the real differences here and the views of what we are trying to do here in this bill.

Again, I guess the Senator and I just have a gentlemen's disagreement on the role of labor and management in our society.

Again, I have seen so many times in our country where management is open, respectful, where they really encourage employees to get together, to organize and to bargain with them in good faith. That is the most productive unit you have in America.

It is the cases where an employer comes in and says, ''Look, I know what is best. I will set up the structure. You can give me your advice if you want, but if I do not like it I will throw it out the door,'' and there is not the sense that workers really have a legitimate role to play in the decisions that affect their very jobs, that affect the future of that plant. When that happens, then I think productivity falls.

Again, I point out to my friend from Missouri, we have had section 882 all these years. We have labor-management councils. They operate in my State. Building trades are working, I know in my Quad Cities area, the Davenport area and in Des Moines, where building trades are working with contractors. We call these labor-management councils. They work wonders. It is done in a sense where you have a level playing field. I think what my friend from Missouri basically is saying, ''Look, management in the end ought to control everything.''

I am saying that in a team if you have this real teamwork, the employees have to know that they are equal partners in making the productivity force in America move forward. That is why, I repeat, I get back to the EFCO situation here, we hear about EFCO, but when you go through the whole history of EFCO you find this is a classic case of why section 882 is necessary.

I ended on September 1992 when the management committee determined whether or not to adopt the committee's recommendations. Now we go to December 1992, on December 28, EFCO's president created the employee suggestion screening committee. He did it by memorandum to the six employees he appointed to the committee. That is not bad. Listen to that: EFCO's president created the employee suggestion screening committee. He did it by memorandum to the six employees he appointed to the committee.

How much freedom and how much do you think that these six employees, handpicked by the president, is going to take a position contrary to the president's position? Not only that, the president defined the committee's purpose as reviewing and referring to management with recommendations, employee suggestions. EFCO issued a general announcement of the committee's formation and solicited suggestions from all employees on January 14, 1993. EFCO's senior vice president and its CFO were assigned to attend the meetings. Again, you have a meeting, you have the senior vice president, the chief financial officer sitting there, listening to everybody. Again, that heavy hand over everyone. The CFO set forth the agenda at the first committee meeting. Not a spirit of, ''OK, representatives of labor, what would you like our agenda to be?'' No, management saying, ''Here is the agenda, here is what we are going to discuss.''

The elected chairman of this committee—mind you, this is a committee of six employees handpicked by the president—the elected chairman of the committee was promoted to a management position in the summer and yet continued to chair the meetings. The committee had no authority to decide which suggestions would be adopted. None. They could pass them on, but they had no authority to decide. Again, back to my friend from Missouri, he said, yes; we should give management suggestions. We should let employees suggest things. If management does not want to do them, to heck with them.

Well, I tend to think if you will have this type of arrangement you should have employees and management together in a teamwork, and if they are equal, and if they have equal status, then if they make suggestions that ought to be adopted by that committee, representing both management and labor—I do not know what the exact effects are if they do not reach a agreement. I assume if they do not reach agreement it would not be adopted. If there is gridlock you do not adopt. If they agree, it ought to be adopted, not reviewed further, and adopted by management.

Finally, January 1993, January 14, 1993, EFCO announced that it was establishing an employer policy review committee, whose purpose was to gather comments and ideas from the employees regarding company policies, and to make policy recommendations to the management committee. The human resources manager—this is part of management—selected the committee members. Again, the management selected the committee members. The management appointed the cochairman. The manager also attended committee meetings. One of the members of the employee's group was a supervisor, and a cochairman was shortly promoted to a supervisory position.

EFCO's president attended the first meeting on February 9, 1993. Here is what he did. He laid out the ground rule. He dictated the first policy to be considered. He issued a deadline for the presentation of a recommendation to the management committee. It does not sound quite like equal representation of management and employees. It is sort of like the management saying, ''OK, again, here is the policy to be considered, here are the ground rules, here is the deadline for you to submit suggestions to the management committee,'' and again, those suggestions might be accepted or they might not be accepted.

The appointed cochairman met with the management committee to discuss recommended policies and the management committee determined which recommendations would be adopted. Again, EFCO set up the elaborate sham structure, management laid out the ground rules, management picked many of the people to be on it, they dictated the policies and they said, OK, if you come up with a suggestion or recommendation, it goes to the management committee, and that management committee decides what will be adopted.

Again, I guess we get back to my friend from Missouri. His philosophy is if you are management, your word is God and you don't need employee input. I am sorry, I disagree with that. I disagree with that because I think that labor and management ought to both be equally represented in these kinds of situations.

In short, EFCO unilaterally decided upon and formulated the program of employee committees. It created committees and determined their size, functions and procedures. It appointed their members and included supervisors among their membership. It set the scope of each committee's concerns, goals, and limitations. It established the committee's agendas. It directed the committees to solicit opinions, ideas, and suggestions from other

employees. The committees met on company property, during working hours. High management officials attended these meetings. Committee members were paid for the time spent on committee work and EFCO provided any necessary materials or supplies.

Cumulatively, when you look at this, the committee dealt with EFCO as company-created and company-directed representatives on every conceivable area of employees' wages, hours and working conditions. The very existence of those committees was and is dependent upon EFCO's unfettered discretion. Moreover, EFCO endowed the committees with absolutely no actual power. The company reserved to itself the exclusive authority to decide which recommended suggestions, policies, safety rules, or employee benefits would be adopted. The committees were not even authorized to administrator or enforce those of the recommended policies or rules actually implemented by management.

Again, I think when you look at the whole case, when you do not just read the prosecution side, when you read both the prosecution side and you read the defense side as in any case, perhaps we get to the truth. The truth is that EFCO wanted to set up a structure whereby, yes, employees could give suggestions, only under the steady gaze and the heavy hand of management, where those representatives would be picked by management, where the structures and guidelines would be established by management, and where in the end, where any suggestion, any advice, would then go to a management committee to be finally acted upon, adopted or reject. Again, a clear example of why we need section 882.

Well, I guess it really boils down to, if you believe that workers are intelligent, if you believe that workers have the best interests of their country at heart, if you believe that workers have the best interests of their employer and their factories and their plants and places of work at heart, if you believe that, then you ought to permit workers to sit at the table with management. That is what section 8(a)(2) does; it permits workers to sit at the table.

This so-called TEAM Act says, ''Well, you have been at the table all these years under section 8(a)(2).'' You know, we have had a pretty good run of it since the Depression. We are the most productive nation on Earth today, as we have been for the last 50 years. Oh, we always hear about these other countries, but the fact is, American productivity, last year, was higher than any other country in the world—output per hours worked. Oh, yes, for the last 50 years we have been the most productive nation on Earth. We built the freest, strongest nation the world has ever seen. We have built great universities and colleges. We have the best medical research anywhere in the world. We have the freest society. We have the greatest opportunity for the greatest number of people. And guess what? We did it under the Wagner Act. We did it with section 8(a)(2), and we did it with labor sitting at the table.

Now we hear voices—my friend from Missouri among them—who say labor no longer needs to be at the table. Management is at the table; labor is sitting on a lower chair. They are down a little bit lower. They are sort of sitting on the floor. If the management would deign to give them some crumbs off the table, that is fine. If management does not, well, that is fine, also, because if the workers do not like it, they can get off the floor and walk out the door. Well, that is what has been happening, and that is what is behind this so-called TEAM Act. I do not ascribe any bad motives to anyone. My friend from Missouri is an honorable gentlemen. But I just believe that this policy is totally misdirected. I think it flies in the face of what we in America have done over the last 50 years and what we are still accomplishing in becoming the most productive nation on Earth.

Mr. President, there is a line from one of my favorite plays that goes something like this:

> Life is like cricket. We play by the rules, but the secret, which few people know, that keeps men of class far apart from the fools, is to make up the rules as you go.

Well, I suppose if you want to keep management up and labor down, you make up new rules as you go along. That is what this is. We are making up new rules—rules that would take away a legitimate right of labor to be heard and to sit at the table. No, I am sorry, Mr. President, this is not a team act. This is not a team act at all. This breaks down the team. This is a class act, making one class of management and owners at a higher level than the laborers.

So, Mr. President, this is not just a little piece of legislation. I think the majority leader referred to it as a ''minor'' piece of legislation, and no one should bother about it. It is not a minor piece of legislation. It is a dagger right at the heart of what has made this country so productive over the last 50 years. It is a dagger right at the heart of our workers in this country, and we should not let it pass this floor.

We ought to reaffirm, once again, our commitment to a level playing field and, as John L. Lewis once said, make sure labor has a seat at the table, not on the floor, where labor would partake of the same meal as management and not just get the crumbs from the table.

This bill would undo all that we have done in our society to give our working people a decent voice, to give them the recognition, which is due any human being, that their labor is worth something, that they themselves are human beings, and that labor is not just another unit of production to be written off and thrown out the back door; but that our working people are more than just numbers on a piece of paper, or machines on a shop floor, and that they deserve, and ought to have, by right and by law, all of the protections that the Wagner Act and section 8(a)(2) provides them.

This Senate and this Congress would do a disservice to our country were we to let this TEAM Act pass.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I am greatly disappointed that my Democratic colleagues are continuing to block repeal of the Clinton gas tax. When President Clinton and the Democratic Congress, without a single Republican vote, passed the biggest tax increase in our Nation's history in 1993, they said that their $268 billion tax increase was a tax increase on the wealthy. Well, now they have a chance to repeal a tax that hits the lower and middle income people the hardest, and they are refusing to do so.

Make no mistake, the gas tax, which was part of that massive tax increase, is a tax burden that is borne by virtually every American. Every mother who drives her children to school, every commuter, every family who drives to church, every senior who rides the bus to go shopping, every family planning a summer vacation gets hit by this tax.

Let us be clear. Democrats are denying tax relief to each of these Americans. Incredibly, some of my Democratic colleagues have called for even higher gas taxes. Maybe they were not listening when President Clinton said last fall that he thought he raised taxes too much. Despite this admission by President Clinton, our colleagues on the other side of the aisle are threatening to shut down the Senate because they do not want to let this tax cut for working Americans come up for a vote.

The distinguished minority leader said yesterday that the Democrats would shut down the Senate over this tax cut. By shutting down the Senate, the Democrats are now blocking not only a tax cut for working Americans, but they are blocking the taxpayer bill of rights; they are blocking consideration of a constitutional amendment requiring a balanced budget; they are blocking the opportunity for commonsense health care reform; they are blocking reauthorization of Amtrak.

Mr. President, while I am disappointed by the words and actions of some of my colleagues on the other side of the aisle, I am not surprised. Let me explain.

This is a chart comparing the records on taxes of the 103d Congress, which was controlled by Democrats, to the tax record of this Republican-controlled Congress.

As this chart shows, the Democrats passed the largest tax increase in our Nation's history—$268 billion. This was without a single Republican vote. And, while they said at the time that the tax increase was for deficit reduction, a study released last week shows that 44

cents of every dollar of that tax increase has gone to more big Government spending. That is why Republicans continue to believe that the way to reduce the deficit is not to raise taxes, but instead to cut wasteful Government spending.

This chart also shows that the Clinton tax rate increase was retroactive—reaching back to the Bush administration. The tax record of the 103d Congress included a top tax rate increase to 39.6 percent which devastated small business, and is probably part of the reason why so many Americans feel that their wages have stagnated. When these small businesses, which are the biggest creators of jobs in this country, have to give more money to the Federal Government, they have less money for expansion, pay raises, and job creation.

The Democratic 103d Congress' tax record also included an increase in taxes on Social Security benefits up to 85 percent—an outrageous increase.

The 103d Congress also, of course, raised gas taxes by 30 percent.

So, the tax accomplishments of the 103d Democratic Congress included a hard hit at many Americans and they were not all rich.

But what a difference a Congress makes. This Republican Congress has a much different record on taxes. Instead of raising taxes, we have cut taxes. The 104th Congress has passed legislation that has been signed into law including: allowing working seniors to keep more of their Social Security benefits by increasing the earnings limit; tax relief for the thousands of service people in Bosnia; a reinstatement and subsequent increase of the self-employed health insurance deduction; and a measure to prohibit States from taxing the benefits of former residents who have retired and moved to other States. These tax changes benefit millions of Americans.

And, if President Clinton had signed the Balanced Budget Act of 1995, the tax burden on millions more working Americans would be lighter. Families, in particular, would have benefited from the Republican budget, which gave parents a $500 tax credit for each child. Our budget also reduced the capital gains rate, phased out the unfair marriage penalty, provided a deduction for student loan interest, and expanded tax-deductible individual retirement accounts.

The difference between the two records couldn't be more stark. The last Congress increased taxes by a record amount, while this Congress cut taxes.

Mr. President, it is my hope that this Congress can undo the economic damage that the last Congress has done. Repeal of the Clinton gas tax is a good place to begin.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 1737 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BUMPERS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. DASCHLE. Mr. President, we have not made a lot of progress in the last several hours, and I am hopeful that at some point today we can reach an agreement.

The current situation would require a vote on three separate provisions of the same amendment to a bill that is now pending, the Travel Office reimbursement legislation. We have indicated that that is unacceptable to us.

Earlier today, at a press conference, the distinguished majority leader, when asked if he would agree to consideration of three separate bills, answered, ''If we can get an agreement to vote on three separate bills, that's one thing. I've already given that agreement to have three separate bills.''

As I understand it now, that may not be Senator DOLE's exact intent. But I must tell you that if it is, indeed, his position to accept consideration of three separate bills, then, indeed, we would be ready this afternoon to agree; we would allow a vote on the gas tax reduction and relevant amendments; a vote on the minimum wage and amendments that are relevant; and a vote on the TEAM Act with relevant amendments. That seems to me to be exactly what we have been proposing now for several days.

If we can do that, we could reach an agreement by 4:45 this afternoon. So I am very hopeful that we are getting closer together, that we can find a way to resolve this impasse. Three separate bills, as the majority leader suggested earlier today, would do that, would give us that opportunity, and I am hopeful that we can talk in good faith and find a way to determine the sequencing and ultimately come to some conclusion on this legislation.

Three separate bills with relevant amendments, perhaps with a reasonable time limit, is acceptable to us, and we will take it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

MEGAN'S LAW

Mr. DOLE. Mr. President, late last evening H.R. 2137 passed the House, I think, unanimously. It is Megan's law, plus some other additions to help protect our Nation's children from sexual predators. The vote was 418 to 0. Known as Megan's law, it strengthens the existing law to require all 50 States to notify communities of the presence of convicted sex offenders who might pose a danger to children.

In 1994 the crime bill was lobbied not to require States to take such steps. Since that time, 49 States have enacted sex offender registration laws, and 30 have adopted community notification provisions, but not all States have taken the necessary steps to require such notification. And this is a tragedy in the making.

It seems to me that we can prevent this from happening and we can take action now. I do not know any reason to hesitate. So I am going to ask consent when I finish that we bring it up and pass the bill.

But every parent in America knows the fear and the doubts he or she suffers worrying about the safety of their children. Parents understand that their children cannot know how truly evil some people are. They know that no matter how hard they try, they cannot be with their children every second of the day. A second is all it takes for tragedy to strike. We have an obligation to ensure that those who committed such crimes will not be able to do so again. This is a limited measure, but an absolutely necessary one.

Again, sort of following along the President's remarks at his press conference, it seems to me this would be an area where there would not be any objection. I know when this bill comes up it will be unanimous. We would like to let the American people know that we can respond immediately. The bill is here.

UNANIMOUS-CONSENT REQUEST—H.R. 2137

Mr. DOLE. Mr. President, I ask unanimous consent that H.R. 2137 be immediately considered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I associate myself with the distinguished majority leader's remarks in this regard. The bill is a good one. It probably will enjoy broad bipartisan support. We do have amendments that our colleagues on this side of the aisle would like to be able to offer. So given the fact that they need to have that right, I object at this time.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. I hope we are not holding up the bill over the minimum wage dispute.

Mr. FORD. Oh, come on.

Mr. DOLE. That is not an amendment that will be offered to Megan's law. We have had about enough of that.

Mr. DASCHLE. If the majority leader would yield, I will clarify, it is not our

intention to offer the minimum wage on this particular bill.

Mr. DOLE. The Senator from Massachusetts made it clear he is going to offer it at every opportunity. So I thought I better make the Record clear.

MEASURE PLACED ON CALENDAR—H.R. 2137

Mr. DOLE. Mr. President, I ask unanimous consent that H.R. 2137 be placed on the calendar.

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

Mr. DOLE. Hopefully we can take up that bill tomorrow. I do not know of any reason—if there are amendments that are relevant, germane, or maybe there can be a separate bill. But I know that the family is very concerned about that. I had an opportunity to visit with Megan's parents. They feel very strongly about this. I do not believe there will be any objection. But there has been objection to its immediate consideration.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, as I understand, the Democrats have had a caucus, and they might now be willing to agree to the unanimous-consent request that I made earlier this morning that there be three votes; division I being the gas tax issue; division II being the TEAM Act issue; and division III being the Democratic proposal for the minimum wage; that each division be limited to 2 hours each, to be equally divided in the usual form, and following the conclusion or yielding back of time, the Senate proceed to division I, division II, and division III. Then I assume there would be a vote on final passage.

If I am correct in that, I would be happy to try to obtain that consent agreement now.

Mr. DASCHLE. Mr. President, reserving the right to object, I will offer a unanimous-consent agreement to do what I understand the majority leader proposed earlier—later than that particular offer; later on in the morning—that we have three separate bills, and have votes and amendments to those three separate bills. I offer that as a unanimous-consent agreement at this time with amendments.

Mr. DOLE. With amendments?

Mr. DASCHLE. We would offer three separate bills with amendments. We could agree to a time limit, but three separate bills with amendments. That is correct.

Mr. DOLE. I never agreed to anything like that. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DOLE. Let me say that I did indicate—I do not negotiate with the press. As far as I know, they are not Members of the Senate. Some have more power than we have, but they are not voting.

I was asked that question, and I repeated the question. I might subscribe to that. But I went on to say, I made almost the identical offer today, but I never made any offer that would indicate we would have amendments to these separate bills. That is an entirely different process.

Plus, I am no rocket scientist, but it did occur to me that obviously the President could veto the TEAM Act and sign the other two. He said he would do that today. I would not buy into such an agreement.

I do think this is a very reasonable agreement that I have suggested. Since I have been asked to object to the Democratic leader's proposal, perhaps he would be kind enough to object——

Mr. DASCHLE. I object.

Mr. DOLE. I find it strange that our colleagues on the other side are filibustering minimum wage. We are prepared to have that vote right now. We will not even need 30 minutes of debate. We are prepared to have the vote on TEAM Act, prepared to have the vote on gas tax.

Again, the TEAM Act is just a very little piece of the pie or the puzzle. I hope we could find some way to reach an agreement. If there are amendments, I know the Senator from North Dakota—I have written him a letter, Senator DORGAN, if he has any way to tighten up the effort to make certain that the 4.3 cents will go to the consumer. I had a letter from Texaco, and we will have a response from ARCO. Somebody raised a question about ARCO in the press conference. I did not have the answer, but we are getting the answer from ARCO. I think we will have the assurances that some would need before they act on the gas tax repeal.

As I said at the press conference earlier, we do pay for it. This is really an effort—the President's spending is why we have to have it. He wanted to spend more money, so we had to raise the gas tax. We will not let the deficit grow any larger. We will make certain we offset any loss.

I hope that this is a reasonable agreement, and I would like to proceed with it. If not, I do not see any reason to stay in later this evening.

Mr. KENNEDY. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. DASCHLE. Go ahead.

Mr. KENNEDY. Mr. President, I wonder if the majority leader would yield for a brief question regarding matters that we discussed just a few moments ago.

Mr. DOLE. Certainly.

Mr. KENNEDY. As I understand from the press conference, a question was asked, just to follow up on what Senator DASCHLE has pointed out: ''Why not have three up-or-down votes on three different bills, whether they are amendable or unamendable? Why not do it that way?''

Senator DOLE said, ''Three separate bills, I might even subscribe to that. But they won't let it happen. They will filibuster the TEAM Act. If we can get an agreement to vote on three separate bills, that is one thing. I have already given that agreement, to have the three separate bills.''

As I understood the——

Mr. DOLE. Three separate votes.

Mr. KENNEDY. The question included the words: ''amendable or unamendable? Why not do it that way?''

''Three separate bills, I might even subscribe to that. But they won't let it happen.''

As I understood it, that is what Senator DASCHLE had offered. I was wondering, since it appeared, at least from the transcript, that that was the position of the majority leader, why that would not be acceptable to do that here as the minority leader has suggested.

Mr. DOLE. As I have indicated, I said in that response, I might and I might not. And I will not. That will take care of that.

Again, nobody is trying to negotiate. Democrats like to negotiate, but I do not negotiate with press people unless there is one up there who works for the Democrats, but I do not think so, not directly.

We would be very happy to proceed on the basis we have outlined this morning. We think it is very reasonable. I think the President ought to accept it in the spirit he invoked in his 1:30 press conference. He did indicate he would sign—he mentioned something about workers' rights. That is what we are talking about, workers' rights.

I do not understand how we expect the majority to permit the minority to have their way and we not be entitled to have any say at all. We are prepared to repeal the gas tax, have that vote, have the TEAM Act vote, and have the minimum wage vote and then have a final vote. I think my colleagues on the other side might appreciate the fact we would probably have a fairly healthy vote on final passage, which I think would bode well for what might eventually happen to this legislation.

There is a lot of merit to keeping the three together. There may not be any merit on that side of the aisle, but there is merit on this side of the aisle.

Again, I tried to work with—certainly, always tried to work with—the Democratic leader. I am happy to meet with him at any time and see if there is some agreement we can reach.

Mr. DASCHLE. Mr. President, I will not belabor this. Let me just say that I think both sides have made their position very clear. The majority leader wants to combine the TEAM Act, the minimum wage, and the Travel Office bill all in one package, in addition, of course, to the gas tax reduction. In one package we would combine all of these things.

I must say I do not know that we will ever be able to resolve this until we

can find a way to allow separate bills to be considered. The problem we have is, we cannot offer amendments. That is the essence of it. We cannot offer amendments to these. We may ultimately have a TEAM Act of our own. We may have a substitute of our own to the gas tax reduction proposal. We may have a lot of amendments that are very relevant to this bill that we are precluded from offering under this arrangement.

I have had a very productive and very good relationship with the leader over many months now. I am hopeful that we can find a way through this and see if we cannot resolve it. I do not see a way to resolve it until we can finalize some understanding about the opportunity that we must have to offer amendments to bills that we care deeply about.

I yield the floor.

Mr. DOLE. Mr. President, again, I think we all try to work things out around here. At least that has been my experience. I see my distinguished colleague from West Virginia, Senator BYRD, may not agree on what will be the final outcome, but we try to agree. If there is an effort or wish to offer substitutes, we might have a substitute to the minimum wage.

We are willing to divorce these three matters from the Travel Office bill and bring them up separately, or if there is another H.R. bill around here somewhere—there is another H.R. bill. We can accommodate that request. We can go ahead and separate, if that would help, and let the Billy Dale matter be passed.

I think the point is that the Senator from Massachusetts made it very clear he was going to amend every bill with the minimum wage, which, in effect, served notice on us that anything that we brought up would be blocked. We want to resolve this issue, get it behind us, so we can move on a number of legislative areas that we think are important, important to the people of America.

I am perfectly willing to try to work it out with the Democratic leader. We have never had a problem before. Sometimes these things are not easy. Sometimes they can be resolved. I make no offer to the Democratic leader.

Mr. DASCHLE. Mr. President, if I could just say one other thing that I meant to add, the distinguished majority leader this morning said that he took good notes from his predecessor, the majority leader in the 103d Congress, George Mitchell. I know he is a great note taker, and I do not deny that he probably, like all of us, learned from past experience.

However, we went back in the 103d Congress just to try to find an example or an instance when the majority filled the parliamentary tree, filled the tree in every way, to preclude the minority from having an opportunity to offer an amendment. We could not find 10, we could not find 5, we could not find 1 instance where the majority so dominated the political tree—it is a political tree in this case—the parliamentary tree so as not to allow the minority the opportunity to offer any amendments. It is not something the majority did in the past.

Even in the most troubling circumstances, the minority had an opportunity to offer an amendment. We had to offer second degrees, and we did. We had to come up with counter strategies, and we did. We never filled the tree and filed cloture and precluded the minority from even having the opportunity to offer an amendment. Having looked at the record from at least that perspective, I do not find an example that could be called a precedent for what is happening right now.

Mr. DOLE. Mr. President, I meant—and I talked about Senator Mitchell as my friend and the friend of everybody on this side and the other side, and he is doing quite well in the private area—that he would file cloture rather quickly.

But the point is, I can recall the stimulus package being held up. I think Senator Mitchell did a good job of preventing us from voting on capital gains for many years. I cannot remember, it has been so long. So I think he was quite effective. Maybe I have not been quite as effective and I had to fill the trees because I did not know the other ins-and-outs of the place. He did a good job, and I certainly have high respect for Senator Mitchell. I very much appreciate the fact that he was willing to pass on some of the ideas he had that I have been able to pick up.

But I would be very happy to visit with my friend, the Democratic leader. If it is a question of working out an agreement with amendments, I think we can do that. But when the Senator from Massachusetts makes it impossible to bring up any bill—and he says he is not going to do it on Megan's law, but he has everything else, with the exception of the bill he wanted passed, the health bill—then it makes it rather difficult to do the business of the Senate. So I do not believe that we are doing anything that cannot be resolved, regarding the efforts initiated on that side. I am perfectly willing to work it out, if we can, with the Senator from South Dakota, the Senator from Massachusetts, and everybody else. I know the Senator from Mississippi is willing to try and has tried. I think we have all been in good faith.

So if we can work it out, that is fine. We would be happy to meet this evening and see if we can resolve this and have not only these three issues behind us, but a number of others that should be dealt with, if we are to have a Memorial Day recess.

I will be happy to yield the floor.

Mr. KENNEDY. Mr. President, I wanted to inquire of the leader. Of course, on the minimum wage, a majority of the Members have actually voted for an increase in the minimum wage. So, in this instance, the minority is really the majority, and they have been denied the opportunity these many weeks and months from having an opportunity to be able to have a clean bill on the minimum wage. I think that the actions that were taken are taken out of frustration, on an issue that the American people are so overwhelmingly in support of, and that is, people that work hard ought to be able to have a livable wage, and we ought to be addressing that on the floor of the Senate.

So I just suggest to the leader that, actually, we are not a minority on that issue, we are a majority, and with good Republican support. I am just puzzled about why we are constantly characterized as a minority when we have been able to demonstrate from votes here on the Senate floor that a majority wants to have an increase in the minimum wage. I do not see how that is so unreasonable.

Mr. DOLE. Mr. President, it would be my view that when that vote comes, there will be a substantial majority. The vote the Senator refers to is a cloture vote, and sometimes they are a bit deceptive, as I have learned.

Mr. KENNEDY. Is the Senator now stating to the American people that he will only schedule a vote up or down on the increase in the minimum wage if we get cloture? Is that the position of the majority leader on this issue?

Mr. DOLE. I did not even raise cloture. I thought that was the position of the Senator from Massachusetts.

Mr. KENNEDY. No, no. I do not believe that the majority leader does not understand what my position is on this.

Mr. DOLE. I think I do understand your position. I sometimes admire it—sometimes. But I think the point is that we need to resolve this, if we can. I would be happy to try to work with the Senator from Massachusetts, or the Democratic leader, or both, and see if we cannot work out some arrangement where they can offer amendments. But I do believe it is pretty difficult to explain to the majority—and I do not often refer to the minority. I think we are all Senators. It is pretty hard to explain to the majority on this side why we should permit the Senator from Massachusetts to do everything he wants, but we cannot do what we want. If the Senator can help me with that, maybe we can work it out.

Mr. KENNEDY. If the Senator will yield on that point. It is not what the Senator from Massachusetts wants, it is what 13 million Americans deserve.

Mr. DOLE. Oh. I will say the same about a lot of things President Clinton has vetoed, such as the child tax credit, welfare reform, balanced budget, all those things were vetoed. The Senator from Massachusetts did not vote for them. The child tax credit will help 50-some million children in 28 million homes.

So if we want to get into the numbers game here, we can extend the debate for some time. I think, since I

have an appointment at 5, I will be happy to either recess until tomorrow morning, or if we want to continue debate, we can. I know the Senator from Georgia is here, and the Senator from Idaho wishes to be recognized.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for morning business, with Senators permitted to speak therein for up to 5 minutes each.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

WELFARE REFORM

Mr. ROTH. Mr. President, last Saturday the White House political machine was running at full tilt trying to convince the American people that welfare reform is well underway when, in fact, President Clinton has vetoed welfare reform twice. Once again we find that the administration is using the old theory as to whether you can fool all of the people all of the time. This time, the administration is trying to use figures to confuse the public into believing that it is implementing a successful welfare reform strategy when, in fact, it has not.

Last Saturday, President Clinton told the American people that, All across America the welfare rolls are down, food stamps rolls are down, and teen pregnancies are down compared to 4 years ago. Unfortunately for the administration, the facts get in the way of the rhetoric.

According to the latest available data from the U.S. Department of Health and Human Services, the estimated average monthly number of AFDC recipients for 1995 was 13.6 million. The final figures for all of 1995 are not yet available, and there is a 9-month average from January to September 1995. By comparison, the monthly average for all of 1992 was 13.8 million recipients. This is a modest decline of 200,000 people, or 1.5 percent.

But the real story about the welfare rolls which this administration does not want the public to see is how the current welfare rolls compare to previous years and administrations. This first chart shows the number of people receiving AFDC benefits over time, and while the estimated 1995 AFDC caseload is 13.6 million people, the average monthly number of AFDC recipients between 1970 and 1995 was 11.3 million.

When you look back at the AFDC program over time, you find that the AFDC rolls under the Clinton administration are still well above the historical levels. Comparing 1995 to the averages of the 1980's, it is even more dramatic. If the 1995 welfare rolls had declined to the level of the 1980's, there would have been 2.7 million fewer people on AFDC.

Let me also point out, as this chart shows, that the AFDC rolls were relatively constant throughout the 1970's and 1980's. There was an average of 10.6 million AFDC recipients over the 1970's. In the 1980's, the AFDC rolls rose at a slightly higher level, at 10.8 million.

The AFDC rolls increased dramatically in the early 1990's. In fact, the AFDC rolls reached their highest point ever during the Clinton administration in 1993. There have been only 2 years in which the AFDC caseload has ever exceeded 14 million people, and those years were 1993 and 1994.

Until 1994, there were 14.1 million recipients on AFDC, well above the 1992 level. If the welfare rolls would have declined just to the historical average, never mind ending welfare as we know it, there would be 2.2 million fewer people on AFDC than there are today. At best, the Clinton administration can only claim that the number of AFDC recipients is just now returning to the level of 4 years ago. Thus, President Clinton is claiming success for bringing the number of AFDC recipients to a level which is nearly 20 percent higher than the historical average. It is a little bit like the teenager claiming victory in the Indianapolis 500 just because he found the keys to the family car.

In the Food Stamp Program, we find similar patterns but the news is slightly worse for the White House spin doctors. Let me first point out, as this second chart shows, that the 1995 food stamp caseload was higher than the 1992 level, not lower, as the administration has claimed. On average, there were about 900,000 more food stamp recipients in 1995 than in 1992. And even if you use only 1 month of data, the most recent food stamp caseload is still higher than the 1992 level. The February 1996 food stamp caseload was at 25.7 million people. This is 300,000 more people than the 1992 level. And second, there were nearly 7 million more food stamp recipients in 1995 than for the 25 year historical average.

Over the past 25 years, the average monthly number of food stamp recipients is 19.4 million people. In 1995, there were 26.3 million people receiving food stamps. There were nearly 6 million more food stamp recipients in 1995 than the average for the 1980's.

As welfare rolls are linked at least in part to the economy, you should expect the number of welfare recipients to decline even without any change in welfare policy.

We can see this relationship especially in the food stamp program in the late 1970's and 1980's. This chart shows significant growth beginning in 1979. At the same time the median money income for families was declining in real terms from $39,227 in 1979 to $36,326 in 1982, food stamp caseload peaked in 1981 at 22.4 million recipients. But the chart shows the subsequent steady decline in food stamp caseload during the Reagan administration to less than 19 million recipients in 1988 and 1989. What was happening with the economy? Well, the median money income for families during the Reagan-Bush years increased to $40,890 in 1989 in real terms.

The relationship follows in bad economic times as well. Caseloads increased once again as family income declined sliding down to $37,905 in 1993. According to Census Bureau reports, the 1993 poverty rate for all families with children under age 18 was 18.5 percent, the highest level since 1962.

If administration officials can claim success, they need to explain precisely which Clinton welfare policy change is responsible for bringing the caseload back to the 1992 level. We need to question whether the Federal bureaucracies at USDA and HHS are really responsible for this decline.

The waivers the President continues to talk about appear to have very little if any effect. Obviously, the administration can claim credit for only those waivers which have been actually approved and implemented since 1993. Even then, the waivers must be evaluated to determine if they are or not some other factors were, indeed, the cause of the change.

In 1993, only four State welfare waivers were implemented. Obviously, these four waivers had no effect on other States. They may not have had any effect within the respective States depending upon when they were implemented during that year. In 1994, 14 waivers were implemented, in 1995 another 7. But these figures tell us very little. Waivers may not be implemented throughout the State. A State may have more than one waiver, some of which may have no impact on caseload. Some States with waivers have seen increases in their welfare caseload.

What this confusion should really tell the American people is that waivers are no substitute for authentic welfare reform. President Clinton did not mention that the welfare rolls and other programs have increased from their 1992 levels.

In September 1995, the most recent data available, there were 6.5 million people receiving supplemental security income benefits. This is an increase of nearly 1 million people from December 1992. We have also added about 5 million people to the Medicaid Program since 1992.

Mr. President, here are a couple of more facts to go with the White House data. It has now been 39 months since President Clinton outlined his welfare reform goals to the American people and promised to deliver welfare reform to the Nation's Governors. Instead, he has vetoed authentic welfare reform not once but twice in the past 5 months.

Mr. President, there are important differences between a vision and an optical illusion. The Republicans have outlined their vision for ending the vicious cycle of dependency through restoring the timeless values of work and family life. Meanwhile, the White

House magicians will continue to conjure up a few minor, if not meaningless, figures in an attempt to divert the public's attention from the real facts of welfare reform.

FOREIGN OIL CONSUMED BY THE UNITED STATES? HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 3, the United States imported 7,301,000 barrels of oil each day, 1,184,000 barrels more than the 6,117,000 barrels imported during the same week a year ago.

Americans now rely on foreign oil for 53 percent of their needs, and there are no signs that this upward spriral will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,301,000 barrels a day.

Mr. President, I hope Senators will examine this information in the context of rapidly rising gasoline prices. U.S. reliance on foreign oil has caused us to forsake the use of alternative domestic fuels and allowed for serious declines in domestic crude oil production. In 1970, the United States produced 9,600,000 million barrels per day. Currently, we are producing only 6,500,000 million barrels per day. Thus, more than half of the gasoline consumed in this country comes from foreign sources, and the problem is getting worse.

Where's the leadership from the White House on this critical issue? The President ordered a draw down of the strategic oil reserves. The American people recognize this for what it is—a cynical joke. Of course Congress should cut the Clinton gas tax. We should also cut taxes on domestic alternative fuel sources, and on a host of other taxes Democrats have heaped on the shoulders of hardworking American taxpayers.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, on Friday, February 23, 1996, the U.S. Federal debt broke the $5 trillion sound barrier for the first time in history. The records show that on that day, at the close of business, the debt stood at $5,017,056,630,040.53.

Twenty years earlier, in 1976, the Federal debt stood at $629 billion, after the first 200 years of America's history, including two world wars. The total Federal debt in 1976, I repeat, stood at $629 billion.

Then the big spenders went to work and the compounded interest on the Federal debt really began to take off—and, presto, during the past two decades the Federal debt has soared into the stratosphere, increasing by more than $4 trillion in two decades, from 1976 to 1996.

