HOUSE OF REPRESENTATIVES—*Wednesday, August 3, 1988*

The House met at 10 a.m.

The Reverend Dr. William Stepp, Sr., Memorial Presbyterian Church, West Palm Beach, FL, offered the following prayer:

Almighty God, we thank You for the United States, our President, Congress, national leaders and citizens. Grant that the deliberations and decisions of our leaders will be in keeping with Your will thereby providing sound guidance and wisdom for our Nation and world. We ask You to forgive and overrule our mistakes. Bless the actions of Congress securing America's rich heritage of freedom, justice, and peace for all people.

We pray for the families and loved ones of our Congressmen asking Your healing grace for those who are ill and Your special care for those in need. Grant each of us wisdom to live balanced lives providing the time and quality of life both to meet our responsibilities in government and to strengthen the bonds of love in our families. In Jesus' name. Amen.

THE JOURNAL

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

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

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

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

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 276, nays 119, not voting 36, as follows:

[Roll No. 252]

YEAS—276

Ackerman	Anthony	Bateman
Akaka	Applegate	Bates
Alexander	Archer	Beilenson
Anderson	Atkins	Bennett
Andrews	Barnard	Berman
Annunzio	Bartlett	Bevill
Bilbray	Hammerschmidt	Owens (NY)
Boggs	Harris	Owens (UT)
Bonker	Hatcher	Packard
Borski	Hayes (IL)	Panetta
Bosco	Hayes (LA)	Patterson
Boucher	Hefner	Payne
Boxer	Hochbrueckner	Pease
Brennan	Holloway	Pelosi
Brooks	Hopkins	Perkins
Broomfield	Horton	Petri
Brown (CA)	Houghton	Pickett
Bruce	Hoyer	Pickle
Bryant	Hubbard	Price
Bunning	Huckaby	Quillen
Bustamante	Hughes	Rahall
Byron	Hutto	Rangel
Campbell	Jeffords	Ravenel
Cardin	Jenkins	Ray
Carper	Johnson (CT)	Regula
Carr	Johnson (SD)	Richardson
Chappell	Jones (NC)	Robinson
Clarke	Jones (TN)	Rodino
Clement	Jontz	Roe
Coats	Kanjorski	Rose
Coelho	Kaptur	Rostenkowski
Coleman (MO)	Kasich	Rowland (GA)
Coleman (TX)	Kastenmeier	Roybal
Collins	Kennedy	Russo
Combest	Kennelly	Sabo
Conte	Kildee	Saiki
Cooper	Kleczka	Savage
Coyne	Kolter	Sawyer
Darden	Kostmayer	Scheuer
Davis (MI)	LaFalce	Schneider
de la Garza	Lancaster	Schulze
DeFazio	Lantos	Schumer
DeLay	Leath (TX)	Sharp
Dellums	Lehman (CA)	Shaw
Dicks	Lehman (FL)	Shumway
Dingell	Leland	Shuster
Donnelly	Lent	Sisisky
Dorgan (ND)	Levin (MI)	Skaggs
Downey	Levine (CA)	Skelton
Dreier	Lewis (GA)	Slattery
Durbin	Lipinski	Slaughter (NY)
Dwyer	Lloyd	Slaughter (VA)
Dymally	Lowry (WA)	Smith (FL)
Early	Luken, Thomas	Smith (IA)
Eckart	Manton	Smith (NE)
Edwards (CA)	Markey	Smith (NJ)
Emerson	Martinez	Solarz
English	Matsui	Spratt
Erdreich	Mavroules	St Germain
Espy	Mazzoli	Staggers
Evans	McCloskey	Stallings
Fascell	McCrery	Stark
Fawell	McCurdy	Stenholm
Fazio	McEwen	Stokes
Feighan	McHugh	Stratton
Fish	McMillen (MD)	Studds
Flake	Meyers	Sweeney
Flippo	Mfume	Swift
Florio	Miller (CA)	Synar
Foglietta	Miller (WA)	Tallon
Foley	Mineta	Tauzin
Ford (MI)	Moakley	Thomas (GA)
Frank	Mollohan	Torricelli
Frost	Montgomery	Towns
Garcia	Moody	Traficant
Gaydos	Moorhead	Udall
Gejdenson	Morella	Vento
Gephardt	Morrison (CT)	Visclosky
Gibbons	Mrazek	Volkmer
Gilman	Murtha	Walgren
Glickman	Myers	Watkins
Gonzalez	Nagle	Waxman
Gordon	Natcher	Weiss
Gradison	Nelson	Whitten
Grant	Nichols	Williams
Gray (IL)	Nielson	Wise
Gray (PA)	Nowak	Wolpe
Green	Oakar	Wortley
Guarini	Oberstar	Wyden
Hall (OH)	Obey	Wylie
Hall (TX)	Olin	Yates
Hamilton	Ortiz	Yatron

NAYS—119

Armey	Henry	Ridge
Badham	Herger	Roberts
Baker	Hiler	Rogers
Ballenger	Hunter	Roth
Barton	Hyde	Roukema
Bereuter	Inhofe	Rowland (CT)
Bilirakis	Ireland	Saxton
Bliley	Jacobs	Schaefer
Boehlert	Kolbe	Schroeder
Brown (CO)	Konnyu	Schuette
Buechner	Kyl	Sensenbrenner
Burton	Lagomarsino	Shays
Callahan	Leach (IA)	Sikorski
Chandler	Lewis (CA)	Skeen
Cheney	Lewis (FL)	Smith (TX)
Clinger	Lightfoot	Smith, Denny (OR)
Coble	Livingston	Smith, Robert (NH)
Coughlin	Lowery (CA)	Smith, Robert (OR)
Courter	Lujan	Snowe
Craig	Lukens, Donald	Solomon
Crane	Lungren	Stangeland
Dannemeyer	Madigan	Stump
Davis (IL)	Marlenee	Sundquist
DeWine	Martin (IL)	Swindall
Dickinson	Martin (NY)	Tauke
DioGuardi	McCandless	Thomas (CA)
Dornan (CA)	McCollum	Upton
Edwards (OK)	McGrath	Vander Jagt
Fields	McMillan (NC)	Vucanovich
Frenzel	Michel	Walker
Gallegly	Miller (OH)	Weber
Gallo	Molinari	Weldon
Gekas	Morrison (WA)	Wheat
Goodling	Murphy	Whittaker
Grandy	Oxley	Wolf
Gregg	Parris	Young (AK)
Gunderson	Pashayan	Young (FL)
Hansen	Penny	
Hastert	Porter	
Hawkins	Pursell	
Hefley	Rhodes	

NOT VOTING—36

Aspin	Derrick	McDade
AuCoin	Dixon	Mica
Bentley	Dowdy	Neal
Biaggi	Dyson	Pepper
Boland	Ford (TN)	Rinaldo
Bonior	Gingrich	Ritter
Boulter	Hertel	Spence
Chapman	Kemp	Taylor
Clay	Latta	Torres
Conyers	Lott	Traxler
Crockett	Mack	Valentine
Daub	MacKay	Wilson

□ 1025

Mr. DONALD E. "BUZ" LUKENS changed his vote from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

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

H.R. 1158. An act to amend title VIII of the Act commonly called the Civil Rights Act of 1968, to revise the procedures for the enforcement of fair housing, and for other purposes;

H.R. 4782. An act making appropriations for the Departments of Commerce, Justice

and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes;

H.R. 4784. An act making appropriations for Rural Development, Agriculture, and Related Agencies programs for the fiscal year ending September 30, 1989, and for other purposes; and

H.R. 5015. An act to provide drought assistance to agricultural producers, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4782) "an act making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1989, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HOLLINGS, Mr. INOUYE, Mr. BUMPERS, Mr. CHILES, Mr. LAUTENBERG, Mr. SASSER, Mr. STENNIS, Mr. RUDMAN, Mr. STEVENS, Mr. WEICKER, Mr. HATFIELD, Mr. KASTEN, and Mr. MCCLURE to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4784) "an act making appropriations for Rural Development, Agriculture, and related agencies programs for the fiscal year ending September 30, 1989, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BURDICK, Mr. STENNIS, Mr. CHILES, Mr. SASSER, Mr. BUMPERS, Mr. HARKIN, Mr. INOUYE, Mr. COCHRAN, Mr. MCCLURE, Mr. KASTEN, Mr. SPECTER, Mr. GRASSLEY, and Mr. HATFIELD to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 5015) "An act to provide drought assistance to agricultural producers, and for other purposes," and requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LEAHY, Mr. MELCHER, Mr. PRYOR, Mr. BOREN, Mr. HEFLIN, Mr. LUGAR, Mr. DOLE, Mr. COCHRAN, Mr. BOSCHWITZ; from the Committee on Energy and Natural Resources only for consideration of the Bureau of Reclamation provisions: Mr. JOHNSTON, Mr. BRADLEY, Mr. BINGAMAN, Mr. MCCLURE, and Mr. WALLOP to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the amendment of the Senate to the bill (H.R. 3932) "An act to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President."

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

S.J. Res. 356. Joint resolution to provide for the extension of a temporary prohibition of strikes or lockout with respect to the Chicago and Northwestern Transportation Company labor-management dispute.

The message also announced that pursuant to the provisions of Senate Concurrent Resolution 105, the Chair on behalf of the Vice President, appoints Mr. BYRD, Mr. FORD, and Mr. STEVENS, to the Joint Congressional Committee on Inaugural Ceremonies.

DR. WILLIAM R. STEPP, SR.

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

Mr. GRAY of Illinois. Mr. Speaker, it is a real pleasure and privilege to welcome our guest chaplain today, my friend, Dr. William R. Stepp, Sr., minister of the Memorial Presbyterian Church of West Palm Beach, FL.

Mr. Speaker, my time allotted for this purpose will not allow me time to list all of the attributes of Dr. Stepp, and I assure my colleagues there are many. Bettie Ann and their three sons, John, Andrew, and Owen, are in Washington for this special occasion for Dr. Stepp. I hope it will suffice to say that Dr. Stepp has been a leader in helping the poor, the homeless, running an orphanage, and a multitude of needs in his community and an outreach all over the State and Nation.

My daughter, Dianne Jasinsky, and her family, have received a great spiritual enrichment as members of Dr. Stepp's congregation. My colleagues DAN MICA and TOM LEWIS, join me in welcoming my friend, Dr. Stepp, as our guest chaplain today.

In closing, I want to thank Dr. Jim Ford, our beloved Chaplain, for allowing us this privilege.

Thank you, Mr. Speaker.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT ON THURSDAY, AUGUST 4, 1988, DURING 5-MINUTE RULE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be permitted to sit during proceedings of the House under the 5-minute rule on Thursday, August 4, 1988, to mark up H.R. 5090, legislation to implement the United States-Canada Free Trade Agreement.

The ranking minority members concur in this request.

The SPEAKER pro tempore (Mr. PANETTA). Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

REQUEST FOR PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO FILE REPORT ON H.R. 5094, DEPOSITORY INSTITUTIONS ACT OF 1988

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs may have until midnight Wednesday, August 3, 1988, to file a report on H.R. 5094, Depository Institutions Act of 1988.

The ranking minority member concurs in this request.

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

□ 1030

Mr. GONZALEZ. Mr. Speaker, reserving the right to object, I do so in order to ask a question of the distinguished chairman.

Last Thursday morning, early in the morning we were deliberating as the full Committee on the Banking, so-called Banking Reform Act. I offered an amendment that was accepted by the committee. But in speaking with the staff late yesterday and this morning, I am informed that that particular section on community reinvestment, to which I appended the amendment, is being revised according to different and in a different form and manner, or shape to that which the amendment written and accepted by the committee.

Now I have no way of knowing what is going on. Can the chairman tell me if those amendments offered in the wee hours of the morning Thursday last are being, in effect, revised in the report that the gentleman is asking that we grant until midnight to file? Because if I cannot be assured that the integrity of the processes of the committee are guaranteed in that report, I am going to interpose an objection to this unanimous-consent request.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. GONZALEZ. I certainly yield to the chairman.

Mr. ST GERMAIN. I thank the gentleman for yielding.

Mr. Speaker, I say to the gentleman the chair is fully satisfied within his own mind, heart, and soul, having reviewed the transcript, the colloquy, and the amendment that had been offered prior to the amendment offered by the gentleman from Texas, that the intent, the intent of the amendment from the gentleman from Texas is incorporated in the legislation.

Now if the gentleman is insisting on the very absolute same identical language as was offered in the amendment that he offered, then I must say to the gentleman I cannot agree with

that. And if the gentleman, therefore, seeks to object he may object.

Mr. GONZALEZ. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. PANETTA). Objection is heard.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 316

Mr. ROGERS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of House Concurrent Resolution 316.

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

There was no objection.

PRESIDENT'S VETO OF DEFENSE AUTHORIZATION BILL

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

Mr. MICHEL. Mr. Speaker, here we go again.

I understand that the Democratic leadership has devised a dubious strategy for dealing with the President's expected veto today of the Defense authorization bill.

Instead of dealing with the veto up front, I understand the leadership is going to slip it under the rug by referring it to committee and then attach the authorization to the pending appropriation bill in the other body.

Such a ploy will probably get you a citation from the Magician's Union but it violates the intent and purpose of the Constitution and makes a mockery of our rules and procedures.

Mr. Speaker, the Constitution says when a veto occurs, the House is to reconsider the vetoed bill with a public, recorded yea or nay vote. We should and must proceed directly to the question at hand with no referral, no postponement, no silly political shell games.

The American people have a right to know where the House stands on this issue. The President has a right to have his veto sustained or overridden as the case may be. This House ought to have the political courage and the integrity to face up to it.

Is this the kind of courageous leadership the country has in store under Democratic rule?

Mr. Speaker, the House ought to act without delay. Let us not make the same mistake we did, for example, on the fairness doctrine.

PICKING A VICE PRESIDENT: PROFILES IN LEADERSHIP

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

Mr. FAZIO. Mr. Speaker, how a Presidential nominee selects his running mate speaks volumes about his leadership abilities.

In making his choice, Mike Dukakis talked and campaigned with party leaders from Congress and the States.

He wasn't looking for a lap dog; he wanted the most capable person who could serve as President, if needed.

By designating the senior Senator from Texas a week before our convention, Governor Dukakis gave Democrats the chance to nominate someone else if we disagreed with the selection.

But his choice was accepted unanimously, and we now have the most unified party in decades.

By contrast, GEORGE BUSH is relying on a pollster to pick his running mate.

And, he's concealing his choice until the third night of their convention, telling Republican delegates they must "take it or leave it."

This election is about two vastly different profiles in leadership. The Democratic nominee refuses to play a Vice Presidential shellgame; he is open and honest with the American people. Can the other party make the same claim?

H.R. 4333 REPEALS DIESEL FUEL TAXES FROM FARMERS AND THE SO-CALLED HEIFER TAX

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

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today in support of a bill the House will consider tomorrow, the Miscellaneous Revenue Act of 1988 (H.R. 4333).

While no piece of legislation of this magnitude is ever perfect, H.R. 4333 goes a long way in addressing some of the problems found in the Tax Reform Act of 1986 and the Budget Reconciliation Act of 1987.

I am pleased to see included in this bill the repeal of the collection of diesel fuel excise taxes from farmers and ranchers and the repeal of the so-called heifer tax. These two changes will help the agriculture sector, particularly in this drought-stricken year, since both laws were estimated to raise the cost of production for producers.

Earlier this year, I introduced one of the first bills calling for repeal of the 15-cents-a-gallon tax on diesel fuel for off-highway users. This additional upfront payment required from farmers who irrigate has been particularly difficult because of the drought. According to the University of Nebraska, about 35 percent of the 72,000 irrigation wells in Nebraska are powered by diesel fuel.

This procedure adds thousands of dollars in unnecessary compliance and administrative costs to tax-exempt, off-road users of diesel fuel. It will not be missed.

In January 1987, I introduced legislation repealing the heifer tax. The tax, in its zeal to eliminate tax sheltering, has gone overboard. It is estimated that the requirement that farmers and ranchers capitalize preproductive expenses will cost an additional $50 to $100 for every replacement heifer they raise. Again, a repeal of the heifer tax is especially needed now since cattle producers will be facing higher feed costs over the next year as a result of the drought.

I commend the Ways and Means Committee for including these repeals in H.R. 4333—beneficial changes which are needed to address the unique circumstances and problems farmers and ranchers experience.

GEORGE BUSH: A MAN OF ABSENCE

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

Mr. ECKART. Mr. Speaker, during their tenure, the Reagan-Bush administration regularily rejected America's movement toward equality of rights under law.

It's a shame the Vice President was unwilling or unable to defend that record at a recent gathering of the Urban League.

Like so many other Americans, members of the Urban League were forced to ask: "Where was GEORGE BUSH?".

It has always been that way. When the critical decisions are being made—on whether to veto the defense bill or Grove City, on arms sales to the Ayatollah, on the failed drug war—GEORGE BUSH is noticeably absent, always.

Like Groucho Marx singing "I'm afraid I must be going", like Monty Python screaming "run away", like the dog that didn't bark; like invisible ink; like Claude Raines or the invisible rabbit "Harvey."

We quickly realize that perhaps BOB DOLE was right when he said GEORGE BUSH hasn't left "any footprints anywhere."

With GEORGE BUSH there is just no there—there.

What you see is what you get and with GEORGE BUSH that "ain't much."

PRESIDENT REAGAN IS RIGHT IN VETOING THE DEFENSE AUTHORIZATION BILL

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

Mr. LIVINGSTON. Mr. Speaker, the President has rightfully vetoed the Defense authorization bill. It is a compilation of too many clinkers, sinkers,

and stinkers for him to sign in its present form and we should take it back and clean it up before we pass it again.

Mr. Speaker, in the last 7½ years the United States has come a long way in foreign policy and, unlike before President Reagan, we Americans can now hold our heads high around the world. Because of our rebuilt strength, we have now backed the Soviets out of Afghanistan; the Cubans are negotiating a withdrawal from Angola; we reached an agreement on intermediate nuclear weapons; and the Iran-Iraq war is winding down.

For these reasons and lots of others, the world is a safer, freer place than it was under Jimmy Carter when he left office. So it is hardly the time to start unilaterally tying our hands with messy, cumbersome, and inadequate provisions in the Defense authorization bill.

Mr. Speaker, the bill is a loser and we can do better, but only if we keep in mind the reason for our successes around the world. We are stronger than we were and we can stay that way with a better bill.

TRIBUTE TO MIKE DITKA

(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, this past weekend in Canton, OH, one of the greatest football players in American history, Mike Ditka, was inducted into the National Football League Hall of Fame.

As a former teammate of Mike's at the University of Pittsburgh, I want to extend my sincere congratulations to one of football's all time great players.

Mr. Speaker, on the field Mike was a real warrior. He never backed off. He hated to lose.

As a result, he was a consensus all-American at the University of Pittsburgh in 1960. The following year he was the rookie of the year in the National Football League and for 5 straight years he was a consensus all-pro tight end for the Chicago Bears and he made that position, tight end, the cornerstone of modern professional football.

Off the field many people do not know the volatile Mike. He is a caring man who has given back and helped the less fortunate.

In addition, his greatness as a football player is not the only element of his great career.

Mr. Speaker, I predict that when it is all over the name of Mike Ditka will be revered as a coach in the NFL with that of Halas, Shula, Noll, Brown, Davis, and even the great Lombardi.

So I rise here today to pay tribute to a great citizen of Aliquippa, PA, who has had hard times but never knew the meaning of the word "quit."

That is the symbol of Mike Ditka. Mr. Speaker, for all of the Pitt alumni all around the world, and all the people in western Pennsylvania and northeast Ohio, we say congratulations, Mike Ditka, you are a great citizen and keep up the good work.

WHERE WAS MIKE—THE G.W.E.N. STATION

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

Mr. KYL. Mr. Speaker, the Democratic Presidential nominee says, "we must be * * * militarily strong." But, I want to know, Where was Mike when the Air Force tried to install the ground wave emergency network station in Massachusetts? This system will help notify the Strategic Air Command and the North American Aerospace Defense Command in the event of nuclear attack.

Governors don't usually get the opportunity to have an impact on national security policy. But Mike has. Thus, we have a rare opportunity to observe how he would act as President on national security policy. And what have we seen? Mike has consistently opposed the participation of Massachusetts in this important Nationwide communications system. His opposition continues to this day.

Only Mike Dukakis and Rhode Island are preventing the full operation of this vital system. Mike, you can't have it both ways. You can't maintain that you're for a strong military and still cut off America's ability to protect itself from nuclear attack. This position is frighteningly similar to Dukakis' views on the strategic defense initiative.

James Schlesinger, a distinguished national security expert in both Democratic and Republican administrations, recently wondered if Dukakis is "viscerally antimilitary." Mr. Speaker, I believe Mr. Dukakis' views on the ground wave emergency network and other national security issues proves that, at a minimum, Mike doesn't have a grasp on sensible defense policy.

LEGISLATION TO HELP AMERICANS BUY THEIR FIRST HOME

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

Mr. BRENNAN. Mr. Speaker, tomorrow we will vote on Tax Code changes, one of which will help people in my home State of Maine and across the country to buy their first home.

H.R. 4333 would extend the Mortgage Revenue Bond Program which enables State housing agencies to offer low-interest mortgages to first-time, low- to moderate-income homebuyers.

Our current housing crisis should not be underestimated. We have lost over 2 million potential homebuyers over the last 7 years, including thousands in Maine, because incomes have not kept pace with the price of homes.

We also have lost millions in potential construction jobs, purchased materials, and tax revenues. Conservative estimates show that this program generates $10 in economic impact for every $1 that is invested by the Federal Government.

A home is a very precious thing. It is more than just a place to sleep—it is the center—the very heart of the family. This program has made the dream of homeownership a reality for millions of American families. It deserves to continue. I urge a yes vote on the technical corrections bill.

PRESIDENT REAGAN COMMENDED FOR VETOING THE DEFENSE AUTHORIZATION BILL

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

Mr. BADHAM. Mr. Speaker, that noise you heard this morning was a bunch of Republicans reading the story in the right hand column of the Washington Post. We found out in this story that President Reagan has decided to veto the misnamed Defense authorization bill.

Mr. Speaker, I commend the President for deciding to stand up to the liberal disarmers straight out of the Michael Dukakis camp. I applaud this veto. It clearly shows the differences between Republicans and Democrats when it comes to the defense of our Nation.

But even more important, perhaps now we can write a defense bill that actually increases our defense rather than cuts it. We've cut the defense budget, in real-dollar terms, for the past 4 years, so we don't have the luxury of putting all these self-limiting provisions into our new bills.

Policies of unilateral disarmament have failed throughout history. President Reagan has proven that the best way to increase the chance for peace is to have a strong defense. The American people and the Vice President both realize this, which leaves me rather optimistic about this fall.

□ 1045

SUPPLEMENTAL SECURITY

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

Mr. DONNELLY. Mr. Speaker, last February I introduced legislation, along with members of the Massachusetts delegation, to allow severely disabled children to more easily become entitled to SSI benefits. Our bill would overturn existing law which "deems" a parent's income to a disabled child when the child leaves an institution and returns home.

The result of this policy is to force children to remain in institutions at a much greater cost to our Government when they could be cared for more cheaply and, most importantly, more humanely at home by their parents.

Our bill, filed at the request of the Governor of Massachusetts, was prompted by the case of a severely disabled child in Massachusetts who is affected by these unfair rules.

It now appears that Vice President BUSH agrees at least with the basic premise of our bill because last Friday he announced that a new Federal program was being established to allow States to pay for nonprescription drugs and other home care needs in situations involving disabled children.

Frankly, Mr. Speaker, the Vice President's initiative is too little and too late. Mothers of sick children should not have to petition the Vice President of the United States for humane and adequate access to health care. And, most importantly, Mr. Speaker, young sick children should not be used as pawns in a political campaign.

Let me say, Mr. Speaker, that if the Vice President is really serious about helping tens of thousands of sick children in this situation, he would get the administration to withdraw its opposition to our bill and use his considerable influence with the President to convince him to sign our legislation when it reaches his desk in October.

DOD AUTHORIZATION BILL IS FATALLY FLAWED

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

Mr. DREIER of California. Mr. Speaker, I join my colleagues by rising to congratulate the President for sending us a very clear and bold message by vetoing the defense authorization bill for the upcoming fiscal year. We all know that the Preamble of the Constitution states very clearly our responsibility to "provide for the common defense," but we also know that the Constitution instructs us on how to deal with a veto. The rumor that has been circulated here is that there is going to be a surreptitious attempt by our colleagues on the other side of the aisle to deal with this in an incorrect manner.

The budget summit last September doomed this important measure to failure when it continued the decline in defense spending started 4 years ago. This reduction in funding comes at a time when the threats to our national security continue to grow.

The House and Senate took further steps to sabotage this bill by rearranging the budget priorities of the Defense Department to suit its own agenda and priorities. Finally, the other side of the aisle weakened this bill by the introduction of counterproductive arms control language

Mr. Speaker, I am very pleased that just a few minutes ago the President decided to veto this measure.

INTRODUCTION OF LEGISLATION EXEMPTING RESIDENTIAL CONSTRUCTION FROM CERTAIN IRS REQUIREMENTS

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

Mr. SCHULZE. Mr. Speaker, despite the fact we are still experiencing the longest period of economic growth in modern history, affordable housing is becoming one of the major concerns of Americans today. Costs are continuing to rise, especially, for low-income and multifamily housing units.

Recent action taken by the Internal Revenue Service to apply long-term contract rules to all residential housing, undermines the ability of home builders to maintain capital reserves necessary for constructing housing. Under the IRS regs, costs will skyrocket and most importantly, builders will pay taxes on income they never receive.

Mr. Speaker, today I am introducing legislation to provide that contracts for residential construction completed in less than 12 months, shall be exempt from IRS long-term contract requirements. It concerns me greatly that the IRS, perhaps in an attempt to grab revenue wherever possible, is pursuing a tax policy through regulation contrary to the principles of fairness and common sense.

FURIOUS FOOTBALL

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

Mr. DOWNEY of New York. Mr. Speaker, GEORGE BUSH is down 17 points, and he is getting desperate. With this administration, winning is almost as important as ideology, but nothing is ever sacred with them, and when they are down, they get very nervous.

It seems now as though President Reagan has decided that he wants to veto, and has vetoed, the Defense authorization bill. But is this decision really being made by President Reagan? I doubt it. This is a game of politics, pure and simple.

As is always the case at this point in a Presidential election cycle, some are ahead in the polls and some are behind. There is the inevitable game of political catch up that goes on, and that is expected. But when the game starts to involve the Nation's security, I expect responsible Members of this body to cry, foul. It is about time.

Counseling the President to veto this bill, legislation which makes America more strong and more efficient, is outrageous, and it is time, I say to my colleagues, that we cry, foul.

VETO ARGUMENT

(Mr. SMITH of New Hampshire asked and was given permission to address the House for 1 minute.)

Mr. SMITH of New Hampshire. Mr. Speaker, this morning President Reagan vetoed the National Defense Authorization Act, H.R. 4264. The bill is a bad bill, and deserves to be vetoed for national security reasons and not for political reasons.

The Democrats are mistakenly saying that the voters don't believe that defense is an issue anymore. What it really means is that the Democrats don't want to face the issue. They don't want to face the fact that they are weak on defense.

The No. 1 priority in the Constitution is for the Government to provide for the common defense. So what the Democrats are doing, in this bill and in the Presidential election, they are shirking their primary responsibility to the people. This bill does not provide for the common defense; it gives the Soviets nearly everything they haven't achieved through negotiations.

The veto of this legislation, which I strongly support, will elevate this issue to its proper height, and highlight one of the major differences between the Republican and Democratic Parties.

Well done, Mr. President.

POLLSTER POLITICS

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

Mr. SCHUMER. Mr. Speaker, I say to the Presidential candidate of the Republican Party: You are down 17 points in the polls and your opponent has just had a great convention and made a Vice-Presidential choice that many consider brilliant, putting you on the defensive in many States of the country that you thought you had locked up. And now all eyes turn to you, the Republican candidate, to see what Vice President you will choose, because many say, correctly perhaps, that your choice of Vice President will

determine whether you win or lose the Presidency.

What does a candidate of strength, of conviction, of proven leadership ability, do when asked who he will pick for Vice President? He turns to his pollster. Yes, we have read that Vice President GEORGE BUSH is not going to meet with the candidates. He is not going to go out and examine who they are and what they are, but, rather, he has stated publicly that he is going to talk to his pollster about who to choose for Vice President.

Mr. Speaker, is that the kind of leadership America wants? Is that what we need for a strong America? Is that what America needs in the 20th century?

Mr. BUSH. Mr. Vice President, do what you feel is right. Do not turn to your pollster to determine who will be the Vice President.

PEACE, PROSPERITY, STRONG DEFENSE ARE STILL CENTERPIECE OF THE REAGAN ERA

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

Mr. McEWEN. Mr. Speaker, the Department of Defense announced yesterday that factory orders are at an all-time record high, durable goods are up 5½ percent, housing starts are up once again, inflation and interest rates, of course, are down, and we have created 9,000 jobs a month for now 67 consecutive months. Employment jobs have increased 2½ times more than Japan, Canada, and West Germany combined in the last 6½ years.

On the foreign policy front, in Afghanistan, in Angola, and in Cambodia, peace is on the ascendancy.

So, Mr. Speaker, I congratulate the President on vetoing the Defense authorization bill and drawing the line when it comes to our Nation's military strength from those who have pledged to bring an end to the Reagan era, those who have boasted that they would end the progress and prosperity we have enjoyed.

Therefore, Mr. Speaker, I congratulate the President for vetoing this legislation which would have marked the fourth year in a row of negative growth of real reductions in our defense budget, that would have destroyed the modernization efforts of our strategic forces, that maintains the Kremlin request for arms control provisions that ban depressed trajectory missile flights, and complying with the SALT II embarrassment that even the Democratic Senate could not abide. In addition, it would have gutted SDI, essentially destroying any hope for a ballistic missile defense for our Nation.

Mr. Speaker, I congratulate the President for drawing the line and for the fact that the Reagan era of peace and prosperity is not over yet.

WHITE HOUSE ACTIONS ON PLANT CLOSING, DEFENSE AUTHORIZATION ASCRIBED TO POLITICS

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

Mr. McCURDY. Mr. Speaker, yesterday the President allowed a plant closing bill to become law thinking his action would rob Democrats of an important election year issue. Today, we learn that he vetoed the fiscal year 1989 Defense authorization bill because he thinks it will help GEORGE BUSH appear strong on defense. It appears that the White House has opted out of its responsibility to govern and has chosen instead to roll the political dice. Unfortunately, the stake in this high risk game happens to be U.S. national security.

This bill has the undaunted support of the President's military advisers, Defense Secretary Carlucci and Chairman of the Joint Chiefs of Staff, Admiral Crowe. It contains a 4.1-percent military pay raise. It recognizes the reality of post-INF world by increasing funding to conventional readiness programs like tanks, spare parts, and equipment for our National Guard and Reserve forces. At the same time, the bill provides substantial funding for strategic modernization. It includes critical funds for drug interdiction. It provides for bold, new manpower initiatives.

Yet, the President would throw all of this away and yield to the requirements of the BUSH for President campaign. He would raise the spectacle of funding our national defense through a haphazard continuing resolution rather than under coherent authorization policy.

At the most critical of times, the President has again chosen confrontation rather than construction.

TRIBUTE TO EUNICE HIGH SCHOOL

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

Mr. HOLLOWAY. Mr. Speaker, I rise today with great pride and pleasure to honor Eunice High School for their exemplary drug awareness program. During this critical period in our Nation, as we are searching for solutions to the drug epidemic destroying our youth, Eunice High School has risen ot meet the challenge.

For the past 2 years Eunice High School has won the "Set a Good Example Contest" sponsored by the Concerned Businessmen's Association of America. This award is presented to only one high school a year for recognition of their superior drug awareness program. It is a privilege to have such an exceptional high school in my district.

The students and faculty of Eunice High School sacrificed a lot of time to make this program a success. While Mrs. Susan Bellon, 4-H leader for the school, donated her many talents to develop the curriculum and direct the events. During "B.A.D. [Bobcats Against Drugs] Week" they performed plays, decorated doors, broadcast radio announcements, held poster and essay contests, showed films, listened to speakers, sponsored a "Just Say No" dance and hosted many other creative initiatives to promote drug awareness.

I would like to ask my colleagues to join me in honoring Eunice High School for their achievements. Special thanks go to Mr. Raymond Fontenot, principal of Eunice High, for his skilled leadership and Mayor Curtis Joubert of Eunice for his enthusiastic support of this program. I know, like myself, they are very proud of the accomplishments made by the high school. Thanks also belong to the concerned parents and members of the community who became involved in "B.A.D. Week."

Go Bobcats!

GEORGE BUSH

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

Mr. ATKINS. Mr. Speaker, the weather across the country this month is reminiscent of the Republicans' predicament in this election year—sticky and hazy. but I heard the Washington weather forecast this morning and it said that the sky will be clear tonight and the stars will be shining brightly. So in this astrological administration perhaps the Vice President can look through the telescope at his mansion tonight and divine who he will select as a running mate. There has been much made about this administration's reliance on astrology and the birth signs of its leaders. The President was born under a water sign. The Attorney General was born under a dollar sign. Judging from the Iran-Contra affair, the Vice President was born under a "no talking" sign.