So, Mr. President, as of the close of business yesterday, Tuesday, May 7, the Federal debt stood—down-to-the-penny—at $5,093,910,014,740.64. On a per capita basis, every man, woman, and child in America owes $19,236.90 as his or her share of that debt.

This enormous debt is a festering, escalating burden on all citizens and especially it is jeopardizing the liberty of our children and grandchildren. As Jefferson once warned, ''to preserve [our] independence, we must not let our leaders load us with perpetual debt. We must make our election between economy and liberty, or profusion and servitude.'' Isn't it about time that Congress heeded the wise words of my hero, Thomas Jefferson, the author of the Declaration of Independence?

MESSAGES FROM THE HOUSE

At 12:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that pursuant to the provisions of section 168(b) of Public Law 102–138, the Speaker appoints the following Members on the part of the House to the British American Interparliamentary Group: Mr. HAMILTON of Indiana, Mr. LANTOS of California, Mr. HASTINGS of Florida, and Mrs. KENNELLY of Connecticut.

The message also announced that pursuant to section 232(c)(2) of Public Law 103–432, the Speaker appoints the following members from private life to the Advisory Board on Welfare Indicators on the part of the House: Ms. Eloise Anderson of California, Mr. Wade F. Horn of Maryland, Mr. Marvin H. Kosters of Virginia, and Mr. Robert Greenstein of the District of Columbia.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2137. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

H.R. 2974. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.

H.R. 2980. An act to amend title 18, United States Code, with respect to stalking.

H.R. 3120. An act to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 150. Concurrent resolution authorizing the use of the Capitol Grounds for an event displaying racing, restored, and customized motor vehicles and transporters.

ENROLLED BILL SIGNED

At 2:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 641. An act to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 3269. An act to amend the Impact Aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property, and for other purposes.

The following measure was read the first and second times by unanimous consent and ordered placed on the calendar:

H.R. 2137. An act to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 8, 1996 he had presented to the President of the United States, the following enrolled bill:

S. 641. An act to amend the Public Health Service Act to revise and extend programs established pursuant to the Ryan White Comprehensive AIDS Resources Emergency Act of 1990.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2484. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2515–AD73); to the Committee on Environment and Public Works.

EC–2485. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD38); to the Committee on Environment and Public Works.

EC–2486. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD61); to the Committee on Environment and Public Works.

EC–2487. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125-AB15); to the Committee on Environment and Public Works.

EC–2488. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD46); to the Committee on Environment and Public Works.

EC–2489. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2125–AD83); to the Committee on Environment and Public Works.

EC–2490. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5452–7); to the Committee on Environment and Public Works.

EC–2491. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Oil Discharge Program; Editorial Revision of Rules; Correction''; to the Committee on Environment and Public Works.

EC–2492. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Approval and Promulgation of State Implementation Plan; Wisconsin; Lithographic Printing SIP Revision''; to the Committee on Environment and Public Works.

EC–2493. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Approval and Promulgation of State Implementation Plan; Illinois'' (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2494. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Approval and Promulgation of State Implementation Plan; Indiana'' (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2495. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Approval and Promulgation of State Implementation Plan; Kentucky: Approval of Revisions to the Kentucky State Implementation Plan'' (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2496. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Approval and Promulgation of State Implementation Plan; Tennessee; Revision to New Source Review, Construction and Operating Permit Requirements for Nashville/Davidson County'' (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2497. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Approval and Promulgation of State Implementation Plan; Pennsylvania-Emission Statement Program'' (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2598. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Designation of Areas for Air Quality Planning Purposes; State of Texas; Correction of the Design Value and Classification for the Beaumont/Port Arthur Ozone Nonattainment Area'' (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2599. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''Pesticide Tolerance for Tribenuron'' (received April 25, 1996); to the Committee on Environment and Public Works.

EC–2500. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled ''The Approval and Promulgation of State Implementation Plan; Wisconsin; Wood Furniture Coating SIP Revision'' (receiving April 25, 1996); to the Committee on Environment and Public Works.

EC–2501. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5446–7); to the Committee on Environment and Public Works.

EC–2502. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5351–1); to the Committee on Environment and Public Works.

EC–2503. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5452–4); to the Committee on Environment and Public Works.

EC–2504. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5358–6); to the Committee on Environment and Public Works.

EC–2505. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5361–1); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2506. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5454–1); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2507. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5450–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2508. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5457–5); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2510. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5454–2); received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2511. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, Transmitting, pursuant to law, the report of a final rule (FRL–5442–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2512. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5434–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2513. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of final rule (FRL–5443–7) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2514. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5441–3) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2515. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5361–9) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2516. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5442–7) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2517. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5405–1) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2518. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5438–4) received on April 25, 1996; to the Committee on Environment and Public Works.

EC–2519. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA65) received on April 25, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2520. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA65) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2521. A communication from the General Counsel of the Department of Transportation, Transmitting, pursuant to law, the report of a final rule (RIN2120–AA65) received on April 24, 1996; to the Committee on Commerce, Science and Transportation.

EC–2522. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA64) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2523. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA64) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2524. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2120–AA64) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2525. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE46) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2526. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE46) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2527. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE47) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2528. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE47) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2529. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AA97) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2530. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2115–AE85) received on April 24, 1996; to the Committee on Commerce, Science, and Transportation.

EC–2531. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a package of thirteen final rules (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–2532. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC23); to the Committee on Commerce, Science, and Transportation.

EC–2533. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC41); to the Committee on Commerce, Science, and Transportation.

EC–2534. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC40); to the Committee on Commerce, Science, and Transportation.

EC–2535. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC39); to the Committee on Commerce, Science, and Transportation.

EC–2536. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC38); to the Committee on Commerce, Science, and Transportation.

EC–2537. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC42); to the Committee on Commerce, Science, and Transportation.

EC–2538. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC46); to the Committee on Commerce, Science, and Transportation.

EC–2539. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AC34); to the Committee on Commerce, Science, and Transportation.

EC–2540. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AF18); to the Committee on Commerce, Science, and Transportation.

EC–2541. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN2105–AF16); to the Committee on Commerce, Science, and Transportation.

EC–2542. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a report of final rules (RIN2120, RIN2115–AF30, RIN2115–AF31, RIN2115–AE46, RIN2115–AE47, RIN2120–AA63, RIN2120–AA64, RIN2120–AA65, RIN2120–AA66, RIN2120–AE87, RIN2115–AA97, RIN2115–AA98) (received April 26, 1996); to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. LUGAR (for himself and Mr. PELL) (by request):

S. 1732. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as ''the Chemical Weapons Convention'' and opened for signature and signed by the United States on January 13, 1993; to the Committee on Foreign Relations.

By Mr. HELMS (for himself, Mr. THURMOND, Mr. BROWN, Mr. GRASSLEY, Mr. LOTT, Mr. DEWINE, and Mr. FAIRCLOTH):

S. 1733. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, and for other purposes; to the Committee on the Judiciary.

By Mr. SPECTER (for himself, Mr. LEVIN, Mr. STEVENS, Mr. NUNN, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, and Mr. KOHL):

S. 1734. A bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes; to the Committee on the Judiciary.

By Mr. PRESSLER (for himself, Mr. BRYAN, Mr. WARNER, Mr. BURNS, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. AKAKA, Mr. JOHNSTON, and Mr. COVERDELL):

S. 1735. A bill to establish the United States Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS:

S. 1736. A bill for the relief of Staff Sergeant Charles Raymond Stewart and Cynthia M. Stewart of Anchorage, Alaska, and their minor son, Jeff Christopher Stewart; to the Committee on the Judiciary.

By Mr. BUMPERS:

S. 1737. A bill to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAMS:

S. 1738. A bill to provide for improved access to and use of the Boundary Water Canoe Area Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself, Mr. ROTH, Mr. GRAMM, Mr. GRASSLEY, Mr. SIMPSON, Mr. PRESSLER, Mr. NICKLES, Mr. BENNETT, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. GREGG, Mr. KEMPTHORNE, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, and Mr. WARNER):

S. 1739. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury; to the Committee on Finance.

By Mr. NICKLES (for himself and Mr. DOLE): S. 1740. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR (for himself and Mr. PELL) (by request):

S. 1732. A bill to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as ''the Chemical Weapons Convention'' and opened for signature and signed by the United States on January 13, 1993; to the Committee on Foreign Relations.

THE CHEMICAL WEAPONS CONVENTION IMPLEMENTATION ACT

Mr. LUGAR. Mr. President, on behalf of Senator PELL and myself, I rise to introduce, by request, the Chemical Weapons Convention Implementation Act.

The Chemical Weapons Convention was signed by the United States on January 13, 1993, and was submitted by President Clinton to the U.S. Senate on November 23, 1993, for its advice and consent to ratification.

The Chemical Weapons Convention has been the subject of numerous hearings by various committees and was reported out of the Committee on Foreign Relations last month. It is now awaiting action by the full Senate.

The Chemical Weapons Convention contains a number of provisions that require implementing legislation to give them effect within the United States. These include: international inspections of U.S. facilities; declarations by U.S. chemical and related industry; and establishment of a national

authority to serve as the liaison between the United States and the international organization established by the Chemical Weapons Convention and the States parties to the convention.

Mr. President, I ask unanimous consent that this Implementation Act that we are introducing at the request of the administration be printed in the RECORD, together with the transmittal letter to the President of the Senate from the Director of the U.S. Arms Control and Disarmament Agency, John D. Holum.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1732

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chemical Weapons Convention Implementation Act of 1995.''

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows—

SEC. 3. CONGRESSIONAL FINDINGS.

The Congress makes the following findings—

(1) Chemical weapons pose a significant threat to the national security of the United States and are a scourge to humankind.

(2) The Chemical Weapons Convention is the best means of ensuring the nonproliferation of chemical weapons and their eventual destruction and forswearing by all nations.

(3) The verification procedures contained in the Chemical Weapons Convention and the faithful adherence of nations to them, including the United States, are crucial to the success of the Convention.

(4) The declarations and inspections required by the Chemical Weapons Convention are essential for the effectiveness of the verification regime.

SEC. 4. CONGRESSIONAL DECLARATIONS.

The Congress makes the following declarations—

(1) It shall be the policy of the United States to cooperate with other States Parties to the Chemical Weapons Convention and to afford the appropriate form of legal assistance to facilitate the implementation of the prohibitions contained in title II of this Act.

(2) It shall be the policy of the United States, during the implementation of its obligations under the Chemical Weapons Convention, to assign the highest priority to ensuring the safety of people and to protecting the environment, and to cooperate as appropriate with other States Parties to the Convention in this regard.

(3) It shall be the policy of the United States to minimize, to the greatest extend practicable, the administrative burden and intrusiveness of measures to implement the Chemical Weapons Convention placed on commercial and other private entities, and to take into account the possible competitive impact of regulatory measures on industry, consistent with the obligations of the United States under the Convention.

SEC. 5. DEFINITIONS.

(a) IN GENERAL.—Except as otherwise provided in this Act, the definitions of the terms used in this Act shall be those contained in the Chemical Weapons Convention. Nothing in paragraphs 2 or 3 of Article II of the Chemical Weapons Convention shall be construed to limit verification activities pursuant to Parts X or XI of the Annex on Implementation and Verification of the Convention.

(b) OTHER DEFINITIONS.—

(1) The term ''Chemical Weapons Convention'' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993.

(2) The term ''national of the United States'' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(3) The term ''United States,'' when used in a geographical sense, includes all places under the jurisdiction or control of the United States, including (A) any of the places within the provisions of section 101(41) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Sec. 1301(41)), (B) any public aircraft or civil aircraft of the United States, as such terms as defined in sections 101(36) and (18) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Secs. 1301(36) and 1301(18)), and (C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C. App. Sec. 1903(b)).

(4) The term ''person,'' except as used in section 201 of this Act and as set forth below, means (A) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity located in the United States; and (B) any legal successor, representative, agent or agency of the foregoing located in the United States. The phrase ''located in the United States'' in the term ''person'' shall not apply to the term ''person'' as used in the phrases ''person located outside the territory'' in sections 203(b) and 302(d) of this Act and ''person located in the territory'' in section 203(b) of this Act.

(5) The term ''Technical Secretariat'' means the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons established by the Chemical Weapons Convention.

SEC. 6. SEVERABILITY.

If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

TITLE I—NATIONAL AUTHORITY

SEC. 101. ESTABLISHMENT.

Pursuant to paragraph 4 of Article VII of the Chemical Weapons Convention, the President or the designee of the President shall establish the ''United States National Authority'' to, *inter alia,* serve as the national focal point for effective liaison with the Organization for the Prohibition of Chemical Weapons and other States Parties to the Convention.

TITLE II—APPLICATION OF CONVENTION PROHIBITIONS TO NATURAL AND LEGAL PERSONS

SEC. 201. CRIMINAL PROVISIONS.

(a) IN GENERAL.—Part I of title 18, United States Code, is amended by—

(1) redesignating chapter 11A relating to child support as chapter 11B; and

(2) inserting after chapter 11 relating to bribery, graft and conflicts of interest the following new chapter:

''CHAPTER 11A—CHEMICAL WEAPONS

''SEC. 227. PENALTIES AND PROHIBITIONS WITH RESPECT TO CHEMICAL WEAPONS.

''(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly develops, produces, otherwise acquires, stockpiles, retains, directly or indirectly transfers, uses, owns or possesses any chemical weapon, or knowingly assists, encourages or induces, in any way, any person to do so, or attempts or conspires to do so, shall be fined under this title or imprisoned for life or any term of years, or both.

''(b) EXCLUSION.—Subsection (a) shall not apply to the retention, ownership or possession of a chemical weapon, that is permitted by the Chemical Weapons Convention pending the weapon's destruction, by any agency or department of the United States. This exclusion shall apply to any person, including members of the Armed Forces of the United States, who is authorized by any agency or department of the United States to retain, own or possess a chemical weapon, unless that person knows or should have known that such retention, ownership or possession is not permitted by the Chemical Weapons Convention.

''(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsection (a) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

''(d) ADDITIONAL PENALTY.—The court shall order that any person convicted of any offense under this section pay to the United States any expenses incurred incident to the seizure, storage, handling, transportation and destruction or other disposition of property seized for the violation of this section.

''SEC. 227A. SEIZURE, FORFEITURE, AND DESTRUCTION.

''(a) SEIZURE.—

''(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the

seizure of any chemical weapon defined in section 227D(2)(A) of this title that is of a type or quantity that under the circumstances is inconsistent with the purposes not prohibited under the Chemical Weapons Convention.

''(2) In exigent circumstances, seizure and destruction of any such chemical weapon described in paragraph (1) may be made by the Attorney General upon probable cause without the necessity for a warrant.

''(b) PROCEDURE FOR FORFEITURE AND DESTRUCTION.—Except as provided in paragraph (2) of subsection (a), property seized pursuant to subsection (a) shall be forfeited to the United States after notice to potential claimants and an opportunity for a hearing. At such a hearing, the government shall bear the burden of persuasion by a preponderance of the evidence. Except as inconsistent herewith, the provisions of chapter 46 of this title relating to civil forfeitures shall extend to a seizure or forfeiture under this section. The Attorney General shall provide for the destruction or other appropriate disposition of any chemical weapon seized and forfeited pursuant to this section.

''(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense against a forfeiture under subsection (b) that—

''(1) such alleged chemical weapon is for a purpose not prohibited under the Chemical Weapons Convention; and

''(2) such alleged chemical weapon is of a type and quantity that under the circumstances is consistent with that purpose.

(d) OTHER SEIZURE, FORFEITURE, AND DESTRUCTION.—

''(1) Except as provided in paragraph (2), the Attorney General may request the issuance, in the same manner as provided for a search warrant, of a warrant authorizing the seizure of any chemical weapon defined in section 227D(2) (B) or (C) of this title that exists by reason of conduct prohibited under section 227 of this title.

''(2) In exigent circumstances, seizure and destruction of any such chemical weapon described in paragraph (1) may be made by the Attorney General upon probable cause without the necessity for a warrant.

''(3) Property seized pursuant to this subsection shall be summarily forfeited to the United States and destroyed.

''(e) ASSISTANCE.—The Attorney General may request assistance from any agency or department in the handling, storage, transportation or destruction of property seized under this section.

''(f) OWNER LIABILITY.—The owner or possessor of any property seized under this section shall be liable to the United States for any expenses incurred incident to the seizure, including any expenses relating to the handling, storage, transportation and destruction or other disposition of the seized property.

''SEC. 227B. INJUNCTIONS.

''(a) IN GENERAL.—The United States may obtain in a civil action an injunction against—

''(1) the conduct prohibited under section 227 of this title;

''(2) the preparation or solicitation to engage in conduct prohibited under section 227 of this title; or

''(3) the development, production, other acquisition, stockpiling, retention, direct or indirect transfer, use, ownership or possession, or the attempted development, production, other acquisition, stockpiling, retention, direct or indirect transfer, use, ownership or possession, of any alleged chemical weapon defined in section 227D(2)(A) of this title that is of a type or quantity that under the circumstances is inconsistent with the purposes not prohibited under the Chemical Weapons Convention, or the assistance to any person to do so.

''(b) AFFIRMATIVE DEFENSE.—It is an affirmative defense against an injunction under subsection (a)(3) that—

''(1) the conduct sought to be enjoined is for a purpose not prohibited under the Chemical Weapons Convention; and

''(2) such alleged chemical weapon is of a type and quantity that under the circumstances is consistent with that purpose.

''SEC. 227C. OTHER PROHIBITIONS.

''(a) IN GENERAL.—Except as provided in subsection (b), whoever knowingly uses riot control agents as a method of warfare, or knowingly assists any person to do so, shall be fined under this title or imprisoned for a term of not more than ten years, or both.

''(b) EXCLUSION.—Subsection (a) shall not apply to members of the Armed Forces of the United States. Members of the Armed Forces of the United States who use riot control agents as a method of warfare shall be subject to appropriate military penalties.

''(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsection (a) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

''SEC. 227D. DEFINITIONS.

''As used in this chapter, the term—

''(1) 'Chemical Weapons Convention' means the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, opened for signature on January 13, 1993;

''(2) 'chemical weapon' means the following, together or separately:

''(A) a toxic chemical and its precursors, except where intended for a purpose not prohibited under the Chemical Weapons Convention, as long as the type and quantity is consistent with such a purpose;

''(B) a munition or device, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munition or device; or

''(C) any equipment specifically designed for use directly in connection with the employment of munitions or devices specified in subparagraph (B);

''(3) 'toxic chemical' means any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals. This includes all such chemicals, regardless of their origin or of their method of production, and regardless of whether they are produced in facilities, in munitions or elsewhere. (For the purpose of implementing the Chemical Weapons Convention, toxic chemicals which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.);

''(4) 'precursor' means any chemical reactant which takes part at any stage in the production by whatever method of a toxic chemical. This includes any key component of a binary or multicomponent chemical system. (For the purpose of implementing the Chemical Weapons Convention, precursors which have been identified for the application of verification measures are listed in Schedules contained in the Annex on Chemicals of the Chemical Weapons Convention.);

''(5) 'key component of a binary or multicomponent chemical system' means the precursor which plays the most important role in determining the toxic properties of the final product and reacts rapidly with other chemicals in the binary or multicomponent system;

''(6) 'purpose not prohibited under the Chemical Weapons Convention' means—

''(A) industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes;

''(B) protective purposes; namely, those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

''(C) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

''(D) law enforcement purposes, including domestic riot control purposes;

''(7) 'national of the United States' has the same meaning given such term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

''(8) 'United States,' when used in a geographical sense, includes all places under the jurisdiction or control of the United States, including (A) any of the places within the provisions of section 101(41) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Sec. 1301(41)), (B) any public aircraft or civil aircraft of the United States, as such terms are defined in sections 101(36) and (18) of the Federal Aviation Act of 1958, as amended (49 U.S.C. App. Secs. 1301(36) and 1301(18)), and (C) any vessel of the United States, as such term is defined in section 3(b) of the Maritime Drug Enforcement Act, as amended (46 U.S.C. App. Sec. 1903(b));

''(9) 'person' means (A) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, any State or any political subdivision thereof, or any political entity within a State, any foreign government or nation or any agency, instrumentality or political subdivision of any such government or nation, or other entity; and (B) any legal successor, representative, agent or agency of the foregoing; and

''(10) 'riot control agent' means any chemical not listed in a Schedule in the Annex on Chemicals of the Chemical Weapons Convention, which can produce rapidly in humans sensory irritation or disabling physical effects which disappear within a short time following termination of exposure.

''Nothing in paragraphs (3) or (4) of this section shall be construed to limit verification activities pursuant to Part X or Part XI of the Annex on Implementation and Verification of the Chemical Weapons Conventions.''

(b) CLERICAL AMENDMENTS.—The table of chapters for part I of title 18, United States Code, is amended by—

(1) in the item for chapter 11A relating to child support, redesignating ''11A'' as ''11B''; and

(2) inserting after the item for chapter 11 of the following new item:

''11A. Chemical weapons ..... 227.''

SEC. 202. EFFECTIVE DATE.

This title shall take effect on the date the Chemical Weapons Convention enters into force for the United States.

SEC. 203. RESTRICTIONS ON SCHEDULED CHEMICALS.

(a) SCHEDULE 1 ACTIVITIES.—It shall be unlawful for any person, or any national of the United States located outside the United States, to produce, acquire, retain, transfer or use a chemical listed on Schedule 1 of the Annex on Chemicals of the Chemical Weapons Convention, unless—

(1) the chemicals are applied to research, medical, pharmaceutical or protective purposes;

(2) the types and quantities of chemicals are strictly limited to those that can be justified for such purposes; and

(3) the amount of such chemicals per person at any given time for such purposes does not exceed a limit to be determined by the United States National Authority, but in any case, does not exceed one metric ton.

(b) EXTRATERRITORIAL ACTS.—

(1) It shall be unlawful for any person, or any national of the United States located outside the United States, to produce, acquire, retain, or use a chemical listed on Schedule 1 of the Annex on Chemicals of the Chemical Weapons Convention outside the territories of the States Parties to the Convention or to transfer such chemicals to any person located outside the territory of the United States, except as provided for in the Convention for transfer to a person located in the territory of another State Party to the Convention.

(2) Beginning three years after the entry into force of the Chemical Weapons Convention, it shall be unlawful for any person, or any national of the United States located outside the United States, to transfer a chemical listed on Schedule 2 of the Annex on Chemicals of the Convention to any person located outside the territory of a State Party to the Convention or to receive such a chemical from any person located outside the territory of a State Party to the Convention.

(c) JURISDICTION.—There is jurisdiction by the United States over the prohibited activity in subsections (a) and (b) if (1) the prohibited activity takes place in the United States or (2) the prohibited activity takes place outside of the United States and is committed by a national of the United States.

TITLE III—REPORTING

SEC. 301. REPORTING OF INFORMATION.

(a) REPORTS.—The Department of Commerce shall promulgate regulations under which each person who produces, processes, consumes, exports or imports, or proposes to produce, process, consume, export or import, a chemical substance subject to the Chemical Weapons Convention shall maintain and permit access to such records and shall submit to the Department of Commerce such reports as the United States National Authority may reasonably require pursuant to the Chemical Weapons Convention. The Department of Commerce shall promulgate regulations pursuant to this title expeditiously, taking into account the written decisions issued by the Organization for the Prohibition of Chemical Weapons, and may amend or change such regulations as necessary.

(b) COORDINATION.—To the extent feasible, the United States National Authority shall not require any reporting that is unnecessary, or duplicative of reporting required under any other Act. Agencies and departments shall coordinate their actions with other agencies and departments to avoid duplication of reporting by the affected persons under this Act or any other Act.

SEC. 302. CONFIDENTIALITY OF INFORMATION.

(a) FREEDOM OF INFORMATION ACT EXEMPTION FOR CERTAIN CHEMICAL WEAPONS CONVENTION INFORMATION.—Any information reported to, or otherwise obtained by, the United States National Authority, the Department of Commerce, or any other agency or department under this Act or under the Chemical Weapons Convention shall not be required to be publicly disclosed pursuant to section 552 of Title 5, United States Code.

(b) PROHIBITED DISCLOSURE AND EXCEPTIONS.—Information exempt from disclosure under subsection (a) shall not be published or disclosed, except that such information—

(1) shall be disclosed or otherwise provided to the Technical Secretariat or other States Parties to the Chemical Weapons Convention in accordance with the Convention, in particular, the provisions of the Annex on the Protection of Confidential Information;

(2) shall be made available to any committee or subcommittee of Congress of appropriate jurisdiction upon the written request of the chairman or ranking minority member of such committee or subcommittee, except that no such committee or subcommittee, or member thereof, shall disclose such information or material;

(3) shall be disclosed to other agencies or departments for law enforcement purposes with regard to this Act or any other Act, and may be disclosed or otherwise provided when relevant in any proceeding under this Act or any other Act, except that disclosure or provision in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding; and

(4) may be disclosed, including in the form of categories of information, if the United States National Authority determines that such disclosure is in the national interest.

(c) NOTICE OF DISCLOSURE.—If the United States National Authority, pursuant to subsection (b)(4), proposes to publish or disclose or otherwise provide information exempted from disclosure in subsection (a), the United States National Authority shall, where appropriate, notify the person who submitted such information of the intent to release such information. Where notice has been provided, the United States National Authority may not release such information until the expiration of 30 days after notice has been provided.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of, or has access to, information the disclosure or other provision of which is prohibited by subsection (a), and who knowing that disclosure or provision of such information is prohibited by such subsection, willfully discloses or otherwise provides the information in any manner to any person, including persons located outside the territory of the United States, not entitled to receive it, shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

(e) INTERNATIONAL INSPECTORS.—The provisions of this section on disclosure or provision of information shall also apply to employees of the Technical Secretariat.

SEC. 303. PROHIBITED ACTS.

It shall be unlawful for any person to fail or refuse to (a) establish or maintain records, (b) submit reports, notices, or other information to the Department of Commerce or the United States National Authority, or (c) permit access to or copying of records, as required by this Act or a regulation thereunder.

TITLE IV—INSPECTIONS

SEC. 401. INSPECTIONS PURSUANT TO ARTICLE VI OF THE CHEMICAL WEAPONS CONVENTION.

(a) AUTHORITY.—For purposes of administering this Act—

(1) any duly designated member of an inspection team of the Technical Secretariat may inspect any plant, plant site, or other facility or location in the United States subject to inspection pursuant to the Chemical Weapons Convention; and

(2) the National Authority shall designate representatives who may accompany members of an inspection team of the Technical Secretariat during the inspection specified in paragraph (1). The number of duly designated representatives shall be kept to the minimum necessary.

(b) NOTICE.—An inspection pursuant to subsection (a) may be made only upon issuance of a written notice to the owner and to the operator, occupant or agent in charge of the premises to be inspected, except that failure to receive a notice shall not be a bar to the conduct of an inspection. The notice shall be submitted to the owner and to the operator, occupant or agent in charge as soon as possible after the United States National Authority receives it from the Technical Secretariat. The notice shall include all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought, including, for challenge inspections pursuant to Article IX of the Chemical Weapons Convention, appropriate evidence or reasons provided by the requesting State Party to the Convention with regard to its concerns about compliance with the Chemical Weapons Convention at the facility or location. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection.

(c) CREDENTIALS.—If the owner, operator, occupant or agent in charge of the premises to be inspected is present, a member of the inspection team of the Technical Secretariat, as well as, if present, the representatives of agencies or departments, shall present appropriate credentials before the inspection is commenced.

(d) TIMEFRAME FOR INSPECTIONS.—Consistent with the provisions of the Chemical Weapons Convention, each inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner. The Department of Commerce shall endeavor to ensure that, to the extent possible, each inspection is commenced, conducted and concluded during ordinary working hours, but no inspection shall be prohibited or otherwise disrupted for commencing, continuing or concluding during other hours. However, nothing in this subsection shall be interpreted as modifying the time frame established in the Chemical Weapons Convention.

(e) SCOPE.—

(1) Except as provided in paragraph (2) of this subsection and subsection (f), an inspection conducted under this title may extend to all things within the premises inspected (including records, files, papers, processes, controls, structures and vehicles) related to whether the requirements of the Chemical Weapons Convention applicable to such premises have been complied with.

(2) To the extent possible consistent with the obligations of the United States pursuant to the Chemical Weapons Convention, no inspection under this title shall extend to—

(A) financial data;

(B) sales and marketing data (other than shipment data);

(C) pricing data;

(D) personnel data;

(E) research data;

(F) patent data;

(G) data maintained for compliance with environmental or occupational health and safety regulations; or

(H) personnel and vehicles entering and personnel and personal passenger vehicles exiting the facility.

(f) FACILITY AGREEMENTS.—

(1) Inspections of plants, plant sites, or other facilities or locations for which the United States has a facility agreement with the Organization for the Prohibition of Chemical Weapons shall be conducted in accordance with the facility agreement.

(2) Facility agreements shall be concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraph 4 of Article VI of the

Chemical Weapons Convention unless the owner and the operator, occupant or agent in charge of the facility and the Technical Secretariat agree that such an agreement is not necessary. Facility agreements should be concluded for plants, plant sites, or other facilities or locations that are subject to inspection pursuant to paragraphs 5 or 6 of Article VI of the Chemical Weapons Convention if so requested by the owner and the operator, occupant or agent in charge of the facility.

(3) The owner and the operator, occupant or agent in charge of a facility shall be notified prior to the development of the agreement relating to that facility and, if they so request, may participate in the preparations for the negotiation of such an agreement. To the extent practicable consistent with the Chemical Weapons Convention, the owner and the operator, occupant or agent in charge of a facility may observe negotiations of the agreement between the United States and the Organization for the Prohibition of Chemical Weapons concerning that facility.

(g) SAMPLING AND SAFETY.—

(1) The Department of Commerce is authorized to require the provision of samples to a member of the inspection team of the Technical Secretariat in accordance with the provisions of the Chemical Weapons Convention. The owner or the operator, occupant or agent in charge of the premises to be inspected shall determine whether the sample shall be taken by representatives of the premises on the inspection team or other individuals present.

(2) In carrying out their activities, members of the inspection team of the Technical Secretariat and representatives of agencies or departments accompanying the inspection team shall observe safety regulations established at the premises to be inspected, including those for protection of controlled environments within a facility and for personal safety.

(h) COORDINATION.—To the extent possible consistent with the obligations of the United States pursuant to the Chemical Weapons Convention, the representatives of the United States National Authority, the Department of Commerce and any other agency or department, if present, shall assist the owner and the operator, occupant or agent in charge of the premises to be inspected in interacting with the members of the inspection team of the Technical Secretariat.

SEC. 402. OTHER INSPECTIONS PURSUANT TO THE CHEMICAL WEAPONS CONVENTION AND LEAD AGENCY.

(a) OTHER INSPECTIONS.—The provisions of this title shall apply, as appropriate, to all other inspections authorized by the Chemical Weapons Convention. For all inspections other than those conducted pursuant to paragraphs 4, 5 or 6 of Article VI of the Convention, the term ''Department of Commerce'' shall be replaced by the term ''Lead Agency'' in section 401.

(b) LEAD AGENCY.—For the purposes of this title, the term ''Lead Agency'' means the agency or department designated by the President or the designee of the President to exercise the functions and powers set forth in the specific provision, based, *inter alia*, on the particular responsibilities of the agency or department within the United States Government and the relationship of the agency or department to the premises to be inspected.

SEC. 403. PROHIBITED ACTS.

It shall be unlawful for any person to fail or refuse to permit entry or inspection, or to disrupt, delay or otherwise impede an inspection as required by this Act or the Chemical Weapons Convention.

SEC. 404. PENALTIES.

(a) CIVIL.—

(1)(A) Any person who violates a provision of section 203 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $50,000 for each such violation.

(B) Any person who violates a provision of section 303 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $5,000 for each such violation.

(C) Any person who violates a provision of section 403 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. For purposes of this subsection, each day such a violation of section 403 continues shall constitute a separate violation of section 403.

(2)(A) A civil penalty for a violation of section 203, 303 or 403 of this Act shall be assessed by the Lead Agency by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Lead Agency shall give written notice to the person to be assessed a civil penalty under such order of the Lead Agency's proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(B) In determining the amount of a civil penalty, the Lead Agency shall take into account the nature, circumstances, extent and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, the existence of an internal compliance program, and such other matters as justice may require.

(C) The Lead Agency may compromise, modify or remit, with or without conditions, and civil penalty which may be imposed under this subsection. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(3) Any person who requested in accordance with paragraph (2)(A) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may be filed only within the 30-day period beginning on the date the order making such assessment was issued.

(4) If any person fails to pay an assessment of a civil penalty—

(A) after the order making the assessment has become a final order and if such person does not file a petition for judicial review of the order in accordance with paragraph (3); or

(B) after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Lead Agency;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in paragraph (3) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount and appropriateness of such penalty shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly violates any provision of section 203, 303 or 403 of this Act, shall, in addition to or in lieu of any civil penalty which may be imposed under subsection (a) for such violation, be fined under title 18, United States Code, imprisoned for not more than two years, or both.

SEC. 405. SPECIFIC ENFORCEMENT.

(a) JURISDICTION.—The district courts of the United States shall have jurisdiction over civil actions to—

(1) restrain any violation of section 203, 303 or 403 of this Act; and

(2) compel the taking of any action required by or under this Act or the Chemical Weapons Convention.

(b) CIVIL ACTIONS.—A civil action described in subsection (a) may be brought—

(1) in the case of a civil action described in subsection (a)(1), in the United States district court for the judicial district wherein any act, omission, or transaction constituting a violation of section 203, 303 or 403 of this Act occurred or wherein the defendant is found or transacts business; or

(2) in the case of a civil action described in subsection (a)(2), in the United States district court for the judicial district wherein the defendant is found or transacts business.

In any such civil action process may be served on a defendant wherever the defendant may reside or may be found, whether the defendant resides or may be found within the United States or elsewhere.

SEC. 406. LEGAL PROCEEDINGS.

(a) WARRANTS.—

(1) The Lead Agency shall seek the consent of the owner or the operator, occupant or agent in charge of the premises to be inspected prior to the initiation of any inspection. Before or after seeking such consent, the Lead Agency may seek a search warrant from any official authorized to issue search warrants. Proceedings regarding the issuance of a search warrant shall be conducted *ex parte*, unless otherwise requested by the Lead Agency. The Lead Agency shall provide to the official authorized to issue search warrants all appropriate information supplied by the Technical Secretariat to the United States National Authority regarding the basis for the selection of the plant site, plant, or other facility or location for the type of inspection sought, including, for challenge inspections pursuant to Article IX of the Chemical Weapons Convention, appropriate evidence or reasons provided by the requesting State Party to the Convention with regard to its concerns about compliance with the Chemical Weapons Convention at the facility or location. The Lead Agency shall also provide any other appropriate information available to it relating to the reasonableness of the selection of the plant, plant site, or other facility or location for the inspection.

(2) The official authorized to issue search warrants shall promptly issue a warrant authorizing the requested inspection upon an affidavit submitted by the Lead Agency showing that—

(A) the Chemical Weapons Convention is in force for the United States;

(B) the plant site, plant, or other facility or location sought to be inspected is subject to the specific type of inspection requested under the Chemical Weapons Convention;

(C) the procedures established under the Chemical Weapons Convention and this Act for initiating an inspection have been complied with; and

(D) the Lead Agency will ensure that the inspection is conducted in a reasonable manner and will not exceed the scope or duration set forth in or authorized by the Chemical Weapons Convention or this Act.

(3) The warrant shall specify the type of inspection authorized; the purpose of the inspection; the type of plant site, plant, or other facility or location to be inspected; to

the extent possible, the items, documents and areas that may be inspected; the earliest commencement and latest concluding dates and times of the inspection; and the identities of the representatives of the Technical Secretariat, if known, and, if applicable, the representatives of agencies or departments.

(b) SUBPOENAS.—In carrying out this Act, the Lead Agency may by subpoena require the attendance and testimony of witnesses and the production of reports, papers, documents, answers to questions and other information that the Lead Agency deems necessary. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In the event of contumacy, failure or refusal of any person to obey any such subpoena, any district court of the United States in which venue is proper shall have jurisdiction to order any such person to comply with such subpoena. Any failure to obey such an order of the court is punishable by the court as a contempt thereof.

(c) INJUNCTIONS AND OTHER ORDERS.—No court shall issue an injunction or other order that would limit the ability of the Technical Secretariat to conduct, or the United States National Authority or the Lead Agency to facilitate, inspections as required or authorized by the Chemical Weapons Convention.

SEC. 407. AUTHORITY.

(a) REGULATIONS.—The Lead Agency may issue such regulations as are necessary to implement and enforce this title and the provisions of the Chemical Weapons Convention, and amend or revise them as necessary.

(b) ENFORCEMENT.—The Lead Agency may designate officers or employees of the agency or department to conduct investigations pursuant to this Act. In conducting such investigations, those officers or employees may, to the extent necessary or appropriate for the enforcement of this Act, or for the imposition of any penalty or liability arising under this Act, exercise such authorities as are conferred upon them by other laws of the United States.

SEC. 408. SAVING PROVISION.

The purpose of this Act is to enable the United States to comply with its obligations under the Chemical Weapons Convention. Accordingly, in addition to the authorities set forth in this Act, the President is authorized to issue such executive orders, directives or regulations as are necessary to fulfill the obligations of the United States under the Chemical Weapons Convention, provided such executive orders, directives or regulations do not exceed the requirements specified in the Chemical Weapons Convention.

U.S. ARMS CONTROL AND
DISARMAMENT AGENCY,
Washington, DC, May 25, 1993.

Hon. ALBERT GORE, Jr.,
President, U.S. Senate.

DEAR MR. PRESIDENT: On behalf of the Administration, I hereby submit for consideration the ''Chemical Weapons Convention Implementation Act of 1995.'' The Chemical Weapons Convention (CWC) was signed by the United States in Paris on January 13, 1993, and was submitted by President Clinton to the United States Senate on November 23, 1993, for its advice and consent to ratification. The CWC prohibits, inter alia, the use, development, production, acquisition, stockpiling, retention, and direct or indirect transfer of chemical weapons.

The President has urged the Senate to provide its advice and consent to ratification as early as possible so that the United States can continue to exercise its leadership role in seeking the earliest possible entry into force of the Convention. The recent chemical attacks in Japan underscore the importance of early ratification of the CWC and approval of this legislation.

The CWC contains a number of provisions that require implementing legislation to give them effect within the United States. These include:

International inspections of U.S. facilities;

Declarations by U.S. chemical and related industry; and

Establishment of a ''National Authority'' to serve as the liaison between the United States and the international organization established by the CWC and States Parties to the Convention.

In addition, the CWC requires the United States to prohibit all individuals and legal entities, such as corporations, within the United States, as well as all individuals outside the United States possessing U.S. citizenship, from engaging in activities that are prohibited under the Convention. As part of this obligation, the CWC requires the United States to enact ''penal'' legislation implementing this prohibition (i.e., legislation that penalizes conduct, either by criminal, administrative, military or other sanctions.)

The proposed ''Chemical Weapons Convention Act of 1995'' reflects views expressed from representatives of industry as well as from staff of various committees.

Expeditious enactment of implementing legislation is very important to the ability of the United States to fulfill its treaty obligations under the Convention. Enactment will enable the United States to collect the required information from industry and to allow the inspections called for in the Convention. It will also enable the United States to outlaw all activities related to chemical weapons, except CWC permitted activities, such as chemical defense programs. This will help fight chemical terrorism by penalizing not just the use, but also the development, production and transfer of chemical weapons. Thus, the enactment of legislation by the United States and other CWC States Parties will make it much easier for law enforcement officials to investigate and punish chemical terrorists early, before chemical weapons are used.

The Omnibus Budget and Reconciliation Act (OBRA) requires that all revenue and direct spending legislation meet a pay-as-you-go requirement. That is, no such bill should result in an increase to the deficit; and if it does, it could trigger a sequester if not fully offset. This proposal would increase receipts by less than $500,000 a year.

As the President indicated in his transmittal letter of the Convention: ''The CWC is in the best interests of the United States. Its provisions will significantly strengthen United States, allied and international security, and enhance global and regional stability.'' Therefore, I urge the Congress to enact the necessary implementing legislation as soon as possible after the Senate has given its advice and consent to ratification.

The Office of Management and Budget advises that there is no objection to the submission of this proposal and its enactment is in accord with the President's program.

Sincerely,

JOHN D. HOLUM.

By Mr. HELMS (for himself, Mr. THURMOND, Mr. BROWN, Mr. GRASSLEY, Mr. LOTT, Mr. DEWINE, and Mr. FAIRCLOTH):

S. 1733. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, and for other purposes; to the Committee on the Judiciary.

THE CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. HELMS. Mr. President, it's difficult to imagine an act more cowardly or reprehensible than a violent criminal act against a child, or an elderly person, or someone who is mentally or physically handicapped. But this dastardly criminality is becoming more and more common is society as a part of the general moral decay which is so painfully apparent in our cities and towns. Therefore, I am introducing a bill to strengthen the penalty for criminals who commit violent Federal crimes against children, the elderly, and those vulnerable due to mental or physical conditions.

Crimes against the vulnerable are soaring. For instance, according to the Bureau of Justice Statistics, personal crimes against the elderly increased by 90 percent between 1985 and 1991—from 627,318 in 1985 to 1,146,929 in 1991. Likewise, the homicide rate for children skyrocketed 47 percent between 1985 and 1993.

These are real victims, Mr. President, not just statistics. Just last month in Durham, NC, two mentally handicapped women were robbed at knife point. Earlier this year in Durham, a disabled Vietnam veteran—partially blind and with limited use of his legs—was robbed after exiting a Greyhound bus. And in my hometown of Raleigh, I recall the reports of a blind, 77-year-old lady who in 1993 was raped in her backyard.

These types of crimes are sick, outrageous, and revolting. Something must be done to make clear that this kind of depravity will be severely punished in the Federal system.

The Federal law must reflect our extreme repulsion against those who would victimize people who cannot defend themselves. This bill stiffens the punishment, by an average of 50 percent, for criminals who prey on the vulnerable in our society by committing violent crimes—including carjacking, assault, rape, and robbery. More specifically, this bill directs the U.S. Sentencing Commission to increase sentences by five levels above the offense level otherwise provided if a Federal violent crime is committed against a child, an elderly person or other vulnerable victim. By vulnerable I mean one whose physical or mental condition makes him susceptible to victimization by the thugs who commit these sorts of crimes.

This bill increases most of these sentences by about 50 percent. For example, a conviction of robbery against a senior or a child currently carries with it a base-offense level of 20, which translates into 2½ to 3½ years in prison. This bill raises the base-offense level to 25, jacking up the prison sentence for robbery to 4½ to 6 years.

Incidentally, Mr. President, a substantially similar bill, introduced by Representative DICK CHRYSLER of Michigan, was passed 414 to 4 last night in the House of Representatives. The

American people are demanding that these loathsome cries against the vulnerable in our society receive the punishment they deserve. This bill moves us in the right direction, and I urge my colleagues in the Senate to move with dispatch to enact this bill.

By Mr. SPECTER (for himself, Mr. LEVIN, Mr. STEVENS, Mr. NUNN, Mr. COHEN, Mr. INOUYE, Mr. JEFFORDS, Mr. LEAHY, and Mr. KOHL):

S. 1734. A bill to prohibit false statements to Congress, to clarify congressional authority to obtain truthful testimony, and for other purposes; to the Committee on the Judiciary.

THE FALSE STATEMENTS PENALTY RESTORATION ACT

Mr. SPECTER. Mr. President, last year the Supreme Court overturned 40 years of statutory interpretation and held that the statute that prohibits making false statements to agencies of the Federal Government only prohibits false statements made to agencies of the executive branch.

There is no reason why Congress should receive less protection than the executive. The cardinal principle at stake is that in dealing with the Government, any agency of the Government, people must, in the words of Justice Holmes, ''cut square corners,'' just as the Government must cut square corners in dealing with its citizens. One who lies to an entity of Government, be it an agency of the executive or a subcommittee of Congress, is under a justifiable expectation that if he or she lies, he or she will be punished.

This is not a difficult issue. For 40 years, Congress received the same protection as the executive. Anyone who lied knowingly and wilfully in a material way to either an executive agency or a component of Congress was subject to prosecution. In its Hubbard decision of last year, the Supreme Court took that protection away from Congress.

Let me offer some examples of the types of lies that can now knowingly be made without fear of criminal sanction. Recently Congress enacted lobbying disclosure. Lobbyists must make more thorough disclosures in filings with Congress. Knowing and material misstatements in these disclosure forms are no longer a basis for criminal prosecution. Many of us asks the General Accounting Office to investigate the operations of executive branch agencies. An employee of an agency being investigated by the GAO can now knowingly lie to a GAO investigator, or indeed a Senator, without having to fear criminal prosecution. Of course, if instead of the GAO the review was being conducted by an agency inspector general, then section 1001 would apply. This distinction cannot be justified.

Congress relies on accurate information to legislate, to oversee, to direct public policy. Unless the information coming to us is accurate, we are unable to fulfill our constitutional functions. This issue is a simple one. When someone provides information to Congress, its members, committees, or offices, that person should not knowingly provide untruthful information. So simple is this principle that I first offered legislation to overturn the Hubbard decision a week after it was decided. Since introduction of my bill, S. 830, I have been working with Senator LEVIN on the language of amended section 1001 and on some other ancillary matters.

The bill Senator LEVIN and I are introducing today will amend section 1001 to restore coverage for misstatements made to both Congress and the Federal judiciary, although it will codify the judiciary created exception to the pre-Hubbard section 1001 to exempt from its coverage statements made to a court performing an adjudicative function. The rational for this exception is that our adversary system relies on unfettered argument and the chilling effect from applying section 1001 to statements to a court adjudicating a case could be significant. In addition, cross-examination and argument from the other side is adequate to reveal misstatements in the judicial context.

No similar legislative-function exemption is proposed for statements made to Congress, and none is needed. Congress does not rely on cross-examination to get at the truth. Instead, we must rely on the truthfulness of statements made to us in the course of the performance of our official duties.

In addition to restoring section 1001 liability for misstatements made to Congress and the courts, this bill would restore force to the prohibition against obstructing congressional proceedings by narrowing the meaning of the provision. This amendment is needed to respond to a decision of the U.S. Court of Appeals for the District of Columbia Circuit which found the current statute too vague to be enforceable.

The bill also clarifies when officials of executive branch agencies can assert a privilege and decline to respond to inquiries from Congress. The bill requires that an employee of an executive agency would have to demonstrate that the head of the agency directed that the privilege be asserted. This will ensure that the assertion of the privilege is reviewed at the highest levels of the agency by someone accountable to the President and ultimately the people. It will also ensure that any privileges that are asserted are governmental privileges and not personal ones.

Finally, the bill would make a minor technical amendment to the statute allowing Congress to seek to take immunized testimony from witnesses by clarifying that the testimony can be taken either at proceedings before a committee or subcommittee or any proceeding ancillary to such proceedings, such as depositions.

Mr. President, I believe this is an important bill that will restore to the law of the land the principle that one cannot knowingly and wilfully lie about a material matter to Congress. I hope my colleagues will support this principle by supporting the bill, which I hope we can enact this year.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1734

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''False Statements Penalty Restoration Act''.

SEC. 2. RESTORING FALSE STATEMENTS PROHIBITION.

Secion 1001 of title 18, United States Code, is amended to read as follows:

''§1001. Statements or entries generally

''(a) PROHIBITED CONDUCT.—

''(1) IN GENERAL.—A person shall be punished under subsection (b) if, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the United States Government, or any department, agency, committee, subcommittee, or office thereof, that person knowingly and willfully—

''(A) falsifies, conceals, or covers up, by any trick, scheme, or device, a material fact;

''(B) makes any materially false, fictitious, or fraudulent statement or representation; or

''(C) makes or uses any false writing or document, knowing that the document contains any materially false, fictitious, or fraudulent statement or entry.

''(2) APPLICABILITY.—This section shall not apply to statements, representations, writings, or documents submitted to a court in connection with the performance of an adjudicative function.

''(b) PENALTIES.—A person who violates this section shall be fined under this title, imprisoned for not more than 5 years, or both.''

SEC. 3. CLARIFYING PROHIBITION ON OBSTRUCTING CONGRESS.

Section 1515 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

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

''(b) As used in section 1505, the term 'corruptly' means acting with an improper purpose, personally or by influencing another, including, but not limited to, making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.''.

SEC. 4. ENFORCING SENATE SUBPOENA.

Section 1365(a) of title 28, United States Code, is amended in the second sentence, by striking ''Federal Government acting within his official capacity'' and inserting ''Executive Branch of the Federal Government acting within his or her official capacity, if the head of the department or agency employing the officer or employee has directed the officer or employee not to comply with the subpena or order and identified the Executive Branch privilege or objection underlying such direction''.

SEC. 5. COMPELLING TRUTHFUL TESTIMONY FROM IMMUNIZED WITNESS.

Section 6005 of title 18, United States Code, is amended—

(1) in subsection (a), by inserting ''or ancillary to'' after ''any proceeding before''; and

(2) in subsection (b)—

(A) in paragraph (1) and (2), by inserting ''or ancillary to'' after ''a proceeding before'' each place it appears; and

(B) in paragraph (3), by inserting a period at the end.

● Mr. LEVIN. Mr. President, I am pleased to join with Senator SPECTER in sponsoring the False Statements Penalty Restoration Act.

Right now, it is a crime to make a false statement to the executive branch, if the false statement is made knowingly and willfully and is material in nature. This prohibition is contained in the Federal criminal code at 18 U.S.C. 1001.

Forty years ago, in 1955, the Supreme Court interpreted section 1001 to prohibit willful, material false statements not only to the executive branch, but also to the judicial and legislative branches. For 40 years, that was the law of the land, and it served this country well. But a recent Supreme Court decision has now drastically diminished the scope of this prohibition.

Last year, in a case called United States versus Hubbard, the Supreme Court reversed itself and 40 years of precedent and determined that 18 U.S.C. 1001 prohibits willful material false statements only to the executive branch, not to the judicial or legislative branch. It based its decision on the wording of the statute which doesn't explicitly reference either the courts or Congress.

The result has been the dismissal of indictments charging individuals with making willful, material false statements on expense reports or financial disclosure forms to Congress and the courts. Another consequence has been the exemption of all financial disclosure statements filed by judges and Members of Congress from criminal enforcement. Parity among the three branches has been reduced, and common sense has been violated, since, logically, the criminal status of a willful, material false statement shouldn't depend upon which branch of the Federal Government received it.

The bill we are introducing today would restore parity by amending section 1001 to make it clear that its prohibition against willful, material false statements applies to all three branches. The bill would essentially restore the status quo prior to Hubbard, including maintaining the longstanding exception for statements made to courts adjudicating disputes to ensure vigorous advocacy in the courtroom.

The false statements prohibition in section 1001 has proven itself a useful weapon against fraud, financial deception and other abuses that affect all three branches of Government. The Supreme Court gave no reason for reducing its usefulness, other than the Court's commitment to relying on the express words of the statute itself. Our bill would change those words to clarify Congress' intent to apply the same prohibition against willful, material false statements to all three branches.

Our bill would also correct a second court decision that has weakened longstanding criminal prohibitions against making false statements to Congress. The 50-year-old statute at issue here is 18 U.S.C. 1505 which prohibits persons from corruptly obstructing a congressional inquiry.

In 1991, in a dramatic departure from other circuits, the D.C. Circuit Court of Appeals held in United States versus Poindexter that the statute's use of the term ''corruptly'' was unconstitutionally vague and failed to provide clear notice that it prohibited an individual's lying to Congress. The Court held that, at most, the statute only prohibited a person from inducing another person to lie or otherwise obstruct a congressional inquiry; it did not prohibit a person from personally lying or obstructing Congress.

No other Federal circuit has taken this approach. In fact, other circuits have interpreted ''corruptly'' to prohibit false or misleading statements not only in section 1505, but in other Federal obstruction statutes as well, including section 1503 which prohibits obstructing a Federal grand jury. These circuits have interpreted the Federal obstruction statutes to prohibit not only false statements, but also withholding, concealing, altering or destroying documents.

The bill we are introducing today would affirm the interpretations of these other circuits by defining ''corruptly'' to mean ''acting with an improper purpose, personally or by influencing another to act, including, but not limited to, making a false or misleading statement, or withholding, concealing, altering, or destroying a document or other information.''

This definition would make it clear that section 1505 is intended to prohibit the obstruction of a congressional inquiry by a person acting alone as well as when inducing another to act. It would make it clear that this prohibition bars a person from making false or misleading statements to Congress and from withholding, concealing, altering or destroying documents requested by Congress.

Our bill would make clear the conduct that section 1505 was always meant to prohibit. It would also ensure that the prohibition against obstructing Congress is given an interpretation that is consistent with the obstruction statutes that apply to the other two branches of government.

Because congressional obstruction prosecutions are more likely within the District of Columbia than other jurisdictions, the 1991 D.C. Circuit Court ruling has had a disproportionate impact on the usefulness of 18 U.S.C. 1505 to Federal prosecutors. As with Hubbard, this court ruling has led to the dismissal of charges and the limitation of prosecutorial options. It is time to restore the strength and usefulness of the congressional obstruction statute as well as its parity with other obstruction statutes protecting the integrity of Federal investigations.

The final two sections of the bill clarify the ability of Congress to compel truthful testimony. Both provisions are taken from a 1988 bill, S. 2350, sponsored by then-Senator Rudman and cosponsored by Senator INOUYE. This bill passed the Senate, but not the House. The problems it addressed, however, continue to exist.

The first problem involves enforcing Senate subpoenas to compel testimony or documents. The Senate currently has explicit statutory authority, under 28 U.S.C. 1365, to obtain court enforcement of subpoenas issued to private individuals and State officials. This enforcement authority does not apply, however, to a Senate subpoena issued to a federal official acting in an official capacity, presumably to keep political disputes between the legislative and executive branches out of the courtroom. The problem here has been to determine when a subpoenaed official is acting in an official capacity when resisting compliance with a Senate subpoena.

The Specter-Levin bill would cure this problem by exempting from enforcement only those situations where Federal officials have been directed by their agency heads to exert a government privilege and resist compliance with the subpoena. Any official resisting a subpoena without direction from his or her agency head would be deemed acting outside his or her official capacity and would be subject to court enforcement.

The second problem involves compelling testimony from individuals who have been given immunity from criminal prosecution by Congress. In the past, some individuals granted immunity have refused to provide testimony in any setting other than a congressional hearing, because the relevant statute, 18 U.S.C. 6005, is limited to appearances ''before'' a committee, while the comparable judicial immunity statute, 18 U.S.C. 6003, applies to appearances ''before or ancillary to'' court and grand jury proceedings.

The bill would reword the congressional immunity statute to parallel the judicial immunity statute, and make it clear that Congress can grant immunity and compel testimony not only in committee hearings, but also in depositions conducted by committee members or committee staff. This provision, like the proceeding one, would improve the Senate's ability to compel truthful testimony and obtain requested documents. It would also bring greater consistency across the government in how immunized witnesses may be questioned. Again, both provisions were passed the Senate by unanimous consent once before.

Provisions to bar false statements and compel truthful testimony have been on the Federal statute books for 40 years or more. Recent court decisions and events have eroded the usefulness of some of these provisions as they apply to the courts and Congress. The bill before you is a bipartisan effort to redress some of the imbalances

that have arisen among the branches in these areas. I urge you to join Senator SPECTER, myself, and our cosponsors in supporting swift passage of this important legislation.●

By Mr. PRESSLER (for himself, Mr. BRYAN, Mr. WARNER, Mr. BURNS, Mr. STEVENS, Mr. HOLLINGS, Mr. INOUYE, Mr. FORD, Mr. KERRY, Mr. BREAUX, Mr. DORGAN, Mr. AKAKA, Mr. COVERDELL, and Mr. JOHNSTON):

S. 1735. A bill to establish the U.S. Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States; to the Committee on Commerce, Science, and Transportation.

THE U.S. TOURISM ORGANIZATION ACT

Mr. PRESSLER. Mr. President, the travel and tourism industry is the second most productive in the world. In the United States, the tourism industry employs more than 6.3 million people—making it the second largest employer in the country.

Unfortunately, the United States is no longer the No. 1 tourist destination. As other nations have recognized the economic potential of tourism, the United States has allowed itself to fall behind. We must reverse this trend.

This week we celebrate National Tourism Week. To commemorate the important contributions of this great industry, I am introducing a bill to stimulate U.S. tourism. I plan to make it a major priority, as chairman of the Committee on Commerce, Science, and Transportation—and as cochair of the Senate Tourism Caucus—and as the Senator from one of the finest tourist destinations on Earth. My bill gives Federal charter to a new U.S. Tourism Organization—a nonprofit, nongovernmental group to promote U.S. tourism, both in this country and abroad.

Mr. President, this organization would be put together entirely through private-sector initiatives. It is designed as a public-private partnership—not an expensive new Government program. My bill would allow the U.S. Tourism Organization to raise funds through the development and sale of a tourism logo or emblem—much as is done today by the U.S. Olympic Committee. In addition, for an annual fee, American businesses could become members of the U.S. Tourism Organization. Membership would allow use of the logo for advertising and promotional efforts. Not only would this boost individual businesses, it also would advance the tourism industry as a whole.

My bill also would implement a national tourism strategy so that the United States can once again be the No. 1 tourist destination in the world. This is of critical importance to places like my home State of South Dakota.

In South Dakota, we depend upon our average tourism revenues of $1.24 billion. In fact, tourism is second only to agriculture as the most lucrative industry in South Dakota.

Ask anyone in Washington and they will tell you I am South Dakota's No. 1 travel agent.

Whether it is Sturgis Motorcycle Rally, where I enjoy riding my Harley Davidson Softtail, a trip to Laura Ingalls Wilder's home in DeSmet, or the Prairie Dog Hunt in Winner—I am always looking for ways to promote South Dakota as a tourist destination.

Incidentally, I was able to ride my Harley in the beautiful Black Hills of South Dakota this weekend. I am leading a group of 600 motorcyclists there in 2 weeks. The Sturgis bike rally is one of the major events in the Nation—South Dakota really is a major tourist destination.

Visitors to my Washington office frequently ask about the beautiful panorama of Mount Rushmore which hangs in my reception area. Set in the heart of the Black Hills National Forest, the memorial is a shrine of American Presidential heroes: George Washington, Father of the Nation; Thomas Jefferson, author of the Declaration of Independence; Theodore Roosevelt, conservationist and trustbuster; and Abraham Lincoln, the great emancipator and preserver of the Union. More than 65 years after its conception, Mount Rushmore is still one of the most powerful symbols of America's democracy.

In my office, I also have a sign letting guests know that the infamous Wall Drug in Wall, SD is only 1,523 miles away. The store survived the Great Depression by serving free ice water to travelers. Today, Wall Drug boasts a restaurant, art gallery, gift shops, and of course, the drug store that started it all. I might add, the ice water is still free.

As part of my more official efforts, I recently wrote to every foreign ambassador in Washington encouraging them to promote South Dakota as a tourist destination. Not long after receiving my letter, the Ambassador from Austria visited South Dakota. I understand he enjoyed his visit very much. Foreign visitors are becoming our fastest growing tourist population. We welcome them.

The bill I am introducing today is designed to make it easier for foreign visitors to plan a trip to South Dakota. Among the many duties of the U.S. Tourist Organization is the development of a national travel and tourism strategy aimed at increasing foreign tourism in the United States.

I want the organization to aim at high technology. Earlier this year we passed the Telecommunications Act of 1996. This new law will unleash whole generations of communications technology. When I introduced the bill that became that law, I said the technology it would spur would benefit a wide variety of industries. This is a prime example. With technologies such as the World Wide Web, information on U.S. tourism can be made available to all corners of the globe.

Austrians could learn about the world-class Shrine to Music Museum in Vermillion. Kenyan safari hunters would be able find out when hunting season is in Redfield—the Pheasant Capital of the world. Dogsledders in the Yukon may want to try out the snowmobile trails of the Black Hills National Forest.

The use of the latest developments in communications technology could promote destinations like the city of Deadwood—one of the fastest growing tourist destinations in South Dakota. Deadwood's Main Street is lined with old-fashioned saloons and gaming halls—inspiring memories of the 1890's gold rush. You can still visit Saloon No. 10 where Wild Bill Hickock was shot—making famous his poker hand of aces and eights, the Deadman's hand.

Other legendary sites in South Dakota also would benefit. Near Garretson, SD lies Devil's Gulch—a deep rocky chasm, made famous by Jesse James. As you stand and look across Devil's Gulch, you can almost imagine Jesse's cry when, being chased by the law, he spurred his horse to leap across the 20-foot wide, 50-foot deep chasm and rode to freedom.

Of course, once the destination is decided, visitors would want to book accommodations, and arrange transportation and tour guides. However, in South Dakota, we have many small businesses which might not have the advertising budgets of the larger tours and resorts.

My bill is designed to promote all U.S. tourism interests—including both large and small business operations. To ensure this, the U.S. Tourism Organization would have a National Tourism Board, with 45 members, each representing a different aspect of the travel and tourism industry—from transportation, to accommodations, from dining and entertainment, to tour guides.

This provision would be particularly helpful to small business owners in South Dakota like Al Johnson who runs the Palmer Gulch Resort near Hill City. Or for Alfred Mueller, owner of Al's Oasis in Chamberlain—the famous home of the buffaloburger.

The U.S. Tourism Organization would partner the Federal Government with the men and women who are the tourism industry. This type of public-private partnership was discussed by South Dakotans like Vince Coyle, of Deadwood, and Julie Jensen, of Rapid City, when they attended the White House conference on tourism. Working together, we can make tourism the new key to this country's economic success.

This is our opportunity to forge ahead. There is no reason the U.S. travel and tourism should be relegated to the backseat any longer. I urge my colleagues to join me in the effort to once again make the United States the top tourist destination in the world.

With that, Mr. President, I send to the desk a bill to establish the U.S. Tourism Organization as a nongovernmental entity for the purpose of promoting tourism in the United States.

Mr. President, I see my colleague, Senator WARNER of Virginia, on the floor.

He is a champion of tourism. He has been a leader in the tourism industry since we came to the Senate together in 1978. I am proud he is joining in this effort to lead the charge to work for this bill's passage. We know that in the Department of Commerce and especially in the Undersecretary for Tourism's office there have been cutbacks. But this provides us with a vehicle to accomplish our goal to promote tourism, a vehicle of using public-private partnership. This is the spirit and the genius of free enterprise in our country. Senator WARNER has been at the forefront of that legislation, and I salute him, and I welcome him to help lead this charge.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD, and I yield the floor to my friend from Virginia.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1735

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Tourism Organization Act''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the travel and tourism industry is the second largest retail or service industry in the United States, and travel and tourism services ranked as the largest United States export in 1995, generating an $18.6 billion trade surplus for the United States;

(2) domestic and international travel and tourism expenditures totaled $433 billion in 1995, $415 billion spent directly within the United States and an additional $18 billion spent by international travelers on United States flag carriers traveling to the United States;

(3) direct travel and tourism receipts make up 6 percent of the United States gross domestic product;

(4) in 1994 the travel and tourism industry was the nation's second largest employer, directly responsible for 6.3 million jobs and indirectly responsible for another 8 million jobs;

(5) employment in major sectors of the travel industry is expected to increase 35 percent by the year 2005;

(6) 99.7 percent of travel businesses are defined by the federal government as small businesses; and

(7) the White House Conference on Travel and Tourism in 1995 brought together 1,700 travel and tourism industry executives from across the nation and called for the establishment, by federal charter, of a new national tourism organization to promote international tourism to all parts of the United States.

SEC. 3. UNITED STATES TOURISM ORGANIZATION.

(a) ESTABLISHMENT.—There is established with a Federal charter, the United States Tourism Organization (hereafter in this Act referred to as the ''Organization''). The Organization shall be a nonprofit organization. The Organization shall maintain its principal offices and national headquarters in the city of Washington, District of Columbia, and may hold its annual and special meetings in such places as the Organization shall determine.

(b) ORGANIZATION NOT A FEDERAL AGENCY.—Notwithstanding any other provision of the law, the Organization shall not be considered a Federal agency for the purposes of civil service laws or any other provision of Federal law governing the operation of Federal agencies, including personnel or budgetary matters relating to Federal agencies. The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Organization or any entities within the Organization.

(c) DUTIES.—The Organization shall—

(1) facilitate the development and use of public-private partnerships for travel and tourism policymaking;

(2) seek to, and work for, an increase in the share of the United States in the global tourism market;

(3) implement the national travel and tourism strategy developed by the National Tourism Board under section 4;

(4) operate travel and tourism promotion programs outside the United States in partnership with the travel and tourism industry in the United States;

(5) establish a travel-tourism data bank and, through that data bank collect and disseminate international market data:

(6) conduct market research necessary for the effective promotion of the travel and tourism market; and

(7) promote United States travel and tourism.

(d) POWERS.—The Organization—

(1) shall have perpetual succession;

(2) shall represent the United States in its relations with international tourism agencies;

(3) may sue and be sued;

(4) may make contracts;

(5) may acquire, hold, and dispose of real and personal property as may be necessary for its corporate purposes;

(6) may accept gifts, legacies, and devices in furtherance of its corporate purposes;

(7) may provide financial assistance to any organization or association, other than a corporation organized for profit, in furtherance of the purpose of the corporation;

(8) may adopt and alter a corporate seal;

(9) may establish and maintain offices for the conduct of the affairs of the Organization;

(10) may publish a newspaper, magazine, or other publication consistent with its corporate purposes;

(11) may do any and all acts and things necessary and proper to carry out the purposes of the Organization; and

(12) may adopt and amend a constitution and bylaws not inconsistent with the laws of the United States or of any State, except that the Organization may amend its constitution only if it—

(A) publishes in its principal publication a general notice of the proposed alteration of the constitution, including the substantive terms of the alteration, the time and place of the Organization's regular meeting at which the alteration is to be decided, and a provision informing interested persons that they may submit materials as authorized in subparagraph (B); and

(B) gives to all interested persons, prior to the adoption of any amendment, an opportunity to submit written data, views, or arguments concerning the proposed amendment for a period of at least 60 days after the date of publication of the notice.

(e) NONPOLITICAL NATURE OF THE ORGANIZATION.—The Organization shall be nonpolitical and shall not promote the candidacy of any person seeking public office.

(f) PROHIBITION AGAINST ISSUANCE OF STOCK OR BUSINESS ACTIVITIES.—The Organization shall have no power to issue capital stock or to engage in business for pecuniary profit or gain.

SEC. 4. NATIONAL TOURISM BOARD.

(a) ESTABLISHMENT.—The Organization shall be governed by a Board of Directors known as the National Tourism Board (hereinafter in this Act referred to as the ''Board'').

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Board shall be composed of 45 members, and shall be self-perpetuating. Initial members shall be appointed as provided in paragraph (2). The Board shall elect a chair from among its members.

(2) FOUNDING MEMBERS.—The founding members of the Board shall be appointed, or elected, as follows:

(A) The Under Secretary of Commerce for International Trade Administration shall serve as a member ex officio.

(B) 5 State Travel Directors elected by the National Council of State Travel Directors.

(C) 5 members elected by the International Association of Convention and Visitor Bureaus.

(D) 3 members elected by the Air Transport Assocation.

(E) 1 member elected by the National Assocation of Recreational Vehicle Parks and Campgrounds; 1 member elected by the Recreation Vehicle Industry Association.

(F) 2 members elected by the International Association of Amusement Parks and Attractions.

(G) 3 members appointed by major companies in the travel payments industry.

(H) 5 members elected by the American Hotel and Motel Association.

(I) 2 members elected by the American Car Rental Association; 1 member elected by the American Automobile Association; 1 member elected by the American Bus Association; 1 member elected by Amtrak.

(J) 1 member elected by the National Tour Association; 1 member elected by the United States Tour Operators Association.

(K) 1 member elected by the Cruise Lines International Association; 1 member elected by the National Restaurant Association; 1 member elected by the National Park Hospitality Association; 1 member elected by the Airports Council International; 1 member elected by the Meeting Planners International; 1 member elected by the American Sightseeing International; 4 members elected by the Travel Industry Association of America.

(3) TERMS.—Terms of Board members and of the Chair shall be determined by the Board and made part of the Organization bylaws.

(c) DUTIES OF THE BOARD.—The Board shall—

(1) develop a national travel and tourism strategy for increasing tourism to and within the United States; and

(2) advise the President, the Congress, and members of the travel and tourism industry concerning the implementation of the national strategy referred to in paragraph (1) and other matters that affect travel and tourism.

(d) AUTHORITY.—The Board is hereby authorized to meet to complete the organization of the Organization by the adoption of a constitution and bylaws, and by doing all things necessary to carry into effect the provisions of this Act.

(e) INITIAL MEETINGS.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall have its first meeting.

(f) MEETINGS.—The Board shall meet at the call of the Chair, but not less frequently than semiannually.

(g) COMPENSATION AND EXPENSES.—The chairman and members of the Board shall

serve without compensation but may be compensated for expenses incurred in carrying out the duties of the Board.

(h) TESTIMONY, REPORTS, AND SUPPORT.—The Board may present testimony to the President, to the Congress, and to the legislatures of the State and issue reports on its findings and recommendations.

SEC. 5. SYMBOLS, EMBLEMS, TRADEMARKS, AND NAMES.

(a) IN GENERAL.—The Organization shall provide for the design of such symbols, emblems, trademarks, and names as may be appropriate and shall take all action necessary to protect and regulate the use of such symbols, emblems, trademark, and names under law.

(b) UNAUTHORIZED USE; CIVIL ACTION.—Any person who, without the consent of the Organization, uses—

(1) the symbol of the Organization;

(2) the emblem of the Organization;

(3) any trademark, trade name, sign, symbol, or insignia falsely representing association with, or authorization by, the Organization; or

(4) the words ''United States Tourism Organization'', or any combination or simulation thereof tending to cause confusion, to cause mistake, to deceive, or to falsely suggest a connection with the Organization or any Organization activity;

for the purpose of trade, to induce the sale of any goods or services, or to promote any exhibition shall be subject to suit in a civil action brought in the appropriate court by the Organization for the remedies provided in the Act of July 5, 1946 (60 Stat. 427; 15 U.S.C. 1501 et seq.), popularly known as the Trademark Act of 1946. Paragraph (4) of this subsection shall not be construed to prohibit any person who, before the date of enactment of this Act, actually used the words ''United States Tourism Organization'' for any lawful purpose from continuing such lawful use for the same purpose and for the same goods and services.

(c) CONTRIBUTORS AND SUPPLIERS.—The Organization may authorize contributors and suppliers of goods and services to use the trade name of the Organization as well as any trademark, symbol, insignia, or emblem of the Organization in advertising that the contributions, goods, or services were donated, supplied, or furnished to or for the use of, approved, selected, or used by the Organization.

(d) EXCLUSIVE RIGHT OF THE ORGANIZATION.—The Organization shall have exclusive right to use the name ''United States Tourism Organization'', the symbol described in subsection (b)(1), the emblem described in subsection (b)(2), and the words ''United States Tourism Organization'', or any combination thereof, subject to the use reserved by the second sentence of subsection (b).

SEC. 6. UNITED STATES GOVERNMENT COOPERATION.

(a) SECRETARY OF STATE.—The Secretary of State shall—

(1) place a high priority on implementing recommendations by the Organization; and

(2) cooperate with the Organization in carrying out its duties.

(b) DIRECTOR OF THE UNITED STATES INFORMATION AGENCY.—The Director of the United States Information Agency shall—

(1) place a high priority on implementing recommendations by the Organization; and

(2) cooperate with the Organization in carrying out its duties.

(c) TRADE PROMOTION COORDINATING COMMITTEE.—Section 2312 of the Export Enhancement Act of 1988 (15 U.S.C. 4727) is amended—

(1) by striking out ''and'' at the end of subsection (c)(4);

(2) by striking the period at the end of subsection (c)(5) and inserting a semicolon and the word ''and'';

(3) by adding at the end thereof the following:

''(6) reflect recommendations by the National Tourism Board established under the United States Tourism Organization Act.'' and

(2) in paragraph (d)(1) by striking ''and'' in subparagraph (L), by redesignating subparagraph (M) as subparagraph (N), and by inserting the following:

''(M) the Chairman of the Board of the United States Tourism Organization, as established under the United States Tourism Organization Act; and''.