Several days ago, while discovering a day care center the Vice President told a group of children that he talks to fish. Since the rest of us to not have this "Dr. Doolittle" gift I think the Vice President owes us an explanation of whether he advised the fish against selling arms to Iran. In any event, Mr. Speaker, because of this administration's pitiful record on alleviating acid rain and ocean dumping there are

fewer and fewer fish for the Vice President to consult with.

APPLAUDING PRESIDENT REAGAN FOR VETOING THE DEFENSE AUTHORIZATION BILL

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

Mr. BROOMFIELD. Mr. Speaker, I applaud the President's courage to stand up for his unyielding commitment to strengthen our national defense by vetoing the so-called defense authorization bill.

Vetoing this Defense bill is the only cure for a bill that is replete with examples of the Democrats misguided defense policies.

The American people should know that the liberals in the Democratic Party want to force this President to unilaterally remove strategic weapons systems from operation, force the President to live with SALT II restrictions from a treaty that could not pass a Democratic Senate, which is unratified, which has expired, and which the Soviets have repeatedly violated.

Provisions in this bill gut the strategic defense initiative program—a program which the American people strongly support and may hold the promise for peace in the next century.

The Democratic Party's defense policy is embodied in this bill. They wish to unilaterally restrict or curtail our strategic programs and allow the Soviets a free hand to develop new strategic systems.

If enacted, this bill would destroy America's leverage at the negotiating table and cripple the next President's ability to make continued progress on further arms control agreements.

Mr. President, I applaud your decision and urge you to continue to veto any legislation that contains the same repugnant provisions.

PERHAPS THE PRESIDENT WAS CONFUSED

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

Mr. FRANK. Mr. Speaker, I think people are trying to explain away a mistake. I think the President meant to sign the defense bill and veto the plant-closing bill because he gets a little confused sometimes. I mean he told us how terrible the plant-closing bill was, and then he says it should be the law, like the time he said the independent counsel law was unconstitutional, so he signed it. Now the defense bill, which gives him all the money he asked for, he vetoed.

So, Mr. Speaker, I think there may have been some confusion. Otherwise I do not understand why the President would have vetoed the defense money bill except for the fact that it may be an interference with the version of free enterprise that they have gotten over the Pentagon. It is strange that the President would at this point object to our trying to deal with questions at the Pentagon when he has presided over one of the greatest scandals in American history.

My colleagues know that we hear a lot from this administration about waste and fraud and abuse, and they generally point to some programs that try to help the desperately poor. It is now clear that, if all the poor people in America got together and worked real hard for a year, they could not steal as much money from the Federal Government as this administration has allowed to be stolen from the defense budget. So, when we budget, we assume that maybe they will begin to do some efficiences over there. Maybe they will begin to stop this merry-go-round of consultants, contractors, and officials, and maybe we can get by with a little bit less money, and that is probably one of the reasons the President vetoed it. He may not have enough confidence in his own ability to manage the place. The suggestion that because we are continuing to pursue responsible mutual arms control in the era of the Reagan-Gorbachev détente, the suggestion that that is why he vetoed the bill, would be too strange even for him.

GOVERNOR DUKAKIS AND THE PLEDGE OF ALLEGIANCE

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

Mr. BURTON of Indiana. Mr. Speaker, as usual my colleagues on the other side of the aisle started the day off by maligning the President, one of the most popular Presidents in the history of our Nation. They do it day in an day out. They also maligned the Vice President.

Well, my colleagues on the other side ought to tell the American people that Michael Dukakis, who is running for President, does not want little kids to say the Pledge of Allegiance to the flag in the schools of Massachusetts. He vetoed a bill that would mandate the kids say the Pledge of Allegiance to the flag every morning before school.

My colleagues know that the Pledge of Allegiance is the symbol of our Constitution. It is the symbol of patriotism in our Nation, and every American ought to understand and know the Pledge of Allegiance because we need patriotism now more than ever.

Yet the man who aspires to the highest office in the land does not even want little kids to say the Pledge of Allegiance to the flag. That says something about this man.

Now they can malign Ronald Reagan and GEORGE BUSH, but the fact of the matter is that Michael Dukakis does not even want the Pledge of Allegiance to the flag said in the schools of Massachusetts.

Do my colleagues want that kind of man in the White House? I do not.

RACISM IN OUR SOCIETY

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

Mr. HOYER. Mr. Speaker, there was a cross burning in my district last week.

On the front lawn of a home in a quiet integrated neighborhood someone planted a cross, set it on fire and ran.

Three young children, residents of the home, discovered the burning on their front lawn at midnight. You can imagine their immediate fright. You can imagine how that hateful memory will last a lifetime. As a father, I wonder how someone could inflict such hate on children.

Perhaps you would like to think that this is an isolated incident, maybe only one or a few sick individuals are involved. Perhaps you would like to think that racism doesn't exist in your district. Look a little deeper, I tell you. Racism lives on in our society, in your district and in mine.

Yes, the occurence of overt acts of racism may be less than they were once were. But their very existence reminds us that beneath the surface of this very public attack, there are hundreds of incidents everyday of covert racism. As Americans, who love liberty and humanity, that diminishes all of us.

As leaders we have a special responsibility to speak out. Only through repeated expressions of our abhorrence and through strict laws and strict enforcement can we make more progress in eliminating racism.

I know my colleagues join me in expressing our sympathy to the Prince Georges County family with a renewed commitment to reject racism and reaffirm our commitment to justice for all and malice toward none.

WALTERBORO, SC, HOSTS 13TH ANNUAL DIXIE DEBS WORLD SERIES OF WOMEN'S SOFTBALL

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

Mr. RAVENEL. Mr. Speaker, a great southern battle is taking place in my district this week. Waterboro, SC, is the site of the 13th Annual Dixie Debs World Series of Softball. Ten South-

eastern States are fielding teams to decide the top women's fast-pitch softball team in the South. This year's world series marks the first time South Carolina has hosted the Dixie Debs, and already the records are falling. Monday night, North Carolina's pitcher struck out 12 batters, shattering the previous world series record. There was a sad note to this particular achievement, though. North Carolina's opponent was, unfortunately, our own team from Walterboro. As of today, only Louisiana is undefeated in this double elimination tournament. But there is still hope. South Carolina has sustained only one loss. Regardless of who wins, though, we in the First District of South Carolina feel mighty proud to have been host to some of the best women's softball in the country.

UNMASKING DUKAKIS—"MASSACHUSETTS MIRACLE"

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

Mr. DELAY. Mr. Speaker, Gov. Mike Dukakis loves to talk about the supposed "Massachusetts Miracle." Mike says he'll do for America what he did for Massachusetts. In his acceptance speech, Dukakis said:

> I've worked with the citizens of my State—worked hard to create hundreds of thousands of new jobs—and I mean good jobs, jobs you can raise a family on, jobs you can build a future on, jobs you can count on.

Surprise surprise, a reputable study by the Associated Industries of Massachusetts seems to contradict this claim. According to this group, since the middle of 1984, Massachusetts has lost 74,000 manufacturing jobs. Additionally, despite the fact that Massachusetts has only 3.1 percent of America's industrial employment the State accounted for 41 percent of all manufacturing jobs which were lost nationally from 1984 to 1987.

The loss of those jobs translates into a significant loss in the industrial economy. According to Warren Brookes, a nationally syndicated economics columnist and respected "Dukakis-watcher," Massachusetts under Governor Dukakis has the worst industrial record in the country, with the exception of New York.

Mr. Speaker, given these facts, I think New Hampshire Gov. John Sununu's "Massachusetts Mirage" is a more accurate description of the economy under Mr. Dukakis. If Dukakis truly wants to do for America what he did for Massachusetts, I believe this record proves that the voters should have no interest in the Governor.

GOOD REASONS FOR THE VETO OF THE DEFENSE AUTHORIZATION BILL

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

Mrs. MARTIN of Illinois. Mr. Speaker, as we are all aware by now, President Reagan has vetoed the fiscal year 1989 defense authorization bill. There are, I believe, many good reasons for his doing so.

For one, the legislation, as the administration and many of my Republican colleagues in here and in the Senate have pointed out, contains a litany of worn and outdated restrictions and directives which ignore a positive record of achievement in arms control, and East-West diplomacy more generally.

I believe that this legislation deserved the veto for another equally important reason. This legislation authorizes at least several billion dollars in expenditures for goods and services that the Department of Defense and the military services neither want nor need.

Ironically, many of those same individuals who have argued most passionately and in the highest moral tones for the need to reduce defense spending and rationalize the spending process are themselves responsible for the pork barreling which has swelled this legislation. The hypocrsy is blatant and disturbing.

The President has provided the opportunity to clean up this authorization. I would urge my colleagues on both sides of the aisle to take advantage of the opportunity.

GEORGE BUSH—THE REAL THING

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

Mr. LUNGREN of California. Mr. Speaker, I find it interesting that many of our colleagues on the Democratic side of the aisle are so interested in who the Republican Vice-Presidential nominee is going to be. I find that fascinating. Evidently they are trying to help us create the tension that will continue until the time that Vice President BUSH reveals his particular selection.

Mr. Speaker, perhaps they are upset about the fact that we seem to have such an enormous amount of talent and so many people to be considered. Perhaps they are upset that no woman was seriously considered on the Democratic side while several women are being considered on our side. Perhaps they are trying to forget their disappointment when the Senator from Texas, Senator BENTSEN, was chosen as the Vice-Presidential nominee on their side.

Now let us look at Senator BENTSEN. He supported Contras. He has also been for Reaganomics all along. He has supported the President on a number of his proposals in the area of national defense. On the other hand, his votes on spending overall have not been that good. He has bowed to Governor Dukakis on a number of issues; he may bow even further, and so what we have is a pale imitation of a Republican for Vice President.

Mr. Speaker, it seems to me when the American people have an opportunity to make their final decision that they will vote for the real thing. And I can understand, therefore, why my colleagues on the Democratic side are so discomforted by that fact.

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LEAVE BLOOD BORDERS A RELIC OF THE PAST

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

Mr. PORTER. Mr. Speaker, on July 1 of this year, Wyoming became the 50th and last State to accept a drinking age of 21. I wholeheartedly applauded that move. Wyoming's action closed the last blood border in the United States and the book on the unchecked slaughter of our Nation's young people on the highways.

Then, just when you thought it was safe to go back on the highways again, talk is being heard in Wisconsin of lowering the drinking age to 19 and reopening the Wisconsin-Illinois blood border. This border is just 40 miles north of our Nation's third largest city, Chicago, and was the sight of teen drunk driving deaths almost every weekend until Wisconsin sensibly raised its drinking age.

It is the height of irresponsibility that any State consider reopening the blood borders that have been the cause of death and injury to so many. For our children's sake, I encourage Wisconsin Gov. Tommy Thompson and the Wisconsin Legislature to strongly oppose lowering the drinking age and to send a firm message to other States that the uniform nationwide drinking age is working and is here to stay.

TURNAROUND IN SOVIET UNION DUE TO REBUILDING OF AMERICAN DEFENSE STRUCTURE

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

Mr. DORNAN of California. Mr. Speaker, we all clearly see that something incredible is happening in the Soviet Union. To see the imagery on

television last night of the Secretary of Defense of the United States of America sitting in the cockpit of the Soviet Union's most advanced top-secret bomber, the Blackjack, as we call it in NATO terminology, is phenomenal; to see Ronald Reagan on Red Square when he cannot even walk safely on the streets of some of our American cities because of crime in this great country, to see him with his arm around Gorbachev greeting people in one of the few shopping areas of Moscow, is phenomenal.

What caused this turnaround? The answer is 7½ years of the American defense structure being rebuilt. It was not caused by indecision and hesitancy and weakness, and that is why I am glad the President this morning has vetoed the defense authorization bill.

Authorization bills write things into law. The only way we can correct it now with the few days we have left in the 100th Congress because the authorization process is lost to us, is to fix the mistakes of dictating to the Presidency, to any President, whether Dukakis or BUSH, that would have existed next year. We can correct this in the appropriations bill.

THE CHRISTIC INSTITUTE

Mr. Speaker, switching topics, I am going to do a 1-hour special order tonight on the Christic Institute, a lying, foul, slandering organization that has spread such vicious calumny about the CIA, the FBI, and the DEA that it even worked its way into Ann Richards' keynote speech at the Democratic Convention. You can see these foul lies about the CIA now in top Hollywood movies like "Lethal Weapon," "No Way Out," you hear it on "Cagney & Lacey," a top-rated television show. This poison must be stopped.

They should be denied the use of the name Christ in their title, because they are actually the Tick Institute. They are like a poisonous, blood-sucking tick on the body politic. They spread these poisonous lies through the mouth of Daniel Sheehan, and we are going to stop it on our side of the aisle.

PRIVILEGES OF THE HOUSE—IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

Mr. RODINO. Mr. Speaker, I rise to a question of the privileges of the House, and I call up a privileged resolution (H. Res. 499) impeaching Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida, for high crimes and misdemeanors.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 499

Resolved, That Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, be impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

From some time in the first half of 1981 and continuing through October 9, 1981, Judge Hastings and William Borders, then a Washington, D.C. attorney, engaged in a corrupt conspiracy to obtain $150,000 from defendants in United States v. Romano, a case tried before Judge Hastings, in return for the imposition of sentences which would not require incarceration of the defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE II

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings and William Borders, of Washington, D.C., never made any agreement to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE III

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., to modify the sentences of defendants in United States v. Romano, a case tried before Judge Hastings, from a term in the Federal penitentiary to probation in return for a bribe from those defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE IV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., in connection with a payment on a bribe, to enter, within 10 days of that payment, an order returning a substantial amount of property to the defendants in United States v. Romano, a case tried before Judge Hastings. Judge Hastings had previously ordered that property forfeited.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE V

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' appearance at the Fontainebleau Hotel in Miami Beach, Florida, on September 16, 1981, was not part of a plan to demonstrate his participation in a bribery scheme with William Borders of Washington, D.C., concerning United States v. Romano, a case tried before Judge Hastings, and that Judge Hastings expected to meet Mr. Borders at that place and on that occasion.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings did not expect William Borders, of Washington, D.C., to appear at Judge Hastings' room in the Sheraton Hotel in Washington, D.C., on September 12, 1981.

ARTICLE VII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowlingly and contrary to his oath, make a false statement which was intended to mislead the trier of fact.

The false statement concerned Judge Hastings' motive for instructing a law clerk, Jeffrey Miller, to prepare an order on October 5, 1981, in United States v. Romano, a case tried before Judge Hastings, returning a substantial portion of property previously ordered forfeited by Judge Hastings. Judge Hastings stated in substance that he so instructed Mr. Miller only because Judge Hastings was concerned that the order would not be completed before Mr. Miller's scheduled departure, when in fact the instruction on October 5, 1981, to prepare such order was in furtherance of a bribery scheme concerning that case.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' October 5, 1981, telephone conversation with William Borders, of Washington, D.C., was about writing letters to solicit assistance for Hemphill Pride of Columbia, South Carolina, and was not a coded conversation in furtherance of a conspiracy with Mr. Borders to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings, is guilty of an impeachable offense warranting removal from office.

ARTICLE IX

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that three documents that purported to be drafts of letters to assist Hemphill Pride, of Columbia, South Carolina, had been written by Judge Hastings on October 5, 1981, and were the letters referred to by Judge Hastings in his October 5, 1981, telephone conversation with William Borders, of Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE X

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath, make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on May 5, 1981, Judge Hastings made a telephone call to 803-758-8825 in Columbia, South Carolina, and talked to Hemphill Pride at that number.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on August 2, 1981, he made a telephone call to 803-782-9387 in Columbia, South Carolina, and talked to Hemphill Pride at that number.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on September 2, 1981, he made a telephone call to 803-758-8825 in Columbia, South Carolina, and talked to Hemphill Pride at that number.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XIII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that 803-777-7716 was a telephone number at a place where Hemphill Pride worked in July 1981.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on the afternoon of October 9, 1981, Judge Hastings called his mother and Patricia Williams from his hotel room at the L'Enfant Plaza Hotel in Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact concerning his motives for taking a plane on October 9, 1981, from Baltimore-Washington International Airport rather than from Washington National Airport.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XVI

From July 15, 1985, to September 15, 1985, Judge Hastings was the supervising judge of a wiretap instituted under chapter 119 of title 18, United States Code (added by title III of the Omnibus Crime Control and Safe Streets Act of 1968). The wiretap was part of certain investigations then being conducted by law enforcement agents of the United States.

As supervising judge, Judge Hastings learned highly confidential information obtained through the wiretap. The documents disclosing this information, presented to Judge Hastings as the supervising judge, were Judge Hastings' sole source of the highly confidential information.

On September 6, 1985, Judge Hastings revealed highly confidential information that he learned as the supervising judge of the wiretap, as follows: On the morning of September 6, 1985, Judge Hastings told Stephen Clark, the Mayor of Dade County, Florida, to stay away from Kevin "Waxy" Gordon, who was "hot" and was using the Mayor's name in Hialeah, Florida.

As a result of this improper disclosure, certain investigations then being conducted by law enforcement agents of the United States were thwarted and ultimately terminated.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII

Judge Hastings, who as a Federal judge is required to enforce and obey the Constitution and laws of the United States, to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to perform the duties of his office impartially, did, through—

(1) a corrupt relationship with William Borders of Washington, D.C.;

(2) repeated false testimony under oath at Judge Hastings' criminal trial;

(3) fabrication of false documents which were submitted as evidence at his criminal trial; and

(4) improper disclosure of confidential information acquired by him as supervisory judge of a wiretap;

undermine confidence in the integrity and impartiality of the judiciary and betray the trust of the people of the United States, thereby bringing disrepute on the Federal courts and the administration of justice by the Federal courts.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

Mr. RODINO (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. Is there objection to the request of the gentleman from New Jersey?

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 in lieu thereof the following:

That Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, be impeached for high crimes and misdemeanors and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Alcee L. Hastings, a judge of the United States District Court for the Southern District of Florida, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

From some time in the first half of 1981 and continuing through October 9, 1981, Judge Hastings and William Borders, then a Washington, D.C. attorney, engaged in a corrupt conspiracy to obtain $150,000 from defendants in United States v. Romano, a case tried before Judge Hastings, in return for the imposition of sentences which would not require incarceration of the defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE II

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings and William Borders, of Washington, D.C., never made any agreement to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE III

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., to modify the sentences of defendants in United States v. Romano, a case tried before Judge Hastings, from a term in the Federal penitentiary to probation in return for a bribe from those defendants.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE IV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings never agreed with William Borders, of Washington, D.C., in connection with a payment on a bribe, to enter an order returning a substantial amount of property to the defendants in United States v. Romano, a case tried before Judge Hastings. Judge Hastings had previously ordered that property forfeited.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE V

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' appearance at the Fontainebleau Hotel in Miami Beach, Florida, on September 16, 1981, was not part of a plan to demonstrate his participation in a bribery scheme with William Borders of Washington, D.C., concerning United States v. Romano, a case tried before Judge Hastings, and that Judge Hastings expected to meet Mr. Borders at that place and on that occasion.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings did not expect William Borders, of Washington, D.C., to appear at Judge Hastings' room in the Sheraton Hotel in Washington, D.C., on September 12, 1981.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath, make a false statement which was intended to mislead the trier of fact.

The false statement concerned Judge Hastings' motive for instructing a law clerk, Jeffrey Miller, to prepare an order on October 5, 1981, in United States v. Romano, a case tried before Judge Hastings, returning a substantial portion of property previously ordered forfeited by Judge Hastings. Judge Hastings stated in substance that he so instructed Mr. Miller primarily because Judge Hastings was concerned that the order would not be completed before Mr. Miller's scheduled departure, when in fact the instruction on October 5, 1981, to prepare such order was in furtherance of a bribery scheme concerning that case.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE VIII

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that Judge Hastings' October 5, 1981, telephone conversation with William Borders, of Washington, D.C., was in fact about writing letters to solicit assistance for Hemphill Pride of Columbia, South Carolina, when in fact it was a coded conversation in furtherance of a conspiracy with Mr. Borders to solicit a bribe from defendants in United States v. Romano, a case tried before Judge Hastings.

Wherefore, Judge Alcee L. Hastings, is guilty of an impeachable offense warranting removal from office.

ARTICLE IX

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to his oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that three documents that purported to be drafts of letters to assist Hemphill Pride, of Columbia, South Carolina, had been written by Judge Hastings on October 5, 1981, and were the letters referred to by Judge Hastings in his October 5, 1981, telephone conversation with William Borders, of Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE X

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath, make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on May 5, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-758-8825 in Columbia, South Carolina.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XI

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on August 2, 1981, Judge Hastings talked to Hemphill Pride by placing a telephone call to 803-782-9387 in Columbia, South Carolina.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XII

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The false statement was, in substance, that 803-777-7716 was a telephone number at a place where Hemphill Pride could be contacted in July 1981.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XIV

From January 18, 1983, until February 4, 1983, Judge Hastings was a defendant in a criminal case in the United States District Court for the Southern District of Florida. In the course of the trial of that case, Judge Hastings, while under oath to tell the truth, the whole truth, and nothing but the truth, did knowingly and contrary to that oath make a false statement which was intended to mislead the trier of fact.

The false statement was, in substance, that on the afternoon of October 9, 1981, Judge Hastings called his mother and Patricia Williams from his hotel room at the L'Enfant Plaza Hotel in Washington, D.C.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XV

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ARTICLE XVI

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As supervising judge, Judge Hastings learned highly confidential information obtained through the wiretap. The documents disclosing this information, presented to Judge Hastings as the supervising judge, were Judge Hastings' sole source of the highly confidential information.

On September 6, 1985, Judge Hastings revealed highly confidential information that he learned as the supervising judge of the wiretap, as follows: On the morning of September 6, 1985, Judge Hastings told Stephen Clark, the Mayor of Dade County, Florida, to stay away from Kevin "Waxy" Gordon, who was "hot" and was using the Mayor's name in Hialeah, Florida.

As a result of this improper disclosure, certain investigations then being conducted by law enforcement agents of the United States were thwarted and ultimately terminated.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

ARTICLE XVII

Judge Hastings, who as a Federal judge is required to enforce and obey the Constitution and laws of the United States, to uphold the integrity of the judiciary, to avoid impropriety and the appearance of impropriety, and to perform the duties of his office impartially, did, through—

(1) a corrupt relationship with William Borders of Washington, D.C.;

(2) repeated false testimony under oath at Judge Hastings' criminal trial;

(3) fabrication of false documents which were submitted as evidence at his criminal trial; and

(4) improper disclosure of confidential information acquired by him as supervisory judge of a wiretap;

undermine confidence in the integrity and impartiality of the judiciary and betray the trust of the people of the United States, thereby bringing disrepute on the Federal courts and the administration of justice by the Federal courts.

Wherefore, Judge Alcee L. Hastings is guilty of an impeachable offense warranting removal from office.

□ 1130

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from New Jersey [Mr. RODINO] is recognized for 1 hour.

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

Mr. Speaker, today, this House must decide whether to exercise its constitutional power to impeach Judge Alcee L. Hastings. In carrying out this serious and solemn duty, our decision must be based on the clear intent behind the constitutional impeachment provision, which is expressly reserved for those serious offenses by public officials that betray the public trust and undermine the integrity of high public office.

As with all other aspects of the checks and balances in our system of government, the framers of the Constitution structured impeachment in a manner that rejects a system of pure efficiency in favor of a more complex procedure that maximizes the integrity and independence of the Federal judiciary. To the framers, mandating an intricate process for the removal of Federal judges seemed a small price to pay to ensure the American populace an independent judiciary. In explaining why impeachment was one of a number of overlapping features aimed at preserving judicial autonomy, the framers were concerned that the judiciary was the most vulnerable of the three branches because unlike the executive, it cannot rely on its control of the Army, and unlike the legislature, it has no control over the power of the purse.

They were concerned that any less complex machinery might not sufficiently protect the judiciary from the political backlash of their decisions.

Thus, the Founding Fathers fully anticipated that impeachment would be a cumbersome affair, generating controversy and divisiveness, and demanding much attention by Members of Congress. Yet, they believed that no other branch of Government was as qualified to undertake this duty or would safeguard the impeachment process as scrupulously from vindictive or frivolous accusations. History attests to the care with which the Congress has discharged its prescribed responsibility.

Since 1787, the House of Representatives has impeached 14 Federal officers: One President, one Cabinet officer, one Senator, and 11 Federal judges. Twelve of the impeached officers were tried in the Senate; two resigned prior to Senate proceedings. Five of the twelve impeachments that went to trial resulted in conviction and removal from office. All five involved Federal judges.

While the power of impeachment has been exercised infrequently, it has, as the Founding Fathers intended, played a special and essential role in maintaining the integrity of the Federal judiciary. As Members of this body have recognized in prior judicial impeachments, the judges of the Federal courts occupy a unique position of trust and responsibility in our system of government: They are the only members of any branch that have life tenure in office. They are purposely insulated from the immediate pressures and shifting currents of the body politic. But with the special prerogative of judicial independence comes the most exacting standard of conduct.

The resolution before this House today sets forth 17 articles of impeachment against Judge Alcee L.

Hastings. The circumstances under which this matter has come before us are unique in our Nation's history.

Judge Hastings and a codefendant, Mr. William Borders, were indicted in 1981 for having engaged in a corrupt conspiracy to solicit a bribe from defendants who were tried in Judge Hastings' court. Mr. Borders, in a separate trial, was convicted. Thereafter, Judge Hastings was tried and acquitted. Approximately 6 weeks after his acquittal, two U.S. district judges from the 11th circuit initiated a complaint pursuant to title 28, United States Code section 372(c). The Judicial Councils Reform and Judicial Conduct and Disability Act, requesting an investigation to determine whether Judge Hastings had engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.

On August 4, 1986, the committee of judges appointed to investigate the complaint submitted its report and recommendations to the Judicial Council of the eleventh circuit. The report found that the evidence, considered in its totality, clearly and convincingly established that Judge Hastings had engaged in a corrupt conspiracy to obtain a bribe from the defendants in a case which was pending before him. The report also found that there was clear and convincing evidence that Judge Hastings had testified falsely at his trial in an attempt to conceal his participation in the bribery scheme.

On September 2, 1986, the Judicial Council of the eleventh circuit unanimously adopted the report containing these findings. The report was then forwarded to the Judicial Conference of the United States, which concurred in the determination of the Judical Council. On March 17, 1987, Chief Justice Rehnquist, acting on behalf of the conference, transmitted the report and the records of the investigation to the Speaker of the House, stating in language mandated by the statute that "consideration of impeachment [of Judge Hastings] may be warranted."

The inquiry into Judge Hastings' conduct was referred to the Committee on the Judiciary, and was in turn referred to the Subcommittee on Criminal Justice under the able leadership of the gentleman from Michigan [Mr. CONYERS].

Faced on the one hand, with the acquittal of Judge Hastings on certain charges and, on the other hand, with the conclusions of the lengthy report emanating from the eleventh circuit's investigation, the subcommittee engaged in an independent investigation lasting approximately 1 year. Dozens of witnesses were interviewed; thousands of documents were reviewed and analyzed; extensive litigation to obtain additional documents and testimony was engaged in successfully; and new areas of inquiry, not considered by the jury at Judge Hastings' trial, were also investigated. Seven days of hearings were conducted at which 12 witnesses testified.

Judge Hastings was afforded the right to be present and participate with his five counsel during the subcommittee's hearings, all of which were public. He had the opportunity of having witnesses called at his suggestion and the opportunity to question all witnesses who came before the subcommittee. Judge Hastings was invited to testify at the conclusion of the subcommittee hearings, but declined to do so.

On July 7, 1988, the subcommittee voted unanimously in support of 17 articles of impeachment against Judge Hastings. On July 26, 1988, the Committee on the Judiciary took up House Resolution 499, which contains the 17 articles recommended by the subcommittee. The ranking minority member, Mr. FISH, offered a technical and clarifying amendment which was adopted by voice vote. Thereafter, the Committee on the Judiciary voted to adopt all 17 articles. Articles I and XVI were adopted by voice vote. The committee then adopted the remainder of House Resolution 499, as amended, excluding articles I and XVI, by a rollcall vote of 32 to 1. Every member of the Committee on the Judiciary voted for at least one article of impeachment.

Mr. Speaker, many have served this country as Federal judges with honor and in a manner wholly deserving of the high esteem in which the Federal judiciary is held by the citizens of this country. When the Congress and public are confronted with allegations of gross judicial misconduct, however, the reputation of the Federal judiciary becomes tarnished and the impact on our system of government and the public trust is severe. The Constitution places upon the House of Representatives the duty to restore the equilibrium of public trust and sound government through the power of impeachment.

The high standard of behavior for judges is inscribed in article III of the Constitution, which provides that judges "shall hold their Offices during good behavior * * *." Addressing this constitutional standard during the impeachment of Judge Ritter in 1936, Senator William Gibbs McAdoo explained:

> Good behavior, as it is used in the Constitution, exacts of a judge the highest standards of public and private rectitude. No judge can besmirch the robes he wears by relaxing these standards, by compromising them through conduct which brings reproach upon himself personally, or upon the great office he holds. No more sacred trust is committed to the bench of the United States than to keep shining with undimmed effulgence the brightest jewel in the crown of democracy—justice.

This description places in sharp focus the essence of the impeachment inquiry: Whether the public trust vested in high office has been violated as to bring that office in disrepute to the detriment of the public confidence in the institutions of Government.

The fact that Judge Hastings was acquitted of the bribery conspiracy charge does not alter our responsibility to adopt articles of impeachment based on the extensive record of his corrupt conduct. The Constitution itself establishes that impeachment and indictment are two separate and distinct proceedings. Conduct which may not be specifically criminal, but which is harmful to the integrity of institutions of Government, is well within the ambit of the impeachment remedy. Moreover, impeachment serves a fundamentally different purpose from the criminal law. It is not designed to punish a Federal officer or to seek retribution. Rather, its function is primarily to maintain constitutional Government.

We are not here to punish Judge Hastings. We are here to determine whether articles of impeachment should be brought whereby he may be removed from office. That is our unique constitutional responsibility, committed exclusively to this body. The American people look to us to protect them from persons who are unfit to hold public office by virtue of serious misconduct. Any impeachment is a regrettable event, but our duty under the Constitution is clear.

In calling up House Resolution 499, I want to commend the subcommittee for their thorough and diligent examination of the facts. I have reviewed the articles of impeachment which the committee and subcommittee have adopted. I have considered and weighed the evidence which underlies each article. I believe the evidence supports the 17 articles of impeachment.

I urge this body, based on the extensive record in this case, to exercise its constitutional power to impeach Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida.

□ 1145

Mr. Speaker, for the balance of my time, I defer to the distinguished chairman of the Subcommittee on Criminal Justice, the gentleman from Michigan [Mr. CONYERS] who will, in turn, yield time only for the purposes of debate.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from New Jersey [Mr. RODINO] has consumed 14 minutes.

The Chair recognizes the gentleman from Michigan [Mr. CONYERS].