SEC. 7. SUNSET.

If, by the date that is 2 years after the date of incorporation of the Organization, a plan for the long-term financing of the Organization has not been implemented, the Organization and the Board shall terminate.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from South Dakota for his kind remarks. Indeed, I had earlier this year, in March, introduced S. 1623, a bill which in many respects has been incorporated, with my concurrence, in the bill that has just been sent to the desk, on which I am a principal cosponsor, as the Senator from South Dakota stated.

The Senator from South Dakota is the chairman of the Commerce Committee, which is the committee of primary jurisdiction for this issue. I think it is most proper that he take the lead, and I am happy to join him. I at this time urge that the 19 cosponsors—I was privileged to get 19 cosponsors on my bill—now direct their attention to this bill which will be the principal focal point for the deliberations in the committee as well as in this Chamber regarding this important subject.

It is very interesting that it is just 20 years ago that I began to take my, should we say, initial course in the importance of tourism. At that time, I was privileged to serve the President of the United States and, indeed, the Congress as the director of the Nation's bicentennial Federal effort. It quickly came to my attention, as it did to all involved in the bicentennial of the United States, that it would be a focal point that would draw visitors from all over the world. Indeed, it did. Millions and millions of people came from all over the world. In the years thereafter, those who could not come during, let us say, the years 1975–76, which was sort of the peak of the centennial—July 4, 1976, was the focal point—came years after because of the goodwill, the interest that was created by that celebration here in the United States.

It was my role to see that each of the States had equal opportunity, each of the villages and towns all across America had an equal opportunity to participate. If I may say, I was proud to, in many respects, keep the Federal effort down so it was not competitive with the creativity that took place all across our great land and also saved the taxpayers' dollars.

I might add that there was a small Federal administration created of which I was the head. We did our job, closed our doors and turned back to the Federal Treasury a considerable portion of the revenue that we had generated primarily through the sale of coins and other items with the national logo affixed thereto.

In the years I have been privileged to serve in the Senate, time and time again—indeed, initiated under Republican Presidents—was the effort to cut back the participation of the United States in facilitating tourism here in the United States with visitors from abroad. I resisted those efforts successfully for a number of years, but now, in this important era of our change of philosophy, namely, to let us move towards less Government and less Government spending, we accept the fact that the Federal Government is going to take a lesser role, and the purpose of this act is to try to pick up some of those responsibilities by the private sector at no cost to the taxpayers.

Therefore, I think it is important that all begin to give greater focus to travel and tourism in our Nation. Tourism means jobs, and that is the single most important thing in America today, in my judgment. As I travel about my State, there is the anxiety over jobs. It is job security that concerns not just the wage earner, or, in many instances, two wage earners in the family, but the whole family right on down to the children.

This is a means to create superb quality jobs at all levels, and it needs our support. Whether it be at the hotels, airlines, restaurants, campgrounds, amusement parks, or things that interest me and always have, the historical sites all across our great land, tourism works, and it works well.

Today marks National Tourist Appreciation Day during National Tourism Week. It is a small tribute to this job-impacted industry, which is the second leading provider of jobs in this Nation—just stop to think, the second leading provider of jobs in this country—and the third largest retail industry, giving the United States a $21 billion trade surplus.

Last year, visitors from abroad brought approximately $80 billion—let me repeat that—last year visitors coming to our United States from all over the world brought $80 billion to the U.S. economy, which is one-fifth of the total $400 billion provided to the economy by the travel and tourism industry.

Mr. PRESSLER. Will my friend yield for a question?

Mr. WARNER. Yes.

Mr. PRESSLER. I again commend my friend from Virginia for his great leadership. I think he found, in getting cosponsors for his original bill, there is bipartisan support for this. And I see our friend, Senator DICK BRYAN, who has done such an outstanding job on tourism and travel matters on his side of the aisle. He also has led the charge on tourism and supports this bill. Is it not true that my friend found great bipartisan support?

Mr. WARNER. Mr. President, very definitely. It is absolutely bipartisan support on this measure, and that is why I am very much encouraged that this bill will be very promptly addressed by the Senate and passed.

I hasten to add that while we got $80 billion last year, it is slipping. The number of persons coming to our shores is going down, going down, in my judgment, because we do not have the adequate funds to project the message beyond our shores—come, come share with us in this magnificent land of ours. And that is the purpose of this bill.

For the past several years, the United States' share of the international travel market has declined. Last year, 2 million fewer foreign visitors came to our shores and to visit our land. That was a 19-percent decline. This translated into 177,000 fewer travel-related jobs in our Nation.

Let us join in this legislation to reverse this decline. We need to attract more international tourists and enhance the travel experience of both domestic and international travelers. The United States must remain the destination of choice for world travelers.

I am pleased to join with my colleague from South Dakota in introducing the United States Tourism Organization Act. The bill builds on the foundation of support in Congress and in the industry established by S. 1623, the measure that I introduced in March, the Travel and Tourism Partnership Act. With the elimination of the U.S. Travel and Tourism Administration—that is the Federal role, which understandably, as Government shrinks, can no longer serve in this purpose—the United States, our Nation, will become the only major developed nation without a Federal tourism office.

We need a national strategy to maintain and increase our share of the global travel market. Other nations pour money, their tax dollars, into marketing, attempting to lure tourists to their shores, and they are doing so in a way that is taking them away from our United States. Our legislation will provide the tools with which the United States can better compete with these nations. We can counter these foreign promotion dollars with a combination of technical assistance from the Federal Government and financial assistance from the private sector.

This legislation will create a true public-private partnership between the travel and tourism industry and the public sector to effectively promote international travel to the United States. It supplants the big Government, top-down bureaucracy which was eliminated with the U.S. Travel and Tourism Administration. This bill establishes a Federal charter for a privately funded, nonprofit organization tasked with facilitating the development of increasing the United States share of the global tourism market. The travel tourism data bank will collect international market data for dissemination to the travel and tourism industry. It is my hope that the final bill will incorporate the technical assistance provisions that we included in S. 1623. The U.S. Tourism Organization will represent the United States in its relations with world tourism, and with other international agencies, and will be governed by the national tourism board.

This bill does not cost the taxpayer a nickel. No Federal funding is associated with the legislation. The bill includes a sunset provision which directs the U.S. Tourism Organization to develop a long-term financing plan within 2 years, encouraging ongoing industry support for its promotion efforts.

Travel industry leaders from around the Nation enthusiastically endorse the plan embodied in this bill. Let me just pause on that. This bill is a direct result of tremendous support all across the tourism industry. So it is a joint effort at the very inception with those of us in the legislative branch and those in the private sector.

The White House Conference on Travel and Tourism supported this amendment. Together, through the collective talent of both the organization and the board of directors, it is my hope that America will once again launch itself into the international tourism market and be a strong competitor, as it has been in years previously, again creating jobs here in our United States.

I encourage all 19 of my colleagues who supported S. 1623, the Travel and Tourism Partnership Act, which I introduced in March, to join in this initiative.

The Senator from South Dakota extolled, quite properly, the virtues of his State. I will not take time here today to extol the virtues of Virginia. But we are proud to be known as the Mother of Presidents. So much of the early history of our Nation, particularly the formation of the Government, devolved upon Virginians, to bring forth the ideas that we cherish today. Indeed, the very manual that rests on the President's desk is derivative of Mr. Jefferson's teachings years ago.

So Virginia will take second place to none. But I think in fairness we are here today to concentrate on this legislation. Indeed, our Governor, with the help of his lovely wife, is spending a great deal of time on the subject of tourism today, recognizing how important it is to the economy of our State. But it is also important that our State be understood all across America, particularly in the educational process, as to how it had a major role in the development of our Government today.

Mr. President, I yield the floor. I commend the distinguished Senator about to speak for his participation in this bill, Senator BRYAN.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. BRYAN. Mr. President, I thank my friend, the distinguished senior Senator from Virginia, Mr. WARNER, and the committee chairman, Senator PRESSLER, Senator HOLLINGS, Senator INOUYE, Senator FORD, Senator KERRY, Senator BREAUX, Senator DORGAN, Senator AKAKA, and Senator JOHNSTON for their leadership in introducing this bill which is the United States Tourism Organization Act.

Let me say, parenthetically, I hail from a State where tourism is far and above our largest single economic industry. It is the mainstream, the main spring for an economy which has grown more rapidly than any economy in America, added more new jobs, enjoys more economic growth and vitality. The southern part of the State, Las Vegas, will soon have 100,000 hotel rooms. That is larger than any city, not only in America, but in the world. And several new properties are on the drawing boards.

So tourism is something we understand in Nevada. From my former capacity as the chief executive of Nevada, I know that we work at the State level to establish the public-private partnership that my colleagues have alluded to earlier this afternoon in their remarks on the floor. So I am delighted to work with them in fashioning this piece of legislation.

Travel and tourism has been one of our country's great success stories. Tourism is the second largest employer in our Nation after health care. It employs, either directly or indirectly, 13 million Americans and has created jobs at more than twice the national average.

Travel and tourism generated $417 billion spending in 1994. International visitor spending accounted for $77 billion in foreign exchange, making it America's largest export.

Tourism generated a $22 billion net surplus in our trade balance. The opportunity that we have is ever so promising because international tourism is the most rapidly growing sector in the tourism market. By the year 2000, 4 years from now, more than 661 million people will be traveling throughout the world. That is twice as many people as traveled just a little more than a decade ago, in 1985.

Unfortunately, even as we look forward to anticipate the good news of expanded international travel, we reflect upon the fact that America's share of the world's tourism market is declining. In 1983, the United States enjoyed almost 19 percent of the world's tourism receipts. That has declined to 15.6 percent this year and is expected to shrink to 13.8 percent by the end of this decade.

The loss in the U.S. share of the world tourism market can be translated into a significant impact on our trade deficit and employment—jobs, as the distinguished Senator from Virginia pointed out. If we were able to keep our world tourism share from shrinking, we would improve our trade balance by $28 billion and increase employment in America by 370,000 persons by the year 2000.

Those are significant numbers by any measure. Very few industries can shape our economy to this extent. Until a few months ago, the Federal Government funded a tourism program effort that ranked 23d in the world in terms of dollars spent, putting the United States behind such countries as Tunisia and Malaysia. While this effort fell far short of what should have been, it was a worthwhile effort that produced tangible effects.

Under the skillful leadership of the Under Secretary of Travel and Tourism, Greg Farmer, USTTA was an effective organization and helped to create a favorable impression of our country to foreign tourists.

Although this bill enjoyed strong bipartisan support in the continuation of the agency for a transitional year, it was supported in the Senate; we had strong bipartisan support of Senator BURNS and Senator MCCONNELL. Unfortunately, in the House the action of the chairman of the House Appropriations Committee killed this minimal effort and left our country without any international tourism promotion, while at the same time our international competitors have impressive international tourism efforts, trying to entice America and other countries' citizens to visit their countries. The United States, as a result of this action, was unilaterally disarmed in the competition for international travel markets.

This was a bad decision, when we consider the great opportunities that we have to encourage visitors to this country this summer. As the distinguished occupant of the chair knows, we have, in an adjacent State to his own, the summer Olympic Games in Atlanta; an opportunity for people from around the world to stay and not only visit the Olympic Games but to see other parts of our country as well.

While the effort to continue the USTTA for the transitional year, as I have indicated, was unsuccessful—and I opposed what I considered a myopic approach—nevertheless, we do have an opportunity to recover. Last October the White House hosted the first ever White House Conference on Travel and Tourism. That conference came up with a series of recommendations from all segments of the tourism industry on how to improve our promotional efforts as a country.

Most significant was the recommendation to establish a public-private partnership for tourism promotion, and it is this legislation that traces its origins to the White House conference, generated by a broad sector of the tourism industry, that we embody in the legislation that we introduce today.

This legislation establishes, by a Federal charter, the U.S. Tourism Organization. The organization shall be nonprofit and shall implement the national travel and tourism strategy, operate travel and tourism promotion outside the United States, establish a travel and tourism data bank to collect and disseminate international market data and to conduct market research for the effective promotion of U.S. tourism.

The organization shall be governed by a board of directors which shall have 45 members and be known as the national tourism board, representing a broad and diverse cross-section of various public and private-sector tourism entities.

The tourism industry strongly supports this legislation. We are counting on them to turn this into a successful organization.

This legislation, incorporating a public-private sector partnership, is a model for how Government, industry, and labor should cooperate in promoting our national efforts. I hope we can swiftly pass this legislation and send it to the President so we can get on with our efforts to encourage more travel and tourism from abroad to the United States.

Mr. STEVENS. Mr. President, I have come to the floor today to speak briefly in support of S. 1735, a bill that will establish an independent U.S. Tourism Organization.

I am supportive, particularly, of the structure of the bill that Senator PRESSLER has put together. I want to commend him and the staff of the Commerce Committee for their hard work. They have fashioned a bill that has gotten strong bipartisan support here in the Senate.

We used the 1950 act that incorporates the U.S. Olympic Committee [USOC] as a model for this bill. That act was greatly expanded upon by the Amateur Sports Act of 1978 [ASA], and the concepts in S. 1735 draw much from the ASA.

The primary goal of the ASA was to create a strong, central authority to serve amateur athletics.

We are now creating a strong, central authority for the tourism industry, which will be called the U.S. Tourism Organization [USTO].

The USTO would have many of the same duties and powers as provided in the Amateur Sports Act for the U.S. Olympic Committee, including the authority to represent the United States internationally with respect to tourism and to adopt a constitution and bylaws. Like the U.S. Olympic Committee, the U.S. Tourism Organization would be required to be nonpolitical.

S. 1735 would specify the founding members of a board of directors for the U.S. Tourism Organization.

As with the ASA, S. 1735 would grant the USTO the authority to design appropriate symbols, emblems, trademarks, and names, and would make it a violation of the Trademark Act of 1946 for any person to use these without the consent of the USTO.

The Olympic Committee's ability to raise funds for its operations is almost entirely related to its exclusive rights under the ASA to Olympic symbols, and we hope the exclusive use of these will work as for the new USTO.

Significantly, as with the U.S. Olympic Committee, no Federal funding is associated with this legislation. This is an industry-funded and industry-directed initiative.

Supporting over 14 million jobs directly and indirectly, the travel and tourism industry is America's second largest employer. It is the third largest retail industry, generating an estimated $430 billion in expenditures. And it is good for State, local, and Federal Government, generating almost $60 billion a year in Federal, State, and local taxes.

Tourism is extremely important to my State of Alaska. Over 1 million people will visit Alaska this year; that's more visitors than there are State residents.

Tourists, both domestic and international, support 22,000 jobs in Alaska and $523 million in payroll. This year, tourists will spend $1.2 billion in my State.

I support this legislation, which would create the foundations of a strong, independent entity to promote travel and tourism in the United States. I urge my colleagues to support this bill.

By Mr. STEVENS:

S. 1736. A bill for the relief of Staff Sergeant Charles Raymond Stewart and Cynthia M. Stewart of Anchorage, Alaska, and their minor son, Jeff Christopher Stewart; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. STEVENS. Mr. President, today I am introducing a private bill for a young Alaskan, Jeff Stewart. Jeff's father, Charles Stewart was a staff sergeant stationed in Germany in 1992. Jeff and his brother were playing when Jeff fell and fractured his hip. Jeff was taken to the Langstuhl Army Hospital's emergency room where an Army physician failed to diagnose his fractured hip. Jeff was sent home for bed rest. Two days later Jeff's mother took Jeff to the Air Force clinic at Ramstein Air Base because Jeff was still in intense pain. At Ramstein, Jeff was seen by an Air Force physician who also failed to diagnose his fractured hip and sent Jeff home for bed rest. Six days later Jeff's parents took him back to Ramstein where an Air Force nurse diagnosed his fractured hip.

Unfortunately, this diagnosis was too late to prevent permanent injury to Jeff. Jeff must now face a painful hip replacement operation every 7 to 10 years for the rest of his life.

My bill will not automatically compensate Jeff and his family; rather, it will allow them to bring suit in a U.S. court as they would have had a right to do if the treatment had occurred in the United States. Nor is this bill meant to infer negligence on the part of the United States or the military doctors that treated Jeff Stewart; rather it will give Jeff and his family the opportunity to explain their case to a judge

who can make the final decision as to whether or not Jeff should be compensated.

By Mr. BUMPERS:

S. 1737. A bill to protect Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River, and the Absaroka-Beartooth Wilderness Area, and for other purposes; to the Committee on Energy and Natural Resources.

THE YELLOWSTONE PROTECTION ACT OF 1996

Mr. BUMPERS. Mr. President, I rise to introduce a bill dealing with a proposed gold, silver, and copper mine to be operated by the Crown Butte Mining Co., a wholly-owned subsidiary of two Canadian companies, 2½ miles north of Yellowstone National Park.

They also propose to construct a 72-acre impoundment area with a dam that would be somewhere between 75 and 100 feet high, which would have a plastic lining on the bottom and some sort of a cap on top to keep oxygen away from the 5.5 million tons of tailings from the mining operation that would go into this impoundment area. The purpose of keeping the oxygen away from it is to keep the waste from turning into sulfuric acid.

The President of the United States flew over this area last summer and promptly thereafter, by Executive order, withdrew 19,100 acres of land in the Gallatin and Custer National Forests in Montana.

The President has the authority to segregate public lands, subject to valid existing rights, and keep that land from being used for mining purposes for a period of 2 years. Then the Secretary of the Interior has the right, pursuant to the Federal Lands Policy Management Act, to withdraw that land for 20 years.

My bill would prevent approximately 24,000 acres of Federal land in the area from being used for mining, subject to valid existing rights. My bill admittedly cannot legally stop Crown Butte from proceeding with the mine, assuming the proposed mine meets all of the environmental requirements. My bill and the President's action before my bill are designed to discourage them and dissuade them from doing it. I hope that Crown Butte, as good corporate citizens, will not force the issue and leave us to wonder whether or not this 5.5 million tons of tailings that they propose to impound there could possibly break loose and pollute Clarks Fork and Soda Butte Creek, which flows right into Yellowstone National Park.

The American Rivers Association has listed, for the last 3 years, the Clarks Fork of the Yellowstone River as the most threatened river in America. The World Heritage Convention, which consists of more than 135 nations that collaborate on what they consider to be sites of international significance, has declared Yellowstone National Park as endangered because of the proposed mine.

All of that does not have to tell us anything. I went to Yellowstone when I was 12 years old—breathtaking. I never forgot any part of it, the geysers, the magnificent waterfalls—all of it. Here is the first national park in America, Yellowstone, a crown jewel. To allow a mining company, in the interest of extracting $500 million to $700 million worth of gold, silver and copper, to threaten to destroy the first national park in America, one of the real crown jewels of the world, not just America, is absolutely unacceptable.

From a purely philosophical standpoint, I am an unrepentant environmentalist. I have not always been, because I never fully understood it until I came to the Senate. But I have come to the conclusion that if something is going to cause a lot of economic dislocation, cost a lot of jobs, and the environmental damage is temporary and can be fully, 100 percent mitigated, there are instances when that might be acceptable. But any time you cannot conclusively show that the environmental damage you are about to do cannot be mitigated, cannot be reversed, that is a no brainer to this Senator. While Crown Butte says that their impoundment area is a state-of-the-art method of impounding these horrible, environmentally devastating tailings from that gold operation, that is a no brainer for us not to do everything we can to stop it.

The American people share many heartfelt values. None is greater than the protection of our environment. Last year, when these savage assaults on the environment were proposed, the American people were vocally opposed and 74 percent of the people said they did not want to turn the clock back on the environment.

So I hope I will attract both Democratic and Republican cosponsors to this bill, because I know the Republicans in the U.S. Senate, for the most part, are environmentalists. I know they share my concerns about the possible ecological disaster that awaits us if we do not do something to stop this mining operation from ever opening its doors so near to Yellowstone.

Mr. President, I ask unanimous consent the bill which I now send to the desk be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1737

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Yellowstone Protection Act of 1996''.

SEC. 2. FINDINGS.

(a) The Congress finds that—

(1) the superlative nature and scenic resources of the Yellowstone area led Congress in 1872 to establish Yellowstone National Park as the world's first national park;

(2) a 20.5 mile segment of the Clarks Fork of the Yellowstone River was designated in 1990 as a component of the National Wild and Scenic Rivers system, the only such designation within the State of Wyoming, in order to preserve and enhance the natural, scenic, and recreational resources of such segment;

(3) the Absaroka-Beartooth National Wilderness Area was designated in 1978 to protect the wilderness and ecological values of certain lands north and east of Yellowstone National Park;

(4) in recognition of its natural resource values and international significance, Yellowstone National Park was designated a World Heritage Site in 1978;

(5) past and ongoing mining practices have degraded the resource values of Henderson Mountain and adjacent lands upstream of Yellowstone National Park, the Absaroka-Beartooth National Wilderness Area and the Clarks Fork of the Yellowstone National Wild and Scenic River, and acid mine pollution and heavy metal contamination caused by such practices have polluted the headwater sources of Soda Butte Creek and the Lamar River, the Clarks Fork of the Yellowstone River and the Stillwater River;

(6) on September 1, 1995 approximately 19,100 acres of federal land upstream of Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth National Wilderness Area were segregated from entry under the general mining laws for a two-year period, in order to protect the watersheds within the drainages of the Clarks Fork of the Yellowstone River, Soda Butte Creek and the Stillwater River and to protect the water quality and fresh water fishery resources within Yellowstone National Park;

(7) because of proposed mineral development upstream of Yellowstone National Park, and other reasons, the World Heritage Committee added Yellowstone National Park to the ''List of World Heritage in Danger'' in December, 1995; and

(8) proposed mining activities in the area present a clear and present danger to the resource values of the area as well as those of Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River and the Absaroka-Beartooth National Wilderness Area, and it is, therefore, in the public interest to protect these lands and rivers from such mining activities.

SEC. 3. PURPOSE.

The purpose of this Act is to make permanent the present temporary segregation of lands upstream of Yellowstone National Park, Absaroka-Beartooth National Wilderness Area and the Clarks Fork of the Yellowstone National Wild and Scenic River from entry under the general mining laws, restrict the use of certain federal lands, and to provide assurance that the exercise of valid existing mineral rights does not threaten the water quality, fisheries and other resource values of this area.

SEC. 4. AREA INCLUDED.

The area affected by this Act shall be comprised of approximately 24,000 acres of lands and interests in lands within the Gallatin and Custer National Forests as generally depicted on the map entitle ''Yellowstone Protection Act of 1996''. The map shall be on file and available for public inspection in the offices of the Chief of the Forest Service, Department of Agriculture, Washington, D.C.

SEC. 5. MINERALS AND MINING.

(a) WITHDRAWAL.—After enactment of this Act, and subject to valid existing rights, the lands segregated from entry under the general mining laws pursuant to the order contained on page 45732 of the Federal Register (September 1, 1995) shall not be:

(1) open to location of mining claims under the general mining laws of the United States;

(2) available for leasing under the mineral leasing and geothermal leasing laws of the United States; and

(3) available for disposal of mineral materials under the Act of July 31, 1947, commonly known as the Material Act of 1947 (30 U.S.C. 601 et seq.).

(b) LIMITATION ON PATENT ISSUANCE.—Subject to valid existing rights, no patents under the general mining laws shall be issued for any claim located in the area described in section 4.

(c) PROHIBITION.—(1) Subject to valid existing rights, no federal lands within the area described in section 4 may be used in connection with any mining related activity, except for reclamation.

(2) Subject to valid existing rights, no federal department or agency shall assist by loan, grant, license or otherwise in the development or construction of cyanide heap- or vat-leach facilities, dams or other impoundment structures for the storage of mine tailing, work camps, power plants, electrical transmission lines, gravel or rock borrow pits or mills within the area described in section 4. However, nothing in this section shall limit reclamation.

(d) RECLAMATION.—Any mining or mining related activities occurring in the area described in section 4 shall be subject to operation and reclamation requirements established by the Secretary of Agriculture, including requirements for reasonable reclamation of disturbed lands to a visual and hydrological condition as close as practical to their premining condition.

(e) MINING CLAIM VALIDITY REVIEWS.—The Secretary of Interior, in consultation with the Secretary of Agriculture, shall complete within three years of the date of enactment of this Act, a review of the validity of all claims under the general mining laws within the area described in section 4. If a claim is determined to be invalid, the claim shall be immediately declared null and void.

(f) PLANS OF OPERATION.—(1) The Secretary of Agriculture shall not approve a plan of operation for mining activities within the area described in section 4 that threatens to pollute groundwater or surface water flowing into Yellowstone National Park, the Clarks Fork of the Yellowstone National Wild and Scenic River or the Absaroka—Beartooth National Wilderness Area.

(2) Prior to granting an order approving a plan of operations for mining activities within the area described in section 4, the Secretary of Agriculture shall transmit the proposed plan of operation to the Secretary of Interior and the Administrator of the Environmental Protection Agency, and the Governors of Montana and Wyoming.

(3) Within 90 days of the date on which the proposed plan of operations is submitted for their review, the Secretary of Interior and the Administrator of the Environmental Protection Agency shall either (1) certify that the proposed plan of operation does not threaten to pollute groundwater or surface water flowing into Yellowstone National park, the Clarks Fork of the Yellowstone National Wild and Scenic River or the Absoraka-Beartooth National Wilderness Area or (2) make recommendations for any actions or conditions that would be necessary to obtain their certification that the proposed plan of operation will not threaten such pollution.

(4) The Secretary of Agriculture shall not approve a plan of operation unless (1) the Secretary of Interior and the Administrator of the Environmental Protection Agency provide the certification under subsection (f)(3) of this section or (2) the plan of operation is modified to adopt the recommendations made by them and (3) any comments submitted by the Governors of Montana and Wyoming are taken into account.

(5) The Secretary of Agriculture shall not approve a plan of operation for any mining activities within the area described in section 4 that requires the perpetual treatment of acid mine pollution of surface or groundwater resources.

(6) Prior to executing a final approval of the plan of operation, the Secretary of Agriculture shall transmit the proposed final plan to the President and Congress. The President and Congress shall have 6 months from the date of submittal to consider and review the final plan of operation, before the Secretary of Agriculture may execute any final approval of such plan.

By Mr. GRAMS:

S. 1738. A bill to provide for improved access to and use of the Boundary Waters Canoe Area Wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

THE BOUNDARY WATERS CANOE AREA WILDERNESS ACCESSIBILITY AND PARTNERSHIP ACT OF 1996

Mr. GRAMS. Mr. President, I rise today to introduce legislation designed to resolve one of the longest and most heartfelt controversies in my home State of Minnesota: the future of the Boundary Waters Canoe Area Wilderness.

In 1978, 1 million acres in northern Minnesota were designated by Congress as our Nation's only lakeland-based Federal wilderness area.

This area was named the Boundary Waters Canoe Area Wilderness, or BWCAW.

Through this Federal designation, Congress rightfully acknowledged the need to protect the tremendous ecological and recreational resources existing within the BWCAW.

At the same time, however, Congress recognized that it was to be a multiple-use wilderness area, as first envisioned by Senator Hubert Humphrey back in 1964.

When Senator Humphrey included the region now known as the boundary waters in the National Wilderness System, he made that commitment to the people of Minnesota when he said ''The Wilderness bill will not ban motorboats.''

Respected preservationist Sigurd F. Olson reiterated Senator Humphrey's pledge, saying ''Nothing in this act shall preclude the continuance within the area of already established use of motorboats.''

In fact, it is safe to say that without those commitments to the people of Minnesota, it is doubtful whether this region would be a wilderness area today.

The 1978 legislation creating the boundary waters also included commitments allowing motorized uses of select lakes and portages.

Minnesotans were to be given reasonable access to recreation in the boundary waters. The region would be preserved as a national treasure that could be enjoyed by everyone.

But as time passed, those commitments were forgotten in Washington.

Since 1978, the people of northern Minnesota have been subjected to ever-increasing U.S. Forest Service regulations in the boundary waters.

Many in the area have seen their customs, cultures and traditions uprooted by federal regulations which have shut them out of the land they call home.

Definition changes and unreasonable permit restrictions are just a few of the administrative changes that have twisted the original intent of the boundary waters legislation, making the area less accessible for the people who live there.

This 18-year history of broken promises and creeping encroachment by the Federal Government has led to a region of our State being overtaken by Washington bureaucrats, their rules and regulations, and restrictions on public access and input.

It has turned the original boundary waters law on its head and prevented many of us from enjoying the same natural resources our mothers and fathers cared for over the years.

Enough is enough.

It is time to return to the original intent of the boundary waters legislation, to give the public access to the natural resources which surround them, and to give Minnesotans a say in how their land is managed. My legislation will do just that.

The Boundary Waters Canoe Area Wilderness Accessibility and Partnership Act is designed to achieve these goals with several modest, commonsense reforms.

First, it will allow the reinstatement of three motorized portages to assist in transporting boats between five lakes in the boundary waters region.

Prior to their closing in 1993, these portages were essential in transporting many of the elderly and disabled between motorized lakes in the BWCAW.

Because of the successful efforts of environmental extremists to close down the portages, these Minnesotans have found themselves unfairly shut out from the boundary waters because of their age or disability. Under my legislation, such discrimination will no longer be tolerated.

By reopening the portages, my bill will ensure that the boundary waters will be there for the enjoyment of all who visit, not just the young and strong.

Second, it will create a new Planning and Management Council charged with developing and monitoring a comprehensive management plan. This management council will consist of 11 members appointed by the Secretary of Agriculture and will include representatives from Federal, State, local, and tribal governments.

The management council will be authorized to create advisory councils made up of individuals representing civic, business, conservation, sportsperson, and citizen organizations.

All council meetings will be open to the public, who will be given opportunities to provide comment on agenda items. Minutes will be recorded at all meetings and made available for public inspection.

Under my legislation, public input will no longer be ignored—in fact, it will be encouraged as part of the management process.

Finally, my legislation will prohibit the Forest Service from issuing any additional regulations regarding the BWCAW between enactment of the bill and final approval of the management plan, except in cases of routine administration, law enforcement need, and emergencies.

All in all, the bill I introduce today is a modest and reasonable attempt to give back to the people one of their most basic rights: the freedom to enjoy our natural resources responsibly.

It comes as the result of two public field hearings in Minnesota, 9 hours of public testimony from 32 witnesses from Minnesota, and pages of documents, data, and public feedback.

It will increase public input and participation in the management of the boundary waters, creating a partnership between the Government and the people of Minnesota. And it will ensure the protection of this national treasure for generations to come.

This legislation has been a long time coming. For nearly 20 years, the people of Minnesota have waited patiently for the Federal Government to act on their behalf. They should not have to wait any longer. We must move expeditiously to ensure that their rights—as prescribed within this measure—are no longer held hostage by overzealous regulators and administrators from Washington.

The people of northern Minnesota deserve to finally have their voices heard in the Halls of Congress. Today, we take that first step.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1738

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Boundary Waters Canoe Area Wilderness Accessibility and Partnership Act of 1996''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Boundary Waters Canoe Area Wilderness, located amidst the scenic splendor of the Minnesota-Ontario border, is and always will be a unique lakeland-based Federal wilderness unit that serves as 1 of the Nation's great natural ecosystems;

(2) the Boundary Waters Canoe Area Wilderness is a special wilderness area dedicated to appropriate public access and use through recognized motorized and nonmotorized recreational activities under protections and commitments in the Wilderness Act (16 U.S.C. 1131 et seq.) and Public Law 95–495 (92 Stat. 1649);

(3) intergovernmental cooperation that respects and emphasizes the role of State, local, and tribal governments in land management decisionmaking processes is essential to optimize the preservation and development of social, historical, cultural, and recreational resources; and

(4) the national interest is served by—

(A) improving the management and protection of the Boundary Waters Canoe Area Wilderness;

(B) allowing Federal, State, local, and tribal governments to engage in an innovative management partnership in Federal land management decisionmaking processes; and

(C) ensuring adequate public access, enjoyment, and use of the Boundary Waters Canoe Area Wilderness through nonmotorized and limited motorized means.

SEC. 3. MANAGEMENT CHANGES.

(a) USE OF MOTORBOATS.—

(1) LAC LA CROIX.—Section 4(c)(1) of Public Law 95–495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended by inserting ''Lac La Croix, Saint Louis County;'' after ''Saint Louis County;''.

(2) BASSWOOD, BIRCH, AND SAGANAGA LAKES.—Section 4(c) of Public Law 95–495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended—

(A) in paragraph (1)—

(i) by striking ''except that portion generally'' and all that follows through ''Washington Island'' and inserting ''Lake County; Birch, Lake County''; and

(ii) by striking '', except for that portion west of American Point''; and

(B) by striking paragraph (4).

(3) SEA GULL LAKE.—Section 4(c) of Public Law 95–495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended—

(A) in paragraph (2), by striking ''that portion generally east of Threemile Island,''; and

(B) in paragraph (3), by striking ''Sea Gull, Cook County, that portion generally west of Threemile Island, until January 1, 1999;''.

(b) DEFINITION OF GUEST.—The second proviso of section 4(f) of Public Law 95–495 (92 Stat. 1651; 16 U.S.C. 1132 note) is amended—

(1) by inserting ''day and overnight'' after ''lake homeowners and their'';

(2) by inserting ''who buy or rent goods and services'' after ''resort owners and their guests''; and

(3) by inserting ''or chain of lakes'' after ''shall have access to that particular lake''.

(c) MOTORIZED PORTAGES.—Section 4 of Public Law 95–495 (92 Stat. 1651; 16 U.S.C. 1132 note) is amended by striking subsection (g) and inserting the following:

''(g) MOTORIZED PORTAGES.—Nothing in this Act shall prevent the operation of motorized vehicles and associated equipment to assist in the transport of a boat across the portages from the Moose Lake chain to Basswood Lake, from Fall Lake to Basswood Lake, and from Lake Vermilion to Trout Lake.''.

SEC. 4. PLANNING AND MANAGEMENT COUNCIL.

Section 4 of Public Law 95–495 (92 Stat. 1650; 16 U.S.C. 1132 note) is amended by adding at the end the following:

''(j) PLANNING AND MANAGEMENT COUNCIL.—

''(1) ESTABLISHMENT.—There is established the Boundary Waters Canoe Area Wilderness Intergovernmental Council (referred to in this Act as the 'Council').

''(2) DUTIES OF THE COUNCIL.—The Council shall develop and monitor a comprehensive management plan for the wilderness in accordance with section 20.

''(3) MEMBERSHIP.—The Council shall be composed of 11 members, appointed by the Secretary, of whom—

''(A) 1 member shall be the Under Secretary for Natural Resources and Environment of the Department of Agriculture, or a designee;

''(B) 3 members shall be appointed, from recommendations by the Governor of Minnesota, to represent the Department of Natural Resources, the Office of Tourism, and the Environmental Quality Board, of the State of Minnesota;

''(C) 1 member shall be a commissioner from each of the counties of Lake, Cook, and Saint Louis from recommendations by each of the county board of commissioners;

''(D) 1 member shall be an elected official from the Northern Counties Land-Use Coordinating Board from recommendations by the Board;

''(E) 1 member shall be the State senator who represents the legislative district that contains a portion of the wilderness;

''(F) 1 member shall be the State representative who represents the legislative district that contains a portion of the wilderness; and

''(G) 1 member shall be an elected official of the Native American community to represent the 1854 Treaty Authority, from recommendations of the Authority.

''(4) ADVISORY COUNCILS.—

''(A) IN GENERAL.—The Council may establish 1 or more advisory councils for consultation, including councils consisting of members of conservation, sportsperson, business, professional, civic, and citizen organizations.

''(B) FUNDING.—An advisory council established under subparagraph (A) may not receive any amounts made available to carry out this Act.

''(5) QUORUM.—A majority of the members of the Council shall constitute a quorum.

''(6) CHAIRPERSON.—

''(A) ELECTION.—The members of the Council shall elect a chairperson of the Council from among the members of the Council.

''(B) TERMS.—The chairperson shall serve not more than 2 terms of 2 years each.

''(7) MEETINGS.—The Council shall meet at the call of the chairperson or a majority of the members of the Council.

''(8) STAFF AND SERVICES.—

''(A) STAFF OF THE COUNCIL.—The Council may appoint and fix the compensation of such staff as the Council considers necessary to carry out this Act.

''(B) PROCUREMENT OF TEMPORARY SERVICES.—The Council may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

''(C) ADMINISTRATIVE SUPPORT SERVICES.—The Administrator of General Services shall provide to the Council, on a reimbursable basis, such administrative support services as the Council requests.

''(D) PROVISION BY THE SECRETARY.—On a request by the Council, the Secretary shall provide personnel, information, and services to the Council to carry out this Act.

''(E) PROVISION BY OTHER FEDERAL DEPARTMENTS AND AGENCIES.—A Federal agency shall provide to the Council, on a reimbursable basis, such information and services as the Council requests.

''(F) PROVISION BY THE GOVERNOR.—The Governor of Minnesota may provide to the Council, on a reimbursable basis, such personnel and information as the Council may request.

''(G) SUBPOENAS.—The Council may not issue a subpoena nor exercise any subpoena authority.

''(9) PROCEDURAL MATTERS.—

''(A) GUIDELINES FOR CONDUCT OF BUSINESS.—The following guidelines apply with respect to the conduct of business at meetings of the Council:

''(i) OPEN MEETINGS.—Each meeting shall be open to the public.

''(ii) PUBLIC NOTICE.—Timely public notice of each meeting, including the time, place, and agenda of the meeting, shall be published in local newspapers and such notice may be given by such other means as will result in wide publicity.

''(iii) PUBLIC PARTICIPATION.—Interested persons shall be permitted to give oral or written statements regarding the matters on the agenda at meetings.

''(iv) MINUTES.—Minutes of each meeting shall be kept and shall contain a record of the persons present, an accurate description of all proceedings and matters discussed and conclusions reached, and copies of all statements filed.

''(v) PUBLIC INSPECTION OF RECORD.—The administrative record, including minutes required under clause (iv), of each meeting, and records or other documents that were made available to or prepared for or by the Council incident to the meeting, shall be available for public inspection and copying at a single location.

''(B) NEW INFORMATION.—At any time when the Council determines it appropriate to consider new information from a Federal or State agency or from a Council advisory body, the Council shall give full consideration to new information offered at that time by interested members of the public. Interested parties shall have a reasonable opportunity to respond to new data or information before the Council takes final action on management measures.

''(10) COMPENSATION.—

''(A) IN GENERAL.—A member of the Council who is not an officer or employee of the Federal government shall serve without pay.

''(B) TRAVEL EXPENSES.—While away from the home or regular place of business of the member in the performance of services for the Council, a member of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Federal Government service are allowed expenses under section 5703 of title 5, United States Code.

''(11) FUNDING.—Of amounts appropriated to the Forest Service for a fiscal year, the Secretary shall make available such amounts as the Council shall request, not to exceed $150,000 for the fiscal year.

''(12) TERMINATION OF COUNCIL.—The Council shall terminate on the date that is 10 years after the date of enactment of this subsection.''.

SEC. 5. MANAGEMENT PLAN.

Section 20 of Public Law 95–495 (92 Stat. 1659; 16 U.S.C. 1132 note) is amended to read as follows:

''SEC. 20. MANAGEMENT PLAN.

''(a) SCHEDULE.—

''(1) IN GENERAL.—Not later than 3 years after the date of enactment of this subsection, the Council shall submit to the Secretary and the Governor of Minnesota a comprehensive management plan (referred to in this section as the 'plan') for the Boundary Waters Canoe Area Wilderness, to be developed and implemented by the responsible Federal agencies, the State of Minnesota, and local political subdivisions.

''(2) PRELIMINARY REPORT.—Not later than 1 year after the date of the first meeting of the Council, the Council shall submit a preliminary report to the Secretary describing the process to be used to develop the plan.

''(b) DEVELOPMENT OF PLAN.—

''(1) IN GENERAL.—In developing the plan, the Council shall examine all relevant issues, including—

''(A) year-round visitation consistent with the use levels established under this Act, including—

''(i) reform and simplification of the current day use and overnight use permit system;

''(ii) resolving discrepancies between actual permit use and absences; and

''(iii) defining the need for special permit policies for commercial uses;

''(B) the appropriate distribution of visitors in the wilderness; and

''(C) a comprehensive visitor education program.

''(2) CONDITIONS.—In carrying out subparagraphs (A) through (C) of paragraph (1), the Council shall—

''(A) be subject to relevant environmental law;

''(B) consult on a regular basis with appropriate officials of each Federal or State agency or local government that has jurisdiction over land or water in the wilderness;

''(C) consult with interested conservation, sportsperson, business, professional, civic, and citizen organizations; and

''(D) conduct public meetings at appropriate places to provide interested persons the opportunity to comment on matters to be addressed by the plan.

''(3) PROHIBITED CONSIDERATIONS.—The Council may not consider—

''(A) removing wilderness designation;

''(B) allowing mining, logging, or commercial or residential development; or

''(C) allowing new types of motorized uses in the wilderness, except as provided in this Act.

''(c) APPROVAL OF PLAN.—

''(1) SUBMISSION TO SECRETARY AND GOVERNOR.—The Council shall submit the plan to the Secretary and the Governor of Minnesota for review.

''(2) APPROVAL OR DISAPPROVAL BY THE SECRETARY.—

''(A) REVIEW BY THE GOVERNOR.—The Governor may comment on the plan not later than 60 days after receipt of the plan from the Council.

''(B) SECRETARY.—

''(i) IN GENERAL.—The Secretary shall approve or disapprove the plan not later than 90 days after receipt of the plan from the Council.

''(ii) CRITERIA FOR REVIEW.—In reviewing the plan, the Secretary shall consider—

''(I) the adequacy of public participation;

''(II) assurances of plan implementation from State and local officials in Minnesota;

''(III) the adequacy of regulatory and financial tools that are in place to implement the plan;

''(IV) provisions of the plan for continuing oversight by the Council of implementation of the plan; and

''(V) the consistency of the plan with Federal law.

''(iii) NOTIFICATION OF DISAPPROVAL.—If the Secretary disapproves the plan, the Secretary shall, not later than 30 days after the date of disapproval, notify the Council in writing of the reasons for the disapproval and provide recommendations for revision of the plan.

''(C) REVISION AND RESUBMISSION.—Not later than 60 days after receipt of a notice of disapproval under subparagraph (B) or (D), the Council shall revise and resubmit the plan to the Secretary for review.

''(D) APPROVAL OR DISAPPROVAL OF REVISION.—The Secretary shall approve or disapprove a plan submitted under subparagraph (C) not later than 30 days after receipt of the plan from the Council.

''(d) REVIEW AND MODIFICATION OF IMPLEMENTATION OF PLAN.—The Council—

''(1) shall review and monitor the implementation of the plan; and

''(2) may, after providing for public comment and after approval by the Secretary, modify the plan, if the Council and the Secretary determine that the modification is necessary to carry out this Act.

''(e) INTERIM PROGRAM.—Before the approval of the plan, the Council shall advise and cooperate with appropriate Federal, State, local, and tribal governmental entities to minimize adverse impacts on the values described in section 2.

''(f) FOREST SERVICE REGULATIONS.—During the period beginning on the date of enactment of this subsection and ending on the date a management plan is approved by the Secretary under subsection (c)(2), the Secretary may not issue any regulation that relates to the Boundary Waters Canoe Area Wilderness, except for—

''(1) regulations required for routine business, such as issuing permits, visitor education, maintenance, and law enforcement; and

''(2) emergency regulations.

''(g) STATE AND LOCAL JURISDICTION.—Nothing in this Act diminishes, enlarges, or modifies any right of the State of Minnesota or any political subdivision of the State to—

''(1) exercise civil and criminal jurisdiction;

''(2) carry out State fish and wildlife laws in the wilderness; or

''(3) tax persons, corporations, franchises, or private property on land and water included in the wilderness.''.

By Mr. DOLE (for himself, Mr. ROTH, Mr. GRAMM, Mr. GRASSLEY, Mr. SIMPSON, Mr. PRESSLER, Mr. NICKLES, Mr. BENNETT, Mr. BOND, Mr. FAIRCLOTH, Mr. GRAMS, Mr. GREGG, Mr. KEMPTHORNE, Mr. KYL, Mr. LOTT, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THURMOND, and Mr. WARNER):

S. 1739. A bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury; to the Committee on Finance.

GAS TAX REPEAL LEGISLATION

Mr. DOLE. Mr. President, I rise today to introduce a bill that repeals the 4.3-cent gas tax increase imposed by President Clinton in his 1993 tax bill—a $265 billion increase—the largest in history.

I am confident that this legislation would pass immediately, and by a wide margin, if my Democratic colleagues would remove their objection to a vote.

As we all know, gas prices are at their highest level since the gulf war. This bill will provide much-needed tax relief to American travelers. I am happy to be joined by more than 20 of my colleagues who are cosponsoring this legislation to repeal the gas tax hike.

The 1993 tax increase raised fuel taxes on all modes of transportation by 4.3 cents per gallon. This tax increase was not dedicated to the highway trust fund to maintain and to improve our Nation's highways, roads, and bridges. Rather it was used to fund a larger and more pervasive Federal Government.

President Clinton and his Democratic colleagues would rather tax more and spend more than cut wasteful government spending. In 1993, they raised income, estate, and Social Security taxes. This $265 billion tax increase passed without a single Republican vote in either the House or the Senate.

And their taxes particularly hurt working Americans, making it harder for them to make ends meet. As we repeal the gas tax hike, 60 percent of the

tax relief would go to Americans making less than $50,000 a year—almost half of the total relief would be for families making less than $40,000 a year.

These drivers probably didn't feel rich when the President increased their taxes in 1993, but they will certainly be better off when we repeal the tax hike.

I also would note that if the President had his way, gas prices would be rising yet again—by another 2.5 cents per gallon tax that would have begun on July 1, 1996—the last installment of a 7.5-cent-per-gallon tax that was part of his overall energy tax increase proposal. Republicans fought against that increase and this bill will remove the last vestige of the 1993 gas tax increase.

This legislation does not increase the budget deficit. It is paid for by reductions in the Department of Energy administrative overhead account, which includes the Secretary's travel budget. These Energy Department cost savings were proposed by the President in his latest budget. The bill also calls for a limited auction of Federal communications spectrum. Together, these offsets raise the $2.9 billion necessary to fund the repeal through 1996. I will work for a long-term repeal in the context of our efforts to eliminate the Federal budget deficit.

Repealing the 1993 gas tax is the fastest and surest way to lower gas prices. It will provide immediate relief—especially to American families who drive to their summer vacations.

The bill provides for an immediate tax credit for service station owners and others that purchase gas for resale to customers. This way they can pass the savings on to their customers as they have told us they will.

I urge my colleagues to support this effort.

Mr. President, I ask unanimous consent that the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1739

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

SECTION 1. PURPOSE.

The purpose of this Act is to repeal the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993 and dedicated to the general fund of the Treasury.

SEC. 2. REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax repeal date'' means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made).

(2) GASOLINE AND DIESEL FUEL.—The terms ''gasoline'' and ''diesel fuel'' have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term ''aviation fuel'' has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the

phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to customer accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation of 1993 to determine whether there has been a passthrough of such repeal.

(B) REPORT.—Not later than January 31, 1997, the Comptroller General of the United States shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''APPROPRIATIONS''; and

(2) by adding at the end the following:

''(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

''(1) $104,000,000 for fiscal year 1997;

''(2) $104,000,000 for fiscal year 1998;

''(3) $100,000,000 for fiscal year 1999;

''(4) $90,000,000 for fiscal year 2000;

''(5) $90,000,000 for fiscal year 2001; and

''(6) $90,000,000,000 for fiscal year 2002.''.

SPECTRUM AUCTION

SEC. . SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—the Federal communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.—The Federal Communication Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

TECHNICAL EXPLANATION OF S. 1739

1. Repeal of Transportation Motor Fuels Excise Tax

PRESENT LAW

The Omnibus Budget Reconciliation Act of 1993 imposed a permanent 4.3-cents-per-gallon excise tax on transportation motor fuels. Revenues from this tax are retained in the General Fund of the Treasury. This excise tax applies to fuels used in all transportation sectors: highway, aviation, rail, inland waterway shipping, and recreational boating. All fuels used in those transportation sectors (gasoline, diesel fuel, special motor fuels, compressed natural gas, jet fuel, and barge fuel) are subject to tax.

Statutorily, the 4.3-cents-per-gallon transportation motor fuels excise tax is imposed as an additional component of the rates of other motor fuels excise taxes.[1] Those other excise taxes typically are imposed as a financing source for Federal environmental and public works programs administered through Federal trust funds. The other excise taxes have scheduled expiration dates, which generally coincide with expiration of authorizing legislation for those Federal programs.

EXPLANATION OF PROVISION

The bill would repeal the 4.3-cents-per-gallon General Fund transportation motor fuels excise tax on fuel used in all transportation sectors currently subject to the tax during the period beginning seven days after enactment and ending after December 31, 1996. Statutorily this is accomplished by reducing the aggregate tax rate that otherwise would be imposed by 4.3 cents per gallon, or removing the denial of an exemption. The bill does not affect any of the motor fuels excise taxes that are dedicated funding sources for Federal environmental or public works trust fund programs.

Because the 4.3-cents-per-gallon transportation motor fuels excise tax (along with other applicable excise taxes on the same motor fuels) is imposed on certain motor fuels before the fuels reach the consumer level, the bill includes rules comparable to present-law ''floor stocks refund'' provisions that allow refunds to producers and dealers for fuel held for sale on the effective date of the tax reduction when the excise tax already has been paid. These refunds must be claimed by persons liable for payment of the tax, based on amounts of tax-paid fuel they own on the tax-reduction date and on documented claims from dealers that purchased tax-paid fuel from them and hold the fuel for sale on the tax-reduction date. These refunds are intended to be allowable either as refund claims filed with the Internal Revenue Service or as credits against required deposits and payments of other excise taxes owed by the claimants.

The bill further would impose floor stocks taxes, identical to those imposed in 1993, on taxable fuels held on January 1, 1997, when the tax-reduction period expires.

EFFECTIVE DATE

These provisions of the bill would be effective on the date of enactment for taxable fuels removed, entered, sold or used more than six days after that date and before January 1, 1997.

2. Sense of the Congress on Benefit to Ultimate Consumers

The bill includes a statement that it is the Sense of the Congress that the full benefit of repeal of the 4.3-cents-per-gallon transportation motor fuels excise tax be flowed through to consumers, and that persons receiving floor stocks refunds from the Internal Revenue Service immediately credit their customers' accounts to reflect those refunds.

3. Study

The bill directs the General Accounting Office to study the impact of repeal of the 4.3-cents-per-gallon transportation motor fuels excise tax and to report its findings to the Congress no later than January 31, 1997.

By Mr. NICKLES (for himself and Mr. DOLE):

S. 1740. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

THE DEFENSE OF MARRIAGE ACT

● Mr. NICKLES. Mr. President, today I am introducing a bill called the Defense of Marriage Act. It is a simple measure, limited in scope and based on common sense. It does just two things.

The Defense of Marriage Act defines the words ''marriage'' and ''spouse'' for purposes of Federal law and allows each State to decide for itself with respect to same-sex marriages.

Most Americans will have a hard time understanding how our country has come to the point where such simple and traditional terms as ''marriage'' and ''spouse'' need to be defined

[1] Because compressed natural gas (''CNG'') is a gaseous fuel rather than a liquid, the rate of tax is stated as 48.54 cents per MCF, which was the statutory equivalent for CNG of the 4.3-cents-per-gallon tax rate enacted in 1993. The 48.54-cents-per-gallon rate is the only excise tax imposed on CNG.

in Federal law. But under challenge from courts, lawsuits and an erosion of values, we find ourselves at the point today that this legislation is needed.

This bill says that marriage is the legal union between one man and one woman as husband and wife, and spouse is a husband or wife of the opposite sex. There is nothing earth-shattering there. No breaking of new ground. No setting of new precedents. No revocation of rights.

Indeed, these provisions simply reaffirm what is already known, what is already in place, and what is already in practice from a policy perspective. This legislation seems quite unexciting yet it may still draw criticism. I do hope everyone will read and understand the scope of the legislation before drawing any conclusions.

The definitions are based on common understandings rooted in our Nation's history, our statutes and our case law. They merely reaffirm what Americans have meant for 200 years when using the words ''marriage'' and ''spouse.'' The current United States Code does not contain a definition of marriage, presumably because most Americans know what it means and never imagined challenges such as those we are facing today.

This bill does not change State law, but allows each State to decide for itself with respect to same-sex marriage. It does this by exercising Congress's powers under the Constitution to legislate with respect to the full faith and credit clause. It provides that no State shall be required to give effect to any public act of any other State respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State.

The Defense of Marriage Act is necessary for several reasons.

In May 1993, the Hawaii Supreme Court rendered a preliminary ruling in favor of three same-sex couples applying for marriage licenses. The court said the marriage law was discriminatory and violated their rights under the equal-rights clause of the State constitution.

Many States are concerned that another State's recognition of same-sex marriages will compromise their own law prohibiting such marriages. According to a March 11, 1996, Washington Times article, ''legislators in 24 States have introduced bills to deny recognition of same-sex marriage. Two States—Utah and South Dakota—have already approved such laws, and 17 other states are now grappling with the issue—including Hawaii, where legislative leaders are fighting to block their own supreme court from sanctioning such marriages.'' Several other States have passed such laws since this article was written. This bill would address this issue head on and allow States to make the final determination concerning same-sex marriages without other States' law interfering.

Another reason this bill is needed now, concerns Federal benefits. The Federal Government extends benefits, rights, and privileges to persons who are married, and generally accepts a State's definition of marriage. This bill will help the Federal Government defend its own traditional and commonsense definitions of ''marriage'' and ''spouse.'' If, for example, Hawaii gives new meaning to the words ''marriage'' and ''spouse,'' the reverberations may be felt throughout the Federal Code unless this bill is enacted.

Another example of why we need a Federal definition of the terms ''marriage'' and ''spouse'' stems from experience during debate on the Family and Medical Leave Act of 1993. Shortly before passage of this act, I attached an amendment that defined ''spouse'' as ''a husband or wife, as the case may be.'' When the Secretary of Labor published his proposed regulations, a considerable number of comments were received urging that the definition of ''spouse'' be ''broadened to include domestic partners in committed relationships, including same-sex relationships.'' When the Secretary issued the final rules he stated that the definition of ''spouse'' and the legislative history precluded such a broadening of the definition. This amendment, which was unanimously adopted, spared a great deal of costly and unnecessary litigation over the definition of spouse.

These are just a few reasons for why we need to enact the Defense of Marriage Act. Enactment of this bill will allow States to give full and fair consideration of how they wish to address the issue of same-sex marriages instead of rushing to legislate because of fear that another State's laws may be imposed upon them. It also will eliminate legal uncertainty concerning Federal benefits, and make it clear what is meant when the words ''marriage'' and ''spouse'' are used in the Federal Code.

This effort hardly seems to be news as it reaffirms current practice and policy, but surely somehow, somewhere given today's climate, it will be. I believe the fact that it will be news—that some may even consider this legislation controversial—should make the average American stop and take stock of where we are as a country and where we want to go. Apathy and indifference among the American people is one of the great threats to our Nation's future.

This legislation is important. It is about the defense of marriage as an institution and as the backbone of the American family. I urge my colleagues and fellow Americans to join me in support of the Defense of Marriage Act.

I ask unanimous consent that the following two factsheets be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEFENSE OF MARRIAGE ACT

The Defense of Marriage Act (DOMA) is short, and it does just two things:

It provides that no State shall be required to give effect to a law of any other State with respect to a same-sex ''marriage''.

It defines the words ''marriage'' and ''spouse'' for purposes of Federal law.

Section 1 of the bill gives its title, the ''Defense of Marriage Act''.

Section 2 allows each State (or other political jurisdiction) to decide for itself with respect to same-sex ''marriage''. Section 2 of the bill will add a new section to Title 28, United States Code, as follows:

''Sec. 1738C. Certain acts, records, and proceedings and the effect thereof

''No State, territory, or possession of the United States, or Indian tribe, shall be required to give effect to any public act, record, or judicial proceeding of any other State, territory, possession, or tribe respecting a relationship between persons of the same sex that is treated as a marriage under the laws of such other State, territory, possession, or tribe, or a right or claim arising from such relationship.''

This section of the bill is an exercise of Congress' powers under the ''Effect'' clause of Article IV, section 1 of the Constitution, which reads, ''Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may be general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, *and the Effect thereof.*'' [Emphasis added.]

Precedents. Congress has legislated before with respect to full faith and credit. The general provisions, 28 U.S.C. §§1738 & 1739, go back to the earliest days of the Republic. Act of May 26, 1790, 1 Statutes at Large, chap. XI. More recently, Congress has reinvigorated its powers under Article IV of the Constitution by enacting—

The Parental Kidnaping Prevention Act of 1980, Public Law 96–611, 94 Stat. 3569, codified at 28 U.S.C. §1738A (each State required to enforce child custody determinations made by home State if made consistently with the provisions of the Act);

The Full Faith and Credit for Child Support Orders Act [of 1994], Pub. L. 103–383, 108 Stat. 4064, codified at 28 U.S.C. §1738B (each State required to enforce child support orders made by the child's State if made consistently with the provisions of the Act); and

The Safe Homes for Women Act of 1994, Pub. L. 103–322, title IV, §40221(a), 108 Stat. 1930, codified at 18 U.S.C. §2265 (full faith and credit to be given to protective orders issued against a spouse or intimate partner with respect to domestic violence).

Section 3 contains definitions. It will amend Chapter 1 of Title 1 of the United States Code by adding the following new section:

''§7. Definition of 'marriage' and 'spouse'

''In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the word 'marriage' means only a legal union between one man and one woman as husband and wife, and the word 'spouse' refers only to a person of the opposite sex who is a husband or a wife.''

Section 3 merely restates the current understanding. The text reaffirms what Congress and the executive agencies have meant for 200 years when using the words ''marriage'' and ''spouse''—a marriage is the legal union of a man and a woman as husband and wife, and a spouse is a husband or wife of the opposite sex.

Most of section 3 borrows directly from the current United States Code. The introductory phrases are taken from sections 1 and 6 of Title 1, and the definition of spouse is taken from paragraph 31 of section 101, Title 31. The current Code does not contain a definition of marriage, presumably because Americans have known what it means.

Therefore, the definition of marriage in DOMA is derived most immediately from a Washington State case, *Singer* v. *Hara,* 522 P.2d 1187, 1191–92 (Wash. App. 1974), and this definition has now found its way into Black's Law Dictionary (6th ed. 1990). There are many similar definitions, both in the dictionaries and in the cases. For example, more than a century ago the U.S. Supreme Court spoke of the ''union for life of one man and one woman in the holy estate of matrimony.'' *Murphy* v. *Ramsey,* 114 U.S. 15, 45 (1885).

Note that ''marriage'' is defined, but the word ''spouse'' is not defined but refers to. This distinction is used because the word ''spouse'' is defined at several places in the Code to include substantive meaning (e.g., Title II of the Social Security Act, 42 U.S.C. §§416 (a), (b), & (f), contains a definition of ''spouse'' that runs to dozens of lines), and DOMA is not meant to affect such substantive definitions. DOMA is meant to ensure that whatever substantive definition of ''spouse'' may be used in Federal law, the word refers only to a person of the opposite sex.

[Prepared by the Office of Senator Don Nickles]

THE DEFENSE OF MARRIAGE ACT IS NECESSARY NOW

The Defense of Marriage Act (DOMA) is a modest proposal. In large measure, it merely restates current law. Some may ask, therefore, if it is necessary. The correct answer is . . . it's essential, and it's essential now. A couple of examples will illustrate why:

Same-Sex ''Marriages'' in Hawaii. Prompted by a decision of its State Supreme Court, *Baehr* v. *Lewin,* 852 P.2d 44, reconsideration granted in part, 875 P.2d 225 (Haw. 1993), the people of Hawaii are in the process of deciding if their State is going to sanction the legal union of persons of the same sex. After Hawaii's high court acted, the legislature amended Hawaii's law to make it unmistakably clear that marriage is available only between a man and a woman, Act of June 22, 1994 (Act 217, §3), amending Hawaii Revised Statutes §572–1, but the issue still thrives in the courts, and a lower court may hand down a decision later this year.

If Hawaii sanctions same-sex ''marriage'', the implications will be felt far beyond Hawaii. Because Article IV of the U.S. Constitution requires every State to give ''full faith and credit'' to the ''public Acts, Records, and judicial Proceedings'' of each State, the other 49 States will be faced with recognizing Hawaii's same-sex ''marriages'' even though no State now sanctions such relationships. The Federal Government will have similar concerns because it extends benefits and privileges to persons who are married, and generally it uses a State's definition of marriage.

DOMA. The Defense of Marriage Act does not affect the Hawaii situation. It does not tell Hawaii what it must do, and it does not tell the other 49 States what they must do. If Hawaii or another State decides to sanction same-sex ''marriage'', DOMA will not stand in the way.

The Defense of Marriage Act does two things: First, it allows each State to decide for itself what legal effect it will give to another State's same-sex ''marriages''. This initiative is based on Congress' power under Article IV, section 1 of the Constitution to say what ''effect'' one State's acts, records, and judicial proceedings shall have in another State. Second, DOMA defines the words ''marriage'' and ''spouse'' for purposes of Federal law. Since the word ''marriage'' appears in more than 800 sections of Federal statutes and regulations, and since the word ''spouse'' appears more than 3,100 times, a redefinition of ''marriage'' or ''spouse'' could have enormous implication for Federal law.

The following examples illustrating DOMA's importance are from Federal law, but similar situations can be found in every State.

Veterans' Benefits. In the 1970s, Richard Baker, a male, demanded increased veterans' educational benefits because he claimed James McConnell, another male, as his dependent spouse. When the Veterans Administration turned him down, he sued, and the outcome turned on a Federal statute (38 U.S.C. §103(c)) that made eligibility for the benefits contingent on his State's definition of ''spouse'' and ''marriage''. The Federal courts rejected the claim for added benefits, *McConnell* v. *Nooner,* 547 F.2d 54 (8th Cir. 1976), because the Minnesota supreme court had already determined that marriage (which it defined as ''the state of union between persons of the opposite sex'') was not available to persons of the same sex. *Baker* v. *Nelson,* 191 N.W.2d 185 (Minn. 1971), dismissed for want of a substantial federal question, 409 U.S. 810 (1972).

If Hawaii changes its law, a *Baker* v. *Nelson*-type case based on Hawaiian law will create genuine risks to the Federal Government's consistent policy. The Defense of Marriage Act anticipates future demands such as that made in the veterans' benefits case, and it reasserts that the words ''marriage'' and ''spouse'' will continue to mean what they have traditionally meant.

Family and Medical Leave Act. The Family and Medical Leave Act of 1993 (FMLA), Pub. L. 103–3, 107 Stat. 6, requires that employees be given unpaid leave to care for a ''spouse'' who is ill.

Shortly before passage of the Act in the Senate, Senator Nickles attached an amendment defining ''spouse'' as ''a husband or wife, as the case may be.'' That amendment proved essential when the regulations were written.

When the Secretary of Labor published his proposed regulations, he noted that a ''considerable number of comments'' were received urging that the definition of ''spouse'' ''be broadened to include domestic partners in committed relationships, including same-sex relationships.'' However, the Nickles amendment precluded him from adopting an expansive definition of ''spouse''. The Secretary then quoted the Senator's remarks on the floor:

''. . . This is the same definition [of 'spouse'] that appears in Title 10 of the United States Code (10 U.S.C. 101). Under this amendment, an employer would be required to give an eligible female employee unpaid leave to care for her husband and an eligible male employee unpaid leave to care for his wife. No employer would be required to grant an eligible employee unpaid leave to care for an unmarried domestic partner. This simple definition will spare us a great deal of costly and unnecessary litigation. Without this amendment, the bill would invite lawsuits by workers who unsuccessfully seek leave on the basis of the illness of their unmarried adult companions.''

''*Accordingly,*'' continued the Secretary, ''*given this legislative history, the recommendations that the definition of 'spouse' be broadened cannot be adopted.*'' 60 Federal Register 2180, 2191–92 (Jan. 6, 1995) (emphasis added).

The Family and Medical Leave Act is an excellent example of how a little anticipation in the Legislative Branch can prevent a far-reaching, even revolutionary, change in American law.

[Prepared by the Office of Senator Don Nickles]●

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 695

At the request of Mrs. KASSEBAUM, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 695, a bill to provide for the establishment of the Tallgrass Prairie National Preserve in Kansas, and for other purposes.

S. 983

At the request of Mr. FEINGOLD, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 983, a bill to reduce the number of executive branch political appointees.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1423

At the request of Mr. GREGG, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1423, a bill to amend the Occupational Safety and Health Act of 1970 to make modifications to certain provisions, and for other purposes.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1596

At the request of Mr. MURKOWSKI, the names of the Senator from Alaska [Mr. STEVENS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Idaho [Mr. KEMPTHORNE] were added as cosponsors of S. 1596, a bill to direct a property conveyance in the State of California.

S. 1610

At the request of Mr. BOND, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1646

At the request of Mr. DOMENICI, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1687

At the request of Mr. KERRY, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1687, a bill to provide for annual payments from the surplus funds of the Federal Reserve System to cover the interest on obligations issued by the Financing Corporation.

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE EXPENSES AND FEES REIMBURSEMENT ACT

DOLE AMENDMENT NO. 3960

Mr. DOLE proposed an amendment to amendment No. 3955 proposed by him to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

''Strike the word ''enactment'' and insert the following:

enactment.

TITLE —FUEL TAX RATES

SEC. . REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.

(a) IN GENERAL.—Section 4081 of the Internal Revenue Code of 1986 (relating to imposition of tax on gasoline and diesel fuel) is amended by adding at the end the following new subsection:

''(f) REPEAL OF 4.3-CENT INCREASE IN FUEL TAX RATES ENACTED BY THE OMNIBUS BUDGET RECONCILIATION ACT OF 1993 AND DEDICATED TO GENERAL FUND OF THE TREASURY.—

''(1) IN GENERAL.—During the applicable period, each rate of tax referred to in paragraph (2) shall be reduced by 4.3 cents per gallon.

''(2) RATES OF TAX.—The rates of tax referred to in this paragraph are the rates of tax otherwise applicable under—

''(A) subsection (a)(2)(A) (relating to gasoline and diesel fuel),

''(B) sections 4091(b)(3)(A) and 4092(b)(2) (relating to aviation fuel),

''(C) section 4042(b)(2)(C) (relating to fuel used on inland waterways),

''(D) paragraph (1) or (2) of section 4041(a) (relating to diesel fuel and special fuels),

''(E) section 4041(c)(2) (relating to gasoline used in noncommercial aviation), and

''(F) section 4041(m)(1)(A)(i) (relating to certain methanol or ethanol fuels).

''(3) COMPARABLE TREATMENT FOR COMPRESSED NATURAL GAS.—No tax shall be imposed by section 4041(a)(3) on any sale or use during the applicable period.

''(4) COMPARABLE TREATMENT UNDER CERTAIN REFUND RULES.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in sections 6421(f)(2)(B), 6421(f)(3)(B)(ii), 6427(b)(2)(A), 6427(l)(3)(B)(ii), and 6427(l)(4)(B) shall be reduced by 4.3 cents per gallon.

''(5) COORDINATION WITH HIGHWAY TRUST FUND DEPOSITS.—In the case of fuel on which tax is imposed during the applicable period, each of the rates specified in subparagraphs (A)(i) and (C)(i) of section 9503(f)(3) shall be reduced by 4.3 cents per gallon.

''(6) APPLICABLE PERIOD.—For purposes of this subsection, the term 'applicable period' means the period after the 6th day after the date of the enactment of this subsection and before January 1, 1997.''

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. FLOOR STOCK REFUNDS.

(a) IN GENERAL.—If—

(1) before the tax repeal date, tax has been imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 on any liquid, and

(2) on such date such liquid is held by a dealer and has not been used and is intended for sale,

there shall be credited or refunded (without interest) to the person who paid such tax (hereafter in this section referred to as the ''taxpayer'') an amount equal to the excess of the tax paid by the taxpayer over the amount of such tax which would be imposed on such liquid had the taxable event occurred on such date.

(b) TIME FOR FILING CLAIMS.—No credit or refund shall be allowed or made under this section unless—

(1) claim therefor is filed with the Secretary of the Treasury before the date which is 6 months after the tax repeal date, and

(2) in any case where liquid is held by a dealer (other than the taxpayer) on the tax repeal date—

(A) the dealer submits a request for refund or credit to the taxpayer before the date which is 3 months after the tax repeal date, and

(B) the taxpayer has repaid or agreed to repay the amount so claimed to such dealer or has obtained the written consent of such dealer to the allowance of the credit or the making of the refund.

(c) EXCEPTION FOR FUEL HELD IN RETAIL STOCKS.—No credit or refund shall be allowed under this section with respect to any liquid in retail stocks held at the place where intended to be sold at retail.

(d) DEFINITIONS.—For purposes of this section—

(1) the terms ''dealer'' and ''held by a dealer'' have the respective meanings given to such terms by section 6412 of such Code; except that the term ''dealer'' includes a producer, and

(2) the term ''tax repeal date'' means the 7th day after the date of the enactment of this Act.

(e) CERTAIN RULES TO APPLY.—Rules similar to the rules of subsections (b) and (c) of section 6412 of such Code shall apply for purposes of this section.

SEC. 4. FLOOR STOCKS TAX.

(a) IMPOSITION OF TAX.—In the case of any liquid on which tax was imposed under section 4081 or 4091 of the Internal Revenue Code of 1986 before January 1, 1997, and which is held on such date by any person, there is hereby imposed a floor stocks tax of 4.3 cents per gallon.

(b) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(1) LIABILITY FOR TAX.—A person holding a liquid on January 1, 1997, to which the tax imposed by subsection (a) applies shall be liable for such tax.

(2) METHOD OF PAYMENT.—The tax imposed by subsection (a) shall be paid in such manner as the Secretary shall prescribe.

(3) TIME FOR PAYMENT.—The tax imposed by subsection (a) shall be paid on or before June 30, 1997.

(c) DEFINITIONS.—For purposes of this section—

(1) HELD BY A PERSON.—A liquid shall be considered as ''held by a person'' if title thereto has passed to such person (whether or not delivery to the person has been made.)

(2) GASOLINE AND DIESEL FUEL.—The terms ''gasoline'' and ''diesel fuel'' have the respective meanings given such terms by section 4083 of such Code.

(3) AVIATION FUEL.—The term ''aviation fuel'' has the meaning given such term by section 4093 of such Code.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or his delegate.

(d) EXCEPTION FOR EXEMPT USES.—The tax imposed by subsection (a) shall not apply to gasoline, diesel fuel, or aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4081 or 4091 of such Code is allowable for such use.

(e) EXCEPTION FOR FUEL HELD IN VEHICLE TANK.—No tax shall be imposed by subsection (a) on gasoline or diesel fuel held in the tank of a motor vehicle or motorboat.

(f) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(1) IN GENERAL.—No tax shall be imposed by subsection (a)—

(A) on gasoline held on January 1, 1997, by any person if the aggregate amount of gasoline held by such person on such date does not exceed 4,000 gallons, and

(B) on diesel fuel or aviation fuel held on such date by any person if the aggregate amount of diesel fuel or aviation fuel held by such person on such date does not exceed 2,000 gallons.

The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(2) EXEMPT FUEL.—For purposes of paragraph (1), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by subsection (a) by reason of subsection (d) or (e).

(3) CONTROLLED GROUPS.—For purposes of this subsection—

(A) CORPORATIONS.—

(i) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(ii) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(B) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(g) OTHER LAW APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code in the case of gasoline and diesel fuel and section 4091 of such Code in the case of aviation fuel shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by subsection (a) to the same extent as if such taxes were imposed by such section 4081 or 4091.

SEC. 5. BENEFITS OF TAX REPEAL SHOULD BE PASSED ON TO CONSUMERS.