CALL OF THE HOUSE

Mr. CONYERS. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 253]

ANSWERED "PRESENT"—398

Ackerman	de la Garza	Huckaby
Akaka	DeFazio	Hughes
Alexander	DeLay	Hunter
Anderson	Dellums	Hutto
Andrews	DeWine	Hyde
Annunzio	Dickinson	Inhofe
Anthony	Dicks	Ireland
Applegate	Dingell	Jacobs
Armey	DioGuardi	Jeffords
Aspin	Dixon	Jenkins
Atkins	Donnelly	Johnson (CT)
AuCoin	Dorgan (ND)	Johnson (SD)
Badham	Dornan (CA)	Jones (NC)
Baker	Dreier	Jones (TN)
Ballenger	Durbin	Jontz
Barnard	Dwyer	Kanjorski
Bartlett	Dymally	Kaptur
Barton	Dyson	Kasich
Bateman	Early	Kastenmeier
Bates	Eckart	Kennedy
Beilenson	Edwards (CA)	Kennelly
Bennett	Edwards (OK)	Kildee
Bentley	Emerson	Kleczka
Bereuter	English	Kolbe
Berman	Erdreich	Kolter
Bevill	Espy	Konnyu
Bilbray	Evans	Kostmayer
Bilirakis	Fascell	Kyl
Bliley	Fawell	Lagomarsino
Boehlert	Fazio	Lancaster
Boggs	Feighan	Lantos
Boland	Fields	Latta
Bonior	Fish	Leach (IA)
Bonker	Flake	Lehman (CA)
Borski	Flippo	Lehman (FL)
Bosco	Florio	Leland
Boucher	Foglietta	Lent
Boxer	Foley	Levin (MI)
Brennan	Ford (MI)	Levine (CA)
Brooks	Frenzel	Lewis (CA)
Broomfield	Gallegly	Lewis (FL)
Brown (CA)	Gallo	Lewis (GA)
Brown (CO)	Garcia	Lightfoot
Bruce	Gejdenson	Lipinski
Bryant	Gekas	Livingston
Buechner	Gephardt	Lloyd
Bunning	Gibbons	Lowery (CA)
Burton	Gilman	Lowry (WA)
Bustamante	Glickman	Lujan
Byron	Gonzalez	Luken, Thomas
Callahan	Gordon	Lukens, Donald
Campbell	Gradison	Lungren
Cardin	Grandy	Mack
Carper	Grant	Madigan
Carr	Gray (IL)	Manton
Chandler	Gray (PA)	Markey
Chapman	Green	Marlenee
Chappell	Gregg	Martin (IL)
Cheney	Guarini	Martin (NY)
Clarke	Gunderson	Martinez
Clay	Hall (OH)	Mavroules
Clement	Hall (TX)	Mazzoli
Clinger	Hamilton	McCandless
Coats	Hammerschmidt	McCloskey
Coble	Hansen	McCollum
Coelho	Harris	McCrery
Coleman (MO)	Hastert	McCurdy
Coleman (TX)	Hatcher	McDade
Collins	Hawkins	McEwen
Combest	Hayes (IL)	McHugh
Conte	Hayes (LA)	McMillan (NC)
Conyers	Hefley	McMillen (MD)
Cooper	Henry	Meyers
Coughlin	Herger	Mfume
Courter	Hertel	Michel
Coyne	Hiler	Miller (CA)
Craig	Hochbrueckner	Miller (OH)
Crane	Holloway	Miller (WA)
Crockett	Hopkins	Mineta
Dannemeyer	Horton	Moakley
Darden	Houghton	Molinari
Davis (IL)	Hoyer	Mollohan
Davis (MI)	Hubbard	Montgomery
Moody	Rodino	Stallings
Moorhead	Roe	Stangeland
Morella	Rogers	Stenholm
Morrison (CT)	Rose	Stokes
Morrison (WA)	Rostenkowski	Stratton
Mrazek	Roth	Studds
Murphy	Roukema	Stump
Murtha	Rowland (CT)	Sundquist
Myers	Rowland (GA)	Sweeney
Nagle	Roybal	Swift
Natcher	Russo	Swindall
Nelson	Sabo	Synar
Nichols	Saiki	Tallon
Nielson	Savage	Tauke
Nowak	Sawyer	Tauzin
Oakar	Saxton	Thomas (CA)
Oberstar	Schaefer	Thomas (GA)
Obey	Schneider	Torres
Olin	Schroeder	Torricelli
Ortiz	Schuette	Towns
Owens (UT)	Schulze	Traficant
Oxley	Schumer	Traxler
Packard	Sensenbrenner	Upton
Panetta	Sharp	Valentine
Parris	Shaw	Vander Jagt
Pashayan	Shays	Vento
Patterson	Shumway	Visclosky
Payne	Sikorski	Volkmer
Pease	Sisisky	Vucanovich
Pelosi	Skaggs	Walgren
Penny	Skeen	Walker
Pepper	Skelton	Watkins
Perkins	Slattery	Waxman
Petri	Slaughter (NY)	Weber
Pickett	Slaughter (VA)	Weiss
Pickle	Smith (FL)	Weldon
Porter	Smith (IA)	Wheat
Price	Smith (NE)	Whittaker
Pursell	Smith (NJ)	Whitten
Quillen	Smith (TX)	Williams
Rahall	Smith, Denny (OR)	Wilson
Ravenel	Smith, Robert (NH)	Wise
Ray	Smith, Robert (OR)	Wolpe
Regula	Snowe	Wortley
Rhodes	Solarz	Wyden
Richardson	Solomon	Wylie
Ridge	Spratt	Yates
Rinaldo	Staggers	Yatron
Ritter		Young (AK)
Roberts		Young (FL)
Robinson		

□ 1210

The SPEAKER pro tempore (Mr. GRAY of Illinois). On this rollcall, 398 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

PERMISSION FOR SUBCOMMITTEE ON WATER RESOURCES OF COMMITTEE ON PUBLIC WORKS TRANSPORTATION TO MEET TODAY DURING THE 5-MINUTE RULE

Mr. NOWAK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Water Resources of the Committee on Public Works and Transportation may be permitted to sit while the House is reading for amendment today under the 5-minute rule.

Mr. Speaker, this request has been cleared with the minority.

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

There was no objection.

PRIVILEGES OF THE HOUSE—IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

The SPEAKER pro tempore. The gentleman from Michigan [Mr. CONYERS] has been recognized.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, today we are voting on the impeachment of Judge Alcee Hastings. However, I would like to address myself to the larger issue of whether the impeachment process is the most effective way to remove Federal judges. I believe that impeaching judges is becoming too costly and time-consuming for the Congress to deal with and that we should establish a new way to remove judges.

Because the number of Federal judges is rising dramatically, impeachments are no longer going to be rare occurrences. The Hastings impeachment is not an isolated case. The House will soon vote on the impeachment of Judge Walter Nixon, and we all remember the 1986 impeachment of Judge Harry Claiborne.

Who can really deny that the current system is archaic and ineffective? Perhaps in the 18th century when there were only 37 Federal judges and 26 Senators, impeaching judges made sense. Today, when there are over 730 Federal judges and 100 Senators, we have an enormously unwieldy system that duplicates existing procedures, wastes the time of Congress, and foolishly costs the taxpayer's money.

"Time-consuming" is an understatement for the current process. In the case of Judge Alcee Hastings the judicial branch investigated the case for over 3 years and produced a 381-page report. But the House Judiciary Committee has been obliged to investigate the matter for another year and the Senate will have to conduct its own inquiry. We are now spending more time to remove a district judge than we would to impeach a President.

There is a better way. Most States now have special judicial procedures for removing State judges. The Federal Government should follow the States' example and allow the Federal judiciary to remove Federal judges.

The judicial branch is much better suited to investigating and trying judges than the Congress. In fact, as a result of the 1980 Judicial Councils Reform Act there is already an effective mechanism for investigating and disciplining judges. These judicial panels could and should be given the authority to remove judges. I recently introduced a constitutional amendment to give the Federal judiciary the authority to remove judges and I hope that Members of Congress will support my effort to reform the impeachment process.

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

Mr. Speaker, House Resolution 499 impeaches—that is, accuses—Alcee L. Hastings, a U.S. district judge for the Southern District of Florida, of high crimes and misdemeanors. Impeachment is the first step in the possible removal from office of a Federal

judge. The next step, if the resolution is adopted, is a trial in the other body. If the House of Representatives votes to impeach and then if two-thirds of the Senate vote to convict, Judge Hastings will be removed from office and could be disqualified from holding another office of "honor, trust, or profit under the United States."

Impeachment is a solemn constitutional responsibility of the House of Representatives that is unlike our usual legislative business. The House of Representatives in an impeachment inquiry acts as a factfinding body. The task of an impeachment inquiry is to ascertain the facts so that a judgment can be made whether or not an officeholder has lived up to the standards of office.

The inquiry into the conduct of Judge Hastings was triggered by a certification of the Judicial Conference of the United States submitted under the Judicial Councils Reform and Judicial Conduct and Disability Act of 1980. The Judicial Conference certified, in language drawn from that statute, that Judge Hastings had "engaged in conduct which might constitute one or more grounds for impeachment".

The Judicial Conference's action was based upon a recommendation of the Judicial Council of the Eleventh Circuit, which had appointed an investigating committee to investigate complaints about Judge Hastings' behavior. The investigating committee conducted an extensive investigation into Judge Hastings' conduct, in the process amassing thousands of pages of testimony and collecting some 2,800 exhibits. The investigating committee reported its findings and conclusions to the 11th Circuit Judicial Council, which thereupon concluded that Judge Hastings had "engaged in conduct which might constitute one or more grounds for impeachment".

The Judicial Conference's certification was referred to the Committee on the Judiciary and, in turn, to the Subcommittee on Criminal Justice, which I chair. Given the House's constitutional responsibility, I did not want the subcommittee merely to rubber stamp the work of the 11th Circuit Judicial Council and I can assure Members of this body that did not happen. The goal of the subcommittee's inquiry was to provide the House with all of the facts necessary to make an informed and fair decision about whether Judge Hastings should be impeached.

The transcripts of Judge Hastings' criminal trial and the criminal trial of William Borders were reviewed. The complete records of the 11th Circuit investigating committee were reviewed. In addition, independent interviews of numerous persons were conducted, new evidence was considered, and the subcommittee expanded the inquiry when it received a new allegation that Judge Hastings had improperly disclosed confidential information.

During the course of the inquiry, the subcommittee sought certain records from the courts. Despite his assertions that he was interested in a full and complete disclosure of the facts, Judge Hastings resisted these efforts. The matters were litigated, and the committee ultimately prevailed.

Judge Hastings was not fully satisfied with the manner in which the subcommittee carried out the inquiry. He wanted his counsel to be intimately involved in the investigation and to be present at, and take part in, such activities as interviewing witnesses. The subcommittee could not agree to this. To be independent and impartial, our investigation had to be free of any taint. It would have been inappropriate for Judge Hastings' counsel—or, for that matter, representatives of the Judicial Conference—to have been intimately involved in our investigation. The subcommittee therefore declined the judge's request about the participation of his counsel.

The subcommittee's inquiry culminated with 7 days of hearings. Judge Hastings was permitted to make an opening statement at the start of the hearings, and was afforded more safeguards and more due process than ever given in an impeachment proceeding. His counsel—and on one occasion, the judge himself—questioned witnesses called by the subcommittee. The subcommittee was generous in the time it gave Judge Hastings and his counsel for questioning. In addition, Judge Hastings was asked to suggest witnesses that the subcommittee should call. After the taking of testimony was completed, counsel for Judge Hastings was permitted to make a closing summary. I believe that our procedures were fair to the judge and resulted in compiling a complete record that will enable the House to judge for itself whether Judge Hastings should be impeached.

Judge Hastings' initial response to the Judicial Conference certification was to suggest that the House of Representatives do nothing. The judge argued that the principles of fairness underlying the double jeopardy clause called for that response. He claimed that the jury that acquitted him heard all of the evidence and that the subsequent inquiries had turned up nothing new.

The judge did not argue that the double jeopardy clause itself precluded the House from acting for that would be an untenable position. The double jeopardy clause protects against a prosecution for conduct that was the subject of a prior criminal prosecution. Impeachment is not a criminal proceeding. The person impeached and convicted is not sent to jail or fined. The double jeopardy clause, therefore, does not apply. If it did apply, last term the House would have been unable to impeach, and the Senate convict and remove from office, Judge Harry T. Claiborne, for the double jeopardy clause protects against a criminal trial following a conviction as well as a criminal trial following an acquittal.

Judge Hastings was really arguing that the House, as a matter of policy, should not inquire into his conduct. The Committee on the Judiciary does not agree. To begin with, contrary to Judge Hastings' assertion, there is new evidence that was not before the jury at his criminal trial. Moreover, because an individual's liberty interest is at stake, the jury must acquit a defendant in a criminal trial if there is a reasonable doubt. There is, and should be, a different standard in an impeachment proceeding.

The purpose of impeachment is to insure the integrity of our institutions of government, not to punish individuals. The standard of proof for an impeachment proceeding is not the criminal-law standard of beyond a reasonable doubt. We do not know from the jury's verdict of not guilty what it would have done had it been asked to apply a less stringent standard than beyond a reasonable doubt. The committee concludes, therefore, that the House must review the evidence for itself.

While the hearing record compiled by the subcommittee is extensive, one thing that emerges from that record, particularly about the bribery conspiracy matter, is the extent to which the facts are not in dispute. What is in dispute are the inferences to be drawn from those facts.

In general outline, the facts of the bribery conspiracy allegation are that some time in 1981, the FBI became aware of claims by William Borders that he could fix cases before Judge Hastings. Borders dealt with an undercover agent that Borders thought was a defendant who had been convicted after a jury trial in Judge Hastings' court. Borders agreed that, in return for $150,000, Judge Hastings would reduce the sentence of the person portrayed by the agent, as well as that person's codefendant.

The evidence establishes that Judge Hastings was a part of that bribery conspiracy, actively scheming to sell justice. Here are some examples of how the evidence establishes this.

First, Borders, a Washington, DC, lawyer, was not licensed to practice law in Florida, and was not involved in any way in the case for which he was seeking the bribe. Nonetheless, he was familiar with the details of the case and told the undercover agent that Judge Hastings would issue an order returning a substantial amount of property to the defendants. Those de-

tails could only have come from talking to Judge Hastings, and that commitment could only have been made with Judge Hastings' agreement.

Second, when the undercover agent sought proof from Borders that Judge Hastings was involved, the judge cooperated with Borders to provide that proof. Borders agreed to have the judge appear at the Fountainebleau Hotel dining room on September 16, 1981, at 8 p.m. It is undisputed that the judge made that appearance.

Judge Hastings argues, however, that he expected to meet Borders there for dinner. Judge Hastings took a guest to that dinner. But he had made reservations only for two—not for three or four, as he should have done if he were expecting Borders. Moreover, he did not tell his guest that they were meeting Borders for dinner, and he did not object when the maitre'd sat him and his guest at a table for four and then removed two place settings. Borders was in fact in Las Vegas that night, attending the Leonard-Hearns championship fight, a trip that was planned well in advance and that was well known to Borders' acquaintances.

Third, Judge Hastings was actually present in Mr. Borders' law offices when Mr. Borders talked by telephone with the undercover agent on October 9, 1981. During that call, Mr. Borders arranged the details of the payoff with the agent.

Fourth, the vast majority of documented phone calls between Judge Hastings and Borders occurred around significant events in the case that was the target of the bribe. The calls were often brief, sometimes at odd hours, and on at least one occasion to and from a pay telephone. There are very few documented phone calls on other occasions.

Perhaps the most damning evidence of Judge Hastings' involvement is that the judge fled from Washington on October 9, 1981, after he learned that Borders had been arrested. It is undisputed that Judge Hastings left the hotel immediately. He turned down a friend's offer of a ride to the airport, and instead took a taxi. Rather than going to National Airport, about 10 minutes from where he was staying, he went to Baltimore-Washington International, about an hour—and a $50 cab ride—away. He did not fly to Miami, where his car was parked, but rather to Fort Lauderdale, where he was forced to rent a car.

The judge explains his haste as due to information he had received when he telephoned his mother and Patricia Williams, his fiancee, from the hotel. Judge Hastings allegedly made these calls from the hotel at a time when Judge Hastings' friend, Hemphill Pride, says that he (Pride) was with the judge. Mr. Pride testified that the judge did not make the calls. The information that the judge claims to have learned from the calls, moreover, could not have been provided by Judge Hastings' mother or Ms. Williams. Finally, the telephone records do not show a telephone call during the relevant time period from any phone at the hotel to either Judge Hastings' mother or Ms. Williams.

The evidence establishes that the judge, when he learned of Borders' arrest, panicked and fled from Washington, and that the reason for this panic was the judge's involvement in the bribery conspiracy. Article I of the resolution charges Judge Hastings with participating in the conspiracy.

Articles II through XV charge Judge Hastings with 14 separate instances of perjury at his criminal trial. The perjury counts are not based upon answers that the judge gave to trick or complicated questions. Thirteen of the fourteen counts, for example, deal with statements made by Judge Hastings during direct examination, in response to questions from his own counsel. The perjury was committed by Judge Hastings to conceal his involvement in the bribery conspiracy.

The bribery conspiracy article and the perjury articles cannot be separated. If Judge Hastings knowingly participated in a bribery scheme, then he must have been testifying falsely at his trial when he explained away incriminating evidence. Likewise, the only reason for the judge to perjure himself at trial was to cover up his participation in the bribery conspiracy.

The judge claimed on the stand that the October 5 call was about letters of solicitation for a friend, while the evidence actually establishes that he was engaged in a coded conversation about the bribery scheme. One cannot conclude that Judge Hastings was part of the scheme without also finding that he isolated his oath to tell the truth when he testified about the October 5 call.

In short, the facts establishing Judge Hastings' participation in the conspiracy also establish his false statements at trial. The 14 articles of impeachment involving Judge Hastings' false testimony cannot be divorced from the article I charging Judge Hastings with participating in the corrupt bribery scheme.

For example, article V charges Judge Hastings with lying under oath about why he appeared at the Fontainebleau Hotel on the day and at the time specified by Borders and the undercover agent. If one believes, as the evidence establishes, that Judge Hastings arrived at the hotel to indicate his involvement in the bribery conspiracy, then one must necessarily conclude that Judge Hastings lied at his trial when he claimed that he went to the hotel on September 16 not because he was in on the scheme but instead to meet Borders.

Similarly, Judge Hastings' explanation at trial about the October 5, 1981, phone call he had with Borders was necessarily false if one believes all the evidence establishing Judge Hastings' perjury at trial.

Article XVI charges that Judge Hastings improperly disclosed confidential information to Stephen Clark, the mayor of Dade County, FL, on September 6, 1985. The judge told the mayor to "stay away from Waxy Gordon," that Gordon was "hot" and was using the mayor's name in Hialeah. The information disclosed by Judge Hastings was learned by him during a court-ordered wiretap that he was supervising. As a result of the disclosure, the FBI was forced to stop two major investigations and to limit the usefulness of a third.

There is no dispute that the judge and Mayor Clark spoke on September 6 at a meeting where Judge Hastings was a principal speaker. Judge Hastings, however, denies making the improper disclosure, and suggests that the mayor and friends of the mayor in the FBI have set him up.

Mayor Clark has consistently maintained that Judge Hastings told him the information, and has passed a polygraph examination on that point. The mayor acted immediately upon the information he received, setting up a meeting for later that morning to discuss the matter with Waxy Gordon. As a result of that meeting, Gordon undertook an investigation to try to find out how the judge could have learned that he (Gordon) had used the mayor's name and immediately became suspicious of an associate who was in fact an undercover FBI agent.

While the mayor has friends in the FBI, there is no evidence that anyone in the FBI leaked information to the mayor, and the evidence establishes that the judge made the disclosure.

Article XVII charges that Judge Hastings, by his corrupt relationship with Borders, that is, the bribery conspiracy, by his repeated perjury and submission of false documents at his criminal trial, and by his improper disclosure of highly confidential information, has undermined public confidence in the integrity and impartiality of the judiciary and betrayed the public trust.

I had hoped Judge Hastings would accept the subcommittee's invitation to testify and respond to these serious allegations against him. He chose not to do so and therefore has left uncontroverted these numerous damning allegations.

When I first heard of this matter, I and other Members of Congress, including my colleagues in the Congressional Black Caucus, were skeptical. A charismatic and outspoken black

judge, whose progressive views I share, was involved. I therefore paid close attention to the possibility that racism, not misconduct, was involved.

In view of the history of the unfair treatment and the harassment of black public officials, which is too long to go into now, and of the significant underrepresentation of black judges, I entered these proceedings with some experience and some feeling about the matter that was before me.

I first came to Congress 24 years ago in order to help make it possible for black people to be full and equal participants in American life. Freedom riders and civil rights workers—black and white—seeking to bring about greater equality for black people were threatened, beaten, and killed. Mrs. Viola Liuzzo from my hometown, for example, was murdered in 1965 after the march on Selma, AL, led by Dr. King.

This was a time when civil rights lawyers knew that there were certain judges, Federal judges, that they could not expect to receive a fair hearing, if they could get in the court at all. Their cases were prejudged on the basis of extraneous factors. And one of the successes of the civil rights movement was to make the Federal courts more responsive to the civil rights claims and to the claimants.

We did not wage that civil right struggle merely to replace one form of judicial corruption for another. And we can no more close our eyes to acts that constitute high crimes and misdemeanors when practiced by judges whose views we approve than we could against judges whose views we detested.

It would be disloyal to the essential principles of the civil rights movement and to my oath of office at this late state of my career to attempt to set up a double standard for those who may share my philosophy and for those who may oppose it. In order to be true to our principles, we must demand that all persons live up to the same high standards that we demand of everyone else.

During my time in office, I have been proud to work for the enactment of laws to protect civil rights and guarantee equal justice under law, such as the Civil Rights Act of 1964, the Voting Rights Act of 1965 and its several extensions, the Civil Rights Act of 1968, to name a few laws. Subcommittees I have chaired have looked into problems of racism in our criminal justice system. I was, therefore, acutely sensitive to the concern that Judge Hastings might have been victimized by racism.

I do not find that to have been the case. Judge Hastings has been the architect of his own undoing.

Others whose concern with racism in our society cannot be questioned, and who were involved in the proceedings before the Eleventh Circuit and in the Judicial Conference, have reached the same conclusion. I do not believe that they would have failed to speak out if they had had any indication that the judge was being victimized by racism.

Two members of the Eleventh Circuit Judicial Council deserve mention. First, U.S. Circuit Judge Frank M. Johnson, who also served on the investigating committee, has a strong judicial record in support of civil rights. Indeed, for many years, the U.S. marshals had to give him and his family special protection because of the unpopularity of his decisions. Second, the first black person to be named to the Federal bench in the State of Florida, Joseph W. Hatchett. Judge Hatchett was also the first black person named to be a U.S. magistrate in the State of Florida, and the first black person popularly elected to the Florida Supreme Court. He is an outstanding jurist.

Another person who passed upon Judge Hastings' conduct is U.S. Circuit Judge Aubrey E. Robinson, Jr., who as chief judge of the U.S. District Court for the District of Columbia, was a member of the Judicial Conference of the United States. Judge Robinson's distinguished record on the bench and distinguished public service is well known.

John Doar, the counsel to the Eleventh Circuit Judicial Council's investigating committee, has a distinguished civil rights record as First Deputy and Assistant Attorney General in charge of the Civil Rights Division of the Justice Department during the Eisenhower, Kennedy, and Johnson administrations. He left Government service to be executive director of the Bedford Stuyvesant Development & Services Corp., which was formed to help develop and improve the life of the residents of a predominantly black part of New York City.

I do not believe people of the caliber and commitment of Judge Robinson, Judge Hatchett, Judge Johnson, and Mr. Doar would have stood mute if they had had any indication that the proceedings against Judge Hastings were tainted by racism.

The subcommittee called the judges who filed a complaint against Judge Hastings and thereby began the process that culminated in the certification from the Judicial Conference. Judge Hastings questioned these judges, but—curiously—he did not go into the matter of racism. Judge Hastings questioned them about the impact of the Judicial Councils Reform Act upon judicial collegiality, an interesting, perhaps, but irrelevant matter as far as the inquiry into whether Judge Hastings should be impeached or whether Judge Hastings is the victim of racism.

This country was founded upon a principle of equality expressed in the Declaration of Independence: "All men are created equal * * * they are endowed by their creator with certain unalienable rights, that among those rights are life, liberty, and the pursuit of happiness". In the 200-plus years of our country's history, that principle, as far as black people have been concerned, has been honored more in the breach than in the observance. Over that time, black people have had life, but not much liberty, and for most of that time laws and Jim Crow customs have severely hampered the pursuit of happiness.

Indeed, the entire civil rights movement has been really about fairness and equality of opportunity in achieving our dreams that a system of law would apply to everyone. And those of us who have closely identified with this struggle must be equally concerned about the integrity, the public integrity of everyone that holds office.

The struggle to make the principle of equality a reality for black people must go on. Although it has been suggested that the decision in this matter may adversely affect that struggle, I do not think so. The principle of equality requires that a black public official be held to the same standard that other public officials are held to. A lower standard would be patronizing, a higher standard, racist. Just as race should never disqualify a person from office, race should never insulate a person from the consequences of wrongful conduct.

Judge Hastings' conduct, evaluated by the standard applicable to all Federal judges, has not measured up to what it should be. Judge Hastings has committed high crimes and misdemeanors and should therefore be impeached.

□ 1230

Mr. Speaker, for purposes of debate only, I yield 11 minutes to the gentleman from Pennsylvania [Mr. GEKAS], the ranking member of the Subcommittee on Criminal Justice of the Committee on the Judiciary.

Mr. GEKAS. Mr. Speaker, Judge Hastings must go. Judge Hastings must be impeached. He must be removed from office. That is the sum and substance of the eloquent remarks just made by the chairman of the subcommittee. His recounting of the facts are such that everyone can be satisfied that indeed every single article in this resolution is well-founded in evidence, both documentarily and oral, and derived through witnesses and concluded by fair reason and attempts at a fair reading of all the matters that have prevailed against Judge Hastings right from the beginning.

These articles, however, do not tell the whole story. They are written in proper legalistic language and give us as Members of the House the proper

foundation upon which later to cast a vote in this resolution; but there are certain things that leap out of the facts of this case that every Member must try to picture along with us who were on the committee and who heard every stitch of evidence presented in this case.

If you will bear with me, I want to create three pictures that will remain with me to my dying day about this most serious case of the misconduct of, as we see it, Judge Alcee Hastings.

Mr. Speaker, the proof and the evidence demonstrate beyond a reasonable doubt or beyond any standard that you want to apply that William Borders, a Washington attorney, a good friend, long-time friend of Judge Hastings, and Judge Hastings himself engaged into a conspiracy whereby in return for moneys, gigantic sums of moneys, Borders would be representing certain criminal defendants in front of Hastings and Hastings would in return for this lucre, would then pronounce a soft sentence or nonsentence on criminal defendants who should be punished by a long term in jail.

Now, that on a simple basis means that if proved beyond a reasonable doubt in criminal court or beyond any doubt under our system here of impeachment, that that would be enough to vindicate any resolution that we may present on the impeachment of Judge Hastings; but let us delve into that circumstance a little more.

□ 1245

At a time when this conspiracy had been set up with all the circumstances that occurred thereafter, proof after proof, after we investigated fully that, indeed, that conspiracy did obtain, what happened was that in Washington, DC, on one day when the FBI in culminating its investigation after it had succeeded in putting certain moneys into Borders' hands was now ready to do the payoff; the balance of the moneys of the $150,000 was now to be paid over to Borders, because Hastings had completed his deal, and the conspiracy had come to its full moment; on that day in Washington, DC, picture this with me: Hastings happened to be in Washington. Borders was in Washington. The FBI met with Borders and then planted this final payment through the undercover agent into Borders' lap and Borders was arrested on the spot. He was busted as the parlance goes right then on the spot in Washington, DC.

Understand this: Hastings was in Washington in a hotel. Borders knew where he was. Hastings knew what Borders, or at least the evidence is conclusive to that fact, was about to engage in. All of a sudden Borders is arrested. Borders has his lawyer, a fellow by the name of Shorter, to do the immediate thing that was necessary for Border's state of mind at that point, to contact Judge Hastings. Shorter did his best to contact Judge Hastings and, in fact, did get through to him through another common friend at this hotel, and Judge Hastings learns that the FBI wants to talk to Judge Hastings.

Mr. Speaker, ladies and gentleman, colleagues of the House of Representatives, here is a situation where a Federal judge who happens to be in Washington learns that the FBI wants to discuss certain matters with him. What is the first reaction of a Federal judge who is innocent of any wrongdoing, who is clear of conscience, who has noting to hide? What would be the natural reaction of a Federal judge to a request by the FBI to talk over certain matters with him that emerge out of his courtroom? Would not the reaction be of an innocent, nonwrongdoing, clear-of-conscience individual to say, "When do you want to meet? Where do you want to meet? Of course, I will talk with you. Let us talk right away?" But instead we have the spectacle of a Federal judge doing everything humanly possible to flee the jurisdiction, to flee away from the possibilities of talking with the FBI, to do everything in the world to avoid talking with the FBI.

Here is the FBI, a Federal law enforcement agency, wanting to talk to a Federal judge, and we have the gigantic picture of a Federal judge changing plane reservations, changing landing plans, changing the mode of egress and ingress, trying to do everything possible to get out of Washington so that he cannot be traced. If ever the fleeing from jurisdiction or fleeing from a possible arrest or an inquiry shows guilt, it is in that circumstance. That picture will always remain with me.

The second picture which the Members must also put indelibly into their consciousness in order to vote properly on this resolution: We have a situation where Judge Hastings is on trial on a criminal charge. Everybody recognizes in and out of the courtroom that a defendant will do almost anything in a criminal trial to free himself from the tentacles of the law, and a defendant will lie. There is no question about it. History proves that, when he is on the stand and charged with these criminal actions, but to have a Federal judge, but remember, a Federal judge who under an oath himself to uphold the law, who then takes the stand and commits perjury on the stand, that is another picture which cannot be erased from the total atmosphere upon which we are being asked to cast a final vote on this resolution.

We did not know, nor did the world know, that he lied on the stand until afterward, but the pure fact of the matter is that the jury in acquitting him of that criminal conspiracy did so most probably because he lied on the stand, because he perjured himself on the stand, because he violated the oath he took at that proceeding to tell the truth and nothing but the truth. What a spectacle, fleeing from justice in Washington, lying on the stand, and if that were not enough, then the third picture leaps out at us as we review this evidence.

That is a situation wherein a very sensitive, very dramatic, very important, very dangerous mission undertaken by the FBI in Miami to set up a very important wiretap investigation involving corruption and a whole series of possible wrongdoing in the Miami area, and the judge chosen to authorize the wiretap under statutes created by the Congress of the United States, statutes which were created with the intent of making sure that wiretapping, which is a possible violation of civil rights, was set up in such a way that we would allow wiretapping in certain cases to be monitored and charged by a Federal judge; in doing so, after this particular judge, Alcee Hastings, sets up and gives the order to permit this wiretap investigation to proceed, he himself then betrays the FBI, betrays the investigation, smashes it to smithereens, by leaking pertinent information to individuals who themselves are involved in this whole scheme in one way or another at which the FBI was aiming through the investigation in the first place. Can the Members think of anything more devastating to the system of justice that we have than a Federal judge leaking information placed with him in confidence in a very sensitive, dangerous investigation, and, as I say, the whole fabric of our legal system crashes to the ground if we have those who are in charge of it, the judges themselves, tearing it apart at whim or for whatever reason they in their own minds felt justified in doing so?

Those three images will never, never leave me throughout my service in Congress and beyond.

Mr. Speaker, Alexander Hamilton, during the great debates in 1787, described impeachment as the Federal inquest that should be permitted by the Constitution, the Federal inquest into the conduct of public men, and it is the only way in which we can look into the conduct of Federal judges, and this look that we have just given into the conduct of Alcee Hastings makes one sick in the stomach. To allow those kinds of things to happen at the hands of a man holding a Federal judge position is intolerable.

We must vote in favor of this resolution.

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

Mr. EDWARDS of California. Mr. Speaker, I rise in support of House Resolution 499, the articles of impeachment of Judge Alcee L. Hastings. I urge my colleagues to join me in voting to exercise this constitutional remedy in order to protect the integrity of the Federal judiciary.

The 17 articles of impeachment incorporated in House Resolution 499 address three different areas of corrupt conduct. One of those areas is Judge Hastings' participation in a bribery conspiracy. In collaboration with William Borders, Judge Hastings schemed to sell his judicial office. Upon payment of $150,000, he promised to reduce the sentences of two criminal defendants who had been convicted of racketeering charges in his court.

Judge Hastings was tried and acquitted on the bribery conspiracy charge. There is substantial evidence, however, that was never presented to the jury in Judge Hastings' case. Our investigation into the bribery allegation, as well as the 3-year investigation by the Eleventh Circuit Investigating Committee, uncovered abundant new evidence that clearly implicates Judge Hastings in the bribery scheme. The new evidence also establishes that Judge Hastings lied under oath at his criminal trial about his involvement.

There are, in fact, 13 items of incriminating evidence that were never presented to the jury. Those items are detailed in the committee report accompanying House Resolution 499. For example, there is the evidence that during the relevant time period nearly all the documented telephone contacts between Judge Hastings and Mr. Borders occur around significant events in the Romano case, the case involving the bribery scheme. There is also the undisputed evidence that, in an attempt to explain away significant incriminating evidence, Judge Hastings testified falsely about four phone calls he allegedly made to Columbia, SC.

The Subcommittee on Criminal Justice and the full Committee on the Judiciary could not ignore either the evidence presented at trial or the newly presented evidence. The totality of the evidence clearly and convincingly establishes Judge Hastings' involvement in the bribery scheme and the falsity of his trial testimony. Such conduct cannot be tolerated on the Federal bench and warrants impeachment.

Mr. Speaker, I would also like to commend the gentleman from Michigan for his work in handling this very difficult matter. I commend him for his dignity and leadership, and for the unwavering commitment to fairness that he exhibited throughout these proceedings.

THIRTEEN ITEMS OF NEW EVIDENCE

1. The correlation of the documented telephone contacts between Judge Hastings and William Borders with significant events in the Romano case.

2. The evidence of events prior to September 10, 1981 revealing (a) the relationship between William Dredge and William Borders, (b) William Borders' insistence that he could deliver Judge Hastings, and (c) the correlation of events in the Romano case with early events in the bribery scheme.

3. William Borders' statement to Jesse McCrary prior to setting up his first meeting with the undercover agent, Paul H. Rico, that he did not expect to return to Washington, D.C. during the weekend of September 11-13, 1981 due to a long-planned family reunion.

4. William Borders' decision to delay his flight from National on September 11, 1981, following Judge Hastings, messages that his flight from Miami to National was delayed, which in turn provided the opportunity for Mr. Borders and the Judge Hastings to meet prior to Mr. Borders first meeting with Mr. Rico.

5. The testimony of two of the women who were in Judge Hastings' Sheraton Hotel room at 10 p.m. on September 12, 1981 indicating that they were waiting for William Borders or at least for "someone" when Mr. Borders arrived.

6. Dudley Williams' statement that William Borders never missed a championship fight and this fact was well known to Mr. Borders' friends.

7. The determination that the phone records of the L'Enfant Plaza Hotel are sequentially numbered and none are missing for the relevent time period on October 9, 1981.

8. Evidence that four of the five phone calls Judge Hastings testified to at trial, allegedly made to Hemphill Pride to discuss his financial condition and desire for reinstatement, were not made to Mr. Pride, nor to any phone to which Mr. Pride had access.

9. Hemphill Pride's testimony that Judge Hastings asked him to go along with his explanation of the "Hemp letters" when the judge came to Columbia, South Carolina to interview Mr. Pride.

10. The testimony of William Borders' attorney, John Shorter, that prior to Mr. Borders' trial he declined to look at the alleged draft "Hemp letters" because he did not believe Judge Hastings would authenticate them.

11. The conclusions of forensic experts that the alleged drafts of the "Hemp letters" could not be dated.

12. The detailed testimony of a linguistics expert that the October 5, 1981 taped conversation between Judge Hastings and William Borders was a coded conversation.

13. Evidence of events prior to September 10, 1981 suggesting a bribery scheme involving William Borders and Judge Hastings with regard to the Santo Trafficante case.

Mr. CONYERS. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Michigan [Mr. CONYERS] has 5 minutes remaining.

Mr. CONYERS. Mr. Speaker, because there are so many requests to speak on this matter, I ask unanimous consent that the gentleman from New Jersey [Mr. RODINO] be allowed an additional 20 minutes.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. RODINO] is recognized for an additional 20 minutes.

Mr. CONYERS. Mr. Speaker, I yield 6 minutes to the ranking minority member on the full Committee on the Judiciary, and a member of the subcommittee, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, the overwhelming support for House Resolution 499 among members of the Committee on the Judiciary represents a recognition that overwhelming evidence links Judge Alcee L. Hastings to a series of impeachable offenses. The Committee on the Judiciary reported House Resolution 499 favorably only after affording committee members an opportunity to study the results of the Criminal Justice Subcommittee's comprehensive year-long investigation and exhaustive hearings.

The Criminal Justice Subcommittee followed hearing procedures designed to encourage Judge Hastings' involvement. We listened attentively to opening remarks from Judge Hastings, welcomed the participation of Judge Hastings and his counsel in the questioning of witnesses, and extended an invitation to Judge Hastings—which he declined—to testify concerning the events of our inquiry.

The chairman of the subcommittee, the gentleman from Michigan [Mr. CONYERS], and the ranking minority member, the gentleman from Pennsylvania [Mr. GEKAS], committed themselves to a thorough, fair, and objective search for the truth. The committee's special counsel Alan Baron and assistant special counsels Janice Cooper, Patricia Wynn, Lori Fields, and Robert Levin conducted themselves with diligence and professionalism. Designated counsel of both majority and minority committee staff have been of great assistance to subcommittee members in our deliberations.

The involvement of special counsel in litigation on behalf of the Committee on the Judiciary deserves particular mention. The committee achieved important Federal court victories in obtaining access to grand jury and electronic surveillance materials. The significance of the judicial opinions extends beyond the investigation of Judge Hastings. The decisions provide important precedents that should facilitate the investigative work of the House of Representatives in future impeachment matters.

The task of examining the conduct of a sitting Federal judge is our constitutional responsibility, as Members of this body, when significant allegations

of misconduct are brought to our attention. Article I, section 2, clause 5 of the Constitution vests the "sole power of impeachment" in the House of Representatives. The constitutional design seeks to reconcile the need for judicial independence with the need to preserve the integrity of the Federal judiciary.

The first article of the impeachment resolution charges that Judge Hastings and William Borders engaged in a conspiracy to obtain a bribe in connection with a case pending before Judge Hastings. William Borders was convicted of the conspiracy, but Judge Hastings in a separate trial was acquitted. The two verdicts clearly are inconsistent. The jury in the Borders case had to be convinced of Judge Hastings' complicity. The Court of Appeals for the Eleventh Circuit, in its affirmance of Borders' conviction, concluded:

> Because only Hastings and Borders were named as conspirators in the indictment, the government had to prove Hastings' involvement in order to convict Borders for conspiracy.—693 F.2d. 1318 at 1324 (11th Cir., 1982).

The fact that the Government failed in the Hastings trial to prove conspiracy—the same conspiracy it succeeded in providing in the Borders case—does not relieve the House of Representatives of its obligation, in an impeachment inquiry, to look at the evidence of conspiracy.

The constitutional protection again double jeopardy—which bars successive criminal prosecutions—has no application to a process designed to protect the rule of law from unfit judges rather than to impose punishment. These proceedings simply do not place Judge Hastings in "jeopardy of life or limb" within the meaning of the fifth amendment.

Our constitutional forebears intended to establish an impeachment process separated from the judicial branch of government. We cannot, consistent with this scheme, consider ourselves bound by the outcome of a criminal trial. The jury's verdict, in my view, is entitled to a substantial measure of deference—and I have accorded it substantial deference—but that verdict cannot provide a substitute for the independent judgment the Constitution requires the House of Representatives to exercise.

Our hearings, in my view, produced clear and convincing evidence that Judge Hastings participated in a conspiracy to receive a bribe and committed perjury during his trial in order to mislead the jury. House Resolution 499 describes many knowingly false statements made under oath. Judge Hastings, according to clear and convincing evidence, engaged in criminal conduct by lying repeatedly during his trial—a course of conduct that led to his acquittal of conspiracy to commit bribery.

The fact that an individual succeds, through crimes committed at trial, in winning an acquittal in a criminal case, does not release us from our responsibility to bring before the Senate the issue of his removal from public office. On the contrary, our responsibility to act is heightened by flagrant disregard for the rule of law.

Fourteen separate articles of House Resolution 499 delineate lies told by Judge Hastings during trial testimony. These articles document a pervasive pattern of deception that this body must not ignore. A trial process that relies on the willingness of witnesses to testify honestly cannot be entrusted to a judge who demonstrates contempt for the truth.

The House of Representatives, as the repository of the sole power of impeachment, possesses the responsibility to look at the evidence of false testimony in spite of the fact that lies may have been believed by a jury in a bribery conspiracy trial—just as we have the responsibility to look at the evidence of a bribery conspiracy in spite of an acquittal based on false testimony. A judge who compounds his misconduct by both conspiring to accept a bribe and repeatedly lying under oath gains no immunity in an impeachment proceeding.

Judge Hastings, according to clear and convincing evidence, sought to sell his judicial office for private gain—and later perverted the legal process by testifying falsely. Such conduct cannot be tolerated in a public official responsible for dispensing equal justice under law.

The Committee on the Judiciary also considered allegations that Judge Hasting improperly disclosed information he received as the supervising judge from a continuing electronic surveillance that he authorized. The evidence is clear and convincing that Judge Hastings in fact made the improper disclosure—with the result that law enforcement undercover operations had to be aborted; the lives of some individuals involved in law enforcement efforts may have been placed at risk as a result of Judge Hastings' action. This conduct by a Federal judge cannot be tolerated and provides a sufficient independent basis for impeachment.

Mr. Speaker, the Federal judiciary is the guardian of our most precious liberties. Our responsibility is to vigilantly protect the judiciary. I urge my colleagues to support House Resolution 499 and give the Senate the opportunity to decide whether Judge Alcee L. Hastings is guilty of high crimes and misdemeanors.

□ 1300

Mr. RODINO. Mr. Speaker, I yield the balance of my time to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentleman from Florida [Mr. SMITH], a member of the Committee on the Judiciary.

Mr. SMITH of Florida. Mr. Speaker, I thank the gentleman from Michigan for yielding time to me, and I want to commend him, as the chairman of the subcommittee, for having done an outstanding job on so difficult an issue, one which touched him so deeply, as well as the chairman of the full committee and the other Members of the subcommittee and the full committee for having devoted so much time to it.

Many are aware that I am one who has known Alcee Hastings for many years, and this is a sad day, as was the day in the Judiciary Committee for me, because I see a man who had such a high community standing, a man of such noble reputation, a good lawyer, a good and capable judge with a good legal mind in this terrible, terrible problem. For many who know this individual, this is not something that we would ever have imagined, but nonetheless we are here.

I voted against article I of the 17 articles. Article I is the article based on the charge of conspiracy. Judge Hastings was acquitted of that conspiracy by a jury, and so I voted against it because I do not believe that it is necessary to try him again when he has been cleared by a jury of his peers on that basis.

On the other 16 articles, my colleagues can judge for themselves. I hope many of them have read what has been brought to them by and through the Judiciary Committee and the subcommittee. They did a terrific job of according to the gentleman, Mr. Hastings, every courtesy. Every fair request that he made was granted by the gentleman from Michigan [Mr. CONYERS] and for that I am very grateful.

The bottom line is that this is a terrible situation for us. But it is an unusual, novel situation of first impression. I would urge my colleagues to view it in that aspect. Never before has a sitting judge who has been acquitted of a criminal charge then been called to account on the basis of that charge for these kinds of high crimes and misdemeanors.

This means we have an unusual role to play. It is not a role any of us relish, but one that must be discharged.

I am, for the sake of this gentleman's career, for the sake of our responsibility, urging that the Senate hold a trial in full, en banc, the whole Senate, to hear the case, and I will be sending a letter to all of my colleagues' offices asking them to sign it.

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

Mr. SMITH of Florida. I am happy to yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I would like the gentleman from Florida to know of course that none of us on the committee have any objection to the Senate holding a trial with all of its Members in attendance. I think the gentleman's suggestion is well taken.

Mr. SMITH of Florida. I understand the gentleman and I hope that they do because it is such an unusual and novel first impression case.

Again I thank the chairman for yielding me this time, and for many of us it is a sad day.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, first I want to congratulate the distinguished chairman of the subcommittee, Mr. CONYERS, and the ranking member, the gentleman from Pennsylvania [Mr. GEKAS], for an excellent job. I do not often disagree with my colleague from Florida, Mr. SMITH, on matters, but relative to article I of the articles of impeachment, which deals with the conspiracy count, there is no question but that no precedent exists that suggests that it is double jeopardy to impeach a Federal judge or any other official subject to impeachment simply because they were previously tried in court and acquitted. Double jeopardy is not applicable and does not lie as a defense. The standards of proof, the process, purpose, sanctions and constitutional basis are all different and distinct. We have a responsibility to review all of the facts and make our own judgment on the issues. This is a circumstantial case, and when I approached it I too was skeptical. But the case is strong and compelling. Circumstantial cases can often be more satisfying and more certain than ones based on direct evidence, and that is the case in this instance. I could not believe the mountain of evidence against Judge Hastings. I suspect the subcommittee could have probably developed a number of other articles of impeachment dealing with the perjury involved in this matter.

The conduct of Judge Hastings falls into a number of categories, and 30 seconds does not permit me to discuss them all. But the acts at the Hotel Fontainebleu on September 16, 1981, and his flight from Washington on October 9, 1981, is just not consistent with innocent conduct. It is inconsistent with proper motives and conduct.

He left the court chamber at one point in April 1981, and walked out to the public corridor to use a public telephone in the Federal courthouse to call the Federal courthouse in Washington DC, charging his home phone. He has telephones in his chambers. That it is not consistent with innocent conduct.

I am going to vote for all 17 articles. The evidence is overwhelming.

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the gentleman from Georgia [Mr. SWINDALL].

Mr. SWINDALL. Mr. Speaker, I rise in favor of all 17 articles. I doubt if there is a single Member in this room that has not been confronted, as I have been confronted at town hall meetings or political forums where an individual constituent stands and says what are we going to do in this country about the fact that Federal judges are appointed for lifetime terms? What accountability is there when it comes to the Federal bench, individuals who do not stand for reelection? My standard, stock response as an individual who greatly respects our Constitution is that our Founding Fathers anticipated exactly the situation that we debate here today, and that is when a Federal judge violates the law, that Federal judge cannot be above the law and the Constitution places the responsibility squarely on the shoulders of the Congress to make certain that that accountability exists.

What we have seen thus far in the subcommittee on which I sit and the full committee on which I sit is a clear example of different individuals from both ends of the political spectrum, from every part of the country, and certainly from the black, white and Hispanic communities coming together, setting color aside, setting ideological differences aside and saying what do the facts show.

As we look at those facts, I say it is not just clear and convincing evidence, I say that it is evidence beyond a reasonable doubt that this individual has in fact placed himself above the law.

I would like to quickly look at the three areas of concern. First, article I, which is the conspiracy charge. It is important to recognize that Judge Hastings was not acquitted by a jury based upon all of the evidence, because when that jury reached a verdict, and the word verdict means a statement of truth, it did not have before it all of the evidence, nor did it have before it truthful evidence because Judge Hastings manufactured evidence. The record is replete with that evidence set forth, showing that he made it up.

I mention that because even as we listened to the evidence I wanted to have the opportunity to ask Judge Hastings his explanation for this manufactured evidence. Regrettably, Judge Hastings chose not to testify, not to answer the questions that we had, and here is why that is important: Unlike a criminal proceeding where an individual is placed in jeopardy of imprisonment, in an impeachment and removal proceeding there is not a presumption of innocence. Therefore, we as individual Members of Congress, are not permitted under our Constitution or our statutory body of law to presume that Judge Hastings is innocent until he steps forward and rebuts the evidence that has been placed before us. He made the decision of his own will and volition not to do that.

Finally I would say we also have before us a situation where justice is being impeded. I asked one of the FBI agents if this individual stays on the bench will that in any way jeopardize your ability to conduct ongoing investigations, and he said, without equivocation, yes, it would. Why? Because one of these counts deals with Judge Hastings leaking information to a target of an FBI investigation. We must under our constitutional responsibilities satisfy that so that we can tell our constituencies that yes, our Constitution does work and no one, including a Federal judge, is above the law.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Speaker, initially I would just like to say I have worked for the last 10 years with the chairman of this subcommittee, and we have disagreed on some things and agreed on others, and I would have to say this is one of his finest moments, because this was a difficult question that was brought about not just because of the historic first nature of it, but also because of some surrounding political questions involved. I think he has presented himself in the entire investigation in not only an honorable fashion, but a lawyer-like fashion, and any Member of this House who takes the time to read through the material that has been presented will recognize that we are not doing this without sufficient evidence. In fact, we are well grounded in the evidence.

This committee and its staff went far beyond that which was done by the investigation of the Judicial Conference. It went into that, it looked at that, but it also went into its own investigation, and frankly, ladies and gentlemen, we have to recognize that we are the only ones in this country who can judge a judge under these circumstances.

Because of the independence of the Federal judiciary, we must have lifetime tenure given to Federal judges, whether we agree with them or disagree with them. That however affords with it the possibility of abuse, of an arrogance of power, if you will. The only tempering of that arrogance of power, of that abuse is here in the House of Representatives and then in the Senate. If we fail to act, the people of the United States are defenseless against that abuse.

In this case we have to probe very deeply because we have a case in which a Federal judge was in fact acquitted, and that just makes it that much more difficult for us to act. But

it does not mean we can turn away, because if we turn away the Constitution then does not prevail.

If my colleagues look at these counts, they not only deal with the bribery conspiracy, they deal with perjury, and then in fact they deal with the question of a judge leaking information on a wiretap, which goes to the essence of the preservation of liberty and the essence of law enforcement acting under constitutional guarantees.

Mr. Speaker, the fact are absolutely replete in this case. This gentleman needs to be, must be impeached. We must act.

□ 1315

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

Mr. CROCKETT. Mr. Speaker, let me begin by first expressing the personal pride I feel in the job that was done by my colleague from Michigan, the gentleman from Michigan [Mr. CONYERS], as chairman of the subcommittee that handled this matter.

I want to commend him, the members of the subcommittee and the entire Committee on the Judiciary for the care with which they have examined all the facts connected with this proceeding and have come forth with their conclusions.

I do not share all of the conclusions. I will support the resolution for impeachment but I do it solely on the basis of the first article.

Having read the evidence, the testimony, I am convinced that we are dealing with a Federal judge who has forfeited his right to sit in judgment on his fellow citizens. He has lost respect, he has lost the ability to serve as a Federal judge.

I disagree with article XVII which charges that he disclosed confidential information. I disagree because I have read the evidence and I am aware that the FBI, as well as the Department of Justice, agreed that there was no basis for a criminal charge in that regard and therefore they refused to bring any charges.

My own independent review of the evidence convinces me that there is not a basis there for charging unfitness on the part of Judge Hastings. I disagree with all of the articles charging perjury because I believe that facts once inquired into by a jury and found should be allowed to stand in the absence of new evidence that could not have been available to the jury that decided the facts in the first place.

In this case, after reading the record, I find no indication of any evidence that was not available to the prosecution at the first trial and could have been presented at the first trial and therefore I support the resolution entirely on the basis of article I.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SHAW], a member of the Committee on the Judiciary.

Mr. SHAW. I thank the gentleman for yielding.

Mr. Speaker, Alcee Hastings is a resident of the 15th Congressional District of Florida which I am privileged to represent. I have known Judge Hastings for approximately 20 years from the time he and I were both young lawyers. I was chief city prosecutor for the city of Fort Lauderdale and then later city judge for the city of Fort Lauderdale for a number of years. Mr. Hastings had a number of clients who used to appear before me and whom I used to prosecute. Because of this association and our friendship throughout the years, as a member of the Committee on the Judiciary I apply to myself the same standards that I would apply had I still been sitting as a judge. And that is if I could not objectively stand as a trier of fact I would abstain in the voting.

As fate would have it, I left the Committee on the Judiciary to join the Committee on Ways and Means just a week before the vote was taken before this committee.

I did, however, at a very early date make the decision to abstain in the voting.

So when the vote is called for following the conclusion of all debate I should vote "present."

I thank the Speaker.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, this is not a pleasant day for any of us; it is especially unpleasant for the chairman, I am sure, who handled this matter in an exemplary way as did the ranking member.

But the gentleman from New York said it earlier, we should not summarily dismiss or ignore the jury verdict and that has not been done. That has been weighed very carefully I think. It seems to me furthermore, Mr. Speaker, that ordinary care is not the appropriate standard to apply here. I think we must apply a more rigid, a more inflexible, a higher standard to this man who was appointed for life to an honorable position and he violated that trust that was given to him when he accepted that lifetime appointment.

As has been said many times today, and I will reiterate it, impeachment must lie. It is not pleasant, but it is the right thing to do.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts, [Mr. EARLY].

Mr. EARLY. I thank the chairman.

Mr. Speaker, I did not intend to get involved in the debate. I read the whip's advisory to the committee, on the impeachment, the report; there certainly were grounds for impeachment.

I have listened to distinguished lawyer after distinguished lawyer after distinguished lawyer testify for this impeachment. I want to just say as a layman that I asked myself: Here is an individual indicted by the Justice Department that went to trial before his peers and was acquitted. The impeachment suggests he was acquitted because of perjury. I asked myself "Why didn't the Justice Department retry him for perjury?" The other impeachable things which are suggested are felonies, I would suggest, as a nonlawyer. Why did not the Justice Department indict him and take him to trial?

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

Mr. EARLY. No, please, as far as my good friend from Pennsylvania, we have had 1 hour and 20 minutes all on one side.

I will ask my questions and then if someone wants to answer them I think they should be answered. Why is not this man entitled to go back before his peers and be retried?

The SPEAKER. The time of the gentleman from Massachusetts [Mr. EARLY] has expired.

Mr. CONYERS. Mr. Speaker, I would yield 1 additional minute to the gentleman from Massachusetts because I think he expresses a very important point that we would like to resolve.

Mr. EARLY. I thank the gentleman for yielding.

Mr. Speaker, we are dealing with minutes here when we are talking about—you know, the gentleman from Michigan has been commended as doing an outstanding job. I sat here too and asked myself "What if you didn't come in with this decision, would they still say you listened objectively?" Mr. Chairman, please, we should have a little more time.

Mr. CONYERS. Mr. Speaker, would the gentleman yield?

Mr. EARLY. I yield to the gentleman.

Mr. CONYERS. Mr. Speaker, how much time would the gentleman like?

Mr. EARLY. I do not want a lot of time, maybe 5 minutes.

Mr. CONYERS. Of course. Mr. Speaker, do we have 5 minutes remaining?

The SPEAKER. The Chair would advise the gentleman from Michigan [Mr. CONYERS] that only 3½ minutes remain in the time once extended by unanimous consent.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that we have 10 additional minutes and I would yield 5 minutes to the gentleman from Massachusetts [Mr. EARLY]. I certainly do not want any misunderstanding about this debate to end on any kind of un-

fortunate note. And I had not consulted with the gentleman about the matter before, but I would be pleased to try to respond to any of the questions that he raises.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. CONYERS] that the time be extended by 10 additional minutes?

There was no objection.

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. EARLY] for 5 minutes.

Mr. EARLY. So my question specifically is: In the statement of trial which happened in 1982, why did not the Justice Department retry the individual for perjury like they would have in any other case. I would assume? Mr. Speaker, here is what is bothering me most: In the conclusion of the report, in the middle of the first paragraph we say, "The appointment of Federal judges for life as required by article III of the Constitution serves a very important purpose of insulating the Federal judiciary from political pressure." Insulating them from political pressure; here we have an individual who went to trial, was acquitted, and the Justice Department never retried him. And we are bringing it into this body, into this body that deals with theory in the real world and in the other body that deals with theory in the real world. There are not many in this Hall today that suspect that this impeachment is not going to happen. I am not going to vote against it; I am going to vote "present" because of my reservation.

I think from the testimony you could indict or impeach. There are not too many in this Hall who think when it goes across the corridor if it comes up, especially before reelection, that the individual has any chance.

And we say we are not politicizing the system? I ask everyone in this body to look at the ethics. Ethics is not supposed to be a political thing. It is not supposed to be politicized. The ethics that has happened in the past year in this House is shameful, shameful. It is political, totally.

Here we have an individual that was not convicted.

Now what are we going to do with every other judge, Federal judge that is accused, just accused, whether a Democrat or a Republican? It is going to be politicized. Whatever side, the other is going to come in and say, "Boy did you see the evidence they have?" And you are going to bring it in here. And my friend from Michigan knows if a vote comes in here there is nothing more important than reelection, nothing, and it is too bad.

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

Mr. EARLY. I yield to the chairman.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Speaker, first of all I should let the gentleman know that if I wanted to be political about this case it would have been much easier for me to take a completely opposite position than I did.

Mr. EARLY. No question about it.

Mr. CONYERS. So as far as the politics are concerned, that was the one thing that I set aside.

I happen to believe that a number—and I know that a number of members of this subcommittee—approached this case with the same skepticism that I did. I am on the record of having spoken out in defense of Judge Alcee Hastings before I had any notion that this would ever cross my desk.

Mr. EARLY. I am not trying to infer that the gentleman from Michigan politicized this.

Mr. CONYERS. I understand that, but I just want to bring the gentleman up to speed on this question of why a jury trial is not sufficient. We are not trying him on the question of a conspiracy to enter into a bribery. That is a criminal charge with which the conviction of you can lose your freedom, you can be fined.

The impeachment process is a constitutional and, yes, Mr. EARLY, a political process to the extent that it includes us 435 political animals. And that is a question that goes solely to the question of fitness to sit on the bench. It is not criminal.

Therefore, it is not double jeopardy.

Mr. EARLY. I am not saying double jeopardy. Why was he not retried on the perjury?

Mr. CONYERS. Because that would have been double jeopardy. That was why the Department of Justice refused to take the case again. They declined to take it there, they declined to prosecute under title III, wire tap, because it was a specific criminal count.

Mr. EARLY. If I may reclaim my time, I am a nonlawyer. Does the gentleman mean that you can be tried and you can perjure yourself and you cannot be retried, you cannot be brought up on the charge of perjury? Is not perjury a felony?

Mr. CONYERS. Mr. Speaker, will the gentleman yield further?

Mr. EARLY. I yield to the gentleman.

Mr. CONYERS. Mr. Speaker, you can be tried for perjury but not for the underlying count of conspiracy to commit bribery.

Mr. EARLY. My question is why was he not tried for perjury?

Mr. CONYERS. I am not able to tell you except to repeat myself about what happened in terms of the Department of Justice. Their declination has nothing whatsoever to do with the question of whether we are going to impeach for fitness to sit. That is not a question that comes before them.

Mr. EARLY. There are 15 counts of perjury in this impeachment process.

The SPEAKER. The Chair would advise that the 5 minutes allocated to the gentleman from Massachusetts [Mr. EARLY] have expired.

Mr. CONYERS. Mr. Speaker, I would yield 1 additional minute to the gentleman from Massachusetts.

Mr. EARLY. I am only saying, you know, as a layman I think there is no question of the evidence put forth here, but my question is why was he not tried for perjury?

□ 1330

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

Mr. EARLY. I only have 1 minute, I say to the gentleman. The gentleman has had 2 minutes.

Mr. GEKAS. And now I cannot answer the gentleman.

Mr. EARLY. We are setting a precedent. Are we going to have the Judiciary Committee coming down with impeachment after impeachment when some Federal judge gets charged? Never mind whether he gets acquitted, he just gets charged, and they say there is an impeachment, whether it is the Democrats or whether it is the Republicans. It is both sides.

Mr. Speaker, we are setting, in my opinion, a precedent. This is a layman's opinion. He had a jury of peers. He probably did not have any lawyers on the jury. He had a chance. Here we come in with every witness a lawyer. I am saying, because of my layman's opinion, that I am going to vote "present."

The SPEAKER. The time of the gentleman from Massachusetts [Mr. EARLY] has expired.

Mr. CONYERS. Mr. Speaker, may I inquire as to how much time remains?

The SPEAKER. The gentleman from Michigan [Mr. CONYERS] has 7½ minutes remaining.

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

Mr. Speaker, if I may, I would conclude this very important debate with some observations. First of all, we were very concerned, and still are and will continue to be concerned, and we are vigilant about the question of whether any civil rights advocate, any liberal jurist, or any black American has been harassed. And I remind the Members that many black political officials have been the subject of exceedingly harsh treatment or harassment. We think that these are appropriate subject matters to be vigilant about and concerned with. I approached this, looking for it.

But I want to remind the Members that Judge Hastings and his counsel were present for every minute of the subcommittee's hearings. At no time have they themselves offered any specific information about racial or even

political harassment. Judge Hastings himself examined the two sitting chief judges who brought the complaint that sent this matter to the 11th Circuit Investigating Committee, ultimately to the 11th Circuit Council, and then to the U.S. Judicial Conference.

I would tell everyone here that if there is any reason for you to question your vote, based upon either political or racial harassment, I can assure you that we have examined the record minutely and scrupulously, and I can state to every Member here that I have no question about it. That is not to say that there are not people gloating about the tragedy that has befallen Judge Hastings. That is not to say that people who oppose civil rights and are in fact racist are not delighted with what has befallen this black jurist. I am not trying to say they do not exist. I am very well aware of the few number of blacks in the Federal judiciary.

But, believe me, Mr. Speaker, this committee has worked for over a year to bring to the Members the facts that compel each and every Member to cast his ballot for this resolution of impeachment.

Mr. EARLY. Mr. Speaker, will the gentleman yield some time to me so I may sum up?

Mr. CONYERS. Mr. Speaker, I must say to the gentleman that I am sorry, I have yielded considerable time to the gentleman, and I do not think we need to go further.

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

Mr. SENSENBRENNER. Mr. Speaker, on March 23, 1987, the gentleman from Illinois [Mr. HYDE] and I introduced an impeachment resolution against U.S. District Judge Alcee L. Hastings. We introduced this resolution almost immediately after the Judicial Conference of the United States unanimously recommended to this House that impeachment of Judge Hastings "may be warranted."

We were concerned by the presence of a Federal judge who would bring the judiciary into disrepute because he fabricated evidence at his trial. After an investigation conducted in painstaking detail, the House is considering a unanimous conclusion by the Judiciary Committee that Judge Alcee L. Hastings should be impeached.

Justice cannot be stalled. Judge Hastings cannot fool the American people into believing his presence on the Federal bench is good for America.

Judge Hastings cannot charge racism where civil rights stalwarts on the Judiciary Committee have found no racism. Judge Hastings cannot tell us he was deprived of fundamental fairness by the investigating subcommittee when the record shows he was extended every courtesy and unprecedented opportunity to question witnesses. Judge Hastings cannot stall justice. Support House Resolution 499 and send the judge to the U.S. Senate for trial.

The SPEAKER. The gentleman from Michigan [Mr. CONYERS] has 1½ minutes remaining.

The SPEAKER. All time has expired.

Without objection, the previous question is ordered.

There was no objection.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 413, nays 3, answered "present" 4, not voting 11, as follows:

[Roll No. 254]

YEAS—413

Ackerman	Chappell	Flake
Akaka	Cheney	Flippo
Alexander	Clarke	Florio
Anderson	Clay	Foglietta
Andrews	Clement	Foley
Annunzio	Clinger	Ford (MI)
Anthony	Coats	Frank
Applegate	Coble	Frenzel
Archer	Coelho	Frost
Armey	Coleman (MO)	Gallegly
Aspin	Coleman (TX)	Gallo
Atkins	Collins	Garcia
AuCoin	Combest	Gaydos
Badham	Conte	Gejdenson
Baker	Conyers	Gekas
Ballenger	Cooper	Gephardt
Barnard	Coughlin	Gibbons
Bartlett	Courter	Gilman
Barton	Coyne	Gingrich
Bateman	Craig	Glickman
Bates	Crane	Goodling
Beilenson	Crockett	Gordon
Bennett	Dannemeyer	Gradison
Bentley	Darden	Grandy
Bereuter	Davis (IL)	Grant
Berman	Davis (MI)	Gray (IL)
Bevill	de la Garza	Gray (PA)
Bilbray	DeFazio	Green
Bilirakis	DeLay	Gregg
Bliley	Dellums	Guarini
Boehlert	DeWine	Gunderson
Boggs	Dickinson	Hall (OH)
Boland	Dicks	Hall (TX)
Bonior	Dingell	Hamilton
Bonker	DioGuardi	Hammerschmidt
Borski	Dixon	Hansen
Bosco	Donnelly	Harris
Boucher	Dorgan (ND)	Hastert
Boxer	Dornan (CA)	Hatcher
Brennan	Downey	Hawkins
Brooks	Dreier	Hayes (IL)
Broomfield	Durbin	Hayes (LA)
Brown (CA)	Dwyer	Hefley
Brown (CO)	Dyson	Hefner
Bruce	Eckart	Henry
Bryant	Edwards (CA)	Herger
Buechner	Edwards (OK)	Hertel
Bunning	Emerson	Hiler
Burton	English	Hochbrueckner
Bustamante	Erdreich	Holloway
Byron	Espy	Hopkins
Callahan	Evans	Horton
Campbell	Fascell	Houghton
Cardin	Fawell	Hoyer
Carper	Fazio	Hubbard
Carr	Feighan	Huckaby
Chandler	Fields	Hughes
Chapman	Fish	Hunter
Hutto	Molinari	Shumway
Hyde	Mollohan	Shuster
Inhofe	Montgomery	Sikorski
Ireland	Moody	Sisisky
Jacobs	Moorhead	Skaggs
Jeffords	Morella	Skeen
Jenkins	Morrison (CT)	Skelton
Johnson (CT)	Morrison (WA)	Slattery
Johnson (SD)	Mrazek	Slaughter (NY)
Jones (NC)	Murphy	Slaughter (VA)
Jones (TN)	Murtha	Smith (FL)
Jontz	Myers	Smith (IA)
Kanjorski	Nagle	Smith (NE)
Kaptur	Natcher	Smith (NJ)
Kasich	Neal	Smith (TX)
Kastenmeier	Nelson	Smith, Denny (OR)
Kennedy	Nichols	Smith, Robert (NH)
Kennelly	Nielson	Smith, Robert (OR)
Kildee	Nowak	Snowe
Kleczka	Oakar	Solarz
Kolbe	Oberstar	Solomon
Kolter	Obey	Spratt
Konnyu	Olin	St Germain
Kostmayer	Ortiz	Staggers
Kyl	Owens (NY)	Stallings
LaFalce	Owens (UT)	Stangeland
Lagomarsino	Oxley	Stark
Lancaster	Packard	Stenholm
Lantos	Panetta	Stokes
Latta	Parris	Stratton
Leach (IA)	Pashayan	Studds
Leath (TX)	Patterson	Stump
Lehman (CA)	Payne	Sundquist
Lehman (FL)	Pease	Sweeney
Leland	Pelosi	Swift
Lent	Penny	Swindall
Levin (MI)	Pepper	Synar
Levine (CA)	Perkins	Tallon
Lewis (CA)	Petri	Tauke
Lewis (FL)	Pickett	Tauzin
Lewis (GA)	Pickle	Thomas (CA)
Lightfoot	Porter	Thomas (GA)
Lipinski	Price	Torres
Livingston	Pursell	Torricelli
Lloyd	Quillen	Towns
Lowery (CA)	Rahall	Traficant
Lowry (WA)	Rangel	Traxler
Lujan	Ravenel	Udall
Luken, Thomas	Ray	Upton
Lukens, Donald	Regula	Valentine
Lungren	Rhodes	Vander Jagt
Mack	Richardson	Vento
Madigan	Ridge	Visclosky
Manton	Rinaldo	Volkmer
Markey	Ritter	Vucanovich
Marlenee	Roberts	Walgren
Martin (IL)	Robinson	Walker
Martin (NY)	Rodino	Watkins
Martinez	Roe	Waxman
Matsui	Rogers	Weber
Mavroules	Rose	Weiss
Mazzoli	Rostenkowski	Weldon
McCandless	Roth	Wheat
McCloskey	Roukema	Whittaker
McCollum	Rowland (CT)	Whitten
McCrery	Rowland (GA)	Williams
McCurdy	Russo	Wilson
McDade	Sabo	Wise
McEwen	Saiki	Wolf
McGrath	Sawyer	Wolpe
McHugh	Saxton	Wortley
McMillan (NC)	Schaefer	Wyden
McMillen (MD)	Scheuer	Wylie
Meyers	Schneider	Yates
Mfume	Schroeder	Yatron
Michel	Schuette	Young (AK)
Miller (CA)	Schulze	Young (FL)
Miller (OH)	Schumer	
Miller (WA)	Sensenbrenner	
Mineta	Sharp	
Moakley	Shays	

NAYS—3

Dymally	Roybal	Savage

ANSWERED "PRESENT"—4

Early	Gonzalez
Ford (TN)	Shaw

NOT VOTING—11

Biaggi	Dowdy	Mica
Boulter	Kemp	Spence
Daub	Lott	Taylor
Derrick	MacKay	

□ 1350

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.