(a) PASSTHROUGH TO CONSUMERS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(a) consumers immediately receive the benefit of the repeal of the 4.3-cent increase in the transportation motor fuels excise tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and

(B) transportation motor fuels producers and other dealers take such actions as necessary to reduce transportation motor fuels prices to reflect the repeal of such tax increase, including immediate credits to consumers accounts representing tax refunds allowed as credits against excise tax deposit payments under the floor stocks refund provisions of this Act.

(2) STUDY.—

(A) IN GENERAL.—The Secretary of Energy, in consultation with the Attorney General of the United States and the Secretary of the Treasury, shall conduct a study of fuel prices during June, July, and August of 1996 to determine whether there has been a pass-through of the repeal of the 4.3-cent increase in the fuel tax imposed by the Omnibus Budget Reconciliation of 1993.

(B) REPORT.—Not later than September 30, 1996, the Secretary of Energy shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives the results of the study conducted under subparagraph (A).

SPECTRUM AUCTION

SEC. .SPECTRUM AUCTIONS.

(a) COMMISSION OBLIGATION TO MAKE ADDITIONAL SPECTRUM AVAILABLE BY AUCTION.—

(1) IN GENERAL.—The Federal Communications Commission shall complete all actions necessary to permit the assignment, by March 31, 1998, by competitive bidding pursuant to section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) of licenses for the use of bands of frequencies that—

(A) individually span not less than 12.5 megahertz, unless a combination of smaller bands can, notwithstanding the provisions of paragraph (7) of such section, reasonably be expected to produce greater receipts;

(B) in the aggregate span not less than 25 megahertz;

(C) are located below 3 gigahertz; and

(D) have not, as of the date of enactment of this Act—

(i) been assigned or designated by Commission regulation for assignment pursuant to such section;

(ii) been identified by the Secretary of Commerce pursuant to section 113 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 923); or

(iii) reserved for Federal Government use pursuant to section 305 of the Communications Act of 1934 (47 U.S.C. 305).

(2) CRITERIA FOR REASSIGNMENT.—In making available bands of frequencies for competitive bidding pursuant to paragraph (1), the Commission shall—

(A) seek to promote the most efficient use of the spectrum;

(B) take into account the cost to incumbent licensees of relocating existing uses to other bands of frequencies or other means of communication;

(C) take into account the needs of public safety radio services;

(D) comply with the requirements of international agreements concerning spectrum allocations; and

(E) take into account the costs to satellite service providers that could result from multiple auctions of like spectrum internationally for global satellite systems.

(b) FEDERAL COMMUNICATIONS COMMISSION MAY NOT TREAT THIS SECTION AS CONGRESSIONAL ACTION FOR CERTAIN PURPOSES.—The Federal Communication Commission may not treat the enactment of this Act or the inclusion of this section in this Act as an expression of the intent of Congress with respect to the award of initial licenses of construction permits for Advanced Television Services, as described by the Commission in its letter of February 1, 1996, to the Chairman of the Senate Committee on Commerce, Science, and Transportation.

SEC. . AUTHORIZATION OF APPROPRIATIONS FOR EXPENSES OF ADMINISTRATION OF THE DEPARTMENT OF ENERGY.

Section 660 of the Department of Energy Organization Act (42 U.S.C. 7270) is amended—

(1) by inserting ''(a) IN GENERAL.—'' Before ''APPROPRIATIONS''; and

(2) by adding at the end the following:

''(b) FISCAL YEARS 1997 THROUGH 2002.—There are authorized to be appropriated for salaries and expenses of the Department of Energy for departmental administration and other activities in carrying out the purposes of this Act—

''(1) $104,000,000 for fiscal year 1997;

''(2) $104,000,000 for fiscal year 1998;

''(3) $100,000,000 for fiscal year 1999;

''(4) $90,000,000 for fiscal year 2000;

''(5) $90,000,000 for fiscal year 2001; and

''(6) $90,000,000 for fiscal year 2002.''.

TITLE —TEAMWORK AND MINIMUM WAGE

SEC. 01. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of American employers to make dramatic changes in workplace and employer-employee relationships;

(2) these changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as ''employee involvement'', which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) employee involvement structures, which operate successfully in both unionized and non-unionized settings, have been established by over 80 percent of the largest employers of the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of American businesses, employee involvement structures have had a positive impact on the lives of those employees, better enabling them to reach their potential in their working lives;

(5) recognizing that foreign competitors have successfully utilized employee involvement techniques, Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful employee involvement structures in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate employee involvement structures have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930s when employers established deceptive sham ''company unions'' to avoid unionization; and

(7) employee involvement is currently threatened by interpretations of the prohibition against employer-dominated ''company unions''.

(b) PURPOSES.—It is the purpose of this Act to—

(1) protect legitimate employee involvement structures against governmental interference;

(2) preserve existing protections against deceptive, coercive employer practices; and

(3) permit legitimate employee involvement structures where workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

SEC. 02. AMENDMENT TO SECTION 8(a)(2) OF THE NATIONAL LABOR RELATIONS ACT.

Section 8(a)(2) of the National Labor Relations Act (29 U.S.C. 158(a)(2)) is amended by adding at the end thereof the following: ''*Provided further,* That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain or participate in any organization or entity of any kind, in which employees participate to address matters of mutual interest (including issues of quality, productivity and efficiency) and which does not have, claim or seek authority to negotiate or enter into collective bargaining agreements under this Act with the employer or to amend existing collective bargaining agreements between the employer and any labor organization;''.

SEC. 03. CONSTRUCTION CLAUSE LIMITING EFFECT OF ACT.

Nothing in the amendment made by section 3 shall be construed as affecting employee rights and responsibilities under the National Labor Relations Act other than those contained in section 8(a)(2) of such Act.

SEC. 04. INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

''(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 3, 1996, not less than $4.70 an hour during the year beginning July 4, 1996, and not less than $5.15 an hour after July 3, 1997;''.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, May 16, 1996, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to review S. 621, a bill to amend the National Trails System Act to designate the Great Western Trail for potential addition to the National Trails System; H.R. 531, a bill to designate the Great Western Scenic Trail as a study trail under the National Trails System Act; S. 1049, a bill to amend the National Trails System Act to designate the route from Selma to Montgomery as a National Historic Trail; S. 1706, a bill to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chicamauga and Chattanooga National Military Park in Georgia; S. 1725, a bill to amend the National Trails System Act to create a third category of long-distance trails to be known as national discovery trails and to authorize the American Discovery Trail as the first national discovery trail.

Because of the limited time available for the hearing, witnesses may testify

by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation, and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. STEVENS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings regarding Russian organized crime in the United States.

This hearing will take place on Wednesday, May 15, 1996, in room 342 of the Dirksen Senate Office Building. For further information, please contact Harold Damelin or Daniel S. Gelber of the subcommittee staff at 224–3721.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Wednesday, May 8, 1996, beginning at 10 a.m. in room SH–215, to conduct a markup on international trade bills.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, at 10:30 a.m. to hold a hearing.

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

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, May 8, 1996, at 9:30 a.m.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, beginning at 9:30 a.m. until business is completed, to hold a hearing on campaign finance reform.

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

COMMITTEE ON VETERANS' AFFAIRS

Mr. MURKOWSKI. Mr. President, the Committee on Veterans' Affairs would like to request unanimous consent to hold a hearing on veterans' health care eligibility priorities. The hearing will be held on May 8, 1996, at 10 a.m., in room 418 of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, at 2:45 p.m. to hold a closed hearing on intelligence matters.

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

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION AND RELATED MATTERS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development Corporation and Related Matters be authorized to meet during the session of the Senate on Wednesday, May 8, and Thursday, May 9, 1996, to conduct hearings pursuant to Senate Resolution 120.

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

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Youth Violence be authorized to meet during the session of the Senate on Wednesday, May 8, 1996, at 10 a.m. to hold a hearing on ''Youth Violence: Oversight of Federal Programs.''

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

ADDITIONAL STATEMENTS

RON BROWN'S SERVICE TO HIS COUNTRY

● Mrs. HUTCHISON. Mr. President, I wish to reflect briefly on the loss of life and tremendous talent our Nation suffered when, only days before Easter Sunday, 33 Americans—leaders in business and Government—perished in a storm off the coast of Croatia.

Each of these individuals was strongly committed to the idea that economic renewal is critical to achieving peace in that desperately war-torn land. Compassion for others in need drew all of them on their mission to the Balkans in an effort to help heal that desperate corner of the globe.

I particularly want to remember U.S. Secretary of Commerce Ron Brown. Charismatic and energetic, he inevitably devoted himself to the task at hand with all his heart and mind. His enthusiasm for public service was only equaled by an amazing ability to attain his goals. He lived the American success story by proving that everyone, through hard work and determination can achieve their heart's desire.

Ron Brown's immense personal popularity made his untimely death all the more sorrowful.

Born in Washington, DC, but raised in New York's Harlem, Secretary Brown attended Middlebury College in Vermont where he was the only black student in his class. After graduation he joined the U.S. Army and, serving as an officer, proudly represented his country abroad.

Following his military career he worked as a welfare caseworker in New York City while attending law school at night. An individual of enormous charm and wit, Ron Brown became the first African-American leader of a major political party in the United States. Regarding this historical achievement he stated, ''I did not run on the basis of race, but I will not run away from it. I am proud of who I am.''

President Clinton named Ron Brown to serve as U.S. Secretary of Commerce, the first African-American to occupy that post. He performed its duties with wisdom, dedication, and conscientious attention to detail. Secretary Brown more than anyone else in Government, gave business a seat at the diplomatic table. Because of his friendship with and access to the President, the State Department was on constant notice that if our economic efforts overseas were not represented, Ron Brown stood ready to serve as their advocate.

Representing the United States around the world, he was America's premier salesman for what we have to offer—equality, opportunity, and abundance.

This April, bravely undertaking a mission into what had recently been a war zone and still was a potentially hostile region, Ron Brown proved to the world what those who knew him always took for granted: that he cared less for his personal safety than for the good of the people who live there.

In his own wonderful way, Ron Brown served as a peacekeeper. Working to establish international trade and business in the region, he offered its people the opportunity to rebuild a civil society.

Yes, the United States lost 33 lives, 33 talented individuals, each with an unlimited potential to achieve.

But we as a nation have also gained 33 luminous examples of ultimate dedication and compassion. These bright stars of self-sacrifice form an American constellation which can, if we let it, guide us forward with generosity and courage toward a better tomorrow for ourselves and all of our neighbors.●

ROBERT BELOUS

● Mr. JOHNSTON. Mr. President, I rise today to recognize the outstanding contributions of Robert Belous who, since January 1991, has served as the superintendent of Jean Lafitte National Historical Park and Preserve in Louisiana. Bob is retiring from the Park Service after more than 25 years of service and we in Louisiana will miss him very much.

Bob Belous has been an outstanding park superintendent and public servant. He has enthusiastically embraced a number of innovative and creative

projects and programs related to the Jean Lafitte National Historical Park and Preserve. In addition, he has been very active and helpful in the creation and early beginnings of our newest park units in Louisiana, the New Orleans Jazz National Historical Park and the Cane River National Historical Park and Heritage Area.

Mr. President, Jean Lafitte is a very unique park unit. It's like a wheel with many spokes. Jean Lafitte consists of a French Quarter unit; the Barataria marsh unit, Chalmette, the site of the Battle of New Orleans in 1815; and two Cajun cultural centers in Eunice and Thibodaux, LA, that interpret Cajun history. This type of park is very difficult to administer. It takes a dedicated person of many interests, skills, and talents to bring together these diverse elements and resources into a coherent whole. Not only has Bob managed to accomplish this difficult task, but he has done it with flair and good humor.

Over the years, Bob Belous has always been available to provide assistance to me and my staff here in Washington as well as my offices in Louisiana, especially my New Orleans office. He has always provided us with sound professional advice and counsel. I know I speak for many people in Louisiana and all over the country when I wish Bob well in his retirement from the Park Service and thank him for his many contributions to our National Park System.●

SALUTE TO OKLAHOMA GIRL SCOUTS

● Mr. INHOFE. Mr. President, today I salute 10 outstanding young women from Oklahoma who have been honored by Red Lands Council of Girl Scouts in Oklahoma City, OK. Each has received the prestigious Girl Scouts of the USA Gold Award.

They were honored April 25, 1996, for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The Girl Scout Award can be earned by girls aged 14–17 or in grades 9–12.

Girl Scouts of the USA, an organization serving more than 2.5 million girls, has awarded more than 25,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: Earn four interest project patches, earn the Career Exploration pin, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Gold Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and adult Girl Scout volunteer.

As members of the Red Lands Council of Girl Scouts, these young women began working toward the Girl Scout Gold Award in 1995, and all completed their projects in the areas of leadership and community service.

The earning of the Girl Scout Gold Award is a major accomplishment deserving of special public recognition and commendation.

I salute the following girls for their accomplishments and for their service to their community and their country:

Melanie Brockman of Girl Scout Troop 55. She helped design, organize, and carry out a Special Kids Day. This was a program for the special education students in the community. The children were divided by age and abilities to provide them an opportunity to participate in normal activities. This very successful program gave each special education student a chance to feel good about themselves.

Kansas Conrady of Girl Scout Troop 569. She designed an overnight lock-in for sixth grade Junior Girl Scouts and Cadette Girl Scouts to discuss the contemporary issues of substance abuse, facing a family crisis, youth suicide, and teen pregnancy. Professionals were brought in to speak and share their knowledge with the girls, and the girls then participated in activities from the Contemporary Issues Program for Girl Scouts in a round robin format.

Melanie Foglesong of Girl Scout Troop 17. She undertook the massive project of cleaning and painting the Wichita Lodge at Camp Red Rock. She organized a work crew, collected supplies, and directed the cleanup from washing walls and windows through the painting of all the interior of the lodge.

Leslie Hooks. She planned a program to help Junior Girls Scouts through Senior Girls Scouts know the joys of sailing by learning the fundamentals of sailing and culminating in a hands-on sailing event.

Andrea Johnson of Girl Scout Troop 569. She created an informative video of Camp Red Rock and Camp Cookieland for the use of Red Lands Council of Girl Scouts to introduce the camp properties to prospective campers.

Danette Kniffin. She planned a program to teach girls of the community the art of canoeing. The program is designed for both beginning and intermediate canoers and included a basic water safety program.

Kimmie Kohl of Girl Scout Troop 55. She designed, organized, and carried out a Special Kids Day. This was a program for the special education students in the community. The children were divided by age and abilities to provide them an opportunity to participate in normal activities. This very successful program gave each special education student a chance to feel good about themselves.

Amanda Newman. She organized the first active Youth Red Cross Chapter in Blaine County. The goal of the organization is to be trained to help meet the emergencies of their community.

Ambra Prestage of Girl Scout Troop 55. She helped design, organize, and carry out a Special Kids Day. This was a program for the special education students in the community. The children were divided by age and abilities to provide them an opportunity to participate in normal activities. This very successful program gave each special education student a chance to feel good about themselves.

Nicole Robertson of Girl Scout Troop 127. She organized a Girls' Day Out to introduce the girls to the joys of being a Girls Scout. She also worked with the In-School Program for Red Lands Council Girl Scouts and helped bring the Scouting program to numerous girls.●

TRIBUTE TO MS. DANETTA FAITH FISHER-RAINING BIRD

● Mr. BURNS. Mr. President, I rise today to pay tribute to a young Montanan. Ms. Danetta Faith Fisher-Raining Bird has been awarded a Rockefeller Brothers Fund Fellowship, as 1 of 25 outstanding minority students entering the teaching profession.

The Rockefeller Brothers Fund is in their fifth year of awarding these fellowships and I am proud that Danetta joins with four other native Americans from Montana who have received this award since the award began. With the stiff competition nationwide, it took a very strong commitment to the education of minorities and to improving teaching in public schools to be selected. No doubt Danetta met that challenge.

This award will allow Danetta to take part in a summer project and to go on to graduate school to pursue further training in education or a related field. And once she begins teaching, the Rockefeller Brothers Fund will help with loan repayments. This is exactly the type of private sector involvement that our education system needs. And it is exactly what students like Danetta depend on in order to succeed these days.

I congratulate Danetta on this achievement. I know she will put this award to good use and I am hopeful that she will not only continue her studies in our great State, but use her valuable training to improve the education for other native Americans. I am proud of her as a Montanan and as a representative of our future and I wish her all the best.●

URI DEBATE TEAM DOES WELL IN LINCOLN-DOUGLAS DEBATE

● Mr. PELL. Mr. President, the University of Rhode Island debate team was honored last week at the Rhode Island State House, where the team members received citations for their recent outstanding performance at the National Forensics Association [NFA] Individual Events Nationals at Western Illinois University.

I understand that this competition, which was one of the largest in the history of NFA, drew 2,000 competitors

representing 29 States. In the Lincoln-Douglas debate there were 92 competitors representing 33 different colleges and universities.

Rebecca Makris, Derek Young, Jonathan Cross, and Tara McErien represented the University of Rhode Island. During the six preliminary rounds the team defeated teams from Northeastern University, Simmons College, Oakland University, Colorado State University, Cornell University, Ohio University, Morgan State, and Central Michigan University.

Overall the winning record of the team placed them at 10th in the Nation and Rebecca Makris compiled an outstanding record, earning her a place as the 4th best debater in the competition.

Kristen Maar, director of the debate, states: ''This is quite an accomplishment for the team and the University. The debaters that qualified for this national tournament were the best in the country, and to have Rebecca place fourth overall is a true achievement.''

Coincidentally, the debate topic this year and the debate topic next year reflect some of my own interests in the Senate—the topics ''United Nations'' and ''Education Reform.''

This year's topic was ''Resolved: That participation in one or more of the six principal bodies of the United Nations should be significantly restricted by altering the U.N. charter and/or rules of procedure.''

The debate season will begin again in September, with the resolution dealing with education reform. The exact wording of the resolution will be released on August 1, 1996.

I want to commend the URI team for its excellent job and all the participants this year for their focus on the United Nations and key issues affecting our global future. I look forward to learning more about next year's debate.●

ORDER OF BUSINESS

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

THE WELL-BEING OF THE AMERICAN FAMILY

Mr. CRAIG. Mr. President, while our leaders are deciding the outcome of the evening and, more important, the outcome of a most important vote on the repeal of the gas tax, I guess I am surprised that the minority would not allow us to go forward to consider H.R. 2137.

We talk about the lack of security within the American family today, be it income security or job security. I know one thing that the American family is extremely concerned about, and that is the security and well-being of their own children. The House overwhelmingly has just voted on a law that will deal with the issue of sexual predators, Megan's law. I am amazed that we could not move swiftly, as the House has moved, to deal with this issue. I hope that we can deal with it.

I hope that the minority will not block us from dealing with it in the future. Clearly, it is something that has to be dealt with. The American people need to know that when these kinds of problems arise, and there are glitches within the legal system that allow young people like Megan to be destroyed, their lives to be taken by people who clearly never should have been let out of incarceration, that this Congress will deal with it.

Mr. President, on Monday of this week, I was reading in USA Today an article by Tony Snowe, where he was talking about the concern and uneasiness of the American family, whether it is the issue of sexual predators, or the loss of a job, or working a multiple of jobs to get ahead, or whether it is the fact that in his article the American family was experiencing income stagnation.

I thought it was interesting when he pointed out that prior to President Clinton being elected, the average family was looking at about 31.3 percent of the gross national product of this country being taken away in taxes. Now, that is up 1½ to 2 percent in this administration. And one of the greatest bites out of that, which dragged down the ability of the family to use their income or to use their salary increases, was the gas tax increase.

In my State of Idaho, with 1.3 million people, it is a big bite. This gas tax hike that, for the first time in our Nation's history, goes to welfare programs instead of roads, bridges and transportation systems, costs $32.1 million. And, boy, anybody who serves large rural States like mine knows that it strikes right at the heart of the productive sector of my State, whether it is the farmer, rancher, or the people who commute long distances, as nearly everybody in my State does, to the supermarket, to the business center, to visit, and to work. Those who are the working people of our society are the ones that are now paying even more.

I am amazed that our administration keeps talking about sticking it to the rich, soaking it to the rich. I am amazed they do not say, ''And we soaked it to the worker, to the wage earner because we are sucking away from them at the gas pump an ever increasing amount of their income.''

I also find it uniquely ironic that while taxes have ticked up aggressively in this administration from 30 percent of GDP to 31.3, that candidate Clinton in 1992 said he opposed increasing a gas tax, that he opposed increasing those kinds of taxes, he said they were regressive and unfair to working families, I am amazed that he somehow through what he may think is slight of hand or subterfuge created an omnibus tax bill and then, of course, says the way you pay them back is to force everybody to pay higher wages.

In my State of Idaho, that does not work because most of the people did not get higher wages, and a minimum wage increase would affect few of these kinds of people who are our farmers and ranchers and small business people and commuters who travel hundreds of miles daily, not 20 or 30, not down the street in the commuter bus, not on the Metrorail, but 50 miles one way to work and 50 miles home at night. And when it starts costing $20 or more, or $25 to fill the gas tank a couple of times a week, that is one very large bite out of the pocketbook of the American family.

I am amazed that this administration would even begin to drag its feet on that kind of reality. And while this Congress should be holding oversight hearings on the ramp up in gas prices, we ought to be responding immediately in the areas that we can respond in, and that is in the area of bringing this tax down and doing it in a way that makes sense.

I respect highly the move that our majority leader has made. That is the kind of responsiveness and leadership that we ought to be hearing from this Congress, and now we are locked up again, blocked, if you will, by the minority because they want it their way when the American people are saying: Wait a moment. Your way was to increase our taxes. Your way was not to give us economic opportunity. Your way was to create through the 1993 tax act and the budget an economy that did not produce like it should, that could have produced billions of dollars more, that lost 1.2 million jobs it otherwise would have created if the tax act pushed by, endorsed by, recommended by President Clinton had not gone through.

Now, that is from 1993 to 1996 that I use that figure. Those are real figures just being brought out by the Heritage Foundation. Absent the tax increase in 1993, this economy would have created 1.2 million more jobs. Last month, we did not create a job. Something is wrong in an economy, a growth economy like ours when our President says that the economy is good and we create no jobs, zero jobs.

I am sorry; I do not figure it the way you figure it, Mr. President. I look at these kinds of figures and while they may be statistics, in my State of Idaho they are real jobs; they are food on the family table; they are a little more gas in the gas tank; they are a few more dollars in savings; it is the new house purchased or the clothes bought for the kids. That is what job creation and economic vitality is all about.

When I mentioned 1.2 million jobs lost, not created by the tax increase, when we carry that through next year, that will be an estimated 1.4 million jobs. That is 40,400 new business starts that did not start, that did not happen. Those are real figures in this country. Why? Because the risk of taking that opportunity just was not there, the money was not available because it was drained into the public sector to go out in ways that some of us would question

whether it was productive or not. That is a loss of $138 billion in personal savings or maybe 1.3 million new cars and light truck sales. If you sell the cars, you have to produce the cars.

That is what the economy now tells us could have happened had we had not taxed it at the rate that Bill Clinton and the Democrats taxed it in the 1993 tax act. That is $42.5 billion in durable goods orders that were not ordered. The list goes on and on.

We have always known that the way you get out of the financial troubles our Government is in is to expand the economic pie, create new jobs and from that take a reasonable tax to pay for the largesse of Government while at the same time trying to reduce the growth rate, trying to control it. You do not continue to tax or you get the kind of uneasiness that I think is now being experienced by the American people when they say: Well, yes, I still have my job but the reality is I did not get a pay increase. More importantly, I still have my job but I am paying higher taxes with no pay increase. So what I have is less buying power, less ability to provide for my children, and in this instance for working women in our society they took the greater hit once again in a slow, flat economy of the kind that was produced by this tax increase.

So let us move on. Let us repeal the gas tax. Let us return billions of dollars to the American consumers, to the American entrepreneur, to the American small business person, to the job creators and to the workers of our society. That is where productivity comes from. That is what will grow us out of our problems.

I urge this Senate, most importantly I urge my colleagues on the other side to work with us to solve this problem, not to block us, not to force us into stagnation and not to say to the American people once again we hear you but we just do not feel your pain.

I yield back the remainder of my time, Mr. President.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I will not take but just a moment.

REPEAL OF THE GAS TAX

Mr. FORD. Mr. President, earlier, we were required and asked to object to a bill being brought up without being notified, and that was Megan's law. We did not know anything about it until it was offered, at least I did not. We did not have an opportunity. What we do around here is hotline to see if any Senators have any objection or if they have any amendments. And so we knew that there were amendments and we would like to improve the bill. And so therefore we were required to object.

I do not think there was any motive there to stop the law. It will pass. We just had some Senators I think who wanted an opportunity to amend. And so I think that is where we are on the debate here. We talk about the tax, 4.3 cents. You would think it was going to save the world. But the minute we take it off and we do not assure that the consumer will receive it, the oil companies increase it a nickel.

I bought gasoline last night, 2 cents higher today. We did not take the tax off and have not changed anything. We put the tax on 3 years ago, gasoline went down. They were telling us put on more tax; maybe it will be cheaper. Mr. President, 3.8 million barrels of gasoline is what is being used today, about 8.4 is the maximum amount of gasoline that can be produced in this country today. That is running it at full speed. And we have not had a new refinery in over 20 years.

So what you are going to find, taking the speed limit off, taking the speed limit off has helped. Four of every 10 vehicles purchased get only 14 miles to the gallon. And so regardless of what we do here, we lose.

Now, if we do not want to reduce the deficit, you have to offset it from something else. How are you going to offset it? They threw out slurringly on Sunday they were going to take it out of education—you know, I hate Government anyhow. That was the statement. Well, they had to retract that the next day. And how are you going to offset it?

So what we would like to do, or what I would like to do is to find out how you could assure that the consumer gets 4.3 cents because you are going to cut it someplace else. Once you reduce the 4.3 cents and not assure the consumer receive the 4.3, you are going to reduce the budget some place else because you have to have an offset.

So the consumer probably, with the approach here, is going to lose twice. One, they will not see the 4.3 cents, and you are going to cut the budget someplace else. So they get hit twice.

So I think we ought to be sure that when we reduce the gasoline tax—and I think we are going to be able to vote for that—but let us be sure that the consumer receives it and that the big oil companies do not have a windfall, because the 4.3 cents now is reducing the deficit. It has had 4 consecutive years in reduction of the deficit. We have about 8.5 million new jobs in a little over 3 years. Oh, I can hear the crocodile tears that, ''We could do better if you would listen to us.'' I remember the 1990 tax.

If we are not reducing the deficit, how in the world are you going to get to a balanced budget? If the deficit went down, it was back when President Clinton took office—$300 billion. If it was still there, and suppose President Clinton had not won and it was still there, under past procedures, under past administrations, it would go up $300 billion a year. That was not under ours. You say, ''Well, that is a Democratic Congress, and for 6 years you had it right here—control.'' I tell you, the President had the same kind of wet pen that this President has, the same kind of wet pen on the same desk in the same room. All they have to do is speak to him to get 34. That is all he needs. But how many vetoes did we get?—caved in. He said it was not going to increase taxes, and did. All he had to do is put the pen to it. You fussed at the President for vetoing. Look at the mess we were in when you would not veto. So you can brag and plead and fuss.

I would like, if we could, to try to find some way to get this Senate back in order, to get it back on track, to try to do something that will help people and get a balanced budget up. We argue over these things that are sound bites. It is $389 a page to have your speech put in the RECORD, and we will have 10 some mornings, and they will all say the same thing and cost the taxpayers tens of thousands of dollars; $389 a page. That is when it is electronically. Otherwise, it is over $400. Every time you make a speech here—and I do not make very many—every time you talk, the page in that RECORD is $389. So I just want you to know that every time we hear 10 speeches, it costs tens of thousands of dollars. It has been hundreds and hundreds of thousands of dollars in speeches anti the President, and his popularity is better today than it has been any time. So keep knocking. I think you ought to keep knocking—sour grapes, you know.

I think one thing that we ought to do to get it on the right track is that they ought to run the race for the Presidency out in the field and not every little item that comes up here saying to the Democrats, you cannot vote, you cannot offer an amendment, you cannot vote on one of your amendments.

So we are going to have to start getting this place in a position where it is respected.

Are we limited to 5? I did not know that. I apologize to the Chair. I did not know we were limited to 5 minutes.

The PRESIDING OFFICER. By unanimous consent, there is an agreement on 5 minutes.

Mr. FORD. If I reached the 5 minutes, I did not want to charge the taxpayers any more than $389. I hope I did not use up a page of the RECORD.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I will abide by the admonition of the senior Senator from Kentucky and make sure that I fall below the $389 limit.

Mr. FORD. I just wanted you to know how much it costs per page.

THE DEFICIT

Mr. BENNETT. Mr. President, I want to touch on a few issues quickly, some which the Senator from Kentucky referred to and some that we are talking about generally.

First, on the deficit being close to $300 billion in 1992; it is half that now.

When I campaigned in 1992 for election, I said that the deficit will come down regardless of what happens, and every politician in Washington will take credit for it coming down. One of the major reasons it will come down, having nothing whatever to do with any politician in Washington, is that we will finish paying for the savings and loan bailout. That is moving through the system like a pig in a python, and once it finally is digested and taken care of, you will go back down to the same level of deficit you had before we had the bailout of the savings and loan. A lot of us will look at each other and say, ''Aren't we heroes? Look. It has come down.'' When in fact all that really happened is that we are paying off a one-time obligation, and that was completed.

The other reason it comes down is because the cold war is over and we have had substantial downsizing in the Defense Department. The President talks about 270,000-and-some civilian employees no longer on the payroll. Yes, and over 200,000 of those are in the Defense Department having to do with base closures and other downsizing activities in the Defense Department.

The structural deficit is as persistent and pernicious as it ever was, and the size of the civilian work force unrelated to the cold war is as big and as obtrusive as it ever was, and we are kidding ourselves with these short-term numbers to think that something serious and long term is taking place.

THE MINIMUM WAGE

Mr. BENNETT. Mr. President, I want to talk about the two issues that are on the floor; first the minimum wage, and then the TEAM Act. I am willing to vote on the minimum wage at any time. I intend to vote against an increase in the minimum wage, and I do so for the following reasons.

If we increase the minimum wage, we eliminate jobs, and we eliminate jobs primarily among middle-class white suburban teenagers. You may say, ''Well, that is fine. We do not owe these middle-class white suburban teenagers anything. So let us eliminate their jobs.'' I was a white suburban teenager in a middle-class family, and I started work at 14 when the minimum wage was 40 cents an hour. That dates me, I recognize, around here. I got a nice raise when the minimum wage went to 75 cents an hour. I did not need the money. The money was not the issue. The issue was that I learned that I had to be at work on time. I learned that I had to put in a good time at work. Looking back on it, the work I did, frankly, was not significant to the corporation. They could have done without it. But as long as they were paying me that low wage, it did not hurt them that much to have me around, and I liked to think I at least made things a little more comfortable if not more profitable.

It was the most significant learning experience of my young life. It was more significant than many, if not most, of the classes I took in high school. It was more significant in setting the pattern of my life and work habits in my life than the extracurricular clubs that I went to and the other things I was involved in. It was a tremendously worthwhile experience, as I am sure it is for the other middle-class teenagers who are experiencing their first work opportunity, a work opportunity that will be outlawed if we raise the minimum wage to the point where the employer says, ''Well, I cannot afford it anymore, and I will cut it off.''

Virtually every employer who has contacted me on this issue has said, ''If the minimum wage goes up, I will eliminate jobs.'' I say to those who get so excited about how low the money is, why is it more moral for a person to be unemployed at $5.25 an hour than it is for that person to be working at $4.25 an hour? Somehow, I do not see the social benefit in having somebody unemployed at a high rate whereas they could be working at a lower rate in an entry-level job.

THE TEAM ACT

Mr. BENNETT. Finally, on the TEAM Act, as it is called, I want to make these observations.

Going back to a headline that appeared in a local U.S. paper—I ask unanimous consent that I be allowed to continue for another 3 minutes.

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

Mr. BENNETT. The headline coming from another circumstance but driving to the heart of this issue said this: ''Why are the liberals afraid of democracy?''

This had to do with another circumstance where liberals were complaining about people voting on an issue and saying that the Government should dictate it. Why, said the speaker at this particular symposium, himself a liberal, ''are the liberals afraid of democracy? Are they afraid they would lose? Why are the unions afraid of the TEAM Act? Are they afraid that workers, speaking for themselves, exercising democratic rights, will in fact end up in a circumstance that might be good for those workers? Do they not trust the workers?''

Here are the kinds of things that are illegal now, without the passage of the TEAM Act, in terms of discussions between workers and businesses. They cannot discuss an extension of employees' lunch breaks by 15 minutes. That is illegal. They have to have the union discuss that in their behalf. They cannot discuss the issue of decreasing rest breaks from 15 minutes to 10 minutes. You would think they could get together, exercise their democratic rights, rights of free speech, to talk about that? Oh, no. Under the present law that is illegal. The union has to be the one to do that.

How about sitting down with management and the workers to discuss tornado warning procedures? Oh, no, we cannot trust the workers to have that kind of discussion. They may give away the store. We have to have the union there to protect their rights. The union must decide, not the workers who are directly involved.

How about rules about fighting? Oh, no, we cannot have that discussion with the workers. We have to have that discussion with the union.

Sharpness of the edges of safety knives? No, we cannot have the people who actually handle the safety knives discuss that with management. We have to have the union there. The list goes on and on.

I am willing to vote on minimum wage. I am willing to vote on TEAM Act. I am willing to vote on the gas increase. I am not willing to have some people in this body say to us, ''You can vote on the ones that we think are important, but we will not let you vote on the ones that you think are important.''

I say, in closing, to those who are so concerned about the minimum wage, why, if it is such a vital social benefit for so many people, was it never mentioned by the then-majority party for the 2 years that they held both the Presidency and the Congress? Never once did it come up when they had the opportunity to control the agenda, control the veto, and control the passage through here. They did not even mention it, let alone raise it. Now, all of a sudden, it is an amendment that must be offered to every single bill.

I think the coincidence is that $35 million has been pledged in support of the President's campaign by the labor unions, and the decision has been, suddenly, well, it is important. So now we will bring it up, even though we never did when we were in charge.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

THE THREE PROPOSALS BEFORE THE SENATE

Mr. COVERDELL. Mr. President, to lay a framework here, we have three proposals that are before the Senate offered by the majority leader, Senator DOLE of Kansas. We have an opportunity to repeal a 4½-cent gas tax that was imposed by President Clinton in August 1993. This is the gas tax that the President, while campaigning, said should not be imposed because it is especially harsh on the poor families in our country. But when he became President, he changed his mind and imposed a 4.3-cent gas tax that, as I said, is very, very difficult for the poorer sectors of our society to deal with, the rural sectors, rural communities that have to utilize gas extensively in their travels and in their work. This has added a deficit in a family checking account between $100 and $200 per family.

It is interesting we are discussing that on this day, because May 8 is the first day that wage earners get to keep

their checks for their own housing, their own food, their own transportation. From January 1 to yesterday, every check that was earned by every worker in America went to the Government. It is hard to believe we are at a point in time in our country where you work from January 1 to May 7 and you have to wait until May 8 to keep the first check that you earned. So repealing this gas tax is just the beginning of a series of steps that ought to occur to lighten that load and push those days back.

If you ask Americans what date they think is the appropriate one, they say March 1. Now it is May 7, and you have to wait until May 8 until you can begin to keep what you worked for, for your own family.

So we are talking about repealing this gas tax. We are talking about the minimum wage, which the Senator from Massachusetts has argued now for several weeks ought to be passed. I disagree with him, but there would be a vote on the minimum wage in this proposal the majority leader has put before the Senate.

I agree with the Senator from Utah that the minimum wage will hurt those that they argue it will help. Entry-level, beginning employees, minority employees will find it harder to get a job. That debate has been aired now for several weeks, and there will be a vote on that proposal.

Then there will be a vote on legislation that makes it possible—it is called the TEAM Act. But basically it is a proposal that allows employers and employees to meet together and discuss the modern workplace. Today, representative employees from a company in Lawrenceville, GA, visited our office and said their working groups had saved $6 million. A team that consisted of nine employees, people from the assembly line to plant managers, chosen by coworkers, met for 6 months, and they saved that company $6 million. They are up here saying we want that flexibility in labor law.