□ 1400

PROPOSALS TO ALTER THE IMPEACHMENT PROCESS

(Mr. RODINO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RODINO. Mr. Speaker, there are some today, like 200 years ago, that say the impeachment process should be streamlined, overhauled, made more efficient, and cost-effective. They would transfer Congress' unique impeachment responsibility to panels of judges or other councils to perform a variant to peer review—not much different from the disciplinary procedures of a local bar association.

The efficiency theorists do not make new arguments. The Founding Fathers considered the notion of judicial peer review as well as two other swifter methods for the removal of judges: The first, having Congress simply send a resolution to the President requesting removal; and the second, vesting in the President the power to remove just as he is given the power to appoint in the first place. The efficiency advocates were voted down. Because, as the late Senator Ervin wrote:

> The separation of powers concept as understood by the Founding Fathers assumed the existence of a judicial system free from outside influence of whatever kind and from whatever source, and further assumed that each individual judge would be free from coercion even from his own brethren.

Chief Justice Rehnquist of the Supreme Court has noted that both types of judicial independence are necessary and are part of the unwritten constitutional law surrounding article III.

The Framers had not forgotten in 1787 what they had so vehemently grieved against 11 years earlier in the Declaration of Independence: That King George "had made judges dependent upon his will alone for the tenure of their offices and the amount and payment of their salaries." As a result, the Constitution invests members of the Judiciary with the greatest autonomy of action of any officeholder in our system of Government.

In rejecting a system of pure efficiency in favor of one that maximizes the integrity and independence of the Judiciary, the Founding Fathers anticipated that impeachment would be a cumbersome affair, generating controversy and divisiveness and demanding much exertion by Members of Congress. Yet, they believed that no other branch of Government was as qualified to undertake this duty or would safeguard the process as scrupulously from vindictive or frivolous accusations. While the power of impeachment has been exercised infrequently, history attests to the care with which Congress has discharged its prescribed responsibility.

A full 50 years had passed since the impeachment of Judge Halsted Ritter in 1936, when the Congress was faced with the impeachment of Judge Harry E. Claiborne, who was convicted and removed from office 2 years ago.

When compared with the time devoted by the House and Senate to impeachments in the last century, the Claiborne impeachment process was one of the most expeditious in history. The shortest impeachment on record occurred in 1912 in the matter of U.S. Circuit Judge Robert Archibald, consuming 3 months in the House and 6 months in the Senate. However, the very next impeachment—considered in 1931 in the matter of U.S. District Judge James Peck—required 3 years and 5 months in the House and a 9-month trial in the Senate. In 1933, Halsted Ritter, a U.S. district judge, occupied the attention of the House for 2 years and 8 months and required 1 month and 7 days for trial in the Senate. In contrast, the impeachment and trial proceedings of Judge Claiborne were completed in only 4 months.

It is argued that the Federal judiciary has grown beyond the vision of men living in a largely agrarian eighteenth century society. It is asserted that the Federal bench will soon swell to 1,000 members, that the quality of sitting judges can be expected to erode by the exodus of those who are attracted to high paying law firms and weighed down by the unpleasant and expanding administrative and bureaucratic tasks now connected with judicial life. With such disincentives to public service in the Federal judiciary, a lowering in professional standards will result, thus leading to a severe rise in the number of impeachments and an untenable burden on the legislature.

But the impeachment process cannot be viewed merely as a one dangling appendage of our constitutional system that may stand in need of revision; it is intricately connected to a myriad of overlapping provisions. I do not agree that the notion of judicial autonomy, as safeguarded by the impeachment process, is some quaint vestige of a different age.

It is the very foundation upon which public confidence in the Federal judiciary is based. When political forces are allowed to operate—whether from within the judicial branch itself or from the executive branch—the independence of the judiciary is weakened and made vulnerable. Allowing models such as peer review to be the ultimate arbiter is to invite the judiciary to engage in politicized activity when a jurist or his views falls into disfavor with his colleagues.

What one's views should be on changing the impeachment process as set out in article III may come down to whether we want to make the same gamble as the framers. In the end, the efficiency argument must be weighted against the long-run advantages of an independent judiciary, which as the framers concluded, is the best and last beacon of strength to preserve the independence and courage of our judiciary from any political intrusion of any kind."

Mr. Speaker, I believe the following article from the New York Times emphasizes clearly the importance of retaining the present process for impeachment of members of the judiciary:

[From the New York Times, July 28, 1988]

THE VIRTUE OF IMPEACHMENT

(By John P. MacKenzie)

When Congress removed Harry Claiborne from the Federal bench in Nevada two years ago, it was the first full use of the impeachment power in five decades. Two more judges are now targets of impeachment proceedings. The House Judiciary Committee yesterday recommended the impeachment of Judge Alcee Hastings of Florida. A subcommittee has completed hearings on the charges against Judge Walter Nixon of Mississippi.

This sudden cluster of impeachments ignites questions: Is the judicial branch, so long honored for its elegant independence, losing its way? Will the cumbersome impeachment process so engulf Congress that the Constitution must be changed to make removal easier?

The answer to both these questions is no. The Federal judiciary, pride of America's constitutional system, loses none of its luster when judges who misbehave are removed. It's a symbol of strength, not weakness, that the system stands ready to cleanse itself.

This purging takes time and energy. Judge Claiborne clung to his job for two years after a jury convicted him of tax fraud. He was already serving his prison sentence when the Senate finally voted his conviction and removal. But these time-consuming, tedious proceedings are the Constitution's way of making sure that unpopular officials are not railroaded out.

Some commentators suggest changes in the constitutional design, like having the judiciary remove corrupt or unethical judges. Congress wisely rejected this idea in 1980 but took a creative step. It empowered the judiciary to investigate complaints against judges and, if necessary, to ask Congress to start impeachment proceedings. Congress has always been free to impeach with or without outside prompting and free to ignore impeachment demands. The recommendation would not bind Congress but it would require the legislators to pay attention.

That's as far as the judiciary need go. The Founding Fathers called for a removal process that would be judicious though handled by politically accountable officials. Congress' function, quite different from deciding criminal guilt or innocence, is to determine fitness for office.

The case of Judge Hastings vindicates that design. The first black Federal judge in Florida, he says he's a victim of political and racial persecution, especially by his fellow judges who simply don't like him. Unlike Judges Claiborne and Nixon, who were first convicted at criminal trials, Judge Hastings was acquitted of conspiring to take a bribe in return for going easy on two convicted hoodlums. His co-defendant, a lawyer, was convicted at a separate trial.

The judge now stands accused of lying at his trial, of leaking the contents of a wiretap order he signed, and bringing the bench into disrepute. Whatever the merits, his countercharge of racism is surely answered by the unanimous vote to impeach by a subcommittee headed by Representative John Conyers of Michigan.

Mr. Conyers, a civil rights champion, is especially well qualified to assure that this impeachment is not motivated by racism. So are many of his politically accountable colleagues. "We did not wage that civil rights struggle merely to replace one form of judi-

cial corruption with another," the veteran black Congressman said, explaining his vote. "In order to be true to our principles, we must demand that all persons live up to the same high standards." Removal by the independent judiciary alone could never provide such credible assurance.

The Federal judiciary, overworked by litigants and abused by politicians, remains a constitutional success story. A vigilant Congress can help to keep it so, by showing its willingness when necessary to wield the impeachment power.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous material, on House Resolution 499, the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

IN THE MATTER OF THE IMPEACHMENT OF JUDGE ALCEE L. HASTINGS

Mr. RODINO. Mr. Speaker, I offer three privileged resolutions, and I ask unanimous consent that they be considered en bloc.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. The Clerk will report the resolutions.

The Clerk read House Resolutions 511, 512, and 513, as follows:

HOUSE RESOLUTION 511

Resolved, That Peter W. Rodino, Jr., John Conyers, Jr., Don Edwards, John Bryant, Hamilton Fish, Jr., and George W. Gekas, Members of the House of Representatives, are appointed managers to conduct the impeachment trial against Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida. These managers are instructed to appear before the Senate of the United States and at the bar thereof in the name of the House of Representatives and of all the people of the United States to try the impeachment of Alcee L. Hastings of high crimes and misdemeanors in office and to exhibit to the Senate of the United States the articles of impeachment against that judge which have been agreed upon by the House of Representatives. These managers shall demand that the Senate take order for the appearance of Alcee L. Hastings to answer such impeachment, and demand his conviction and appropriate judgment thereon.

HOUSE RESOLUTION 512

Resolved, That a message be sent to the Senate to inform the Senate that—

(1) the House of Representatives has impeached for high crimes and misdemeanors Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida;

(2) the House of Representatives adopted articles of impeachment against Alcee L. Hastings, which the managers on the part of the House of Representatives have been directed to carry to the Senate; and

(3) Peter W. Rodino, Jr., John Conyers, Jr., Don Edwards, John Bryant, Hamilton Fish Jr., and George W. Gekas, have been appointed such managers.

HOUSE RESOLUTION 513

Resolved, That the managers on the part of the House of Representatives in the matter of the impeachment of Alcee L. Hastings, judge of the United States District Court for the Southern District of Florida, are authorized to do the following in the preparation and conduct of the impeachment trial:

(1) To employ legal, clerical, and other necessary assistance and to incur such expenses as may be necessary. Expenses under this paragraph shall be paid out of the funds available to the Committee on the Judiciary pursuant to House Resolution 388, One Hundredth Congress, agreed to on March 16, 1988, and House Resolution 408, One Hundredth Congress, agreed to on March 30, 1988, on vouchers approved by the Chairman of the Committee on the Judiciary.

(2) To send for persons and papers, and to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they consider necessary.

(3) To take such other actions as are necessary to the conduct of the trial.

Mr. CONYERS. Mr. Speaker, I yield myself 2 minutes, and then I will yield further to the gentleman from Massachusetts [Mr. EARLY].

Mr. Speaker, let me continue my discussion with my colleague, the gentleman from Massachusetts, because I can see that he is seriously convinced that there may be some problem here.

Let me say to the gentleman that if the Department of Justice had retried him, it would have in no way affected the result that would have brought us here today. Whether he was retried, whether he was acquitted or not, I am trying to impress upon the gentleman the one simple fact that no matter what the criminal outcome, an impeachment proceeding in the House of Representatives is not precluded.

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

Mr. CONYERS. I certainly will yield to the gentleman from Massachusetts.

Mr. EARLY. That is theory. That is not going to suggest that he was retried and was acquitted again, and that that would not be any precedent. The gentleman says he should have come down. I ask the gentleman, what would have been the expense for Judge Hastings to come down and be tried on something that went 15 months, with 7 days of testimony? If he had to have testimony, was his counsel going to be paid for? How much did he pay counsel to get acquitted the first time? How much is he going to have to pay for counsel when he goes across the hall? How much is he going to have to pay for counsel and then, after this happens, he gets indicted again?

That is theory, I say to the gentleman from Michigan. Just for 1 second, I want to say to the gentleman that I think there is no way he did anything except an outstanding job. My problem is that the precedent should not be in here.

Mr. CONYERS. Mr. Speaker, I want to tell the gentleman that I have considered each and every question that he has raised. I am completely confident that there is absolutely no way that we could have escaped the conclusion that each and every one of the 17 articles of impeachment should be adopted.

I only wish that I could impress upon the gentleman that this is not theory.

The SPEAKER. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

Mr. CONYERS. Mr. Speaker, I yield myself 3 additional minutes.

Mr. Speaker, we did not hold these hearings to talk about ancient constitutional precedents. We did not hold these hearings on a theoretical basis. We brought factual witnesses before us. As a matter of fact, we excluded anybody that wanted to talk about anything else.

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

Mr. CONYERS. I promised to yield to the gentleman from Pennsylvania, so I yield at this time.

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

Mr. Speaker, it must be made clear to the gentleman from Massachusetts that following that trial to which he alluded, a group of judges making up the Judicial Council decided to reinquire into all the circumstances surrounding that trial and other allegations of misconduct on the part of Judge Hastings, after a thorough investigation which took months and months by the judges, Judge Hastings' peers, and after their investigation they submitted it to this Congress pursuant to a law we passed that calls for that procedure. That is why the impeachment proceeding came before us. By that time the statute of limitations on perjury about which the gentleman from Massachusetts inquires had already come and gone or was about to expire.

Mr. EARLY. How long is the statute of limitations?

Mr. GEKAS. Two years.

Mr. EARLY. Two years. Mr. Speaker, if the gentleman will yield further, I understand he refers to the Justice Department?

Mr. GEKAS. Yes, the Justice Department, if the gentleman will listen to me.

Mr. EARLY. Oh, I am listening attentively.

Mr. GEKAS. The Justice Department did not know anything about

what was being uncovered by the judges in their Judicial Council, in their investigation, which concluded many, many months later, just short of that statute of limitations; they did not know that indeed perjury had been committed. I ask the gentleman to understand that it had to do with a separate judgment that was made by his own peers, by the judges who decided that perjury and other misconduct required the attention of the House of Representatives in an impeachment proceeding.

Mr. EARLY. Does the judge not deserve a trial?

Mr. CONYERS. Regular order, Mr. Speaker. If I may reclaim my time, I would like to make available for the gentleman and the membership the reasons the Department of Justice decided not to prosecute Judge Hastings for perjury. It declined to prosecute for these several reasons: The concern that it not appear vindictive or that it was prosecuting Judge Hastings for political or racial or other improper reasons, particularly since the judge had charged that his original prosecution for the bribery conspiracy was so motivated; second, the Department's concern that if the perjury prosecution was unsuccessful, Judge Hastings would then be accorded a blanket of immunity, in that the Department would be virtually unable to prosecute Judge Hastings for any subsequent unlawful conduct; and, third, the Department's conclusion that there were technical defenses to a perjury charge—all of which, I say to the gentleman from Massachusetts, amounts to a decision over which we had no control, literally no interest, and no intention to affect.

What came to us was an impeachment inquiry, which arose under the law that we enacted in 1980. That law requires that allegations of judicial misconduct reaching these proportions be sent to the Committee on the Judiciary for it to consider.

All of the criminal proceedings to which the gentleman refers, which involve the American jury system, in no way affect the question of whether a Federal judge has been appropriate in his conduct and is fit to remain in public office. Nobody, no group in America, can make that decision but the Congress.

Mr. MFUME. Mr. Speaker, I would like to comment my distinguished colleague from Michigan and the Subcommittee on Criminal Justice for their diligence and painstaking efforts in pursuing the facts of this inquiry.

Today I rise with a heavy heart. We are considering whether Judge Alcee L. Hastings, the Federal judge for the southern district of Florida, should be impeached for high crimes and misdemeanors. After careful examination of the testimonies and evidence presented, I have decided to support House Resolution 499 to impeach Judge Hastings.

I have decided to support this resolution entirely on the findings of article I, which identifies Judge Hastings as engaging in a corrupt conspiracy to receive $150,000 from the defendants in the United States v. Ramano case in return for a reduced sentence.

Mr. Speaker, after careful consideration of the arguments by both parties, I have found that this is the only charge where I find evidence of misconduct by Judge Hastings.

I do not support the articles of perjury nor do I support article XVII, which finds that Judge Hastings improperly disclosed confidential information as the supervisory judge of a wiretap. I do not believe that it is for us to question the jury and the facts considered by the jury should remain evident despite any new information being professed. Furthermore, I cannot find any reason to charge Judge Hastings on disclosing confidential information. We must have the utmost confidence in the jury, otherwise the pillars upon which our legal system rest will no longer support the weight of justice.

This is a difficult decision for us all, for the burden of a notable career rests on our shoulders. I had to examine the facts carefully. I submit to my colleagues that I find no other reason to support this resolution besides the findings of article I of this resolution.

The SPEAKER. The gentleman from New Jersey [Mr. RODINO] is recognized for 1 hour.

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

Mr. Speaker, I merely rise to point out that the resolutions are the customary resolutions which the House adopts subsequent to voting to impeach a Federal civil officer. One provides for the appointment of managers; the other one notifies the other body of the adoption of the articles of impeachment and the appointment of managers; and the last one grants the managers the necessary powers for funding.

With that, Mr. Speaker, I move the previous question on the resolutions.

The previous question was ordered.

The resolutions were agreed to.

A motion to reconsider was laid on the table.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4800, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1989

Mr. BOLAND. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 5015, DISASTER ASSISTANCE ACT OF 1988

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5015) to provide drought assistance to agricultural producers, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees:

From the Committee on Agriculture, for consideration of the House bill, and the Senate amendment, and modifications committed to conference: Messrs. DE LA GARZA, JONES of Tennessee, BROWN of California, ROSE, PANETTA, HUCKABY, GLICKMAN, STENHOLM, VOLKMER, MADIGAN, JEFFORDS, COLEMAN of Missouri, MARLENEE, HOPKINS, and STANGELAND.

Except that:

For consideration of sections 103 and 104 of the House bill and modifications committed to conference, Mr. STAGGERS is appointed in lieu of Mr. JONES of Tennessee;

For consideration of section 102 of the House bill and section 102 of the Senate amendment, Mr. PENNY is appointed in lieu of Mr. BROWN of California;

For consideration of section 313 of the House bill and section 312 of the Senate amendment, Mr. STALLINGS is appointed in lieu of Mr. ROSE;

For consideration of sections 101 and 303 of the House bill and sections 101 and 303 of the Senate amendment, Mr. NAGLE is appointed in lieu of Mr. BROWN of California;

For consideration of title II and section 311 of the House bill and title II and section 313 of the Senate amendment, Mr. JONTZ is appointed in lieu of Mr. BROWN of California;

For consideration of section 323 of the House bill and section 341 of the Senate amendment, Mr. JOHNSON is appointed in lieu of Mr. HUCKABY;

For consideration of title I of the House bill and title I of the Senate amendment, Mr. ROBERT F. SMITH is appointed in lieu of Mr. HOPKINS;

For consideration of section 102 of the House bill and section 102 of the Senate amendment, Mr. GUNDERSON is appointed in lieu of Mr. STANGELAND;

For consideration of sections 203 through 208 of the House bill and sections 203 through 206 of the Senate amendment, Mr. SCHUETTE is appointed in lieu of Mr. JEFFORDS;

For consideration of sections 301 and 302 of the House bill and sections 301 and 302 of the Senate amendment, Mr.

GRANDY is appointed in lieu of Mr. JEFFORDS.

As additional conferees, from the Committee on Interior and Insular Affairs, for consideration of subtitle B of title IV of the House bill, and modifications committed to conference: Messrs. UDALL, MILLER of California, and PASHAYAN.

As additional conferees, from the Committee on Education and Labor, for consideration of section 347 of the Senate amendment, and modifications committed to conference: Messrs. HAWKINS, MARTINEZ, WILLIAMS, JEFFORDS, and GUNDERSON.●

OMNIBUS McKINNEY HOMELESS ASSISTANCE ACT OF 1988

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 508, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 508

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 the consideration of the bill (H.R. 4352) to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and the amendments made in order by this resolution and which shall not exceed two hours, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 5110 as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered for amendment by title instead of by section and each title shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. No amendment to title X of said substitute shall be in order in the House or in the Committee of the Whole except for the amendments printed in the report of the Committee on Rules accompanying this resolution. Following disposition of the amendments printed in the report, no further amendments to said substitute shall be in order and 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 amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 508 is the rule providing for consideration of H.R. 4352, the Omnibus McKinney Homeless Assistance Act of 1988. This is a modified open rule, providing for 2 hours of general debate.

Thirty minutes of debate are to be allocated to each of the following four committees; the Committee on Banking, Finance, and Urban Affairs; the Committee on Energy and Commerce; the Committee on Education and Labor; and the Committee on Ways and Means. Each committee's time is to be equally divided and controlled by its chairman and ranking minority member.

The rule makes in order the text of H.R. 5110 as an amendment in the nature of a substitute as original text for the purpose of amendment, and it provides for consideration of this legislation by title, rather than by section. H.R. 5110 is the compromise homeless assistance bill, introduced by our distinguished majority leader, Mr. FOLEY, which reflects the provisions reported by the Committees on Banking, Finance and Urban Affairs; Energy and Commerce; and Ways and Means. It also contains provisions requested to be included in the bill by the Committees on Education and Labor and Veterans Affairs.

Under the rule, titles I through IX of the substitute are open to any germane amendment. However, the only amendments permitted to title X are the two printed in the report accompanying this resolution. One amendment, sponsored by Representative BARTLETT, would allow a lender to receive partial HUD insurance benefits without going through foreclosure when a borrower defaults on a HUD-insured mortgage. The other amendment, sponsored by Representative SAXTON, would permit litigation on Farmers Home Administration section 502 loan foreclosures to be contracted out to private attorneys, rather than handled solely by U.S. attorneys. After disposition of these two amendments, no additional amendments to the substitute will be in order.

Title X contains technical and conforming amendments to the Housing and Community Development Act. The Rules Committee is recommending limiting the amendments to this title to prevent the House from substantially broadening the bill, which would have been possible if title X was open to all germane amendments.

The rule waives clause 7 of rule XVI, which prohibits nongermane amendments, against the substitute. This waiver is needed because the substitute made in order by this rule is broader than H.R. 4352 as introduced.

The rule also waives clause 5(a) of rule XXI, which prohibits appropriations in a legislative bill, against the substitute. This waiver is needed because the substitute contains several sections which permits the redirection of previously appropriated funds. The substitute does not contain any new appropriations.

Finally, the rule provides one motion to recommit, with or without instructions.

The legislation for which the Rules Committee has recommended this rule reauthorizes the homeless assistance programs which were established by the Stuart B. McKinnney Homeless Assistance Act of 1987. It extends the act's housing assistance, emergency food and shelter, community services, education, and veterans programs through fiscal year 1990, and it extends the act's health services programs through fiscal year 1991.

Mr. Speaker, to summarize, House Resolution 508 is an open rule, except for title X where only two designated amendments are permitted. It provides for 2 hours of debate to be divided among the committees of jurisdiction, and it waives two House Rules. I urge adoption of the resolution, so that the House can proceed to the consideration of H.R. 4352.

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

Mr. Speaker, the rule has been ably explained, and we are now going to consider the Omnibus McKinney Housing Assistance Act on the floor of the House after the adoption of the rule.

Mr. Speaker, I recall what I said when this homeless program was first presented to the House. I said then, and I repeat now, that we are embarking on a program that will cost billions of dollars in the future.

This bill provides that, in fiscal year 1989 over $600 million will be authorized, and in 1990 it will be approximately $1 billion. The fear that I have is that this bill will create more homeless throughout the country because families are in need at home, and if they find out that they can get better help by going the homeless route, then I have a great fear that that is what is going to happen.

Mr. Speaker, I was here when the Food Stamp Program was first started as a very minor program, and it now

costs billions and billions of dollars. Many of the programs to help people start out with good intentions, but then they fail along the line and become bureaucratic nightmares.

I hope, however good it is, and I think it is a good program, that it will not encourage the young people of our Nation to travel throughout the land seeking shelter wherever they go, and cause families with low incomes to go the route of the homeless.

It is a two-bladed sword. No one likes to see the homeless in the bitter cold suffer. No one likes to see the homeless in the brutal heat that we have now, suffer. No one likes to see the homeless go without food. We are a compassionate people, and we are a compassionate nation, but there must be safeguards along the way to prevent great numbers from getting into the program and consuming more and more taxpayers' money.

Mr. Speaker, I urge the adoption of the rule. The bill is open to amendments except for one title. I know it will be thoroughly discussed.

I would like to advise the gentleman that I have one request for time.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, homelessness is one of today's most serious public policy issues. Concern for the plight of the homeless is widespread, and rightfully so. Next to crime, the homeless problem is among the top concerns of residents in my southern California district. I share their view that finding a solution to the homeless problem should be a national priority.

For that reason, Mr. Speaker, I rise in opposition to H.R. 4352, to reauthorize the McKinney Homeless Assistance Act. As expected, the McKinney Act has done nothing to mitigate the homeless problem, or offer any long-term solutions to end homelessness in this country. Instead, with this legislation, we are creating a permanent homeless infrastructure which will preclude a solution to the problem for years to come.

The Federal commitment to the homeless has more than tripled in the last 3 years. Unfortunately, so has the assessment of the magnitude of the problem by homeless advocates and the private organizations that receive Federal funds to implement the programs. These groups and organizations are never going to say that the problem is improving for fear that they will lose a permanent source of funding that they would normally raise through private donations. As much as 20 percent of Federal homeless funds to private organizations are used to pay for salaries, travel costs, and other administrative expenses. What we essentially created is another powerful grass roots lobby that Congress will be unable to say no to in the future.

But beyond that, Mr. Speaker, H.R. 4352 is simply the wrong prescription to the homeless problem. It merely throws money at the symptoms of homelessness, and it does so in a bureaucratic maze that inhibits the flexibility needed at the local level to meet the diverse characteristics of the homeless population. That's why I will be supporting the Ridge-Roukema amendment to combine the three housing programs in the bill into a Block Grant Program. This approach will improve the flow of assistance to the homeless by giving States and communities more flexibility to tailor Federal money to best suit the needs of the homeless at the local level.

The block grant approach is a step in the right direction. But until Congress can come to grips with the true nature of the homeless problem, a solution will continue to be illusive. For instance, the availability of low-income housing is commonly cited as the most serious impediment to solving the homeless problem. But contrary to what many so-called homeless advocates have said, it wasn't administration budget cuts that have decimated the Nations's low-income housing stock. It was urban redevelopment in the 1970's financed by such Federal programs as the EDA, UDAG, and CDBG grants, and exacerbated by rent regulations and the stifling inflation we endured in the late 1970's.

Between 1974 and 1979, this country lost an average of 360,000 low-income rental units a year. Between 1974 and 1983, 896,000 single-room occupancy units, which provide viable housing for extremely low-income individuals, were lost. In response, Congress eliminated the incentives for investment in low-income housing in the Tax Reform Act. And through legislation like H.R. 4352, the Federal Government has emphasized permanent shelters rather than transitional and permanent housing. At the same time, thousands of abandoned public housing units remain vacant while cities such as New York spend an average of $1,800 a month to put homeless people in welfare hotels. We should also be fostering homeownership of public housing to stem the decline in the Nation's low-income housing stock.

Mr. Speaker, the McKinney Homeless Assistance Act was meant to be a temporary program to supplement, not replace, local and private efforts to address the problems of homelessness. Enactment of H.R. 4352 will virtually guarantee a permanent, centralized homeless bureaucracy at the Federal level. It will perpetuate ill-conceived housing and mental health program at all levels of government—programs which address the symptoms, rather than the causes of homelessness.

Furthermore, H.R. 4352 is simply a tool to exploit public sympathy for the homeless in an effort to increase, without justification, Federal spending on domestic welfare programs. H.R. 4352 offers no long-term solution to the homeless problem and it should be defeated.

□ 1430

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

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

The previous question was ordered.

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

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

Mr. QUILLEN. 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 331, nays 81, not voting 19, as follows:

[Roll No. 255]

YEAS—331

Ackerman	Clay	Foglietta
Akaka	Clement	Foley
Alexander	Clinger	Ford (MI)
Anderson	Coats	Ford (TN)
Andrews	Coelho	Frenzel
Annunzio	Coleman (MO)	Frost
Anthony	Coleman (TX)	Gallo
Applegate	Collins	Garcia
Aspin	Conte	Gaydos
Atkins	Conyers	Gejdenson
AuCoin	Cooper	Gephardt
Barnard	Coughlin	Gibbons
Bartlett	Courter	Gilman
Bates	Coyne	Glickman
Beilenson	Crockett	Gonzalez
Bennett	Darden	Gordon
Bereuter	de la Garza	Gradison
Berman	DeFazio	Grandy
Bevill	Dellums	Grant
Bilbray	Dickinson	Gray (IL)
Boehlert	Dicks	Gray (PA)
Boggs	Dingell	Green
Boland	DioGuardi	Gregg
Bonior	Donnelly	Guarini
Bonker	Dorgan (ND)	Gunderson
Borski	Downey	Hall (OH)
Bosco	Durbin	Hall (TX)
Boucher	Dwyer	Hamilton
Boxer	Dymally	Harris
Brennan	Dyson	Hatcher
Brooks	Early	Hawkins
Broomfield	Eckart	Hayes (IL)
Brown (CA)	Edwards (CA)	Hayes (LA)
Bruce	Emerson	Hefner
Bryant	English	Herger
Bustamante	Erdreich	Hertel
Byron	Espy	Hiler
Campbell	Evans	Hochbrueckner
Cardin	Fascell	Hopkins
Carper	Fazio	Horton
Carr	Feighan	Houghton
Chandler	Fish	Hoyer
Chapman	Flake	Hubbard
Chappell	Flippo	Huckaby
Clarke	Florio	Hughes

Hutto	Moody	Schuette
Jacobs	Moorhead	Schulze
Jeffords	Morella	Schumer
Jenkins	Morrison (CT)	Sharp
Johnson (SD)	Morrison (WA)	Shays
Jones (NC)	Mrazek	Sikorski
Jones (TN)	Murphy	Sisisky
Jontz	Murtha	Skeen
Kanjorski	Myers	Skelton
Kaptur	Nagle	Slattery
Kasich	Natcher	Slaughter (NY)
Kastenmeier	Neal	Smith (FL)
Kennedy	Nelson	Smith (IA)
Kennelly	Nichols	Smith (NE)
Kildee	Nowak	Smith (NJ)
Kleczka	Oakar	Smith, Robert (OR)
Kolter	Oberstar	Snowe
Konnyu	Obey	Solarz
Kostmayer	Olin	Spratt
LaFalce	Ortiz	St Germain
Lagomarsino	Owens (NY)	Staggers
Lancaster	Owens (UT)	Stallings
Lantos	Panetta	Stark
Latta	Parris	Stenholm
Leach (IA)	Patterson	Stokes
Leath (TX)	Payne	Stratton
Lehman (CA)	Pease	Studds
Lehman (FL)	Pelosi	Sundquist
Leland	Penny	Sweeney
Lent	Pepper	Swift
Levin (MI)	Perkins	Synar
Levine (CA)	Petri	Tallon
Lewis (GA)	Pickett	Tauzin
Lightfoot	Pickle	Thomas (GA)
Lipinski	Price	Torres
Livingston	Pursell	Torricelli
Lloyd	Quillen	Towns
Lowry (WA)	Rahall	Traficant
Lujan	Rangel	Traxler
Luken, Thomas	Ravenel	Udall
Madigan	Ray	Valentine
Manton	Regula	Vander Jagt
Markey	Richardson	Vento
Martin (IL)	Ridge	Visclosky
Martin (NY)	Rinaldo	Volkmer
Martinez	Ritter	Walgren
Matsui	Robinson	Watkins
Mazzoli	Rodino	Waxman
McCloskey	Roe	Weiss
McCrery	Rogers	Weldon
McDade	Rose	Wheat
McEwen	Rostenkowski	Whitten
McGrath	Roth	Williams
McHugh	Roukema	Wilson
McMillan (NC)	Rowland (CT)	Wise
McMillen (MD)	Rowland (GA)	Wolf
Meyers	Roybal	Wolpe
Mfume	Russo	Wortley
Miller (CA)	Sabo	Wyden
Miller (OH)	Saiki	Wylie
Miller (WA)	Savage	Yates
Mineta	Sawyer	Yatron
Moakley	Saxton	Young (AK)
Molinari	Scheuer	Young (FL)
Mollohan	Schneider	
Montgomery	Schroeder	

NAYS—81

Archer	Gallegly	Packard
Armey	Gekas	Pashayan
Baker	Gingrich	Porter
Ballenger	Goodling	Rhodes
Barton	Hammerschmidt	Roberts
Bateman	Hansen	Schaefer
Bentley	Hastert	Sensenbrenner
Bilirakis	Hefley	Shaw
Bliley	Henry	Shumway
Brown (CO)	Holloway	Shuster
Buechner	Hunter	Skaggs
Bunning	Hyde	Slaughter (VA)
Burton	Inhofe	Smith (TX)
Callahan	Ireland	Smith, Denny (OR)
Cheney	Kolbe	Smith, Robert (NH)
Coble	Kyl	Solomon
Combest	Lewis (CA)	Stump
Craig	Lewis (FL)	Swindall
Crane	Lowery (CA)	Tauke
Dannemeyer	Lukens, Donald	Thomas (CA)
Davis (IL)	Lungren	Upton
DeLay	Mack	Vucanovich
DeWine	Marlenee	Walker
Dornan (CA)	McCandless	Weber
Dreier	McCollum	Whittaker
Edwards (OK)	Michel	
Fawell	Nielson	
Fields	Oxley	

NOT VOTING—19

Badham	Dowdy	McCurdy
Biaggi	Frank	Mica
Boulter	Johnson (CT)	Spence
Daub	Kemp	Stangeland
Davis (MI)	Lott	Taylor
Derrick	MacKay	
Dixon	Mavroules	

□ 1451

Mr. HENRY and Mr. COBLE changed their votes from "yea" to "nay."

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.

The SPEAKER pro tempore. (Mr. MURTHA). Pursuant to House Resolution 508 and rule XXIII, the Chair declares the House in the Committee on the Whole House on the State of the Union for the consideration of the bill, H.R. 4352.

□ 1452

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the House on the State of the Union for the consideration of the bill (H.R. 4352) to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes with Mr. SMITH of Iowa 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.