A small business from Macon, GA—they employ 30 people in Macon—they have created a committee called TRAQ, total responsibility in quality, made up of employee-selected representatives. Top management does not participate but makes recommendations. These employees from this company in Georgia have written endorsing this new concept. The concept has been endorsed by the Savannah Morning News, the TEAM Act concept, the ability of people to come together.

Mr. President, do I need to ask unanimous consent for another 2 minutes?

The PRESIDING OFFICER. The Senator's time is about to expire.

Mr. FORD. If I do not object, will the Senator yield for a question?

Mr. COVERDELL. I sure will.

Mr. FORD. You will?

Mr. COVERDELL. Yes.

Mr. FORD. So I will not object.

Why do we need to change the law when these people you are talking about now are on a team?

Mr. COVERDELL. Because we are a right-to-work State, and they can function under the law here. There are many shops where that is not the case.

Mr. FORD. But 96 percent of all businesses now, I understand, have the team concept, but what they do is try to improve the assembly line, to try to improve, so that the nuts and bolts ought to be here on the right instead of on the left. The Ranger truck in Louisville that was not doing so well, management and the employees got together and they were able to learn to put the truck upside-down and be able to lean on the machine that tightens the bolts and turn the truck back up and were able to do these things. That is fine. But now are you saying that these teams will be able to negotiate wages? Negotiate hours? Is that the team concept that you want?

Mr. COVERDELL. Frankly, if it were up to me——

Mr. FORD. Oh, I understand that.

Mr. COVERDELL. It would.

Mr. FORD. But what this law——

Mr. COVERDELL. No; and to respond to your question—I know neither one of us want to put a full page in here.

Mr. FORD. I am trying not to, but some people just say some things.

Mr. COVERDELL. The National Labor Relations Board has called into question all of these concepts.

And is it very simple to read what this act does. It simply would make this possible. I simply quote Secretary Reich:

> Many companies have already discovered that management practices fully involving workers have great value beyond their twin virtues.

Or as President Clinton said in his 1996 State of the Union Message:

> When companies and workers work as a team, they do better, and so does America.

We could not agree more. So why not make it possible and make it certain that no one is under a threat from the National Labor Relations Board?

Mr. FORD. I say to my colleague, you take one line out of a statement and then you do not read the paragraph before or the paragraph under of the President's State of the Union Message. My interpretation of that was that employees ought to be recognized as assets, to be nurtured and improved and trained—that was No. 1—so that management and the employees could work together.

Second, I think his intent was the employees should not be used to be fired so the CEO could get $5 million as a bonus for that year while they are out walking on the street. So what he was saying, as long as the——

The PRESIDING OFFICER. The Chair informs the Senators the additional 2 minutes has expired.

Mr. FORD. I request 5 additional minutes.

The PRESIDING OFFICER. I believe the Senator from Georgia——

Mr. FORD. You have the floor.

Mr. COVERDELL. I have the floor.

Mr. FORD. I like what we are doing. We are having a good time.

Mr. COVERDELL. Let me finish this statement and I will not object to an additional 5 minutes.

Mr. FORD. I do not want the meat loaf to get too hard, and I do not want to stay around here. I would like to talk with you now.

Mr. COVERDELL. All right.

Mr. FORD. Because I think the team concept is fine. I understand that well. That is to improve the flow of the——

Mr. COVERDELL. I ask unanimous consent that we have an additional 5 minutes.

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

Mr. FORD. But I like the team concept of working together, making the assembly line work better, put out a better product, make more profit for the employer. But if you take this out, if you pass this bill, as I understand it, as my lawyers tell me, then the employer selects the team and that is the end of it. He appoints his son-in-law and a couple of others and that is the end of it, because you do not allow what is going on now. You eliminate the law, and the law then gives the employer the opportunity to select the teams.

Now you say, ''Well, that will never happen.'' That is what this law says.

Mr. COVERDELL. No; that is not what this law says. Now I am going to take my prerogative and finish my statement.

Mr. FORD. You disagree. Well, I had fun while it lasted.

Mr. COVERDELL. This is a good debate, because talking about the TEAM Act or the ability for employers and employees to work together is something that actually came out of Asia. We have all sat back and noticed the efficiencies that some of the Japanese companies have. This is where this concept comes from.

This is talking about a new workplace. Labor law in this country is essentially drawn for industry and the workplace that is 50 years old. We are about to go into a new century, and we ought to be talking about a more flexible workplace, like this suggests. We ought to be talking and acknowledging the fact that the American family is under severe pressures and anxiety today. Both of them have to work today just to keep up with the point I made a minute ago that half their income is taken by the Government now.

Mr. FORD. Plural; plural.

Mr. COVERDELL. And we ought to be guiding them to a more flexible workplace, a more friendlier work environment. I think the President's statement sort of speaks for itself. It is not a question of interpreting it. He simply says, this is a quote:

> When companies and workers work as a team, they do better and so does America.

He is right, and we ought to be shaping law that gets us ready for the new century, that allows a friendlier environment, that allows workers and management to work together. That is what the TEAM Act will do.

I might point out that it is not management that was up here from these Georgia companies, it was employees who were up here trying to help endorse these newer concepts for the new century and the new workplace.

Again, we have three proposals here. One is to repeal the gas tax that President Clinton and the administration imposed in August 1993. It is an initial step to lighten this burden on the American family. The second is the minimum wage that the Senator from Massachusetts just tried to propose for America. And the third is a modification that frees companies not to be threatened by the National Labor Relations Board if employers and employees set up work groups to cover the very points that the Senator from Utah espoused.

This is a good law. It actually ought to be just the beginning. We ought to be thinking of other forms of flexibility and other forms of a new environment in the workplace that adjusts itself to the modern workplace and modern family of employees are having to contend with.

With that, Mr. President, I am going to do the leader's notice for the end of the day.

Mr. FORD. Mr. President, I asked for recognition.

Mr. COVERDELL. I yield——

Mr. FORD. You yield the floor.

Mr. COVERDELL. I yield.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I apologize for taking so much time here, but I think what we are getting into is important. There is no way under the 4.3-cent gasoline tax any assurance that the consumer will get it. So all we ask is let that proposal stand alone and we will have relevant amendments and a time agreement. But we are blocked out of amendments; we have to take it as is.

Why, you could give an income tax credit of 4.3 cents, and that would assure that the consumer, the taxpayer would get the money. We do not even have a chance to put up that kind of amendment. You know, a blind hog every once in a while finds an acorn. We might come up with a good suggestion, but we are precluded from amending. That is No. 1.

Mr. COVERDELL. Will the Senator yield?

Mr. FORD. I am glad to yield—you yielded to me—as long as I do not go beyond.

Mr. COVERDELL. I think we heard the majority leader say to the minority leader that he was prepared to discuss an amendment, that he was prepared to meet this evening——

Mr. FORD. But he wants to keep it in the same package.

Mr. COVERDELL. He did not say that.

Mr. FORD. Absolutely, absolutely, that is the whole theme here, and you have to approve of the amendment.

Mr. COVERDELL. I will say this, I am encouraged the Senator from Kentucky is talking as though he is prepared to grant some time.

Mr. FORD. We have been prepared all along, but what you do is put a poison pill in, and we are not going to accept the poison pill. Wait a minute. We are not going to accept the poison pill. You say this is it, and we say we cannot be for it if you put that in. Well, you put that in and so, therefore, we have told you in advance we cannot be for it.

So we are put in a position of having to be against it, and I do not particularly like that. But I wanted to tell you, if I am precluded from offering any amendment, I think I have the right, and this side has the right, and some on that side will have the right to offer amendments and be quite disturbed about not being able to offer amendments.

So what we did is we offered three stand-alone bills with relevant amendments and a time, and you say, ''No, we want to put it all in a package, and we have to vote on it as a package. We get three votes and then a vote on the package.''

I do not understand why you will not take the offer. There must be some reason, because the minimum wage was the only threat you had. That was the only threat. Now you are agreeing to the minimum wage to take it as an amendment or vote on it. And there is a majority in this body that will vote for it, and the majority leader stated that this afternoon. So the majority wants to increase the minimum wage in the Senate. The majority leader agreed to that.

So, that is one vote. That is stand alone. That is the only threat you have had. That is the only thing that the majority leader has been building the tree for, so we cannot have an amendment, so we cannot put on the minimum wage.

Now something happened out there beyond the beltway, and all of a sudden we are agreeing to the minimum wage, because you have Senators on your side who want to vote for the minimum wage increase.

So we just say there are three bills. Let them stand alone, let us have relevant amendments, let us do a time agreement, if that is what is necessary, instead of putting it in a package and then having three votes and then the fourth vote to approve the package. There is some reason beyond the minimum wage.

Mr. COVERDELL. What we are worried about is the poison pen.

Mr. FORD. Pill.

Mr. COVERDELL. Pen, the one that vetoed the tax relief earlier this year, the one that vetoed welfare reform.

Mr. FORD. The one that signed the tax in 1990, that was a poison pen too, my friend?

Mr. COVERDELL. I am talking about——

Mr. FORD. You want to talk about the President. There was a history of a $300 billion deficit when President Clinton took over. It is now $140 billion, down 4 consecutive years—4 consecutive years—after you built it up over almost $5 trillion.

You say, we have not done very well? Let us look at the record. You are saying, we had to swallow the poison pill to vote for that.

Mr. COVERDELL. You are about to run past your $389.

Mr. FORD. You got me worked up, and I am sweating a little bit. But the thing that really bothers this Senator is to say that it is all President Clinton's fault. Why, I even saw one story that he was responsible—an op-ed piece—that he was responsible for the Unabomber. Keep on keeping on, because he is going up in the ratings. He is even 16 points ahead in Kentucky. Will you believe that? I yield the floor. And I will go to dinner.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COVERDELL. Mr. President, just in response—I do not speak for the leader, but I do not believe the package will be separated, because of the fear of the poison pen of a veto. So they will not be taken up in separate votes. I am sure there can be an accommodation to other amendments. But the separation that would allow the President the authority to accept what that side wants and reject what our side wants is not likely the case.

Mr. GORTON. Would the Senator from Georgia yield for a question?

Mr. COVERDELL. I yield for a question.

Mr. GORTON. Would the Senator from Georgia agree that at the present time we on this side of the aisle have sought to pass a very simple bill, which has already passed the House of Representatives, to reimburse attorney's fees and costs to those people who were wrongfully fired in the White House Travel Office just a couple years ago, and that we have been denied the right to pass that bill without any changes and without any conditions?

Mr. COVERDELL. The Senator is absolutely correct. It is the underlying bill to which the majority leader's package would be attached.

Mr. GORTON. Would the Senator from Georgia not agree that we asked for the ability to debate a repeal of the gas tax, an unprecedented gas tax, not for use for transportation infrastructure, but for the first time in the history of our country the gas tax increase passed 3 years ago simply went into the general fund for various social programs, and we are denied the ability to deal with that issue standing alone?

Mr. COVERDELL. The Senator is absolutely correct. It was under threat of amendment.

Mr. GORTON. Would the Senator from Georgia agree that we now have before us not only those two together, but also an increase in the minimum wage, the very increase in the minimum wage that the other party has asked for, but at the same time that we deal with that aspect, the questions relating to labor, that we have wanted to

ensure that the Senate majority could work its will with respect to the TEAM Act, an act which will authorize the kind of cooperation which is in fact taking place right now in more than 30,000 places of employment throughout the country, in which members of a corporation management and labor can work together for safer conditions, for better productivity, for the creation of production teams and the like, things that are not specifically collective bargaining, and that we have thought it was quite appropriate that we deal with both the minimum wage on one side of the equation and this one as a package and ensure that, if we are going to have one passed along, we would pass the other as well?

Mr. COVERDELL. The Senator from Washington is correct. He is articulating very well the balance here. If we are going to deal with, in my judgment, the old systems of managing the workplace, I think coming to the new century is a wonderful time to begin talking about some of the newer ideas.

Mr. GORTON. Would the Senator from Georgia agree that the only offer—perhaps not offer; demand—demand we have from the minority party is that we deal with these issues in a way in which those that the minority party favors are assured to become law while those that the majority party favors are assured to be vetoed?

Mr. COVERDELL. As I said a moment ago, I could not envision us separating this thing in a form where the President's poison pen versus this poison pill they are talking about could be applied to the issues we want to become law and he could accept the provisions that they want to become law.

Mr. GORTON. Does the Senator from Georgia agree that the rationale for this is that the various labor union bosses find absolutely anathema any proposal which would allow informal arrangements between management and labor that does not go through formal labor unions, and for that reason they are perfectly prepared to filibuster and are filibustering, and the President is perfectly prepared to veto, and will veto a proposal that gives gas tax relief; and the minimum wage increase, if it is accompanied by this modern management technique which so many people, both the management and labor, whatever their devotion to lower taxes, whatever their devotion to a minimum wage increase, they are far less important than preventing the passage of the TEAM Act?

Mr. COVERDELL. Well, I agree. It is a matter of public discourse at this point that the labor bosses in this city have publicly stated that they are going to expend $35 million to destabilize the majority——

The PRESIDING OFFICER. The Chair informs the Senator the time limit has expired.

Mr. GORTON. I ask unanimous consent for another 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. COVERDELL. That they will put 100 paid volunteers in some 70 congressional districts. So you do not have to be a rocket scientist to figure out why the other side is scared to death of a procedure or management tool that those labor bosses do not want.

I might add to that, but the employees—as I noted just a moment ago, it was the employees, not management, who came from my State today and yesterday asking for this new vehicle. I think the American worker, unlike the boss system in this city, the American worker wants these flexibilities.

Mr. GORTON. Obviously, because they can only take place with their involvement.

Mr. COVERDELL. That is right.

Mr. GORTON. So those of us who feel that cooperation, rather than confrontation, is the future for America and labor-management relationships, that this is the way we will build more jobs and greater competitiveness, that the only way we can authorize what in fact has been going on until it was determined to be a violation of an act from the 1930's, that the only way that we could bring ourselves into the 1990's or into the 21st century under this set of circumstances is to marry this proposal, which otherwise would be filibustered and vetoed.

Mr. COVERDELL. Being filibustered now.

Mr. GORTON. Is being filibustered and would be vetoed.

The only way we can possibly get it into law is to marry it with something that the other side would like to see passed and let them determine whether or not their expressed devotion to a minimum wage increase is sufficient to overcome their loyalty to these union leaders.

Is it not the opinion of the Senator from Georgia that they have now shown us that their devotion to a minimum wage increase is far less than their devotion to following the dictates of union leaders who say that no relationship between management and labor can take place except through formal labor unions?

Mr. COVERDELL. If this afternoon and whatever we uncovered from the Senator from Kentucky, the sensitivities that were raised here a few minutes ago would suggest that you are right.

Mr. GORTON. I believe that I am. I thank the Senator from Georgia. If I may, I express my own opinion that while I think that a minimum wage increase, at least marginally, would decrease jobs and job opportunities, I nevertheless feel that creating a better overall economy through the TEAM Act is worth a compromise which puts the two of these together and sends it to the President of the United States with the hope that the President would sign them.

I share the regret and opinion of the Senator from Georgia that devotion to the minimum wage increase is no more than lip deep, that it will disappear once anything else of a more balanced nature should appear with it.

It seems to me we should continue to insist that if we are going to do the one, we ought to do the other at the same time and in a way which that poison pen of the White House can accept simply what he wishes and not have to do something which will really improve the economy and labor-management relations in the United States of America.

I thank the Senator from Georgia.

Mr. COVERDELL. Mr. President, I underscore that regarding this proposal, 90 percent of the economists have alluded to the fact that it will cost hundreds of thousands of jobs. The proposal we are talking about is part of a new workplace. It comes from nations that are using it that have become tough competitors of ours. We better start getting modern labor law in place if we are going to compete in the new century.

Mr. MACK. Would the Senator from Georgia be willing to yield for a question?

Mr. COVERDELL. I yield.

Mr. MACK. Would the Senator agree it is possible that our colleagues on the other side of the aisle are filibustering this legislation because, frankly, it is an embarrassment if this 4.3-cent gasoline tax cut were to make its way to the President of the United States?

Again, what I am trying to draw in your mind is a picture of the President of the United States who campaigned in 1992 that he was going to reduce the burden on America's middle-income families. In fact, I think he proposed a tax cut for middle-income families. Then within the first year after he was elected he introduced and enabled the passage of a tax plan that would, in fact, increase taxes on all Americans, part of which was the 4.3-cent gasoline tax.

Now, we are in a situation where we would be saying that we want to give the President an opportunity to keep his campaign promise of 1992, but it puts him in an embarrassing position, because after he got through saying the things he said in 1992, he went ahead and supported the tax increase.

Is it possible our colleagues on the other side of the aisle are engaging in this filibuster to try to protect the President from an embarrassing situation where he will either have to sign into law something that would reverse something he has done, or he will have to veto?

Mr. COVERDELL. Mr. President, I ask unanimous consent we be allowed to finish our colloquy.

The PRESIDING OFFICER (Mr. FRIST). Without objection, it is so ordered.

Mr. COVERDELL. Yes, there are two promises here. First, the President said he would lower taxes on the middle-class as part of the campaign of 1992. That was substantially reversed. Instead of lowering the economic pressure on America and America's working families, he reversed it and increased the economic pressure with a

historic tax increase of which the gas tax is a significant piece.

Second, he said during the same campaign that a gas tax was regressive and would be particularly harmful on the poor and the elderly and should not be imposed, and then reversed that and imposed a new gas tax.

So the debate is about reversing something the President imposed on the country through his leadership in the Congress, and more importantly, reminds us of a promise that was made that was not kept, which is what the Senator from Florida has alluded to.

Mr. MACK. I thank the Senator.

Mr. COVERDELL. I thank the Senator from Florida.

ORDERS FOR THURSDAY, MAY 9, 1996

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:15 a.m. on Thursday, May 9; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business until the hour of 10 a.m. with Senators to speak for up to 5 minutes each, with the following Senators to speak: Senator BURNS, 5 minutes; Senator DORGAN, 25 minutes; Senator LIEBERMAN, 15 minutes; Senator BRYAN, 10 minutes.

Further, that immediately following morning business, the Senate resume H.R. 2937, the White House Travel Office legislation.

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

PROGRAM

Mr. COVERDELL. The Senate will resume consideration of the Whit House Travel Office bill on Thursday. It is also hoped that we may be able to consider H.R. 2137, the Megan's law bill, during tomorrow's session. Again, it is still possible for the Senate to reach an agreement for consideration of gas tax repeal, TEAM Act, minimum wage legislation.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. COVERDELL. If there is no further business to come before the Senate, I now ask that Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:07 p.m., adjourned until Thursday, May 9, 1996, at 9:15 a.m.

EXTENSIONS OF REMARKS

KEN BLACKWELL MAKES THE CASE FOR A FAIRER, SIMPLER TAX CODE

HON. STEVE CHABOT
OF OHIO
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. CHABOT. Mr. Speaker, one of the best and most persuasive advocates of a fairer, simpler Tax Code is my good friend, former colleague on the Cincinnati City Council, and present treasurer of the State of Ohio, Ken Blackwell. Today, I would like to include in the CONGRESSIONAL RECORD an op-ed article written by Mr. Blackwell that appeared in the April 16, edition of the Wall Street Journal.

Mr. Blackwell, who has served as a member of the National Commission on Economic Growth and Tax Reform, chaired by former Congressman and HUD Secretary Jack Kemp, makes a very strong case on behalf of a Tax Code that should be so simple that anyone can figure it out. He notes the exorbitant costs incurred by individuals and businesses in complying with the maze of regulations in the Federal Tax Code.

Ken Blackwell calls filing our tax returns ''one of life's most nerve-wracking, gut-wrenching and mind-numbing chores.'' Millions of Americans agree. I commend the article to my colleagues, and I commend Ken Blackwell for his continuing service to our Nation.

[From the Wall Street Journal, Apr. 16, 1996]

THERE'S NOTHING EZ ABOUT IRS FORMS

(By J. Kenneth Blackwell)

The message in that letter should be a loud wake-up call for the government. The American people, who experienced the misery of Tax Day yesterday, think our current tax system is far too complex and confusing. It is choking the ability of businesses and families to grow and prosper. It is time to uproot the current disgraceful system and replace it with a clear, simple tax code.

Mr. Sabus was one of thousands of people who sent letters to the National Commission on Economic Growth and Tax Reform, chaired by Jack Kemp. The commission, on which we both served, came up with six principles that should guide the national debate on tax reform. One of those principles is that the new tax code should be so simple that anyone can figure it out. Unfortunately, that guideline has been all but ignored by pundits and reporters who've been debating the merits of getting rid of the home-mortgage deduction and other aspects of the flat tax.

The point that they are missing is that much of the public's disgust with the current income tax is caused by its complexity. The cost of compliance is astronomical. The Tax Foundation estimates that in 1994 businesses spent more than 3.6 billion hours, and individuals spent more than 1.8 billion hours, in preparing tax returns. That equates to approximately three million people working full time 12 months a year just to comply with the tax laws! The total annual cost of tax compliance is $192 billion—an amount equivalent to General Motors' entire output for 1994.

There are other costs that are not included in the Tax Foundation's numbers. One of these is the cost of dealing with an audit or some other contact with the IRS. In 1990, the IRS conducted 1.2 million audits, and sent 4.9 million computer-generated notices to taxpayers regarding their returns or payments. The IRS filed 1.1 million liens and 2.6 million levies, and penalized a third of all employers for payroll tax deposit errors. Needless to say, taxpayers spent a considerable number of hours in these contacts with the IRS in addition to the time they spent preparing their tax returns.

Why does it take so much time and energy to comply with the federal income-tax laws? Consider the sheer size of the tax code and regulations and the number of times changes that occur. From 1954 to 1994, the number of words in the sections of the Internal Revenue Code relating just to income taxes increased to more than 800,000 from less than 200,000. And there were constant amendments to the tax code. Every amendment requires new forms, new instructions, new record keeping and new calculations.

Who can understand all of this? Certainly not the average family or small business. Not even professional tax preparers. Money magazine's annual survey of return preparers suggests that as few as 10% of the professional preparers can come within 10% of the correct tax when asked to complete a return for an individual taxpayer with moderately complicated facts. The tax code is so complicated that the IRS itself, according to a 1987 General Accounting Office survey, gives taxpayers the wrong information 47% of the time.

Critics of tax reform frequently suggest that the tax law is not that complicated because most individual taxpayers file the simplest returns, a Form 1040EZ or a Form 1040A. Unfortunately, even the simplest returns are not that simple. The IRS notes proudly that it should take taxpayers ''only'' two hours and 42 minutes to complete the 1040EZ. Why does it take so long to fill out a form that is just a little bigger than a postcard? The instructions for the 1040EZ are 36 pages long! And the instructions for the Form 1040A are 79 pages.

Furthermore, although taxpayers may end up filing a Form 1040EZ, many are still likely to keep (or try to keep) the records that would be necessary were they to file a longer form. For example, they may keep records of charitable contributions, mortgage interest, child care expenses, medical expenses, state and local taxes, tax return preparation fees, and work-related expenses such as union dues or professional association fees.

The problems with filling out tax returns are far more serious for businesses than for individuals. Each business must deal not only with the burdens of determining its tax liability, but also function as a record keeper and private tax collector for the IRS. Businesses must send the IRS (with copies to the taxpayer by first class mail) more than a billion reports annually. While this information is essential for our tax system to function, we must be cognizant of the costs imposed on businesses by such mandates.

As we said in the tax commission's report, filing tax returns will never be anyone's favorite pastime, but neither should it be what it has become: one of life's most nerve-wracking, gut-wrenching and mind-numbing chores. The current tax code is exceedingly expensive to comply with, increasingly difficult to enforce and oftentimes impossible to understand.

Long ago the authors of the Federalist Papers warned, ''It will be of little avail to the people that the laws are made by men of their own choice if the laws be so voluminous that they cannot be read, or so incoherent that they cannot be understood.'' A simpler tax system will let Americans get a handle on their taxes, a grip on their government and a hold of their future.

HONORING THE MOSS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Moss Volunteer Fire Department. These brave, civic-minded people give freely of their time so we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These fireman must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

CONGRESSMAN TOM CAMPBELL'S RELATIONSHIP WITH STANFORD UNIVERSITY

HON. TOM CAMPBELL
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. CAMPBELL. Mr. Speaker, in 1983, I commenced teaching at Stanford University. In 1987, I was awarded tenure in the law school as a full professor. I still maintain that position, though I am currently on leave. When I served in Congress from 1989 to 1993, I made my continued relationship with Stanford a matter of public record, and I wish to do so again.

In connection with my tenured professorship, I am allowed to own a house on Stanford property, to rent out a cottage on that property, to receive salary for any semester in which I teach a full course load, to receive a stipened for less than a full course load, and to receive contributions to my retirement account commensurate with my compensation.

When I served in Congress before, I received a statement from the ethics committee granting me permission to continue in the above described relationship, both in that and in future Congresses. I have requested similar permission from the ethics committee since joining Congress again.

I have prepared this statement to make public, and also to deliver to any agency or person when appropriate in connection with my work as a Member of Congress so that, should the matter of business affect Stanford University, the recipient can weigh my advice or opinion knowing of the interest that I may have. However, I do assure any such recipient, and my constituents, that I have never, and will never, decide a matter of public policy that affects Stanford University differently because of my relationship with Stanford. Also, my wife, Susanne, is an employee of the Haas School of Business at the University of California at Berkeley. I offer the identical statement with regard to any action of mine that might affect that university as well.

INJURED WORKERS REFORM LEGISLATION

HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Ms. DUNN of Washington. Mr. Speaker, I join with Mr. BILBRAY as an original cosponsor of H.R. 3203, H.R. 3204, and H.R. 3205, legislation that would begin to reform the appeals process for injured Federal workers; require the administrative agency responsible for adjudicating claims select physicians that are impartial; and require that physicians who have been certified by a board of medical specialties be selected to provide for second opinions for these claims.

This legislation would create a much needed timeframe for the decisionmaking process for a workers compensation claim. This legislation would require that the initial decision made by the Secretary of Labor regarding any claim filed by a Federal employee be made within 90 days of the filing of said claim. If for some reason, a decision regarding compensation is not reached within 90 days, the claimant would be given full and normal salary payment until a decision is reached.

These measures would specify that an employee filing an injured workers claim must submit to an actual physical examination by a physician designated or approved by the Secretary of Labor or his designee when ordered by an administrative law judge. When surgery is required, a second opinion would be required except in life-threatening situations.

If there is any reason for disagreement between the physician for the Secretary of Labor and the claimant's physician, a list of three physicians of the appropriate board certified specialty would be given to the claimant to choose from, and a final exam would be conducted to reach closure on any medical and legal issues. All information would be shared with the claimants physician.

The fees set for this process would be set by the Secretary of Labor and would be the same as those allowed to the claimant's physician. All medical bills shall be paid within 60 days of billing, except during the initial claims process and in that case within 60 days of acceptance of the claim.

Further, it would be required that if a claimant is not satisfied with the initial decision regarding his claim he/she may request an oral hearing within 180 days of the date of the initial decision. Under this legislation, once the hearing request has been filed, a hearing must take place within 90 days of the date requested. Any decisions regarding the issues being appealed would have to be rendered within 30 days of the hearing or benefits shall be reinstated if denied.

When conducting a hearing the claimant would be able to cross examine all witnesses and present any evidence they feel necessary for consideration of the claim. If the claimant prevails in the appeal, their attorney or representative would receive 15 percent of the benefits awarded to the claimant.

In a case in which vocational rehabilitation is required, the Secretary would provide these services to any permanently disabled claimant who requests them or whose physician requests them. The claimant would be able to choose the vocational service provider and, Federal employees would be given first priority of placement to injured Federal workers positions commensurate with their pay at the time of their injury and disability.

Mr. Speaker, these legislative changes will bring about much needed reform in the way Federal worker's injury claims are handled. I look forward to working with Mr. BILBRAY in bringing this measure before the whole House of Representatives as soon as possible.

MEGAN'S LAW

SPEECH OF

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. MARTINI. Mr. Speaker, I rise today to speak in strong support of H.R. 2137, a bill known as Megan's law. I am a cosponsor of this important legislation and I commend my colleague, Mr. ZIMMER, for his work on behalf of innocent children nationwide.

As a resident of New Jersey, this particular bill is a painful reminder of the brutal tragedy that took an innocent child's life almost 2 years ago. Mr. Speaker, I know that we cannot bring back 7-year-old Megan Kanka, for whom this bill is named. We can, however, ensure that in the future our sons and daughters are protected from known sex offenders that prey on them.

We often speak of parental responsibility and the importance of making informed decisions concerning the well-being of our children. This bill is about empowering parents with information to do just that.

H.R. 2137 would require that States make public pertinent information on individuals previously convicted of sex crimes or kidnaping.

Mr. Speaker, I believe our communities have the right to know if their children are at risk. As a former Federal prosecutor and the father of two children, I want to know if a convicted child molester has moved into my neighborhood. Had Maureen and Richard Kanka been informed that a known pedophile lived around the corner, Megan would probably be alive today. Instead, she was raped and murdered right across the street. If only they had known.

It is also important to point out that in my home State of New Jersey, our version of Megan's law is being challenged on the grounds of its constitutionality and has been temporarily halted by a court injunction. I am hopeful the Third U.S. Circuit Court of Appeals will uphold this legislation and place the safety of our children above the protection of their offenders.

Mr. Speaker, I can think of no greater fear than harm coming to my children. I wish to extend my deepest sympathy to parents of Megan Kanka and those who loved her. We must not allow this little girl's life to be taken in vain. How many children must fall victim before action is taken.

Again, I thank my colleague from New Jersey and the Judiciary Committee for their leadership on this important bill. I strongly support passage of H.R. 2137 and urge my colleagues to do the same.

HONORING THE HILHAM VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Hilham Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

CAPS THE ECONOMY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. PACKARD. Mr. Speaker, every year since President Clinton took office, Americans have watched their paychecks dwindle and their tax bill skyrocket. My Republican colleagues and I want to reverse this trend. We want to enable families to earn more and keep more of what they earn.

The President's tax-and-spend policies mean the Government gets more and families get less. Last year, families earned $803 less in after-tax dollars than in 1992. In 1993, the President and his colleagues passed the largest tax increase in American history. Taxes are now the highest they have been in peacetime history and almost every American household and business feels the impact.

My Republican colleagues and I have worked diligently to put American families first. We passed tax cuts for families. We passed a balanced budget that would lower interest rates. We passed genuine welfare reform that would have saved taxpayers billions of dollars. Why have America's families not seen any of these savings? President Clinton vetoed all of them.

We have successfully passed a line-item veto and cut foreign aid. We have passed regulatory reform—overregulation costs American households $6,000 a year. Further, my Republican colleagues and I will press on and pass health insurance reform to ensure families are able to keep their coverage if they lose or change jobs, get sick, or move.

I am committed to helping America's families get ahead and putting an end to the Clinton assault on hardworking taxpayers. It is time Washington started working for them, instead of making them work for Washington.

NATIONAL PROPANE SAFETY WEEK

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. TAUZIN. Mr. Speaker, for over 70 years, the propane gas industry has been making significant contributions to American life with remarkable degrees of dependability, efficiency, and above all safety. To highlight the industry's sincere concern with safety, the National Propane Gas Association sponsors National Propane Safety Week, which is being held this year from May 6 to 10. Today I would like to recognize this focus on safety and bring it to the attention of my colleagues.

Throughout the week, activities are being held to promote safety including safety demonstrations and antitampering messages, and public service announcements. Helpful tips on using gas grills, handling cylinders for recreational vehicles, what to do if a homeowner smells gas, and how to handle a pilot light that won't light, are also being shared.

All across the country, manufacturers, suppliers, and distributors regularly help in educating the over 60 million consumers of propane on the wise use of this gas. Consumers use this common fuel to heat their homes, and barns, dry their crops, and fuel their vehicles and machines. National Propane Safety Week plays an important role in reinforcing the safety education of those who already have access to this pertinent information, as well as making it available to those who do not.

A home safety audit, called Gas Check, is another initiative strongly recommended by the National Propane Gas Association throughout Safety Week. This year's focus is on the importance of regular appliance system checkups to ensure the safe operation of all gas-fueled household appliances. Attention to the safety needs of consumers like these should be recognized and appreciated.

Mr. Speaker, I would like to stress my support for all of the propane dealers in my district who put safety first, and I encourage my colleagues to do the same. I would also like to commend the National Propane Gas Association and its constituent dealers for their efforts to promote public awareness about propane safety issues through their sponsorship of and participation in National Propane Safety Week.

MARK RYBECKI AND THE FOOD SOURCE NETWORK OF MYRTLE BEACH, SC

HON. MARSHALL ''MARK'' SANFORD

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. SANFORD. Mr. Speaker, today is a special day in the fight against hunger around the United States. The Congressional Hunger Center and Victory Wholesale Grocers of Dayton, OH, presented the third annual Victory Against Hunger Awards to recipients from across the Nation.

On behalf of the First District of South Carolina, I take special pride that one of our own is a recipient of this important award. The Food Source Network of Myrtle Beach, SC, headed by Chef Mark Rybecki, is a 1996 Victory Against Hunger Award recipient.

The Food Source Network is an unique program among those dedicated to eradicating hunger around the country. First, because it was founded by chefs. And second, because it is the first type of program in its area—there are no other such programs within a 150 miles of the Grand Strand area of South Carolina.

Mark Rybecki and the Food Source Network volunteers take food that is left over from restaurants and other food providers, and give it to organizations that feed people in need. This perishable food rescue program enables organizations around Horry County—like the Red Cross, Citizens Against Spouse Abuse [CASA] and Meals on Wheels—to feed more people.

I want to commend the Congressional Hunger Center for their advocacy on behalf of those in need. And I want to thank Mark Rybecki, and the Food Source Network, for doing everything possible to help those in need.

HONORING THE MOUNTAIN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Mountain Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give go graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

PERSIAN GULF SYNDROME HEALTH BENEFITS EXTENSION ACT OF 1996

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. QUINN. Mr. Speaker, I rise today to introduce legislation which extends priority healthcare to Persian Gulf war veterans who served in Israel and Turkey. My bill is entitled the ''Persian Gulf Syndrome Health Benefits Extension Act of 1996.'' The bill has received bipartisan support from my colleagues on the House Veterans' Affairs Committee.

Men and women who served during the Persian Gulf war in Israel and Turkey were originally excluded from the definition of intheatre operations. Many of these soldiers suffer from similar undiagnosed medical problems that may be related to service during the Persian Gulf war.

Throughout my service on the House Committee on Veterans' Affairs, I have emphasized the need to alleviate the suffering of those individuals afflicted with the Persian Gulf syndrome.

FDA AND FOOD SAFETY

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. DUNCAN. Mr. Speaker, I am not a chemist. I am not an expert in determining product safety. However, there seems to be conflicting reports about a situation brought to my attention by a constituent. I have serious concerns when the health of children is involved. If there is a possible health risk, then I believe that the Food and Drug Administration [FDA] needs to look very closely at this situation keeping the welfare of children in mind.

In June 1994, my office was contacted by one of my constituents, Mael Kersavage, the president of Contemporary Beverages, Inc. Mr. Kersavage said that his company, based in Knoxville, TN, was a distributor of health-oriented beverages.

Contemporary Beverages, in conjunction with another firm, developed a sparkling fruit juice beverage in order to offer schoolchildren a healthier alternative to sugar and caffeine laden soft drinks.

Mr. Kersavage further states that both the FDA and the U.S. Department of Agriculture [USDA] allowed this beverage to be served in school cafeterias nationwide. The beverage was endorsed by the USDA as a beverage that could be served in schools during mealtimes.

Since Mr. Kersavage served as a distributor for this product, in March 1994, he was contacted by an East Tennessee school system which complained that the beverages appeared to have a strange odor, cloudy appearance, and foreign objects floating in the bottles.

After personally inspecting the beverages, Mr. Kersavage was extremely concerned that these contaminated beverages were being offered to schoolchildren. He instructed the school system and his company subdistributors to immediately discontinue dispensing the beverages.

Mr. Kersavage learned that approximately 10,000 cases of the contaminated beverages had been distributed throughout the Southeast. He then contacted the FDA in June 1994.