The gentleman from Texas [Mr. GONZALEZ] will be recognized for 15 minutes; the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 15 minutes; the gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes; the gentleman from New York [Mr. LENT] will be recognized for 15 minutes; the gentleman from California [Mr. HAWKINS] will be recognized for 15 minutes; the gentlewoman from New Jersey [Mrs. ROUKEMA] will be recognized for 15 minutes; the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes; and the gentleman from Texas [Mr. ARCHER] will be recognized for 15 minutes.

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

Mr. GONZALEZ. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in support of H.R. 4352, the Omnibus McKinney Reauthorization Act, which is an emergency effort to assist the homeless in our country. This bill represents the continuing commitment by Congress to assist the homeless which now number in excess of 3 million persons in the United States. This bill is a direct result of the Housing Subcommittee's continued efforts to highlight the issue of homelessness in America. Since December 1982, when the subcommittee held the first congressional hearing on homelessness which brought national attention to the issue, the subcommittee has continued to introduce legislation to assist the homeless.

I must emphasize that this bill is an emergency effort to assist the homeless. We have developed this legislation in order to address the emergency and acute needs of the homeless. This bill does not make the McKinney programs permanent. Rather it only reauthorizes the McKinney programs for 2 more years, fiscal years 1989 and 1990. This bill does not focus on the cause—the lack of affordable available housing to lower income Americans. The answer is clearly more permanent housing which is affordable and available to lower income persons. The Housing Subcommittee will soon consider much broader approaches to provide permanent housing for the 1990's.

Last year we were successful in authorizing the McKinney Act programs and today we continue our efforts by reauthorizing and perfecting the homeless programs contained in the Stewart B. McKinney Act. This bill provides emergency assistance to the homeless and is not the cure-all for the homeless. Rather it expands upon and perfects the initial McKinney Act which we enacted last year and which has been operating over the last 7 months.

Millions of persons—women, men, children, families—are homeless in America today and the number of homeless are on the rise. In fact, according to a U.S. Conference of Mayors survey, homelessness is expected to increase in 92 percent of the survey cities during 1988 and the demand for shelter has increased by an average of 21 percent in most all of the 26 cities surveyed.

Despite the great need for assistance to the homeless, subsidized housing assistance has drastically been reduced during the last 7 years by 75 percent and the number of families in search of shelter is growing.

Today we are reauthorizing the vitally needed homeless programs contained in the McKinney Act for fiscal years 1989 and 1990. This bill represents a joint bipartisan effort by both the majority and minority. The funding levels authorized in the bill do not exceed the levels assumed in the fiscal year 1989 concurrent budget resolution. The bill reauthorizes the McKinney programs and provides a number of programmatic changes which are based on the hearings conducted by the Housing Subcommittee on January 26, 1988, and based on subsequent meetings with advocates for the homeless, service providers, and State and local officials. These changes were agreed to in a bipartisan fashion, and,

I believe, will make the programs that we designed in the McKinney Act more workable in many communities throughout our country.

H.R. 4352 authorizes a total of $642.5 million for fiscal year 1989, of which $426.8 million is authorized for the HUD and FEMA homeless programs under the Banking Committee's jurisdiction. The $426.8 million for the HUD/FEMA programs is allocated as follows: $125 million for the Emergency Shelter Grants Program; $105 million for supportive housing demonstration programs (including transitional housing and permanent housing for handicapped homeless programs); $27 million for the Supplemental Assistance for Facilities to Assist the Homeless Program; $40 million for section 8 10-year moderate rehabilitation for single room occupancy [SRO] dwellings; $129 million for the FEMA Emergency Food and Shelter Program; and $800,000 for the Interagency Homeless Council. The bill also authorizes $2211.1 million for fiscal year 1990; however, the HUD FEMA homeless programs are authorized at such sums as may be appropriated for fiscal year 1990 with all of the funding authorized for the McKinney programs under the jurisdiction of the other committees.

This bill contains six titles under the jurisdiction of the Banking Committee, the first five, titles I through V deal with the HUD and FEMA McKinney homeless programs and title X deals with technical and conforming amendments to the 1987 Housing and Community Development Act (Public Law 100-242). This bill contains a budget compliance provision and requires the General Accounting Office to submit an annual report to Congress on the HUD and FEMA McKinney programs. The bill also extends the Interagency Council for 3 years and strengthens the communication and distribution of information about the Federal resources available under the McKinney Act through a bimonthly bulletin. The bill also requires the National FEMA Emergency Food and Shelter Board to use data on long-term unemployed workers in distributing FEMA program funds.

The bill also contains technical and programmatic provisions which clarify and strengthen the HUD homeless programs to better assist the homeless. Changes are made to the comprehensive homeless assistance plan [CHAP], which is submitted by local governments and States which strengthens communication and information about the McKinney homeless programs and includes a requirement that a good faith assurance that recipients will administer a policy to ensure that their homeless facility is free of illegal use, possession or distribution of drugs or alcohol. Numerous provisions are included to perfect the existing McKinney programs and allow greater participation in all HUD McKinney programs.

In addition to the changes in the McKinney Act, we have added a provision in this legislation that makes a number of technical and conforming changes to the 1987 housing authorization bill that the President signed on February 5, as well as correcting some erroneous interpretations that HUD has taken with regard to certain provisions in the 1987 housing authorization bill. Again, these technical changes to the 1987 authorization bill have been agreed to by both the majority and minority and will be in our best judgment what the committee had in mind in developing last year's authorization bill.

I also wish to take this opportunity to voice the Banking committee's concerns that the Farmers Home Administration is not effectively taking steps to alleviate the vacancy problems in section 515 rural rental housing projects in certain areas of the Nation. the committee is aware that the increase from 25 to 30 percent of adjusted income for the contribution to rent requirement for low-income tenants is causing these vacancies, especially in areas of the Nation experiencing economic distress. In these areas, particularly where oil or agriculture has declined, housing markets have significantly softened. As an alternative to paying higher section 515 rents, families are choosing cheaper housing as is now available in these distressed areas. The result is that an increasing number of vacancies are occurring in section 515 projects, which is threatening their financial viability. FmHA has the means under current law to alleviate most of these problems. However, the committee learned in its recent hearing on this problem, that FmHA is requiring projects to experience substantial losses before stepping in with relief. This is contrary to the intent of the Congress. The Congress intends that relief measures be put in place so as to minimize losses. Accordingly, the committee directs the Secretary of Agriculture to immediately implement a procedure that will bring the requisite relief to such troubled section 515 projects within a resonable period after such relief is requested and certainly before significant unrecoverable losses are experienced by the owners of such projects.

Mr. Chairman, I urge the adoption of this bill.

CHART A.—FUNDING FOR PROGRAMS UNDER THE MCKINNEY HOMELESS ASSISTANCE ACT

[Budget authority dollars in millions]

	Fiscal year 1987		Fiscal year 1988		Fiscal year 1989				Fiscal year 1990		Fiscal year 1991
	Auth.	Approp.	Auth.	Approp.	Pres. request	Appropriations conference	H.R. 4352, Rev.	Sen. Banking Com	H.R. 4352, Rev.	Sen. Banking Com.	H.R. 4352
Banking Committee:											
HUD Emergency Shelter Grants	100	[1]50	120	8	0	46.5	125	120	[6]	120	
Supportive Housing Demonstration	80	[1]80	100	65	75	85	105	100	[6]	100	
Transitional Housing (Families)	(20)	(20)	(20)	(20)	(75)	(20)	(20)	(20)	[6]	(20)	
Handicapped Housing Grants	(15)	(15)	(15)	(15)	(0)	(10)	(15)	(15)	[6]	(15)	
Supplemental Assistance	25	15	25	0	0	0	27	10	[6]	10	
Sec. 8 10-yr. Mod. Rehab. for SROs	35	35	35	0	0	45	40	50	[6]	50	
Housing subtotal	240	180	280	73	75	176.5	297	280	[6]	280	
FEMA Emergency Food & Shelter[3]	15	[1]10	124	114	80	114	129	129	[6]	134	
Interagency Homeless Council[5]	.2	(.2)	2.5	(.8)	1.2	1.1	.8	1.2	[6]	1.2	
Banking subtotal	(255.2)	(190)	(406.5)	(187)	(156.2)	(291.6)	(426.8)	(410.2)	[6]	(415.2)	
Energy and Commerce:											
Health Care for the Homeless	50	46	30	14.4	15		61.2		63.6		66.2
Mentally Ill Demo. Projects	10	9.3			4.7		10		11		12
Mental Health Services Block Grant	35	32.2		11.5	14.3		35		36		38
Alcohol & Drug Abuse Demo. Project	10	9.2			4.6		10		11		12
Energy and Commerce subtotal	(105)	(96.7)	(30)	(25.9)	(38.6)		(116.2)		(121.6)		(128.2)
Education and Labor Committee:											
Emergency Comm. Services (CSBG)	40	36.8	40	19.1	0		42		42		
Job Training			12	9.6	0		13		13		
Homeless Children Education Grants	5	4.6	5	4.8	0		6		6		
Adult Literacy	7.5	6.9	10	7.2	0		11		11		
Exemplary Grants			2.5		0		2.5		2.5		

CHART A.—FUNDING FOR PROGRAMS UNDER THE MCKINNEY HOMELESS ASSISTANCE ACT—Continued

[Budget authority dollars in millions]

	Fiscal year 1987		Fiscal year 1988		Fiscal year 1989				Fiscal year 1990		Fiscal year 1991
	Auth.	Approp.	Auth.	Approp.	Pres. request	Appropriations conference	H.R. 4352, Rev.	Sen. Banking Com	H.R. 4352, Rev.	Sen. Banking Com.	H.R. 4352
Education and Labor subtotal	(52.5)	(48.3)	(69.5)	(40.7)	0		(74.5)		(74.5)		
Agriculture Committee:[4]											
Temp. Emer. Food Assist. Program (TEFAP)			50	50	0						
Food Stamp Provisions			54	54	70						
Surplus Food Distribution (Com. Credit Corp.)			6		0						
Agriculture subtotal			(110)	(104)	(70)						
Veterans Committee:											
Chronically Mentally Ill Veterans		2.1		[2]2.9	0	5	10		10		
Domiciliary Care		15			0		15		15		
Job Training Program[5]	30						15		15		
Veterans subtotal	(30)	(17.1)		(2.9)	0	(5)	(25)		(25)		
Total	442.7	352.1	616	360.5	264.8	296.6	642.5	410.2	221.1	415.2	128.2

[1]HUD Emergency Shelter Grants received previous to the McKinney Act $10 mil. in the fiscal year 1987 HUD Approp. Act for a total of $60 mil. in fiscal year 1987 and the Supportive Housing Demo. received $5 mil. for transitional housing for a total of $85 mil. in fiscal year 1987. The FEMA Emergency Food and Shelter program received $70 mil. from the fiscal year 1987 HUD Appro. Act and $45 mil. from a transfer of Disaster Relief Funds for a total of $125 mil. in fiscal year 1987.

[2]$5 mil. was originally appropriated for the program in the fiscal year 1987 Sup. Appro. Act; however, $2.9 mil. lapsed and was reappropriated for fiscal year 1988.

[3]Senate Gov. Affairs has jurisdiction over the FEMA Emergency Food and Shelter program and the Interagency Homeless Commission.

[4]Agric. provisions originally included in H.R. 4352 as introduced were deleted and incorporated into H.R. 4060, the Hunger Relief Act.

[5]Job Training Program for homeless Veterans has been included in a previous bill, which became Public Law.

[6]Such sums.

Mr. ST GERMAIN. Mr. Chairman, I rise in support of H.R. 4352 and the substitute made in order by the rule H.R. 5110 which would reauthorize the Stewart B. McKinney Homeless Assistance Act for an additional 2 fiscal years and to make a number of programmatic changes to provide urgently needed assistance to homeless people. This bill builds on the work of last year's Stewart B. McKinney Homeless Assistance Act and makes a number of programmatic changes, along with providing the reauthorization levels for program activities. Changes in the programs are the result of recommendations from the hearings of the Banking Committee and the other committees, and from recommendations of service providers, State and local governments, and private individuals that are involved in providing emergency assistance for the homeless. It is a balanced bill with strong bipartisan support and the titles within the jurisdiction of the Banking Committee were reported out of the committee on a voice vote.

H.R. 4352 reauthorizes all of the various committees' programs at a level of $642 million for fiscal year 1989. The total Banking Committee's authorization levels of HUD homeless programs and the FEMA Emergency Shelter Program total $426.8 million. Programmatic changes contained in this bill are included at the recommendation of the service providers.

This legislation is a product of the efforts of the Committees on Energy and Commerce, Education and Labor, Veterans' Affairs, and Ways and Means and I would commend the distinguished members of these committees and in particular Chairmen DINGELL, HAWKINS, MONTGOMERY, and ROSTENKOWSKI. In addition I would also commend those members of my Committee on Banking, Finance and Urban Affairs who assisted in putting this bill together, the distinguished Housing Subcommittee chairman HENRY B. GONZALEZ of Texas and the ranking minority member MARGE ROUKEMA of New Jersey, as well as the ranking Republican member of the full Committee, Mr. CHALMERS WYLIE. I urge Members to support this bill so that these programmatic changes can be implemented to make these programs more effective in dealing with the emergency shelter needs of the many homeless people that we have in our communities.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. WYLIE], the ranking member of the full committee.

Mr. WYLIE. I thank the gentlewoman for yielding.

Mr. Chairman, as one of the original cosponsors of this legislation, I rise in support and urge adoption of this bill.

Mr. Chairman, the chairman of our subcommittee, the gentleman from Texas [Mr. GONZALEZ], again, deserves special recognition for his leadership role in bringing this legislation here today and also the gentlewoman from New Jersey [Mrs. ROUKEMA], the distinguished ranking member of the subcommittee, deserves our special admiration and commendation for the bipartisan cooperation which she has exemplified.

Mr. Chairman, I am pleased that the committee bill includes a budget compliance provision. I sponsored this provision which requires that the new budget authority for the programs authorized in the bill not exceed the appropriate aggregate levels established in the concurrent budget resolution.

The minority is also somewhat encouraged by the willingness of the majority to accept some of our recommendations for designing more flexibility and efficiency into the delivery of homeless assistance programs.

We are, however, disappointed that a constructive improvement, at least we feel it is a constructive improvement, in adding flexibility and greater local discretion through the creation of a block grant approach was not accepted. However, the membership of the House will be afforded an opportunity later on this afternoon when we consider the Ridge-Roukema amendment and I certainly urge its adoption and approval.

This legislation is strongly recommended by the United Way, the Salvation Army, the National Council of Jewish Federations, the American Red Cross, the National Conference of Catholic Charities, the National Council of Churches, and by such organizations as the National Mental Health Association, the Association for Retarded Citizens, United Cerebral Palsy, and the Easter Seal Society. These are some of the organizations that have stood in the front lines in our fight to aid the homeless. They will use these funds and they will use them wisely as we continue to fight this cancer that has spread over our Nation.

By adopting this legislation, we are showing that those without homes, those without hope, those without a designated place in our society, that we do care and that they too are a part of the American dream to life, liberty, and the pursuit of happiness.

Mr. Chairman, in Columbus, OH, we have an excellent program to aid the homeless that has been funded under programs that this legislation reauthorizes. Although my local service and shelter providers would like more flexibility, the programs work well in the overall.

Therefore, I believe the benefits of this legislation will return our citizens to their dignity, their self-respect and, yes, even to their families.

With this bill we are recognizing the continuing existence as well as the critical nature of this issue.

□ 1500

Mr. Chairman, I congratulate my colleagues for recognizing the need for this legislation, and I support its passage.

Mr. GONZALEZ. Mr. Speaker, I yield 4½ minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman for yielding time to me, and I congratulate the gentleman from Texas [Mr. GONZALEZ] and the gentlewoman from New Jersey [Mrs. ROUKEMA] for their work on this important bill and for the attention they have given to the homeless in America. I am grateful to the Members for the manner in which they have addressed the issue of the homeless in general, which does not discriminate against the rural homeless and the rural poor.

In times past, the isolation of poor people living in rural areas like Arkansas and Montana and New Jersey removed them from the good intentions of the national policy of our country to attend to this national problem. For this reason, I wish to alert my colleagues from rural States like Arkansas to be expecially attentive to the Roukema amendment, which would provide for a block grant program.

We think that would discriminate against States like Arkansas and would hurt the rural poor in areas like Arkansas. So I would be constrained to oppose her amendment when the time comes in the process for its consideration.

Mr. Chairman, I wish to congratulate Newsweek on this week's publication and for the attention that it has focused on "America's Third World." The article has as its theme the plight of the rural poor in America, and this is the first publication of this type I have seen in some years, in 4, 5, 6, or 7 years, that has expanded on this topic. I was beginning to wonder if anyone who published national magazines would address this subject, and I was beginning to wonder if the rural poor had just gone away, had faded into the countryside, and had lost the attention and focus of the national media. But Newsweek deserves a good guys' award for having focused on this problem in our countryside.

The rural poor deserve the same consideration as the urban poor. Certainly both deserve the attention of this Congress. I congratulate the leadership of this committee and the leadership of the gentleman from Texas [Mr. GONZALEZ], who has distinguished himself in the area of giving a helping hand to the homeless of America.

There is a renewal of interest in the plight of the poor in Arkansas and throughout the country, in this era when the number of poor people is increasing. It is estimated that 40 percent of the Nation's homeless are in small cities or rural areas—areas such as Arkansas. Homelessness is not a problem confined to huge metropolitan areas, for it has spread to places like Jonesboro and Forrest City in the Nation's heartland.

In recent years, rural poverty has become worse, not better, and the depressing decline continues today. One of every four children now lives in poverty. It is a sad situation, but with the resurgence of interest in this issue and the political will to act, we can make progress in attacking the dilemma of poverty in rural America.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentlewoman from Ohio.

Ms. OAKAR. Mr. Chairman, I really appreciate the gentleman's remarks, particularly about the rural poor, because there is a lot of misinformation being circulated, and I think the gentleman, who represents a very important part of Arkansas, which is inclusive of the rural poor, certainly knows firsthand what has happened. The formula that was worked out provided that 30 percent of the funds would go to the rural poor, and it is true that the urban areas get 70 percent. But under the formula that is being proposed by the gutting block grant amendment, 20 percent would be targeted for the rural poor and 80 percent for the urban poor.

So the gentleman is absolutely accurate when he says that this amendment that may be offered in the future will gut a part of the program and hurt the rural poor.

Mr. Chairman, I thank the gentleman for yielding.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the chairman of the subcommittee.

Mr. GONZALEZ. First, Mr. Chairman, I want to thank my distinguished colleague, the gentleman from Arkansas, profoundly.

From the very beginning of my tenure as chairman of this subcommittee in 1981, we initiated comprehensive hearings in every single region of this country, from the most densely urban to the most sparsely rural, including the Eastern Shore area, just 1 hour and 20 minutes' drive from the Capitol, where we have discovered atrocious rural housing conditions. That has been one of the prime objectives of the committee, and I want to thank the gentleman for his support.

Mr. ALEXANDER. Mr. Chairman, I thank the gentleman from Texas for his leadership. Mr. Chairman, I include with my remarks the article entitled "America's Third World," that appeared in Newsweek, August 8, 1988, as follows:

AMERICA'S THIRD WORLD

(By John McCormick)

When Americans think about poverty, most conjure up familiar city scenes: welfare moms in tenements, jobless men under street lamps, wasted kids on crack. Those powerful images belie the fact that in the nation's urban areas poverty rates are actually falling. Lost in the shadows are 9.7 million impoverished rural Americans; they constitute 18.1 percent of the 57 million people who live outside metropolitan areas. A much smaller group of the destitute—the homeless—receive far greater attention, while this disturbing, widely dispersed underclass, call it America's Third World, rarely intersects with the rest of society. It is a world caught in a chronic recession and in which violence—particularly family violence—is commonplace. It is a world of drifters, rusting mobile homes, marginal medical care, cheap liquor and terrible nutrition. And it is a world in which conditions are deteriorating at an alarming rate.

This week the Population Reference Bureau, a respected demographic study group, will report that one-fourth of all rural children now live in poverty. Next month another Washington-based group, Public Voice for Food and Health Policy, will report that infant mortality in America's 320 poorest rural counties tops the national rate by a chilling 45 percent. But the most startling statistic of all is that America's rural-poverty rate now slightly exceeds the rate in our blighted big cities. This decade's increase in rural poverty is especially disheartening because it follows a half century of steady improvement.

While some of the rural poor work in agriculture, few are the oft-publicized "family farmers" who own their land. Only 7 percent of all rural Americans live on farms, and their proverty rate barely exceeds that of others living in rural areas. Far larger is the share of rural poor who live in the nation's small cities and towns—and who benefit little from the $13.1 billion the United States spends on farm subsidies. In fact, the heavily publicized farm problems of the 1980s probably obscured the plight of the rural poor. Says Kenneth Deavers, the Agriculture Department's top poverty expert: "There's no way the true scope of rural poverty can compete with Dan Rather sitting on a tractor and talking about 'the Farm Crisis'."

The rural poor face obstacles their metropolitan counterparts do not. Often they dwell in sparsely settled regions where relief offices and job-training programs are hardest to find. Their small towns can't begin to afford the wealth of social services that cities offer. They tend to live in two-parent households and to hold menial jobs—attributes that curb eligibility of AFDC, Medicaid and other benefits in many states. Though they make up 30 percent of all Americans living below the poverty level, rural residents receive only about 20 percent of the $95 billion that federal, state and local governments spend on the poor. And while three-fourths of the rural poor are white, the poverty rate among rural blacks is 42 percent, 11 percent higher than the rate among blacks in cities.

There are few routes of escape for the rural poor. In the past decade, broad downturns in low-tech manufacturing, mining, agriculture and oil have cut median rural income from 80 percent of U.S. urban income to 73 percent. Many economists expect that slide to continue. Seven of every eight new U.S. jobs are in metropolitan areas—and the rural jobs often pay only near-minimum wage. When the poor do escape it is often the better educated who head for urban areas, leaving the least skilled to fend for themselves.

In the past many people associated rural poverty with Appalachia and the South. Today the problem has no boundaries. A tour of America's Third World can move

from a county seat in Kansas to seaside Delaware, from booming Florida to seemingly idyllic Wisconsin.

THERE'S NOT MUCH THEY CAN GRAB

Thick crops atop the clay loam around Ottawa, Kans., camouflage poverty's grip. The United States has thousands of Ottawas, small towns whose moribund economies offer the poor little hope of a better life. Often the destitute are overlooked even in their own communities. "These people are lost in the shuffle, just lost," says Vivian Norton, an antipoverty worker in Ottawa (population: 11,000). "There's not much they can grab to pull themselves up."

Poverty is passed from one generation to another: it is the only legacy of the poor. Ida Swalley married at 15 to escape a hard-drinking stepfather. She has no marketable skills. Now 43, she is separated from her fourth husband and living in a squalid $200-a-month apartment that could be owned by an urban slumlord. Swalley shares the hovel with her 17-year-old son and a menagerie of bugs and mice. An old fly swatter is the sole decoration on one wall. The Kansas heat pushes the fetid air toward 100 degrees and aggravates Swalley's heart problems. She says things may improve once her new boyfriend gets out of jail. Her fondest hope is that life will somehow be better for her daughter, Carol Sue, 26, and her two-year-old grandaugther, Jacqueline Ruth.

But that dream may be illusory. Carol Sue Stevens earns just $3.85 an hour as a nursing-home aide. Her life, like her mother's, has been a succession of small-town romances with men prone to drunkenness and violence. Little Jacqueline Ruth was fathered by Carol Sue's current boyfriend, but the toddler doesn't carry either parent's surname. She will grow up using Ida Swalley's maiden name, Ray. "My boyfriend threatened to steal her," confides Carol Sue. "If we end up in some custody fight, I don't want her in court already using her daddy's last name."

The Swalley family at least has roots in Ottawa; many of the rural poor drift like dry leaves across the landscape. Ben and Tammie Hughes were only 17 and 16 when a burglar stole their wedding presents. Eight years and four children later, their luck has not markedly improved. They have moved 15 times, maybe more. Ben now does maintenance work at an apartment complex in exchange for a place to live and $600 a month. To stretch the family's food budget, he barbecues foot-long turtles gathered from the roadside. Tammie tends the boys and, once a month, treks to downtown Ottawa for federal commodity handouts. The threat of hunger in the nation's top wheat-producing state presents a stark irony: to sample the bounty that surrounds them, impoverished Kansans like Tammie Hughes must wait in line for small sacks of government flour.

For the moment, the parents try to make do for the children, gently explaining why birthdays must go by without fanfare. But even things more basic than birthdays—like medical care—must sometimes wait. "People say, 'Get your kid to the doctor,' not knowing that may be the last thing on your list," Tammie says. "Not that an ear problem isn't important. But food and a place to live always have to come first."

Ottawa's poor rely on ECKAN, the acronym for a nonprofit community-action program that survives on donations and government grants. With an administrative budget of $240,000 the agency struggles to serve seven rural counties with 17 programs, supplying when possible everything from housing aid to Christmas toys. Grant money is tight: ECKAN had to drop one project in which Blue Bear and other puppets taught children why it's important to eat.

"HE DOESN'T EVEN HAVE AN ADDRESS"

When their long workday ends, the migrant laborers come in crowded vans and station wagons to a small Dover, Del., clinic run by Delmarva Rural Ministries, an ecumenical service agency. Inside a 29-year-old physician named Lori Talbot races at flank speed from patient to patient. By 8:10 her night already seems long, and it will get much longer. Talbot is about to encounter Noe Tavias.

Noe's mother says the boy has "a little cold." Talbot suspects pneumonia. She is disturbed that Noe has never received routine immunizations against diphtheria, rubella, polio and other dangerous diseases. And she has spotted another anomaly: although he is almost four, the boy communicates with sounds, not words. Noe Tavias cannot speak.

Talbot proceeds aggressively, but with little of the medical arsenal she could muster in a normal practice. Noe, dark-eyed and winsome, embodies much that is wrong with the care of poor migrants: his problems are severe, yet his medical past is a mystery. His mother says that as an infant Noe was given unspecified "injections" in Mexico after two serious seizures. She was told he might grow up blind or mute. His records are at the Mexican hospital; his mother seems unsure which one. Talbot says Noe needs neurological tests, a CAT scan and a speech evaluation. She asks a nurse to launch the probably pointless search for the Mexican records that would put test results in perspective. Even if useful information materializes, Noe is unlikely to get thoughtful, consistent treatment. Come September the harvest will end, and the Tavias family must leave Delaware for work elsewhere.

Talbot's part-time work at the clinic is worlds apart from her full-time job treating students at the University of Delaware. The migrants often seek care only when an ailment becomes a crisis. They suffer high rates of anemia, tuberculosis and stunted growth; one study of Delmarva Peninsula migrants found that 34 percent had parasites. A huge caseload also pre-empts the preventive care most Americans expect. Talbot has no time to explain the perils of smoking or high cholesterol levels. She has yet to meet a migrant woman who has ever had a mammogram.

There are other frustrations. Talbot has prescribed special diets for workers who have no choice but to eat whatever camp cooks prepare; she has ordered insulin for diabetics only to learn they have no access to refrigerators in which to store it. Her commitment goes beyond office hours; she has hauled seriously ill migrants to a Wilmington hospital an hour away. She laments a shortage of bilingual social workers to connect poor migrants with available government aid. Talbot says of one cerebral palsy victim: "If Harold lived in a city he'd have plenty of help finding all the medical specialists he needs. Here he doesn't even have an *address.*"

"I GOT LUCKY—MY EX-HUSBAND DIED"

Forty miles from Walt Disney World, a huge cruciform machine called the mule train pursues black farm workers down long rows of sweet corn. Greater Orlando teems with tourists, but the noisy mule train, named for its steady, ceaseless pace, isn't a prime Florida attraction. Laborers hustle ahead of the machine, pawing through wet, buggy air to pluck ears from stalks. Atop the mule train, 20 men and women crate the corn and load it on a truck for shipment north. The rapid pace keeps workers basting in sweat; a skimpy incentive plan pulls this crew's pay above the federally mandated minimum wage. But walking with the mule train is a trek to nowhere. In days the corn season will end, and once again the workers will have to find jobs elsewhere—or not at all.

Tourism has vastly enriched parts of central Florida, but thousands of farm workers in this lush land still face shocking conditions. Better educated blacks have taken service jobs spawned by the theme parks, leaving unskilled workers to perform stoop labor at vegetable farms, plant nurseries and citrus groves. Resentments flourish as Haitian and Mexican immigrants take some of the jobs long performed by native-born blacks. Drug dealers feed on the desperate social climate, and family break-downs are the norm. "These people's problems are overwhelming," says Armando Fuentes, an obstetrician at a farm workers' clinic in Apopka, Fla. "I have not fully accepted the fact that, when I come to work, I am in the United States."

Audrey Neal, 23, is one of Apopka's casualties. After a December fire engulfed her dilapidated home and disfigured her five-year-old son, Segio, the former nursery worker moved in with her sister Shawana, 21. The two women and their seven off-spring share a tiny, two-bedroom house in a neighborhood where crack dealers randomly crash through doors to seek refuge. during drug raids. As young women struggle, young men flee responsibility. Abandonment is so common that mothers joke about it. "I got lucky—my ex-husband died," says Mildred Bell, a mother of two. "At least we get social security."

Social worker Sally Miller says years of grueling labor leave farm workers debilitated: "People here limp from crisis to crisis in a state of chronic stress until their bodies cave in." Most lack medical insurance. Because Orlando has no public county hospital, Fuentes has at times coached poor patients to exaggerate symptoms so a private emergency room will have no choice but to admit them. When government aid is available to remedy problems, the poor often don't know how to get it. "We're talking about people who can't spell their children's names, let alone write down the identities of their last three landlords," Miller says.

A local Office for Farmworker Ministry has started a clinic, a credit union and a farm workers' association, all attempts to bring order to the lives of the poor. In the land of Mickey Mouse, the Roman Catholic advocacy group uses its own cartoon characters, Gordo (Fat) and Flaco (Skinny), to represent haves and have-nots. "We explain that both characters bear equal responsibility," says Sister Cathy Gorman, head of the ministry. "Gordo acts unfairly—and Flaco permits him to continue."

Sister Ann Kendrick, a staffer at the farm workers' ministry, hopes one day to enlighten the millions of tourists who flock to Walt Disney World and Sea World. She would erect her own tourism kiosk at Orlando's airport and promote a new attraction, Real World. To sample the true Florida farmworker experience, visitors would board a sweltering van for the ride to rural Apopka. Along the way they would eat stale peanut-butter sandwiches. They would walk muddy

rows in the rich farm fields; perhaps they would take a long ride on a mule train. And they would come away knowing what life is really like in America's vacation wonderland.

"IT'S AS THOUGH WE DON'T EXIST"

In the weeks after he lost his farm, Russ Schwebke faced a deeper humiliation: he could not afford to feed his son. The boy left Wisconsin to live with his mother while Schwebke, desperate for a livelihood, tried to start a tiny herd of 11 dairy cows on a vacant farmstead. The loneliness was unbearable. So was the cold. He couldn't afford fuel for his house and on the worst nights he slept in a barn warmed only by the animals. The intervening three years have brought countless discouragements and one joy: his 11-year-old son, Rick, is back home. Often the Schwebkes talk man to man about the father's dismal finances. Russ, 46, carefully explains that it is no disgrace to be poor. He privately hopes that adversity will strengthen his son. Beyond consolidation and love, adversity is all Russ Schwebke has to offer.

Schwebke cannot bring himself to apply for food stamps or AFDC. He accepts food from the Western Dairyland Economic Opportunity Council, an antipoverty agency; his son will not endure the diet of bread topped with cream and sugar that fed impoverished farm children a generation ago. Schwebke sees congressmen attuned to the urban poor but less aware of people like himself: "It's as though we don't exist."

Many Americans view farm problems as yesterday's news. This summer's drought aside, U.S. agriculture has begun a comeback. But many small farmers still risk ruin in marginal regions such as western Wisconsin, where broad hills jut from the sandy soil like buttes of the desert Southwest. The isolation of some areas from cities and jobs offers few alternatives to those the recovery may have permanently left behind. Across the countryside, frustrations ignite family disputes and child neglect worsens. Some women resort to support networks; they exchange tales of poverty and desolation in the same rural areas that a nearby brewery has long advertised as God's country.

Young farm wives often bear the brunt of poverty's burden. When Frank Schuh couldn't meet payments on his Buffalo County farm, it was his wife, Doreen, 37, who finally walked into the bank to admit defeat. An accident then crippled Frank's right leg, leaving Doreen to move the family to an empty farmhouse infested with bull snakes. Counseling has eased the bitterness Frank heaped on Doreen as she confronted crises he wanted to deny. She has not come to terms with dependence on welfare. The first time a caseworker brought food to the family of six, an embarrased Doreen Schuh insisted he leave with a loaf of bread she had baked.

Even when the isolation is self-imposed, the pain can be palpable. George Richard Beck, a mechanical engineer, sits in a rented frame house outside Black River Falls, his blue eyes transfixed on a blurry "Star Trek" rerun. He lost his job in Chicago and fled north two years ago. "I was tired of bill collectors, tired of running," says Beck, 45 "When we got here I was a beaten man. Still am." He says he has submitted 300 job applications and would settle for janitorial work at a nursing home. He doubts he'll get the job: "Would you hire an engineer to mop floors?" he asks. His wife, Michel, 30, talks of the emotional torment and fighting that have plagued the impoverished household. She is gamely learning to butcher deer hit and killed on the highway.

Is there any hope for the rural poor? The Becks and others hope a new president will notice their severe problems. This week's rush to approve $6 billion in drought relief is the latest proof that Congress, for one, would rather appease the narrow farm lobby than confront the more vexing problems of all the rural poor. Some experts propose a diversion of farm subsidies into broader rural-development projects; others suggest a sort of rural triage, with money channeled only to the most promising areas at the expense of the least. But imaginative plans won't get a serious hearing until the plight of 9.7 million rural Americans is placed firmly on the national agenda.

Mrs. ROUKEMA. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, as the ranking minority member of the subcommittee, I am pleased to join Chairman GONZALEZ in bringing this bill to the House. This is a reasonable bill and deserves our support. Let me also compliment the chairman of the full committee, the gentleman from Rhode Island [Mr. ST GERMAIN] and the ranking minority member, the gentleman from Ohio [Mr. WYLIE]. Without their support, we could not have brought this matter before the House in such a bipartisan fashion.

I should also like to salute the gentleman from Minnesota [Mr. VENTO], who is the prime sponsor of this legislation and who is well known for his commitment to homeless Americans.

HISTORY

For several years now, we have seen a disturbing increase in the number of homeless people in our country, and I am deeply concerned about this. I am also a senior member of the Hunger Committee, where we have also examined this problem in considerable detail.

As has been established by many reports and by testimony before our subcommittee, the causes are several and complex. They include deinstitutionalization of the mentally ill, drug and alcohol abuse, dramatic sociological changes in the family, the increase in teenage pregnancies, and pockets of economic disruption in the country. Indeed, the homeless population is becoming more complex and, as a society, we do not yet know how to cope with this phenomenon with complete success.

Members of the committee and Members of the floor have heard me in the past focus on one of the most vulnerable segments of the homeless population: The mentally ill, who because of the policy of deinstitutionalization either were removed from hospitals or who have never been admitted to a hospital. Many States took the gain by dumping these poor, unfortunate souls onto the street but paid none of the price of providing community-based treatment facilities for them. To the degree that this has occurred around the country, the Federal Government has had to step in to help clean up the mess. This we did with enactment of the McKinney Act in March of last year and which we would do with this bill, which reauthorizes the McKinney homeless programs for fiscal years 1989 and 1990.

While we do not have good figures for how many people are homeless, no one denies that the numbers have grown. As I said, this has been due to many and complex causes. But it is a major problem, and it must be confronted by a cooperative effort of all levels of government and the private sector. What we are about today is admittedly a continuation of emergency programs and does not address the underlying structure of these complex issues that contribute to the homeless problem.

COMMITTEE ACTION

The very first hearing of our subcommittee in January of this year was on the subject of homelessness and reauthorization of the McKinney Act. At that time we heard from administration witnesses and from nonprofit providers of assistance to the homeless. Homelessness was also, in part, the subject of a hearing the subcommittee held, at my request, in Trenton, NJ, on April 25 of this year. The subcommittee reported the bill June 3 and the full Banking Committee approved it June 29. The Full Committee reported it by voice vote.

FUNDING LEVELS

For the programs under the jurisdiction of the Banking Committee, the bill authorizes $426.8 million for fiscal year 1989 and "such sums" in 1990. The committee did approve an amendment I offered which requires compliance with the budget resolution. My amendment said that this bill and its amendments could not be construed to provide for new budget authority, budget outlays or new entitlement authority in excess of the appropriate aggregate levels established by the concurrent resolution on the budget.

The $426.8 million for fiscal year 1989 is a modest increase in the authorization level over the current year, which is $406.5 million.

Of course, as we all know, what really counts in these matters is the amount appropriated, and that is well below the authorized amount.

Again, for the programs under the jurisdiction of the Banking Committee, the amount appropriated this year was only $187 million and the amount in the House bill for next year is $300.2 million. As I said, the appropriations are well within the authorized limits.

I would also like to highlight that the committee decided to authorize "such sums" for fiscal year 1990. I am pleased with that decision and, from my point of view, it supports moving

to a greater reliance on the block grant approach for these programs.

BLOCK GRANT

I do not intend to go into a detailed discussion of block grants at this time because I do plan to speak on the matter under the five minute rule when an amendment is offered later.

However, for now, I would like to outline the proposal briefly.

The gentleman from Pennsylvania [Mr. RIDGE] and I will offer an amendment which, beginning in fiscal year 1990, would combine three categorical programs now authorized under the McKinney Act into one homeless assistance block grant.

We would combine the emergency shelter grants, supportive housing, and supplemental assistance. Other programs would not be affected by our block grant.

All activities now permitted by these three programs would be eligible activities under our block grant.

The authorization levels would not be affected by our amendment. We would provide the same authorization total as the committee bill.

Our amendment increases flexibility for localities. The amendment is supported by the National League of Cities and the National Association of Counties, as well as several Governors. At our subcommittee's January hearing, which I mentioned earlier, we had a panel of eight nonprofit service providers from around the country. They were asked what they thought of the block grant approach, and not one opposed the idea. Each response was a favorable one.

I will speak further on this later when the amendment is offered, but I urge my colleagues to consider it seriously. It is a reasonable proposal and one which allow localities to their homeless populations more effectively.

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

Mr. GONZALEZ. Mr. Chairman, the distinguished gentlewoman from New Jersey [Mrs. ROUKEMA] has just expressed the reason why this is a bipartisan effort. She has been indefatigable in attending the hearings, which have been lengthy and sometimes dreary, and has also contributed mightily to the product we have here today, plus the authorization bill.

Mr. Chairman, I yield 3 minutes to my distinguished colleague, the gentlewoman from Ohio [Ms. OAKAR], a member of the subcommittee.

Ms. OAKAR. Mr. Chairman, I thank the subcommittee chairman for yielding this time to me.

Mr. Chairman, I want to compliment the subcommittee chairman and all members of the committee who supported the legislation, including the minority leadership, and worked to make this a bipartisan bill.

We ought to keep the bill as it is. It is a good bill, one that we all agreed on, and it is important.

I would just like to point out that there are some things about this bill that are unique. This is not just a bill that puts a roof over an individual's head in an emergency crisis situation. We know, for example, that about a third of the homeless are military or are veterans. We know that there are families who are homeless, and we also know that one of the real crises in areas like my own hometown of Cleveland has to do with the mentally deinstitutionalized people, people who are deinstitutionalized from our mental institutions and who could get along if they had a home, if they had some job training and counseling, and if they had their medication.

So it is not just shelter alone that we really need to focus on. One of the things this bill does relates to the transitional housing area, an area that my staff and I worked on for an awfully long time. I was delighted that the chairman accepted it, and that the Senate side accepted those provisions so that we would have to deal with that problem comprehensively. If we give people who are deinstitutionalized a chance, if we give them their medication, their counseling, and their training, they can be functionally creative individuals and live a life of dignity. But if we let them out of institutions, as the States are doing in a wholesale manner, without any kind of services, it is a real problem.

I know we are going to debate the block grant issue. I feel very, very strongly about it at this point, because this is a relatively new bill. We have not had a homeless bill before this session of Congress in a comprehensive manner. It should not be a new bill, but it is.

When we leave it up to the States, which have not provided the leadership that they should have been providing in terms of dealing with the deinstitutionalized, as an example, and with families, as an example, I really worry about it. This will be a problem until we get this problem off the ground and can demonstrate what can be done. And that is what this provision is, demonstration projects across the country in this area, particularly as they affect the deinstitutionalized.

So, Mr. Chairman, this is not a rural or an urban problem. It is a people problem, and we ought to view it in that manner.

Mrs. ROUKEMA. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska [Mr. BEREUTER], a member of the committee.

□ 1515

Mr. BEREUTER. Mr. Chairman, I would begin by expressing my appreciation to members of the committee for their assistance in including in the bill a specific amendment to require the Secretary of Agriculture to carry out the Rural Housing Guaranteed Loan Demonstration Program, as provided in the 1987 Housing Act, with unused funds available under the section 502 rural low-income housing loan program for fiscal year 1988 and three or more succeeding years. I would particularly address comments of commendation to the subcommittee chairman, the gentleman from Texas [Mr. GONZALEZ], for his assistance in the acceptance of this amendment. Praise is also due to the supportive and helpful attitude displayed by the ranking minority member of the subcommittee, the gentlewoman from New Jersey [Mrs. ROUKEMA]. This Member also appreciated the cooperation of the committee chairman, the gentleman from Rhode Island [Mr. ST GERMAIN], and the ranking minority member, the gentleman from Ohio [Mr. WYLIE].

The need for this amendment is the result of a Farmers Home Administration legal opinion concerning the appropriations language that was originally used in the 1987 Housing Act. I have been assured in writing by the Administrator of the FmHA, Mr. Vance Clark, that the new language of the amendment this gentleman offered will resolve the questions that the legal opinion raised and will result in the authorization of funding for the Rural Loan Demonstration Program that Congress intended by its legislative actions in 1987.

Mrs. ROUKEMA. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I rise to discuss an amendment that I will be offering to title X, which is the technical amendment section of this bill providing technical amendments to existing housing programs. This particular amendment will effect and improve the operation of FHA. This amendment will allow homeowners who have an FHA loan who have defaulted on their loan and are unable to pay it, upon their conclusion that it is in their own best interest they will then be allowed to sell their home in lieu of facing a foreclosure.

Now present law in a depressed area, if a homeowner's mortgage is more than the market value of that home, then that homeowner ends up with no choice but to face the agony of a foreclosure proceeding and the difficulty that that causes him in terms of credit rating. My amendment would simply allow the homeowner to sell their property in lieu of a foreclosure and then charge the deficiency payment to HUD, as the FHA insurance would do with a foreclosure. It preserves a borrower's credit rating by permitting the sale of a home in lieu of foreclosure. It does provide that the sale has to be at a fair market price.

Mr. Chairman, it also requires that HUD and the lender approve the sale. It allows then the lender to obtain at least a partial payment from HUD for property once it is foreclosed. The amendment then saves money for the taxpayers.

Mr. Chairman, it is estimated that at least $5,000 per home could be saved for every unit that does not end up in HUD's inventory. It provides the Federal Government the opportunity to whittle down the $1.2 billion that we are spending in fiscal year 1987 to sell foreclosed property by having less foreclosed property on the market. It reduces agency staff time required to maintain and process the sale of HUD acquired property. It is estimated that a foreclosure from start to finish to resale requires about 16.7 months, and that in turn jeopardizes neighborhoods.

The amendment then would protect neighborhoods by ensuring a faster rate of occupancy on foreclosed property.

Mr. Chairman, it has bipartisan support, and it has the support of both the National Association of Homebuilders and the Mortgage Bankers Association. It was recommended originally in an April of 1988 General Accounting Office report.

On the overall bill I would comment to my colleagues that the bill has some good features in the overall homeless bill, but it has two main objectionable features. First, most of the money is spent in shelters which tend to keep people homeless as opposed to helping bring people back into conditions outside of homeless, and second, it does provide for a rather large, extraordinary increase in funding, increasing funding levels from $187 million in the Committee on Banking, Finance and Urban Affairs jurisdiction in fiscal year 1988 at the appropriated levels, up to $426 million in fiscal year 1989, and the authorized levels in this bill are roughly a 2½ times increase in 1 year.

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

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

First, let me compliment the chairman of our subcommittee, the gentleman from Texas [Mr. GONZALEZ] and the ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA], both of whom have worked together to craft a good bill and a bipartisan bill.

Mr. Chairman, we have seen on our television screens this past winter the images of homeless people sleeping on subway grates and sidewalks, and that strikes heart pangs in all of us. Well, today's bill is an example of doing something about that anguish that we feel.

It is summer. It is warmer. The issue of the homeless is not really on our minds, but we all know very well that come next fall, come next winter, come the colder weather, we will be seeing those terrible images again, and, if we do not do anything now in this season, we are going to have nothing later.

Mr. Chairman, I think it is a much-needed bill. It certainly does not solve the homeless problem, but it does show we care. The mark of compassion in our society is that we are willing to spend some money, and yes, an increase.

I am proud of that increase, I would say to my colleague, the gentleman from Texas. It shows that we are taking positive steps.

The bill, I think, has a number of different points that are important. First, its main effort it not to end the homeless problem, although we would like to do that, but to say to a significant number of homeless people, "We're going to help you get back on your feet, not only with a roof over your head, but with certain kinds of services. So, once we place that roof over your head, you won't be forced back into a shelter".

So, Mr. Chairman, there is nutrition aid in this bill, there is job training aid in this bill, and education and drug rehabilitation aid. And those of us on the Housing Subcommittee are ever mindful of the fact that housing is part, a real part, a significant part, not the only part of the problem.

The second thing I would say is that ultimately our real problem is that we do not have enough housing, and if we continue to cut back and cut back and cut back on housing, as we have over the last 7 years, we are going to have a homeless problem, and we are going to need more bills like this.

Mr. Chairman, in 1978 housing and community development was 7 percent of the Federal budget. Now it is 1 percent: 7 percent in 1978 and 1 percent now. If we had frozen our level of housing assistance at the beginning of this administration, we would have 560,000 more units of housing. That is 560,000 fewer homeless families, well over a million fewer homeless people.

Mr. Chairman, these are the kinds of things we must be mindful of. In a sense this is a Band-Aid. This bill is a Band-Aid approach. It is certainly a lot better to have the Band-Aid than the open wound, but it is better to cure the wound all together, and we have to begin marching together to think of new and cost efficient housing programs to deal with the homeless problem.

But I say, Mr. Chairman, Stew McKinney would be proud of us today. He stood for the kind of compassion, the kind of caring and the kind of thoughtful and comprehensive legislation that we are about to enact today, and I am proud to be here and be a small part of that effort.

Mr. GONZALEZ. Mr. Chairman, pursuant to an agreement reached earlier with the chairman of the Committee on Education and Labor, the gentleman from California [Mr. HAWKINS], who has yielded to our committee his portion of the time, half an hour, I ask unanimous consent that that time be allocated to this committee, this subcommittee.

The CHAIRMAN. Is the gentleman from Texas asking that 15 minutes be allocated to each side?

Mr. GONZALEZ. Yes, Mr. Chairman, an additional 15 minutes and an additional 15 minutes to the minority.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Mr. Chairman, I thank the gentlewoman from New Jersey [Mrs. ROUKEMA] for yielding this time to me.

First of all, Mr. Chairman, I am very pleased and proud to rise in support of this much-needed legislation. It is something that Members of both sides of the aisle have worked on during the past couple of years. The support has been bipartisan. It has been broad. Hopefully, as a body, when we conclude the debate on the different amendments, we will continue to support the assistance for these unfortunate people who are without shelters and without supportive services.

I had my staff take a look through their computer as to how many newspaper articles appeared yesterday around the country in communities dealing with the problem, the people problem of homelessness. I think they reported to me that there were 35 or 40 different articles yesterday not precipitated by the debate or the expectancy of the debate today, but simply because it is recognized in those different communities as being an incredible hardship on men and women, most of whom, through absolutely no fault of their own, endure homelessness—a condition that is absolutely intolerable.

Mr. Chairman, it is clearly a pleasure for me to work with our chairman and the vice chairman to try to eradicate, as best we can, and to mollify, as best we can, the misery and suffering that these people are subjected to.

Having said that, I must also say that during the course of this debate our colleagues are going to be given an opportunity to decide, to select, to choose, between two different approaches to channel some of these limited resources to the people who are most in need.

The gentlewoman from New Jersey [Mrs. ROUKEMA] and I are going to offer an amendment that would take approximately 40 percent of the dollars involved in the housing portion of the Homeless Assistance Act and to take that 40 percent and channel it to the States and to the local communities through a block grant approach rather than a categorical block grant approach. We believe strongly that States and local communities are in a better position certainly to identify their unique needs and certainly in a position to address those needs with the funding we have set aside for them. We also believe that people at the local and State levels are in a much better position to evaluate the kind of support their homeless population needs. I know the gentleman from New York feels strongly that we have to build more shelters. Perhaps in his particular jurisdiction that is the case, but I know throughout much of northwestern Pennsylvania, and indeed around the State, the need for permanent structures is not as great in most of the communities as the need for a broader range of support services, those of which would be available under the block grant approach.

So, Mr. Chairman, I encourage my colleagues listening to the debate to pay attention. They are going to be given a choice. I urge them to support the block grant approach. In my opinion it will result in the more effective utilization of the limited resources we have to truly help these people.

Mr. GONZALEZ. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. MFUME], a member of the committee.

Mr. MFUME. Mr. Chairman, I rise today in strong support of the Omnibus Stewart B. McKinney Reauthorization Act of 1988. This bill would reauthorize the homeless assistance programs established by the McKinney Act of 1987 including emergency shelter grants and supportive housing programs, outpatient health care and mental health services, and community services and education programs. Under this act, a total of $642.5 million would be authorized for next years' funding level.

In 1949, we were victors of a recent war; our economy was expanding; and Harry S. Truman was President of the United States. But even more significantly at that time, the 81st Congress set a national goal of providing "a decent home and a suitable living environment for every American Family" in the Housing Act of 1949. Though our policies have changed over the years, our goal must remain the same.

Since 1961, almost 2 million privately owned, federally subsidized units for low-income households have been constructed. Our standard of living has improved tenfold since the harsh times of the Great Depression. Yes, we should feel proud of our progress, but our work is not finished.

We have all heard the maxim "wherever there is prosperity, one shall find scarcity." This paradoxical phrase adequately describes housing in America today. The number of poor people seeking housing has increased and remains high despite many successes. It is estimated that more than 500,000 federally subsidized housing units occupied by low-income Americans will be lost by the year 2002 if nothing is done. The number of homeless people has dramatically increased in the last decade, thus leaving millions to live in the streets, bus stations, and abandoned cars. The Nation's rate of home ownership declined from 65.6 percent in 1981 to 63.8 percent just 2 years ago. This percentage change represents about 2 million families who would have been expected to purchase a home. If these trends are allowed to continue, they shall likely worsen the state our Nation's housing in the 1990's.

Mr. Chairman, a year ago the Stewart B. McKinney Homeless Assistance Act was passed by Congress and signed into law by the President. I am pleased to have played a role in making this landmark housing legislation into law and today I continue to support its reauthorization. Since its enactment, the Stewart B. McKinney Act has had overwhelming cooperation by State and local governments in every region of this country.

History has taught us that housing problems are varied and complex. To be effective, housing assistance has to reflect the particular needs of our communities. But the central question is how can we provide adequate, affordable housing which realizes our goal of providing a decent place to live for everyone? The answer is not simple, but we can begin by reauthorizing this most worthy piece of legislation. We already have the resources needed to reverse the declension in the state of our neighborhoods and communities. Now is the time that we must use them.

As we approach the 1990's, it is time that we move our housing policies into action and make adjustments which will reflect our ever-changing society's needs. We in the 100th Congress must reaffirm the commitment established by this body 39 years ago. The opportunity to move forward with the goals set forth by our predecessors cannot wait. I urge my colleagues to vote in support of this bill.

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

Mr. Chairman, I wish to address myself to some of the comments of the gentleman from Arkansas whom I believe has drawn a mistaken conclusion from the change in the formula that has been proposed under the Ridge-Roukema amendment, and we will debate this in greater length later, but I would like to make the point now that he indicated that the block grant discriminates against rural areas like Arkansas. It is the current system, I submit, which discriminates against rural areas because the rural areas do not often have sophisticated grantsmen to write grant applications as required under the conditions of this bill.

□ 1530

We need only to look at the experience in Arkansas this past year to illustrate the point, and here I am using figures from a HUD analysis. In 1987, Arkansas actually received $463,000 under the State portion of the McKinney Act. Had our block grant, the Ridge-Roukema block grant, been in effect at that time, the State's share for Arkansas would have been $827,000. That is a lot more.

If we look at the entitlement communities within Arkansas, we find that there are two, Little Rock and Pocohontas. Those two entitlement communities actually received last year a total of $48,000. Had there been a block grant proposal in effect, they would have received over twice the amount of the current system, estimated to be $108,000.

I am sure that this will come up again during the debate on the amendment, but I thought this should be in the RECORD on the debate.

Mr. FRANK. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. No, I will not yield at this time. I yield back the balance of my time.

Mr. GONZALEZ. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding me this time.

I am sorry the gentlewoman from New Jersey would not yield. What I wanted to ask her was where I could get some of this wonderful arithmetic, where everybody gets more and nobody gets less.

We asked her what this was. Would the rural communities get more and the nonrural communities get more and the entitlement communities get more and the nonentitlement communities get more?

Obviously if we have a fixed dollar amount and some people are getting a lot more, somebody is going to get a lot less, and nothing could be less credible than to stand, as the gentlewoman did, and tell us this one is going to get more and that one is going to get more and no one is going to get less.

Mr. GONZALEZ. Mr. Chairman, if the gentleman would remain on his feet, I would like to have a little colloquy with the gentleman on that in

that respect, even though I think when we go into the amendatory process, we will do that; however, I do think that we ought to make it clear what our bill does, what the supposed amendment will attempt to do.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. GONZALEZ. Mr. Chairman, I yield 1 additional minute to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, if this bill here under consideration is approved by the House and the Senate and signed into law at the authorization level and if it is funded, which past bills have not been, we have been receiving actual appropriations of about 35 percent of the authorized levels, so that if this happens, though, and we get full funding for this authorization level, then our bill will give the same communities the same amount as the block grant approach will.

Mr. FRANK. Mr. Chairman, I thank the gentleman.

I caution my colleagues—and I am sorry the gentlewoman will not yield to me—not to be fooled by the magic pot out of which more always comes and never less. That simply cannot be the case.

Mr. GONZALEZ. Mr. Chairman, I yield 2 minutes to the distinguished woman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise today in support of the McKinney Homeless Assistance Reauthorization Act. As a member of the Housing Subcommittee, I would like to commend Chairman ST GERMAIN and Chairman GONZALEZ for their leadership on addressing this national crisis in a timely manner.

Recent congressional action on homelessness originated with passage of the Stewart McKinney Act of 1987. The McKinney Act broke ground in providing Federal Assistance to the growing numbers of homeless people in America. Unfortunately, the numbers of homeless keep rising, and so do their needs. The original McKinney Act is only a beginning. Today, we have an opportunity to continue the progress first envisioned by Congressman Stewart McKinney.

More people are homeless today in America than at any time since the Great Depression. Overall, the homeless population grew by 25 percent in 1987 alone. Families with children are now the fastest growing group among the homeless. In the richest Nation on earth, growing numbers of men, women, and children are living on the streets and eating out of garbage cans.

In the spring of 1987, after years of inaction, Congress passed comprehensive legislation to aid the Nation's homeless poor. The Stewart B. McKinney Act, which passed with overwhelming bipartisan majorities in both Houses of Congress, provided badly needed emergency relief. Hundreds of groups around the country are now using these programs to provide lifesaving resources to America's homeless.

The legislation we are considering today reauthorizes the Homeless Assistance Programs established by the McKinney Act, including emergency shelter grants and supportive housing programs, outpatient health care and mental health services, and community services and education programs. The bill authorizes a total of $642.5 million in fiscal year 1989 and additional funds, as necessary, for fiscal year 1990.

The Housing Assistance, Emergency Food and Shelter, Community Services, Education, and Veterans Programs are extended through fiscal year 1990, while the health care programs are extended through fiscal year 1991.

On the subject of health and the homeless, recent news reports have revealed that some bay area contractors have hired hundreds of untrained homeless people to assist in asbestos removal without protection from the health hazards posed by this work. This alarming news prompted me to enlist the support of my colleagues from Oakland and San Francisco, where these practices were reported, to write to the Environmental Protection Agency, the Occupational Safety and Health Administration, and CAL-OSHA.

This is an intolerable situation I want to bring to the attention of my colleagues. I hope we will be successful in eliminating any such activity that takes advantage of the plight of the homeless, particulary in such a life-threatening way.

I would like to submit a copy of our letter to Mr. Frank Strasheim, regional director of FED-OSHA in San Francisco, for the CONGRESSIONAL RECORD.

Passage of this legislation is critical, for without the reauthorization of essential programs for the homeless, many men women, and children now receiving emergency aid will be threatened. I urge my colleagues to support this legislation.

I also urge my colleagues to oppose the Ridge-Roukema amendment, which would combine three housing assistance grant programs into one block grant, effective in fiscal year 1990. This would reduce the funding provided directly to local governments, funding which has been quickly and efficiently put to work by those governments.

Experience in other programs, notably the antidrug enforcement grants has shown that State administration of funds intended for local governments has been extremely slow. Indeed, some cities have yet to see a penny of funds appropriated nearly 2 years ago for antidrug programs. I see no justification for changing the McKinney Act system of grants, established just a year ago, when it is working. The Ridge-Roukema amendment is opposed by the National Coalition for the Homeless, the U.S. Conference of Mayors, The National Mental Health Association, and the Mental Health Law Project.

I am pleased that the House is today taking up this important legislation, which is another step in addressing the problem of homelessness in the United States. While this bill will not, on its own, solve the housing crisis facing our Nation, it will help alleviate some of the suffering experienced by the homeless.

HOUSE OF REPRESENTATIVES,
Washington, DC, Aug. 1, 1988.

Mr. FRANK STRASHEIM,
Regional Administrator, Occupational Safety and Health Administration, San Francisco, CA.

DEAR MR. STRASHEIM: We are writing to express our concerns over recent news reports that safety standards for the removal of asbestos from privately owned buildings are not being adhered to in the San Francisco Bay Area.

These reports suggest that, at certain sites, some Bay Area contractors have hired hundreds of untrained homeless people to assist as "scrapers" in the removal of asbestos from banks, churches, offices and hotels. Some of these "scrapers" have been interviewed and report that they were sent to asbestos contaminated areas without being given body suits; a number were given no safety training or medical examinations; and site foremen did not complain when workers removed their respirator masks during breaks in contaminated areas. If, in fact, these news accounts are true, we ask your office to take appropriate action to review this situation and coordinate your activities with other related agencies in protecting the health of these "scrapers". We are pleased that these contractors have made a practice of hiring the homeless, but believe that all workers must be protected from the health hazards posed by asbestos removal.

The Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration have developed strict guidelines for asbestos removal in public buildings, including schools. We believe that the strongest guidelines should be followed in all asbestos removal projects to insure worker safety.

These removal procedures expose workers to highly hazardous materials where safety procedures are of critical importance. We ask that you work with us to help eliminate irresponsible and potentially unsafe practices that could prove harmful to many workers. It is our hope that in working together to establish stricter guidelines, we can ensure the safety of all workers involved in asbestos removal projects.

Thank you for your time and consideration.

Sincerely,

NANCY PELOSI,
RON DELLUMS,
BARBARA BOXER,

FORTNEY H. (PETE) STARK,
Members of Congress.

Mrs. ROUKEMA. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], a member of the Committee on Education and Labor.

Mr. GUNDERSON. Mr. Chairman, I come to you as the ranking Republican on the Education and Labor Committee's Employment Opportunities Subcommittee. I come to you during general debate on this legislation to call to your attention action by the other body regarding their homeless legislation which could severely affect the ability of our House and this Congress to successfully and expeditiously complete action on homeless legislation yet this year.

It should be noted that the Senate, during committee consideration of its homeless legislation, added an amendment to the bill known as the JEDI proposal or the Jobs for Employable Dependent Individuals Act, which has nothing to do with the homeless and which could potentially harm programs under the Job Training Partnership Act in its current form.

I would like to clarify that the concept and goals behind the JEDI legislation are worthy. Unfortunately, the legislation in the form contained in the Senate bill presents some very dramatic challenges in terms of its implementation by State and local governments. Those of us on the Education and Labor Committee on a bipartisan basis have been struggling with the goals of this legislation to try to find a way in which we can make it workable without negatively affecting programs within the Job Training Partnership Act.

If we go to conference with the Senate with no Comparable JEDI provision here in the House, and we do not intend to add such a provision because it is nongermane to your homeless legislation, but the Senate continues with this language, we run two risks. Risk No. 1 is that of slowing up the homeless legislation altogether. The second risk is to inundate your committee with members of the Education and Labor Committee trying to negotiate with the Senate on a bill which they have incorporated and obviously we have no similar provision.

This becomes particularly important because as those of us on the House Subcommittee on Employment Opportunities proceeded in our consideration of this legislation, we made a number of changes to the JEDI bill that have not been included in the provisions added by the Senate. One of the most important amendments to the bill added in the subcommittee guarantees that none of the funds for JEDI will be expended until we maintain full funding for our traditional Job Training Partnership Job Training Act programs. This provision was overwhelmingly adopted in a bipartisan manner.

Due to these concerns, and because I truly feel that consideration of the JEDI legislation is important enough that it warrants independent consideration—which is continuing in our Education and Labor Committee with a hearing scheduled for September, I do not believe that it is appropriate to consider JEDI as a part of the homeless bill.

I simply want to call to the attention of all our colleagues that if we are indeed intent, as I think we are on a bipartisan basis, of moving forward on the homeless legislation, the Senate has provided us a new hurdle that we are going to have to deal with in the next few weeks.

Mr. GONZALEZ. Madam Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK] for the purposes of engaging in a dialog with our distinguished colleague, the gentleman from Minnesota [Mr. SABO].

Mr. FRANK. Madam Chairman, I appreciate the gentleman from Minnesota being willing to have a discussion with me on this. I know the gentleman is concerned about a project in his own district and I think he is trying in a very constructive way, as he usually does, to resolve it.

There is a piece of language in this bill which would affect the multifamily disposition section that we have. I think the result that is being brought about is a good one, but I appreciate my friend joining me in this so that we can make it clear that this should not be used as any precedent by anyone who would not be trying to protect homeless people.

I would just ask my friend to affirm that or correct it in a particular case here. We are not talking about any current resident being displaced.

Mr. SABO. Madam Chairman, if the gentleman will yield, that is accurate.

Mr. FRANK. In addition, my understanding is that some of the tenants, and there is a mix of people, we had special circumstances of some apartments being cooperative, but these are not circumstances likely to be replicated, as I know it in other buildings; but in addition, my understanding is that with the able assistance of the gentleman the city of Minneapolis is seeking to get from the Federal Housing and Urban Development Department some section 8 certificates that they could use in a project-based assistance mode, so that not only would we not have anyone displaced, we would not lose the total number of low-income communities that are available. Am I correct in that?

Mr. SABO. Madam Chairman, if the gentleman would yield, the gentleman is accurate. Pending approval of this in a negotiated sale which occurred to make sure that subsidized units would remain available in the project, my understanding is that HUD has agreed to 250 additional units to be used elsewhere in the city.

Mr. FRANK. I thank the gentleman. I just want to make it clear, because I think the multifamily disposition aspects are very important, that while we are prepared to be flexible here in the legislation, as we are in this case, we have a city administration and a Member of Congress who care very deeply about these concerns. I am reassured that everything is being done to first of all absolutely preserve the existing tenancies, and second, to try to procure some new units.

The chairman of the subcommittee, the gentleman from Texas, has been battling for this for a long time to make sure that low income people are not sacrificed when we do these kind of workouts. I am pleased that we are doing that here in this case.

Mr. SABO. Madam Chairman, will the gentleman yield?

Mr. FRANK. I am pleased to yield to the gentleman from Minnesota.

Mr. SABO. Madam Chairman, let me express my appreciation to the gentleman from Massachusetts and the chairman of the subcommittee, the gentleman from Texas and my colleague, the gentleman from Minnesota [Mr. VENTO] for their help in making sure the language is in the bill to make sure that this negotiated sale can proceed and at the same time express my appreciation to the committee for a good bill which I intend to support.

Mr. FRANK. Madam Chairman, I thank the gentleman.

Of course, it goes without saying, but we will say it anyway, but as we often do with things that go without saying here, that it is the staffs that work together of all these entities and are responsible.

We are I think showing flexibility while protecting the legitimate interests of the low income people. I appreciate that.

If this is cited as a precedent, it ought to be a precedent in which no one is displaced and an additional number of units are secured.

Mrs. ROUKEMA. Madam Chairman, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Madam Chairperson, I rise in support of the Stewart B. McKinney Homeless Assistance Act of 1988 and to compliment the Members of both sides of the aisle for moving forward on this bill.

Clearly, we have an authorization for which Stewart McKinnney would be justifiably proud. The act stands as an example of what we can do as a Nation when we work together. But we need a larger allocation of funds to realize the full benefit of this bill. Otherwise, we will not be able to fulfill

the work and ideals of the man whose name this act bears.

Stewart McKinney, my predecessor, was someone who cared about and worked for the good of the Fourth Congressional District of Connecticut, but he also cared deeply about the needs of our Nation. The homeless were one of his highest priorities. He was a Congressman who helped focus attention on their needs.

Stewart was outraged when he visited shelters and saw that so many people—men who had fought for their country and mentally ill individuals and young children—had no place to live. Indeed, the statistics are heartbreaking. Thirty percent of the homeless are military veterans, 25 percent are deinstitutionalized mentally ill patients who have not been provided proper halfway care and 30 percent are parents with young children. Clearly, the people behind the statistics motivated Stewart to address their plight.

Homelessness is one of a number of serious problems that will not be solved by partisan politics but by both sides working together for the common good. That's exactly how Stewart conducted himself. He worked with both sides of the aisle for the good of individuals who need and deserve our help. I salute my colleagues in carrying on the work of Stewart McKinney.

Mrs. ROUKEMA. Madam Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Madam Chairman, it is indeed a fitting tribute to our late colleague, Stewart McKinney, that we enact legislation today which will attempt to deal with the problem of homelessness in America.

H.R. 4353, the Omnibus McKinney Homeless Assistance Act of 1988, is on balance a piece of legislation that is deserving of our support.

In addition to providing funds for emergency food and shelter programs, the McKinney Act will also provide educational opportunities to homeless children, training opportunities for homeless adults, and health care for both parents and children who lack permanent shelter.