After persevering through the FDA's labyrinth of bureaucracy, which was exemplified by being continually transferred from one FDA office to another, he finally was able to present documentation with regard to the contaminated beverages. Mr. Kersavage requested that the FDA recall this product. However, the FDA told Mr. Kersavage that it was the responsibility of the manufacturer to recall the products.

For more than a year, my office and Mr. Kersavage consistently contacted the FDA, and Mr. Kersavage provided evidentiary information, including samples of the contaminated product. I, as well as Mr. Kersavage, were concerned about any potential danger to schoolchildren consuming the beverages.

I believe that the FDA should protect the health of our school children. Therefore, I think that when instances, such as the one I have described, are brought to the attention of the FDA it should take immediate and appropriate actions to ensure that products consumed by schoolchildren are safe, and the discretion to recall the product should not be left up to the manufacturer.

SONS OF ITALY FOUNDATION BUILDS AMERICAN LEADERS

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. ROTH. Mr. Speaker, on May 2, I had the privilege of attending the Eighth Annual National Education and Leadership Awards Gala, sponsored by the Sons of Italy Foundation at the Andrew Mellon Auditorium.

Over the years this ceremony has grown in prestige, a result of the leaders it has honored and the cause it has served. Among its honorees have been the late Sil Conte, a friend to many of us in Congress; Justice Antonin Scalia, one of the most incisive judicial minds we've had on the High Court in my memory; and Louis J. Freeh, who is building on the tradition of professionalism at the FBI.

This year's honorees follow in that line of great American leaders. Alfred Checchi, the cochairman of Northwest Airlines, is known as an executive who combines a good head for financial analysis with a heartfelt commitment to the well-being of his employees and the communities that Northwest serves.

Al's management talents have succeeded in restoring the luster of a great American airline. For 6 years, Northwest has been rated first in on-time performance and has had the fewest customer complaints of the seven largest airlines. These performance records are a tribute to Al's ability to motivate those who work with him.

Joe Paterno is one of the greatest coaches in the history of football. At Penn State, he has compiled a record of 278 wins, 72 losses, and 3 ties—which makes him the winningest active coach in the collegiate ranks. But he is also a coach whose concern for his players extends beyond their careers on the gridiron. He urges them to learn art, literature, and music, and to bring their knowledge and values to the families they raise and the communities they serve.

Both honorees provide excellent role models for this year's 12 winners of the National Leadership Grant Competition. What impressed me about these young people is that they drew so much strength from their families and communities.

There's no doubt in my mind that America will continue to flourish and prosper in the 21st century. It will do so because great American institutions like the Sons of Italy will help strengthen the bonds that hold us together as a society by building on a heritage of close families and strong communities.

The Sons of Italy Foundation knows full well that the key to providing thoughtful leadership in America is to provide its sons and daughters with good educations. This year, more than $60,000 worth of scholarships were awarded to outstanding college-bound graduating high school students and full-time students in undergraduate, graduate, and professional programs. Since 1968, more than $21 million in scholarships have been handed out by the Sons of Italy at the national, State, and local levels.

Among those who should be congratulated for this fine program are Joseph E. Antonini, who chaired this year's National Education and Leadership Awards Gala, and Paul S. Polo, Sr. and Valentino Ciullo, chairman and president respectively, of the Sons of Italy Foundation. I commend their efforts to recognize the outstanding Italian-American leaders of today and to support the outstanding Italian-American leaders of the future.

HONORING THE LA VERGNE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the La Vergne Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, ''These firemen must have an overwhelming desire to do for others while expecting nothing in return.''

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catches fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

IN HONOR OF FATHER ROGER KAFFER

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. WELLER. Mr. Speaker, today I would like to honor Joliet UNICO Citizen of the Year—Father Roger Kaffer.

At the 40th annual banquet in Joliet, Father Kaffer was given the distinction of Citizen of the Year for his dedication and efforts toward making Providence High School a top rated educational institution.

When first given the responsibility for Providence in 1969, the school was in financial despair and on the verge of closing. Father Kaffer changed that through innovation, perseverance, and hard work.

Father Kaffer set out immediately on fundraising, student recruitment, and a public relations campaign on behalf of the faculty and

school. The result of his efforts: an increase from 490 to 836 student by 1984; expansion of the Sacred Heart Gymnasium; construction of the theology wing, Bishop Blanchette Library, and the Christopher Cooper Computer Center.

It was through his hard work, self-sacrifice, dedication, and ability to lead that all of these goals were realized and instead of Providence High School's doors closing in 1969, countless numbers of students were able to receive a fundamental Catholic education from one of the finest schools in Illinois.

In 1985 Father Kaffer was named auxiliary bishop of Joliet by Pope John Paul II and his era at Providence ended. However, his wisdom and commitment to the school will always be part of its legacy. Truly a man of God, Father Kaffer serves as a role model for all of us and how we must all work together for the good of the community.

Congratulations Father Kaffer on being named UNICO's Citizen of the Year and best wishes.

INTRODUCTION OF THE REGULATOR TERM LIMIT ACT

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 1996

Mr. CAMPBELL. Mr. Speaker, today I am introducing legislation that will begin to ensure the accountability of our Nation's independent regulatory agencies by imposing term limits on their members. In my view, any entrenched Government body, whether legislative or regulatory, loses accountability and responsiveness. By imposing term limits, we will bring independent regulatory commissions in step with the current movement to energize Government bodies by turnover, thereby making them more accountable to the American citizens.

The Regulator Term Limit Act of 1996, would limit an individual to two terms as a member of any independent regulatory commission. This bill had its genesis in the recently enacted ICC Termination Act of 1995 (Public Law 104–88), in which Congress adopted the suggestion of Surface Transportation Board Commissioner Gus A. Owen to limit the STB Commissioners to two terms. Mr. Owen, himself a long serving Commissioner, saw the need to end the entrenchment which is all too common in regulatory agencies.

Independent regulatory agencies perform quasi-legislative or quasi-judicial functions. They make their decisions based on findings of fact, supported by evidence, and drawn from a record open to public scrutiny. To fulfill their mission, independence from the executive or legislative branch is essential. Their public accountability, however, is frustrated if the decision makers become entrenched. We should guarantee their accountability by requiring that Commissioners serve no more than two terms. In addition, in the Jeffersonian citizen-legislator spirit, we will be providing more opportunities for talented people to serve their Nation when Commissioners return to private life.

As original cosponsors, I would like to thank Mr. CLINGER, Mr. MCINTOSH, Mr. PACKARD, Mr. LARGENT, Mr. UPTON, Mr. CASTLE, Mr. SCARBOROUGH, Mr. HORN, Mr. BONO, and Mr. ZELIFF. Their efforts are much appreciated and I look forward to continued input on this bill.

I urge my colleagues to support this legislation that helps ensure good government by preventing the entrenchment of independent regulatory commissioners through the imposition of term limits.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 9, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 10

9:30 a.m.
Small Business
To hold hearings on proposed legislation relating to Small Business Investment Company reform.
SR–428A

10:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings on S. 1317, to repeal the Public Utility Holding Act of 1935 and transfer certain regulatory functions from the Securities and Exchange Commission to the Federal Energy Regulatory Commission and the Public Service Commissions of various States.
SD–538

Governmental Affairs
Business meeting, to mark up S. 704, to establish the Gambling Impact Study Commission.
SD–342

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MAY 14

9:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine challenges faced by an aging society.
SD–430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Federal Aviation Administration and the Airport Improvement Program.
SR–253

Energy and Natural Resources
Oversight and Investigations Subcommittee
To hold hearings to examine the management and costs of class action lawsuits at Department of Energy facilities.
SD–366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for foreign assistance programs, focusing on narcotics.
SD–192

Judiciary
To hold hearings to examine proposals to revise the false statements statute, focusing on the case Hubbard v. United States.
SD–226

2:00 p.m.
Armed Services
To hold closed hearings on certain pending military nominations.
SR–222

MAY 15

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies.
SR–332

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of the Interior.
SD–138

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings to examine Russian organized crime in the United States.
SD–342

Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR–301

10:00 a.m.
Judiciary
To hold hearings to examine issues relative to combatting violence against women.
SD–226

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Aeronautics and Space Administration.
SD–192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Executive Office of the President and the Office of Personnel Management.
SD–138

MAY 16

9:30 a.m.
Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 621, to designate the Great Western Trail for potential addition to the National Trail System, H.R. 531, to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, S. 1049, to designate the route from Selma to Montgomery as a National Historic Trail, S. 1706, to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chickamauga and Chattanooga National Military Park in Georgia, and S. 1725, to create a third category of long-distance trails to be known as national discovery trails and to authorize the American Discovery Trail as the first national discovery trail.
SD–366

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, focusing on the New Independent States.
SD–106

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the United States Coast Guard.
SD–192

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Corporation for National and Community Service.
SD–192

MAY 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on S. 1166, to improve the registration of pesticides, to provide minor use crop protection, and to improve pesticide tolerances to safeguard infants and children.
SR–328A

Rules and Administration
To resume hearings on issues with regard to the Government Printing Office.
SR–301

MAY 23

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD–226

MAY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.
SD–192

JUNE 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposals to reform the Commodity Exchange Act.
SR–328A

10:00 a.m.
Judiciary
To hold hearings on S. 1237, to revise certain provisions of law relating to child pornography.
SD–226

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

CANCELLATIONS

MAY 9

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Immigration and Naturalization Service and the Bureau of Prisons, Department of Justice.
S–146, Capitol

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Small Business Administration.
S–146, Capitol

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4813–S4882

Measures Introduced: Nine bills were introduced, as follows: S. 1732–1740. **Page S4851**

White House Travel Office/Former Employees: Senate continued consideration of H.R. 2937, for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993, taking action on the following amendments proposed thereto: **Pages S4813–37, S4846–48**

Pending:

(1) Dole Amendment No. 3952, in the nature of a substitute. **Page S4814**

(2) Dole Amendment No. 3953 (to Amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States. **Page S4814**

(3) Dole Amendment No. 3954 (to Amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States. **Page S4814**

(4) Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith. **Pages S4816–37, S4846–48**

(5) Dole Amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States. **Pages S4816–37, S4846–48**

(6) Dole Amendment No. 3960 (to Amendment No. 3955), to provide for the repeal of the 4.3 cent increase in fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, to clarify that an employer may establish and participate in worker-management cooperative organizations to address matters of mutual interest to employers and employees, and to provide for an increase in the minimum wage rate. **Pages S4816–37, S4846–48**

Withdrawn:

Dole Amendment No. 3956 (to Amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States. **Page S4816**

During consideration of this measure today, Senate took the following action:

By 53 yeas to 45 nays (Vote No. 110), three-fifths of those Senators duly chosen and sworn not having voted in the affirmative, Senate failed to agree to close further debate on the bill. **Page S4816**

A motion was entered to close further debate on Amendment No. 3956, listed above and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Friday, May 10, 1996. **Page S4819**

Senate will continue consideration of the bill on Thursday, May 9, 1996.

Messages From the House: **Page S4849**

Measures Placed on Calendar: **Page S4849**

Communications: **Pages S4849–51**

Statements on Introduced Bills: **Pages S4851–71**

Additional Cosponsors: **Pages S4871–72**

Amendments Submitted: **Pages S4872–73**

Notices of Hearings: **Pages S4873–74**

Authority for Committees: **Page S4874**

Additional Statements: **Pages S4874–76**

Record Votes: One record vote was taken today. (Total–110) **Page S4816**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 6:07 p.m., until 9:15 a.m., on Thursday, May 9, 1996. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4882.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS—COMMERCE

Committee on Appropriations: Subcommittee on Commerce, Justice, State, the Judiciary, and Related Agencies held hearings on proposed budget estimates for fiscal year 1997 for the Department of Commerce, receiving testimony from Michael Kantor, Secretary of Commerce.

Subcommittee will meet again tomorrow.

APPROPRIATIONS—DEFENSE

Committee on Appropriations: Subcommittee on Defense held hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, receiving testimony in behalf of funds for their respective activities from Robert M. Walker, Assistant Secretary of the Army for Installations, Logistics and Environment; Robert B. Pirie, Jr., Assistant Secretary of the Navy for Installations and Environment; Rodney A. Coleman, Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installation and Environment; Lt. Gen. Arthur Williams, Commander, United States Army Corps of Engineers; and Rear Adm. David Nash, Commander, Naval Facilities Engineering Command.

Subcommittee will meet again on Wednesday, May 22.

APPROPRIATIONS—ENDOWMENT FOR THE ARTS

Committee on Appropriations: Subcommittee on Interior held hearings on proposed budget estimates for fiscal year 1997 for the National Endowment for the Arts, receiving testimony from Jane Alexander, Chairperson, National Endowment for the Arts.

Subcommittee will meet again on Wednesday, May 15.

APPROPRIATIONS—IRS

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, receiving testimony from Margaret M. Richardson, Commissioner, Internal Revenue Service, Department of the Treasury.

Subcommittee will meet again on Wednesday, May 15.

BUSINESS MEETING

Committee on Finance: Committee ordered favorably reported the following bills:

H.R. 2853, to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Bulgaria;

H.R. 1642, to extend nondiscriminatory treatment (most-favored-nation treatment) to the products of Cambodia; and

H.R. 3074, to amend the United States-Israel Free Trade Area Implementation Act of 1985 to provide the President with additional proclamation authority with respect to articles of the West Bank or Gaza Strip or a qualifying industrial zone, with an amendment.

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Peru, Dennis K. Hayes, of Florida, to be Ambassador to the Republic of Suriname, and Donald J. Planty, of New York, to be Ambassador to the Republic of Guatemala, after the nominees testified and answered questions in their own behalf. Mr. Jett was introduced by Senator Bingaman.

JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Committee on the Judiciary: Subcommittee on Youth Violence concluded hearings on proposed legislation authorizing funds for programs of the Juvenile Justice and Delinquency Prevention Act, the implementation of Federal programs to prevent and control youth violence, and S. 1245, to identify violent and hard-core juvenile offenders and treat them as adults, after receiving testimony from Senator Ashcroft; Shay Bilchik, Administrator, Office of Juvenile Justice and Delinquency Prevention, Department of Justice; Laurie E. Ekstrand, Associate Director, Administration of Justice Issues, General Government Division, General Accounting Office; Marvin E. Wolfgang, Sellin Criminology Center, and Ira Schwartz, both of the University of Pennsylvania, Philadelphia; Lavonda Taylor, Coalition for Juvenile Justice, West Memphis, Arkansas; Delbert S. Elliott, Center for the Study and Prevention of Violence/University of Colorado, Boulder; and Terence P. Thornberry, Hindelang Criminal Justice Research Center, Albany, New York.

AUTHORIZATION—OLDER AMERICANS ACT

Committee on Labor and Human Resources: Committee ordered favorably reported, with amendments, S. 1643, authorizing funds for fiscal years 1997 through 2001 for programs of the Older Americans Act of 1965.

CAMPAIGN FINANCE REFORM

Committee on Rules and Administration: Committee held hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns, receiving testimony from Larry J. Sabato and Lillian R. BeVier, both of the University of Virginia, Charlottesville; Herbert E. Alexander, University of Southern California, Los Angeles; Norman J. Ornstein, American Enterprise Institute for Public

Policy Research, and Candice J. Nelson, American University, both of Washington, D.C.; and Frederick Schauer, Harvard University, Cambridge, Massachusetts.

Hearings continue on Wednesday, May 15.

VA HEALTH CARE ELIGIBILITY REFORM

Committee on Veterans' Affairs: Committee concluded hearings on proposals to reform eligibility rules for Department of Veterans Affairs' health care benefits, focusing on the effects of veterans' health care eligibility priorities which govern all veterans' access to VA care and programs, including related measures S. 1345, S. 1359, S. 1563, and provisions of H.R. 1385, after receiving testimony from Kenneth W. Kizer, Under Secretary for Health, and Mary Lou Keener, General Counsel, both of the Department of Veterans Affairs; and Michael A. Miller, Unit Chief, Defense, International Affairs, and Veterans' Affairs Cost Estimates Unit, Budget Analysis Division, Congressional Budget Office.

INTELLIGENCE

Select Committee on Intelligence: Committee met in closed session to consider certain intelligence matters.

Committee will meet again on Friday, May 10.

WHITEWATER

Special Committee to Investigate the Whitewater Development Corporation and Related Matters: Committee resumed hearings to examine certain matters relative to the Whitewater Development Corporation, receiving testimony from Ron Proctor, Vernon Dewey, Don Denton, Robert Ritter, James Patterson, and Frank Burge, all of Little Rock, Arkansas.

Hearings continue tomorrow.

House of Representatives

Chamber Action

Bills Introduced: 11 public bills, H.R. 3411–3421, were introduced. **Page H4646**

Reports Filed: Reports were filed as follows:

H.R. 1129, to amend the National Trails Systems Act to designate the route from Selma to Montgomery as a National Historic Trail, amended (H. Rept. 104–567); and

H.R. 2982, to direct the Secretary of the Interior to convey the Carbon Hill National Fish Hatchery to the State of Alabama (H. Rept. 104–568). **Page H4646**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designates Representative Hansen to act as Speaker pro tempore for today. **Page H4533**

Permission to Sit: The following committees and their subcommittees received permission to sit today during proceedings of the House under the 5-minute rule: Committees on Agriculture, Commerce, Economic and Educational Opportunities, Government Reform and Oversight, International Relations, Resources, Science, Small Business, and Veterans' Affairs. **Page H4536**

Iranian Arms Transfers: By a recorded vote of 224 ayes to 187 noes, Roll No. 151, the House agreed to H. Res. 416, establishing a select subcommittee of the Committee on International Relations to investigate the United States Role in Iranian Arms Transfers to Croatia and Bosnia. Agreed to order the previous question on the resolution by a yea-and-nay vote of 227 yeas to 187 nays, Roll No. 150. **Pages H4536–50**

Expenses of Select Subcommittee: By a yea-and-nay vote of 225 yeas to 203 nays, Roll No. 152, the House agreed to H. Res. 417, providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the Second Session of the One Hundred Fourth Congress. **Pages H4550–59**

Agreed to the Dreier amendment in the nature of a substitute.

Housing Act: The House completed all general debate and began consideration of amendments on H.R. 2406, to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs. Consideration of amendments will resume on Thursday, May 9. **Pages H4569–H4643**

H. Res. 426, the rule under which the bill is being considered, was agreed to earlier by a voice vote. Earlier, agreed to order the previous question on the rule by a yea-and-nay vote of 218 yeas to 208 nays, Roll No. 153. **Pages H4559–69**

Agreed To:

The Lazio amendment that includes technical and clarifying changes; replaces the single block grant for

federally assisted housing with two block grants, one for capital needs and the other for operating expenses; increases to 30 percent the portion of public housing units reserved for families with incomes at or below 30 percent of the area median income; requires that 50 percent of assistance provided under the new tenant-based rental assistance voucher program be received for families making 60 percent or less of area median income; caps at 30 percent of income the maximum rent that may be charged to current residents earning 30 percent or less of area median income; establishes a 30 percent rent cap for all current elderly and disabled tenants; provides for the deregulation of 300 housing authorities; allows public housing authorities to convert their housing assistance to tenant-based vouchers under certain circumstances; establishes a commission to analyze the costs of public housing to facilitate cost comparisons; requires housing authority board members who are residents of public housing to be elected by their neighbors; allows a housing authority to enter into contracts with tenants to facilitate a movement from housing assistance into self-sufficiency; and establishes a demonstration program to allow 100 housing authorities to design programs that move tenants from public housing into the private home ownership markets; **Pages H4592–94**

The Watt amendment that includes the statement that it is the goal of the nation that all citizens have decent and affordable housing; **Page H4607**

The Watt amendment that provides a provision that housing management plans comply with Federal law; **Page H4617**

The Gilchrest amendment that stipulates the use of trespass laws by housing authorities to keep evicted tenants or criminals out of public housing; **Pages H4617–18**

The Maloney amendment that allows elderly and disabled residents living in federally-assisted housing be allowed to keep a common household pet; **Pages H4618–27**

The Solomon amendment that prohibits admission and occupancy to public housing units by any person who has been convicted of illegal possession with intent to sell any controlled substance; and **Page H4628**

The Fields amendment that strikes reference to eligibility of residents to public housing boards who have been convicted of a misdemeanor. **Pages H4628–29**

Rejected:

The Fields amendment that sought to require housing authorities to include at least 25 percent of residents as members of the Board of Directors (rejected by a recorded vote of 158 ayes to 254 noes, Roll No. 154); **Pages H4613–17, H4627–28**

The Fields amendment that sought to establish housing advisory boards to include at least 60 percent of tenants as members; and **Pages H4629–30**

The Jackson-Lee amendment that sought to establish a regional appeals board that includes tenant representation. **Pages H4630–32**

Withdrawn: The following amendments were offered, but subsequently withdrawn:

The Watt amendment that sought to modify the declaration of policy by eliminating the section stating that the Federal government cannot provide for the housing of every American; **Pages H4595–H4607**

The Vento amendment that sought to replace the authority's finding with the Secretary's finding; **Pages H4611–12**

The Fields amendment that sought to require that board membership of housing authorities include at least 25 percent of residents as members; and **Pages H4612–13**

The Ehrlich amendment that sought to prohibit the relocation of public housing from Baltimore, Maryland to other jurisdictions in the state of Maryland, if the relocation is connected to a legal action brought by the residents of Baltimore housing units. **Pages H4632–33**

Canada-United States Interparliamentary Group: The Chair announced the Speaker's appointment of the following Members on the part of the House as delegates to the Canada-United States Interparliamentary Group: Representatives Dreier, Upton, Gibbons, de la Garza, Oberstar, Johnston of Florida, Peterson of Minnesota, Danner, Underwood, and Frazer. **Page H4643**

Referral: One Senate-passed measure was referred to the appropriate House committee. **Page H4644**

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H4647–54.

Senate Messages: Message received from the Senate today appears on page H4533.

Quorum Calls—Votes: Three yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H4549, H4549–50, H4559, H4569, and H4627–28. There were no quorum calls.

Adjournment: Met at 11 a.m. and adjourned at 11:01 p.m.

Committee Meetings

USDA—FEDERAL FUNDS TO OBTAIN SERVICES FROM PRIVATE CONTRACTORS

Committee on Agriculture: Held a hearing to investigate the use, by the U.S. Department of Agriculture, of federal funds authorized under Section 17 of the Food Stamp Act to obtain services from private contractors. Testimony was heard from the following officials of the Resources, Community, and Economic Development Division, GAO: Keith Fultz, Assistant Comptroller General; Martin J. Fitzgerald, Associate General Counsel; and Mary L. Dietrich, Senior Evaluator; Ellen Haas, Under Secretary, Food, Nutrition, and Consumer Services, USDA; and public witnesses.

COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and the Judiciary held a hearing on Trade Promotion and Enforcement and on Immigration and Border Security. Testimony was heard from Charlene Barshefsky, Acting U.S. Trade Representative; the following officials of the Department of Commerce: Stuart Eizenstat, Under Secretary, International Trade; and William S. Reinsch, Under Secretary, Export Administration; Peter S. Watson, Chairman, U.S. International Trade Commission; Joan Edelman Spero, Under Secretary, Economics, Business, and Agricultural Affairs, Department of State; the following officials of the Department of Justice: Doris Meissner, Commissioner, Immigration and Naturalization Service; and Anthony C. Moscato, Director, Executive Office for Immigration Review; and Ruth A. Davis, Principal Deputy Assistant Secretary, Consular Affairs, Department of State.

LABOR-HHS-EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on all other Department of Labor (except OSHA) and on Occupational Safety and Health Administration and Occupational Safety and Health Review Commission. Testimony was heard from Joseph A. Dear, Assistant Secretary, Occupational Safety and Health, Department of Labor; and Stuart E. Weisberg, Chairman, Occupational Safety and Health Review Commission.

VETERANS AFFAIRS-HUD-INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Veterans' Affairs, Housing and Urban Development and Independent Agencies continued appropriation hearings. Testimony was heard from Members of Congress.

STRATEGIC PETROLEUM RESERVE

Committee on Commerce: Subcommittee on Energy and Power held an oversight hearing on the Future of the Strategic Petroleum Reserve. Testimony was heard from the following officials of the Department of Energy; C. Kyle Simpson, Associate Deputy Secretary, Energy Programs; and Jay E. Hakes, Administrator, Energy Information Administration; Jan Paul Acton, Assistant Director, Natural Resources and Commerce Division, CBO; and public witnesses.

PREVENTION PROGRAMS

Committee on Economic and Educational Opportunities: Subcommittee on Early Childhood, Youth and Families held a hearing on Prevention Programs under the Juvenile Justice and Delinquency Prevention Act. Testimony was heard from public witnesses.

DOWNSIZING—PERSONNEL ISSUES

Committee on Government Reform and Oversight: Subcommittee on Civil Service held a hearing on Personnel Issues in Downsizing. Testimony was heard from Representatives Wolf, Morella, and Hoyer; and public witnesses.

SUPERFUND

Committee on Government Reform and Oversight: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on Superfund: A Badly Broken Program in Urgent Need of Reform. Testimony was heard from Representative Mica; Stanley Czerwinski, Associate Director, Environmental Protection Issues, GAO; John C. Martin, Inspector General, EPA; and public witnesses.

OVERSIGHT—NATIONAL DRUG CONTROL STRATEGY

Committee on Government Reform and Oversight: Subcommittee on National Security, International Affairs and Criminal Justice held an oversight hearing on the 1996 National Drug Control Strategy. Testimony was heard from Gen. Barry McCaffrey, USA, Director, Office of National Drug Control Policy.

MISCELLANEOUS MEASURES; SUBPOENAS

Committee on International Relations: Favorably considered the following resolutions and adopted a motion urging the Chairman to request that they be considered on the Suspension Calendar: H. Con. Res. 160, congratulating the people of the Republic of Sierra Leone on the success of their recent democratic multiparty elections; H. Con. Res. 165, saluting and congratulating Polish people around the world as, on

May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution; and H. Con. Res. 167, recognizing the 10th anniversary of the Chernoboyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant.

The Committee approved a motion authorizing issuance of subpoenas to compel testimony and documents from Charles E. Redman, Ambassador to Germany and Peter W. Galbraith, Ambassador to Croatia.

The Committee also approved a motion authorizing issuance of a subpoena to compel testimony and documents from Paul Neifert.

CRISIS IN LIBERIA

Committee on International Affairs: Subcommittee on Africa held a hearing on the Crisis in Liberia. Testimony was heard from George Moose, Assistant Secretary, African Affairs, Department of State; Vince Kern, Deputy Assistant Secretary, African Affairs, International Security Affairs, Department of Defense; and a public witness.

VICTIMS OF TORTURE

Committee on International Affairs: Subcommittee on International Operations and Human Rights held a hearing on Victims of Torture. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following bills: H.R. 2909, Silvio O. Conte National Fish and Wildlife Refuge Emminent Domain Prevention Act; and H.R. 2823, amended, International Dolphin Conservation Program Act.

BUDGET REQUEST—OFFICE OF ENERGY RESEARCH

Committee on Science: Subcommittee on Energy and Environment held a hearing on the Department of Energy's FY 1997 budget request for the Office of Energy Research. Testimony was heard from Martha A. Krebs, Director, Office of Energy Research, Department of Energy; the following officials of various National Laboratories: John Peoples, Jr., Director, Fermi National Accelerator; David E. Moncton, Associate Director, Argonne; Alvin W. Trivelpiece, Director, Oak Ridge; Nicholas P. Samios, Director, Brookhaven; Charles V. Shank, Director, Lawrence Berkeley; and William J. Madia, Director, Pacific Northwest; and public witnesses.

MUSIC LICENSING AND SMALL BUSINESS

Committee on Small Business: Held an oversight hearing on music licensing and small business. Testimony was heard from public witnesses.

COMMITTEE BUSINESS

Committee on Standards of Official Conduct: Met in executive session to consider pending business.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 3118, Veterans' Health Care Eligibility Reform Act of 1996; H.R. 3376, amended, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997; H.R. 3373, Veterans' Benefits Amendments of 1996; and H.R. 1483, to amend title 38, United States Code, to allow revision of veterans benefits decisions based on clear and unmistakable error.

VETERANS MATTERS

Committee on Veterans' Affairs: Subcommittee on Education, Training, Employment and Housing and the Subcommittee on Compensation, Pension, Insurance and Memorial Affairs held a joint oversight hearing on the Court of Veterans Appeals Pro Bono Program; veterans' COLAs; and the *Davenport* v. *Brown* decision. Testimony was heard from Stephen L. Lemons, Deputy Under Secretary, Benefits, Department of Veterans Affairs; Frank Q. Nebeker, Chief Judge, U.S. Court of Veterans Appeals; David B. Isbell, Chairman, Veterans Consortium Pro Bono Program; and representatives of veterans organizations.

VETERANS LEGISLATION

Committee on Veterans' Affairs: Subcommittee on Hospitals and Health Care approved for full Committee action the following bills: H.R. 3118, Veterans' Health Care Eligibility Reform Act of 1996; and H.R. 3376, amended, to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997.

IMPACT OF 1993 TAX INCREASE ON TRANSPORTATION FUELS

Committee on Ways and Means: Held a hearing to examine the Impact of the 1993 Tax Increase on Transportation Fuels. Testimony was heard from Representative Royce; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, MAY 9, 1996

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Commerce, Justice, State, and the Judiciary, to hold hearings on proposed budget estimates for fiscal year 1997 for the Immigration and Naturalization Service and the Bureau

of Prisons, Department of Justice, 10 a.m., S–146, Capitol.

Subcommittee on Transportation, to hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Transit Administration, 10 a.m., SD–192.

Subcommittee on Labor, Health and Human Services, and Education, to hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Labor, 2 p.m., SD–138.

Committee on the Budget, business meeting, to mark up a proposed concurrent resolution on the fiscal year 1997 budget for the Federal Government, 9:30 a.m., SD–608.

Committee on Energy and Natural Resources, to hold oversight hearings to examine the recent increase in gasoline prices, 9:30 a.m., SD–366.

Committee on Governmental Affairs, to hold oversight hearings on the Internal Revenue Service, 10 a.m., SD–342.

Committee on the Judiciary, business meeting, to consider pending calendar business, 10 a.m., SD–226.

Committee on Labor and Human Resources, Subcommittee on Children and Families, to hold oversight hearings on the implementation of the Family and Medical Leave Act, 9:30 a.m., SD–430.

Committee on Indian Affairs, to hold oversight hearings on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe v. Florida on the Indian Gaming Regulatory Act of 1988, 9:30 a.m., SD–G50.

Special Committee To Investigate Whitewater Development Corporation and Related Matters, to continue hearings to examine certain issues relative to the Whitewater Development Corporation, 10 a.m., SH–216.

NOTICE

For a Listing of Senate Committee Meetings scheduled ahead, see pages E736–37 in today's Record.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and the Judiciary, on Secretary of Commerce, 10 a.m., 2360 Rayburn, on Securities and Exchange Commission, 11 a.m., and on Department of State Under Secretary for Management, 2 p.m., H–310 Capitol.

Subcommittee on the District of Columbia, on D.C. Finances, 10 a.m., 2362A Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Howard University and Special Institutions for the Disabled, 10 a.m., and on Secretary of Education, 2 p.m., 2358 Rayburn.

Subcommittee on Veterans' Affairs, Housing and Urban Development and Independent Agencies, on Department of Housing and Urban Development, 11 a.m., H–143 Capitol.

Committee on Banking and Financial Services, Subcommittee on Domestic and International Monetary Policy, to mark up H.R. 3399, to authorize appropriations for the United States contribution to the 10th replenishment of the resources of the International Development Association, to authorize consent to and authorize appropriations for the United States contribution to the fifth replenishment of the resources of the African Development Bank, to authorize consent to and authorize appropriations for a United States contribution to the interest subsidy account of the successor (ESAF II) to the Enhanced Structural Adjustment Facility of the International Monetary Fund, and to provide for the establishment of the Middle East Development Bank, 1 p.m., 2128 Rayburn.

Committee on the Budget, to mark up the Fiscal year 1997 Budget Resolution, 1:30 p.m., 210 Cannon.

Committee on Commerce, Subcommittee on Commerce, Trade, and Hazardous Materials, oversight hearing on International Telecommunications Trade Issues, 10 a.m., 2123 Rayburn.

Committee on Government Reform and Oversight, to consider a resolution concerning proceedings against John M. Quinn, David Watkins and Matthew Moore, pursuant to Title II, U.S. Code, Sections 192 and 194, 10 a.m., 2154 Rayburn.

Subcommittee on National Security, International Affairs and Criminal Justice, hearing on Source Country Programs and their importance to the Nation's Drug Strategy, 2 p.m., 2154 Rayburn.

Committee on International Relations, oversight hearing on the U.S. Agency for International Development, 10:30 a.m., 2172 Rayburn.

Subcommittee on Asia and the Pacific, to mark up H. Con. Res. 154, to congratulate the Republic of China on Taiwan on the occasion of its first Presidential democratic election; to be followed by a hearing on Afghanistan: Peace or Civil War? 1:30 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on Crime, hearing regarding economic espionage, 9:30 a.m., 2237 Rayburn.

Committee on Resources, Subcommittee on Energy and Mineral Resources, hearing on H.R. 3249, to authorize appropriations for a mining institute to develop domestic technological capabilities for the recovery of minerals from the nation's seabed, 2 p.m., 1324 Longworth.

Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following bills: H.R. 2908, Domesticated Salmonid Broodstock and Seedstock Act of 1996; H.R. 2939, Mississippi Interstate Cooperative Resource Agreement Act of 1996; and H.R. 1112, to transfer management of the Tishomingo National Wildlife Refuge to the State of Oklahoma, 9 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Lands, hearing on the following bills: H.R. 2636, to transfer jurisdiction over certain parcels of Federal real property located in the District of Columbia; and H.R. 3006, to provide for disposal of public lands in support of the Manzanar Historic Site in the State of California, 10 a.m., 1334 Longworth.

Committee on Rules, to consider H.R. 3230, National Defense Authorization Act for Fiscal Year 1997, 10 a.m., H–313 Capitol.

Committee on Transportation and Infrastructure, to consider the following: H.R. 3029, to designate the United States courthouse in Washington, District of Columbia, as the ''E. Barrett Prettyman United States Courthouse''; H.R. 3134, to designate the U.S. Courthouse under construction at 1030 Southwest 3d Avenue, Portland, OR, as the

"Mark O. Hatfield United States Courthouse"; H. Con. Res. 153, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; H.R. 3159, National Transportation Safety Board Amendments of 1996; pending water resources survey resolutions; and pending prospectuses, 10:30 p.m., 2167 Rayburn.

Subcommittee on Coast Guard and Maritime Transportation, hearing on the Coast Guard Missions' Review Acquisitions, Research and Development, and Domestic and International Icebreaking, 11 a.m., 2167 Rayburn.

Committee on Ways and Means, to mark up a measure to amend the Internal Revenue Code of 1986 to repeal the 4.3 cent increase in the fuel tax rate imposed by the Omnibus Reconciliation Act of 1993, which is dedicated to the general fund of the Treasury, 10:30 a.m., 1100 Longworth.

Subcommittee on Trade, to mark up the following: H.R. 3161, to authorize the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Romania; technical corrections; and miscellaneous trade proposals, 2 p.m., 1100 Longworth.

Permanent Select Committee on Intelligence, to mark up H.R. 3237, Intelligence Community Act, 10 a.m., 2118 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe, to hold a briefing on rebuilding Bosnia and Herzegovina, focusing on strategies and the role of the United States, 2 p.m., 2255 Rayburn Building.

Next Meeting of the SENATE

9:15 a.m., Thursday, May 9

Senate Chamber

Program for Thursday: After the recognition of four Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will resume consideration of H.R. 2937, relating to the White House Travel Office/Former Employees.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, May 9

House Chamber

Program for Thursday: Complete consideration of H.R. 2406, the United States Housing Act of 1996;

Consideration of the President's veto of H.R. 956, the Common Sense Product Liability Legal Reform Act of 1996;

Consideration of H.R. 3286, to help families defray adoption costs and promote the adoption of minority children (rule and general debate); and

Consideration of H.R. 3322, to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government (rule).

Extensions of Remarks, as inserted in this issue

HOUSE

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