Although I wish the legislation provided a higher degree of flexibility to State and local governments, I am nonetheless pleased that the committee has included several demonstration projects to test new solutions in the areas of mental health, alcohol, and drug abuse.

This legislation is the product of much hard work by a number of committees.

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I would like to commend all of those who have been part of this progress, and I urge adoption of this legislation.

Mrs. ROUKEMA. Madam Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. RIDGE].

Mr. RIDGE. Madam Chairman, I thank the gentlewoman for yielding.

Madam Chairman, I just wanted to comment on an observation made by my friend and colleague, the gentleman from Massachusetts [Mr. FRANK], who was talking about some magical cup that continues to runneth over. Clearly we are not saying to all communities that there is more money and that this bill will provide more money for them to assist their homeless. Clearly in this bill there are winners and losers.

As I take a look at some of the projections from HUD, one of the potential losers may be Boston, MA. Obviously the city had very good grantsmen. Perhaps they get help and direction from the Governor. In any event, under the block grant approach, they would get less.

Mr. FRANK. Madam Chairman, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman from Massachusetts.

Mr. FRANK. Madam Chairman, I would just like to say that Boston is not in my district. It is not one of the things that I am being concerned about, so the gentleman's effort at subtlety does not seem to me to have been too especially successful in this instance.

Mr. RIDGE. Reclaiming my time, I was not trying to be subtle, just trying to respond.

Mr. FRANK. Maybe the gentleman was successful.

Mr. RIDGE. Madam Chairman, the gentleman suggested that all communities were going to win, that all communities were going to get more money. I just want my colleagues who are listening to the debate, and who will have an opportunity to choose, to understand that there are, indeed, winners and losers.

We have targeted through the CDBG formula obviously most metropolitan areas, and most metropolitan areas with the large homeless population should do better. I just want my colleagues, our colleagues, the Members, to understand that it is not offered under the pretense that all communities will be better served. There are winners and losers.

Mr. FRANK. Madam Chairman, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman.

Mr. FRANK. Madam Chairman, I thank the gentleman for yielding.

There has been some suggestion that the rural communities are going to do better under this amendment, and the gentleman now said that the large metropolitan areas will do better. I would hope that the gentleman from Pennsylvania and the gentlewoman from New Jersey would give us a list of not just the winners that they keep mentioning but the losers. The gentleman from Pennsylvania said that the metropolitan communities will do better, and the rural communities would do worse. I think they ought to tell them which ones they are.

Mrs. ROUKEMA. Madam Chairman, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentlewoman.

Mrs. ROUKEMA. Madam Chairman, the point to my statement was that the gentleman from Arkansas drew the wrong conclusion in terms of his State of Arkansas, and the fact that he asserted this amendment is fundamentally biased against rural areas. It is not.

An analysis of the way the formula works will demonstrate that in fact because of the grantsmanship aspect of this, the rural areas will probably make out far better than they would otherwise.

Mr. FRANK. Madam Chairman, will the gentleman yield?

Mr. RIDGE. I am happy to yield to the gentleman.

Mr. FRANK. Madam Chairman, the gentlewoman is offering half of the amendment, and she is saying that the rural areas will do better. The gentleman is offering the other half of the amendment, and he is saying that the metropolitan areas are going to do better.

Madam Chairman, can we not have a playoff and let us debate the winner?

Mr. RIDGE. I understand the gentleman from Massachusetts is not trying to be subtle. He is just trying to confuse the issue.

I would just respond to my colleague, the gentleman from Massachusetts, who knows full well that some communities benefit through this program more than others, and some will get less money. This debate is beyond this approval. It involves a choice among programs, block grant or categorical. It involves the most effective way to use limited resources to help communities who have been working long and hard to deal with the homeless problem before the Federal Government ever offered any support.

I just wanted to clarify that point.

Mr. GONZALEZ. Madam Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Madam Chairman, I thank the gentleman for yielding.

The recent statement of the gentleman from Pennsylvania is one where we might disagree some, but it is a statement that is accurate, that it is a better way to do it. My problem is that I am not trying to confuse the issue. We just heard from, a few minutes ago, the two cosponsors, one saying that the metropolitan areas will do

better, and one saying that the rural areas will do better. I do not think that is a reasonable way to argue it either way, and I think what the gentleman just did is the way we ought to be arguing it. It is not one community versus the other. It is what is the better approach. I would say in my defense, since no one seems likely to lead to it, that I was not the one who raised this issue about rural versus urban, and the two cosponsors did have contradictory views on that.

Let us get off of that and into the real issue.

Mrs. ROUKEMA. Madam Chairman, I yield back the balance of my time.

Mr. GONZALEZ. Madam Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Madam Chairman, I rise in support of the bill.

This piece of legislation is one that members of the committee and of the subcommittee have worked hard on. I believe that it is good legislation, and also I think that people around my district and around the country are constantly asking the question of why has this issue of homelessness arisen in America. It does not seem that we have to look too much further than the Nation's budget to come to grips with the answer to that question.

The fact is that over the course of the last several years we have seen a reduction in the budget of the number of subsidized housing units in this country, with a drop from $30 billion a year down to less than $8 billion. In 1979 this country spent enough money to build over 300,000 units of affordable housing, and last year we built some 11,000 units of affordable housing, and if we just do the simple mathematics, we will find out very quickly that we have lost some 2½ million units of affordable housing, and that is roughly the number of homeless people in America. If we want to do something about homelessness, then the fact is that we need to support such efforts as the McKinney bill.

We also cannot suggest to the general public that this is the answer to homelessness. Until we deal with the whole issue of whether or not we are going to build more units, we will not solve the problem of homelessness. What we can do is we can provide some decent, quick measures which will end up alleviating some of the terrible burdens that the homeless people today are facing.

The dollars that we are telling the American people are being spent in today's bill are much less than the actual appropriated dollars that are sticking to today's bill. We need to have a commitment as we had in 1949, a commitment by the Federal Government to build more housing, and until we get that, we are not going to eliminate homelessness.

We should support today's bill. We should support the efforts of Mr. McKinney. We should support this bill which has been worked hard on by this committee and by this Congress.

I support the legislation, and I hope that the Congress does as well.

Mr. DELAY. Madam Chairman, it looks like Congress is going to play the numbers game again today. The plight of the homeless is not comforting to anyone. But, I believe that the bill before us today addresses a complete unknown—a guess if you will—of the number of homeless in the United States and the number of homeless this bill will aid.

We are about to reauthorize a huge amount of Federal tax dollars in order to target a problem that has to date, not been targeted. We are enduring a needless panic and will throw millions of dollars at this issue to make it just go away. And yet, we all know it will not go away. Sadly enough, this is an extremely diverse problem—one that is very difficult to deal with at the Federal level.

Frankly, this bill addresses short-term needs which will always be present rather than long-term solutions to the problem. It seems that many Members believe that the woes of the homeless can be solved with cash and rhetoric. The trouble is, all this cash and talk are likely not only irrelevant and wasteful, but also detrimental to the welfare of the homeless themselves.

Why? Because the Federal Government is incapable of targeting specific needs of the homeless. Because of this fact, this bill will merely perpetuate the problem at hand. The best way the homeless can be assisted is through the State and local channels that have been in place for years. For example: In fiscal years 1986, there were at least 20 programs throughout government, and $170 to $200 million targeted for the homeless—and that's not including regular welfare benefits.

It is important that we realize that by nature, the homeless problem should be addressed at the State and local level. To think that here in this body we can condense the problem down to a few specific categories is ludicrous. We are merely wasting taxpayers dollars.

Americans have been lulled by the media into believing that there are countless millions of homeless roaming the streets at any given moment. Countless yes, millions no. Best estimates from many sources show that there are only 250,000 to 300,000 homeless in this country today.

The bill provides $426.8 million for housing assistance for this number of homeless people. Is the best way to approach this problem by building more shelters? Is a national right to shelter approach —one that would forever institutionalize this problem just like in the Soviet Union the answer? Given the vast number of programs that already exist to serve the homeless, and given the at-best sketchy numerical evidence offered by the homeless lobby, why should taxpayers believe there is a homeless crisis?

Mr. FAZIO. Mr. Chairman, I rise in strong support of H.R. 4352, the Omnibus McKinney Homeless Assistance Act.

Despite increased awareness and efforts to provide housing and other support for our nation's homeless, the problem continues to grow, affecting individuals and families across the country. Unfortunately, in the last year alone, the homeless population has grown by 25 percent.

In my own home State of California, it is projected that the homeless population could number as high as 250,000 individuals. This group includes families with children, the newly unemployed, victims of family breakup, the working poor, and those suffering from chronic mental illness and drug and alcohol abuse.

A little over a year ago, Congress overwhelmingly approved the Stewart McKinney Homeless Assistance Act to combat this mounting problem. While this legislation was an important step, it represented only the first step in our fight to eradicate homelessness in the United States.

The legislation we have before us today reauthorizes many of the programs contained in that initial effort. For example, it includes a total of $642.5 million in fiscal year 1989 for the reauthorization of such homeless assistance programs as the Emergency Shelter Grants and supportive housing programs, outpatient health care and mental health services, and community services and education programs.

While approval of H.R. 4352 will not solve this critical problem, it will ease the lives of those who are homeless. I strongly urge my colleagues to support this important and much-needed legislation.

Mr. SAWYER. Mr. Chairman, I rise today in support of the Omnibus McKinney Homeless Assistance Act of 1988 and to commend the chairman and all the members of the Banking Committee for moving this legislation which will help us reach the homeless and provide them with the most elemental of human needs.

I would also like to thank Chairman GONZALEZ for accepting in Committee an amendment I proposed which will assure that eligible homeless women and children are not denied the benefits of the WIC Program.

As my colleagues know, the WIC Program is designed to serve the nutrition and the health needs of low income women and children who are found to be at nutritional risk; and there is probably no group that is more nutritionally at-risk than homeless women and children.

Some States, in large measure for purely bureaucratic reasons, have denied these important benefits to this highly vulnerable population. The intent of this amendment is to clarify that homeless individuals who meet the nutritional risk and income standards are eligible for WIC benefits. Eligible homeless women and children—who have vastly different and critically important nutritional needs—shall receive WIC benefits whether or not they receive meals from soups kitchens, shelters or other emergency food assistance programs.

The amendment also provides the States with the flexibility to tailor the food package or the delivery system to meet their unique needs.

So that Congress can obtain better information on the size and needs of this population, the amendment will also require State agencies to include in their State plan a description

of how they will provide benefits to homeless individuals. The Secretary of Agriculture shall annually submit a brief review of the major highlights of those plans to Congress.

Finally, Mr. Chairman, it is my understanding that the Food and Nutrition Service [FNS] which administers this programs has decided to back this policy.

Again, I greatly appreciate the assistance of the chairman on this amendment and express my admiration for his work on the homeless assistance bill.

Mr. COELHO. Mr. Chairman, in increasing numbers, Americans are rejecting the myth of the homeless as transient individuals who have no desire for a permanent home. Today we are facing the reality of the homeless situation, and that reality is that the homeless are children. They are families. They are the disabled. They are the elderly. They are the chronically ill. They are the emotionally distressed, and they are veterans. In short, they are people not so different from you and me who have fallen upon hard times, and who now need some help to get back on their feet. Last year, we confronted this reality and made a national commitment to end the tragedy of homelessness by passing the Stewart B. McKinney Homeless Assistance Act.

The signing of that Act into law on July 22, 1987, marked the beginning of a truly inspiring use of Government funds by local agencies in their efforts to provide human services. In communities across the country, McKinney Act money has been used efficiently, effectively, and creatively to respond to the needs of the homeless. It is impossible for me to detail here all of the good work that is being done with the help of McKinney Act funds. But perhaps you will get some sense of what I mean when I tell you that in Philadelphia, McKinney Act funds are helping the Pentecostal Bridgegroom, a family shelter, house 95 families. Or that in Providence, RI, the Traveller's Aid Society is using McKinney funds to help fund a transitional housing program for homeless 18 to 22 years old, most of whom are runaways. Or that in Kansas City, McKinney money is being used to provide mental health services to the homeless through nonprofit agencies. Or that in New Orleans, McKinney funds help Covenant House shelter teenage mothers and their children. Or that in New York City, the Catherine Street Shelter is being converted from a facility in which several families share one room into a facility where each family has an individual sleeping area. Or that in Portland, OR, The Raphael House is using McKinney money to serve homeless women and children who are victims of domestic violence. Or that the San Francisco Clinic Consortium is using McKinney funds to establish a health care system for the homeless through a citywide, multiethnic network of federally funded and nonfederally funded community health programs. Or that right here in Washington, DC, McKinney Act funds help the Sasha Bruce Youth Network shelter and counsel homeless adolescents.

These are just a few examples of the many, many programs funded by the McKinney Act which are working to meet the complex needs of the homeless. In San Francisco, in Boston, in Louisville and Minneapolis, in Seattle, Phoenix, San Antonio and Trenton, in cities all over the country, McKinney Act funds are being used to provide shelter, health care, counselling, and other services to the homeless.

Clearly, the McKinney Act was more than just a good idea. It is a program that is working. And it is a program that must continue to work. The homeless problem has not gone away, and it will not go away unless we make a commitment to end it. Let's continue that commitment and allow our communities to keep on with the good work that they are doing. Please join me in voting for passage of the McKinney homeless assistance reauthorization.

Mr. BROWN of California. Mr. Chairman, I rise today in strong support of H.R. 4352, the Stewart B McKinney homeless assistance reauthorization bill.

Since the early 1980's, Congress and the public have become increasingly aware of the large numbers of Americans without permanent homes, often living on the streets or in emergency shelters in the community. Some of this awareness stems from the realization that the homeless problem is becoming worse and is affecting new segments of the population, such as the "working poor" and families with children. The homeless population is diverse, and includes the mentally ill, evicted families, the aged, alcoholics, drug addicts, minorities, veterans, abused spouses, abused young people, and castoff children. Estimates of the homeless population in the United States range from 300,000 to 3 million.

I believe that we have the responsibility not only to help the homeless achieve a decent standard of living, but also to stem these problems before people end up on the streets. Prior to this year, most activity to aid the homeless was undertaken and funded by community organizations and local governments. However last year, Congress passed the Stewart B. McKinney Homeless Assistance Act, a comprehensive bill authorizing new Federal spending for homeless aid, including temporary shelter and housing, health services, emergency services and job training. The act was a tremendous step in the right direction, because it is designed to deal not only with the immediate problems of the homeless—such as emergency food and shelter—but also with its roots and causes—by providing health care and job training.

Hundreds of groups around the country are now using these programs to provide needed resources to help America's homeless. My home State of California has a large homeless population that the local communities cannot adequately handle without Federal funds. I am pleased that California received more than $46.2 million from the McKinney Act funds this fiscal year.

Today, Congress has the opportunity to reauthorize these homeless assistance programs established by the McKinney Act of 1987. H.R. 4352 authorizes a total of $642.5 million in fiscal year 1989. Hunger and homelessness must continue to be a priority in the 100th Congress, and I urge my colleagues to support H.R. 4352.

Mr. PANETTA. Mr. Chairman, I rise in strong support of the McKinney homeless assistance reauthorization. This legislation demonstrates that the commitment we made last year to the homeless of America—that the Congress would get meaningful assistance to this group was not a one-time media event in which we simply passed a bill and moved on to another issue. The legislation before us today shows that the Congress intends to stay the course on this issue until the blight on our society of Americans, including children, sleeping on streets, in cars, and in homeless shelters is banished forever.

Last year, in the initial McKinney bill, we included a nutrition title which contained a number of significant steps to assist the homeless and to help prevent additional Americans from becoming homeless, including the extension of the Temporary Emergency Food Assistance Program [TEFAP], an increase in the limit on the shelter deduction in the Food Stamp Program to lessen the painful dilemma too many poor American parents face between feeding their children or housing them, and a number of other homeless assistance and homeless prevention changes to the Food Stamp Program.

This year, we have developed a bipartisan nutrition initiative, the Emergency Hunger Relief Act of 1988 (H.R. 4060), which is scheduled to be considered in the House next week. I want to discuss the major provisions of the bill, giving particular attention to the homeless assistance provisions included in that legislation. The Emergency Hunger Relief Act will—

First, extend for 1 year the Temporary Emergency Food Assistance Program [TEFAP] which we reauthorized last year in the McKinney Act;

Second, require the U.S. Department of Agriculture to purchase $110 million worth of commodities to distribute to the needy to compensate for the reduced availability in TEFAP of cheese and other commodities in recent months;

Third, restructure TEFAP to give higher priority to food banks and soup kitchens which aid the homeless;

Fourth, make permanent the provision enacted 2 years ago which allows homeless individuals living in shelters to participate in the Food Stamp Program;

Fifth, increase monthly basic food stamp benefits for each recipient above the normal inflation adjustment by an average of 70 cents in fiscal year 1989 and $2.25 in fiscal year 1990;

Sixth, provide additional information to the needy about food stamps and reduce unnecessary paperwork for applicants;

Seventh, reduce barriers to participation in the Food Stamp program for farmers, the elderly, and the disabled;

Eighth, improve the efficiency of the Food Stamp Program by establishing an error rate of 6 percent as an objective for administrative improvement and targeting sanctions for errors on States with the highest rates of incorrect payments, expanding the definition of error to include underpayments as well as overpayments, eliminating sanctions for States whose performance is better than average, rewarding States which reduce erroneous payments below 6 percent, and ensuring that State sanctions are enforced; and

Ninth, provide a contingency clause so that if budget sequestration takes place, the provisions of this bill having a cost impact above the CBO baseline for the fiscal years (1989–91) covered by the concurrent resolution on the budget for fiscal year 1989 (H. Con. Res. 268) will not be implemented.

Before we leave for the August recess, we have the opportunity to provide meaningful assistance to the homeless through the extension of the McKinney Act and meaningful nutrition assistance to all Americans, including the homeless and millions of Americans who are one pay check or less away from being homeless, through the Emergency Hunger Relief Act of 1988.

I urge your support of both urgently needed bills.

Mr. SMITH of Florida. Mr. Chairman, today the House is focusing attention on a national problem, the plight of the homeless.

H.R. 5110, the McKinney Homeless Assistance Act, would provide the financial backbone for homeless programs throughout our Nation. In fact, the passage of this bill would complement the passage of the conference report on H.R. 558, the Urgent Relief for the Homeless Act which authorized $442.7 million in fiscal year 1987 and $616 in fiscal year 1988 for a variety of homeless aid programs. As a supporter of H.R. 558, cosponsor of the McKinney Homeless Assistance Act of 1987, and as a supporter of the enactment of the original McKinney bill, I would like to reiterate my continued dedication to providing assistance to our homeless citizens.

Today we have the opportunity to reauthorize this act and provide the homeless with improved health care and housing benefits. This bill specifically provides a total of $642.5 million in fiscal year 1989 and an unspecified total in fiscal year 1990 for the homeless programs by targeting five specific areas: $297 million for housing programs, $116.2 million for health programs, $74.5 million for community service and education programs, $15 million for veterans programs, and $129 million for emergency food and shelter programs.

I would like to commend the numerous committees that crafted this bill and established a strong piece of legislation to assist our Nation's homeless. I urge my colleagues to support the reauthorization of the McKinney Homeless Assistance Act, and cast a vote for the homeless.

Mr. FIELDS. Mr. Chairman, I rise in opposition to H.R. 4352, the Omnibus McKinney Homeless Assistance Act of 1988. Mr. Chairman, while I most certainly do recognize and agree with the meritorious intentions which give rise to H.R. 4352, I must express my reasons for opposing H.R. 4352.

First, the nature of this issue would show that it is primarily a State and local issue. Local government authorities are better able to determine the specific nature and extent of homelessness in their areas. Further, State government is in a better position to exercise oversight and regulation for the collection of funds for the homeless and the disbursement of these moneys. However, today the Federal Government is being asked to pick up a large portion of the administrative costs of these programs, during a time of a severe Federal deficit. This bill contains an authorization providing for a total of $642.5 million in fiscal year 1989, and yet we still cannot identify the homeless population with any degree of accuracy, nor can we say or define what their needs truly are.

Second, the authorization in this bill, with respect to the health, mental health, and substance abuse services, covers a number of existing federally financed programs which the homeless are currently eligible to take advantage of. The administration's fiscal year 1989 budget request, which provides for a great deal of funding for our Nation's homeless, includes primary health care grants, mental health, alcohol and substance abuse programs and services, and additional funding for Medicaid specifically for the homeless. The administration not only looks at the problems of those individuals which are currently homeless, but also proposes to spend an additional $12 million on mental health services for individuals who are in danger of becoming homeless.

Finally, Mr. Chairman, we are required to establish priorities according to the bipartisan economic summit agreement. As I stated earlier, the problem of our Nation's homeless is indeed important and I am by no means diminishing this importance. However, if these homeless programs are on our high priority list, then there must be the necessary balancing reductions in other Federal programs due to our immense national deficit. We cannot authorize money for the homeless today, and then tomorrow for other health related activities, such as AIDS testing and counseling, without taking into account the complete agenda of federally funded health programs.

Mr. Chairman, again I must express my opposition to H.R. 4352. We should be cautious about bringing yet another charge upon the Federal Government which might best be handled at our State and local levels of government. And I remind my colleagues that H.R. 4352's authorization levels substantially exceed those contained in the Presidents budget request.

Mr. WEISS. Mr. Chairman, I am pleased to support the reauthorization of the McKinney Homeless Assistance Act. The housing, health, and veterans programs funded by this legislation have already assisted thousands of homeless men, women, and children who might not have otherwise been helped. Our Nation's shelters and soup kitchens are overflowing with Americans in severe need. The McKinney Act is the very least we can do to help them.

Unless we act to alleviate the main causes of homelessness—the scarcity of affordable housing and the deinstitutionalization of the mentally ill—the programs authorized by the McKinney Act may someday become institutionalized themselves, because the need for them grows unabated. The homeless population is increasing by as much as 38 percent a year; in some localities, the numbers of homeless families alone have doubled in the last year.

The Subcommittee on Human Resources and Intergovernmental Relations, which I am proud to chair, has conducted investigations of homelessness in America. The subcommittee issued reports and recommendations, some of which are reflected in the McKinney Act. We found the same problems everywhere we went: Homeless families crammed into inadequate welfare hotels; lack of medical and mental health services in shelters; large populations of homeless veterans. The programs of the McKinney Act are addressing these and other problems of the homeless, and they are working.

The measure also contains a provision to prevent the enforcement of regulations proposed by the Department of Health and Human Services that would substantially reduce the amount of Federal matching funds available under the Aid for Families with Dependent Children Program. Under AFDC, emergency assistance and special needs grants are available for States to use to aid homeless families. But the regulations would limit the use and time periods for the funds. These regulations are symbolic of the administration's policy toward the homeless, which is to ignore them.

In my home district in New York City, the regulations would have crippled local programs for homeless families. Many of New York's homeless families are forced to live in welfare hotels, which are partially funded by the Federal Government. These facilities are unsafe and unsanitary, and the city recently adopted a plan to phase out using them within the next 2 years. I strongly oppose any efforts by HHS to cut funds to the city, especially now, at a time city officials are engaged in a massive effort to find adequate housing and shelter for homeless families.

Part of the problem is that the Social Security Act prohibits the use of AFDC funds for the construction of low-income housing, which could prevent the need for costly shelters for homeless families. I believe it would be wiser and less expensive to allow AFDC funds to be used for the construction of low-income housing, and I have joined my colleagues, Representatives SCHUMER and DOWNEY, in introducing legislation to authorize a demonstration program that would allow AFDC matching funds to be used for low-income housing construction and rehabilitation.

The notion of using AFDC funs for low-income housing was even suggested by the President himself. On November 19, 1986, the President was asked at a press conference what he intended to do about the homeless crisis. He said he thought New York's spending of $37,000 a year to house a family in a welfare hotel did not make sense. "Why doesn't someone build a house for that family?" the President asked. We agree. Housing should be built with that money, and without creating any new programs or increasing the budget, we can do just that.

Mr. GARCIA. Mr. Chairman, I rise today in support of the reauthorization of the McKinney Homeless Assistance Act. Since it was passed in 1987, the McKinney Act has provided crucial emergency assistance through a panoply of programs that address the needs of homeless families and individuals throughout our country today. Homelessness has become a national crisis and a national embarrassment. We must do everything possible to provide for each and every homeless man, woman, and child.

This bill reauthorizes the homeless assistance programs at $642.5 million for fiscal year 1989. This represents an increase from the $484 million appropriated for fiscal year 1988 and includes $297 million for the housing programs authorized under McKinney, the emergency shelter grants, supportive housing demos, supplemental assistance and section 8 rehab funding.

The bill authorizes $116 million in fiscal year 1989, $121 million and $128 million for fiscal years 1990 and 1991, respectively, for various health care assistance. These include health care for the homeless, mental health block grants, alcohol and drug abuse demos, and community mental health demos.

The bill also authorizes $74.5 million for each of fiscal years 1989 and 1990 for community service, job training and education programs for the homeless. The education programs include adult literacy, education grants to homeless children and grants to address the special education needs of homeless students in elementary and secondary schools. The bill provides an additional $154 million for veterans health care programs and emergency food and shelter.

I have taken the stand in favor of the McKinney Act on many occasions and will continue to do so. I will continue to speak out on behalf of the homeless in this country until this tragic reality is eliminated. It sems to me that no country with the wealth and demonstrated conscience of the United States of America should ever tolerate and let develop to such crisis proportions the homelessness that we witness on our streets and in our alleyways, under our bridges and in our vacant lots, doubled up in cramped housing and shepherded away in inadequate emergency welfare hotel rooms.

There is no doubt in my mind that this Nation cannot continue to place the needs of so many of its people, needs basic and necessary to everyday survival, so low on its list of priorities. There should be no greater challenge, no need more urgent, than the elimination of homelessness in America. How can we as a people prosper if we stand idly by as more and more families are threatened by the tragedy of homelessness? How can we as a people expect to instill civic values in our younger generation and help prepare for a greater America in the future if we fail to commit to the challenge that lay before us today? We must act now. I urge my colleagues to pass this bill and work hard for levels of appropriations.

This act is crucial to the fight against homelessness because the needs of the homeless continue. Families and individuals continue to need emergency housing assistance. They continue to need emergency health care and food. They continue to need job training and counseling and child care facilities. In closing and in strong support of this bill and the commitment it represents, I think it is important to say that it represents the best of us as a people. But by itself, the McKinney programs will not solve the problems of homelessness. Yes, we need this commitment. Yes, this funding represents a significant fight against the problems of homelessness.

But we can not simply pass this reauthorization and be safisfied that the whole job is done. Ultimately, we as a nation must say enough is enough and make the larger commitment to provide affordable and decent housing to every American family. This has been the very foundation of our national housing policy. The promise of providing a decent home and safe living environment has unfortunately become an empty promise. Nothing could be more important to the welfare of this country. And nothing can be done until the Federal Government makes an all out commitment to produce more housing. It is important to remember that housing production has traditionally required Federal assistance. Housing production still requires Federal assistance.

We must make the commitment to provide the assistance necessary to counsel families making the transition from shelters to rental units and hopefully one day to homeownership. And we must make the larger commitment to fund these emergency programs, these counseling programs and all housing assistance at levels and for the duration that will eliminate this American tragedy all together.

I urge my colleagues to vote in favor of this measure and to let it mark the renewed commitment for each of us as legislators and all of us as Americans to recognize this program as the crisis that it is and to make the commitment to do away with it once and for all.

Mr. LEVINE of California. Mr. Chairman, I rise today as a cosponsor and strong supporter of H.R. 4352, the Omnibus McKinney Homeless Assistance Reauthorization Act of 1988. With this legislation we have the opportunity to continue the work started last year under Public Law 100–77, the Stewart B. McKinney Urgent Assistance to the Homeless Act. I urge my colleagues to support this legislation.

Los Angeles has one of the highest homeless populations in the Nation. In my district there are approximately 3,000 to 5,000 homeless individuals, and throughout Los Angeles there are an estimated 30,000 to 50,000 homeless. The homeless represent a broad cross section of society. In my district, emergency shelters and facilities serving the homeless report increases in the number of families with children seeking assistance. Additionally, many homeless individuals are employed, but are still unable to find affordable shelter. The high cost of housing in my area makes this problem particularly serious. It is unconscionable that families with children and working people are unable to find decent shelter anywhere in this Nation.

H.R. 4352 demonstrates the continued commitment of the Federal Government to ending the homeless crisis. It is not nearly all we need but it is a very important step in the right direction. Programs established last year under Public Law 100–77 have been implemented over the last several months, and are just beginning to fulfill their mandate to provide necessary services to homeless individuals. This legislation includes funding for emergency shelters and operating expenses, emergency food programs, health and mental health care, job training, and veterans programs.

For shelter programs, H.R. 4352 provides $125 million to the Emergency Shelter Grants Program for the renovation, rehabilitation or conversion of buildings for emergency shelters for the homeless. The legislation also provides $105 million for the Supportive Housing Demonstration Program to provide operating and technical assistance for these services—$20 million of this is set aside for families with children, and $15 million for permanent housing for the handicapped homeless.

Serious health problems are another consequence of homelessness. A significant number of the homeless in Los Angeles test positive for TB. Additionally, mental health and drug problems frequently occur among homeless individuals. H.R. 4352 provides $61.2 million for comprehensive health care services for the homeless, outpatient mental health care, drug and alcohol abuse services, and case management. H.R. 4352 also provides funding for block grants to the States for mental health programs, and for demonstration projects for drug and alcohol abuse treatment services.

Importantly, H.R. 4352 includes provisions to equip homeless individuals with the job training and educational skills necessary to find employment. The legislation authorizes $13 million for job training demonstration projects, and $11 million for basic literacy education. Additionally, $6 million is authorized for programs to ensure educational opportunities for homeless children.

Homelessness is a critical problem throughout the Nation. We must continue to act to prevent homelessness, and to protect those who have become homeless. H.R. 4352 continues the important work started last year with Public Law 100–77, and I urge my colleagues to support this legislation.

Mr. CLEMENT, Mr. Chairman, I rise in strong support of the Stewart McKinney homeless assistance reauthorization bill being debated here today.

Homelessness is not a new phenomenon. Once thought to be a temporary crisis, homelessness has proven to be an enduring problem. I am pleased that the Congress responded to this American plight with enactment of the Stewart McKinney Act of 1987. This legislative effort established a comprehensive set of services that deal with the acute and varied problems that the homeless face.

It is distressing that the actual incidence of homelessness across the country remains unknown. By the very nature, they elude enumeration but estimates range from one-quarter of a million to 3 million. The best estimates suggest, that in my district, even in the economically healthy community of Nashville, there are now approximately 2,000 homeless individuals and families.

Rather than decreasing over the course of this decade, homelessness appears to be rising in the face of what many Americans consider a prosperous economy. It is essential that the Congress play an active role in reversing these numbers.

Fifth District residents have responded in several innovative ways to

assist the homeless. Many churches and organizations have sponsered shelters and meal sites. A nationally renowned health clinic was established and continues to be funded by the local government. And our former colleague and current mayor, Bill Boner, has outlined a proposal to construct a SRO residence.

I believe these local efforts should be supported by Federal funds. This bill which authorizes a total of $642.5 million for 1989 and sums as may be necessary for fiscal year 1990 is an important step toward continuing our fight against homelessness in America. I join in supporting this important reauthorization bill.

Mr. JEFFORDS. Mr. Chairman, I am pleased to rise in support of this bill, H.R. 4352, and to speak specifically to the portions of the bill which come under the jurisdiction of the Education and Labor Committee.

As we are all aware, the plight of the homeless has become a major national issue. The magnitude of the problem is uncertain because we still do not have reliable data on the extent of homelessness in America, although estimates range from 500,000 to 3 million homeless people.

Traditionally, most homeless people were thought to be older, single men. However, increasingly the homeless population includes battered women, elderly poor, runaways, veterans, and unemployed people with their families. This last segment in fact, is the fastest growing element of the homeless population. In a survey of 29 cities in 1987, families, primarily single-parent families, make up more than one-third of the homeless—an average growth of over 31 percent from previous estimates. The cities surveyed cited lack of affordable housing, a lack of jobs and inadequate public assistance as the main causes of homelessness.

This bill extends education and job training provisions orginally contained in the McKinney Act. The education provisions essentially seek to eliminate the barriers that homeless children have in receiving public education. The job training language continues a demonstration grant program in which the Secretary of Labor awards moneys to State and local public agencies, private nonprofit organizations, and businesses to provide basic skills instruction, remedial education activities, basic literacy instruction, job search activities, job counseling, and job preparatory training.

Further, just as we have done in other feeding programs, we have relaxed the requirements under the WIC Program so that homeless women can receive the benefits of this highly successful program. Finally, the eligible uses of funds available under the Community Service Block Grant [CSBG] Program for services to the homeless has been expanded.

These provisions in this bill continue to build upon programs which have just started as a result of the enactment of the Stewart McKinney Homeless Assistance Act, and in the case of the WIC Program, include a logical population who can clearly benefit from the available services. Without the assistance that can be provided through nutrition, education, and training programs, we do not have an effective response to the problems of the homeless.

I am concerned however, that as a result of a technical amendment to the bill, the issue of religious discrimination has been avoided rather than dealt with head on. As I understand it, the bill being considered by the other body retains the religious discrimination provisions of current law, and I hope that when this bill is in conference, this issue will be resolved in favor of the Senate provisions.

I urge my colleagues to support this bill. It is fitting that a bill devoted to easing the problems of homlessness be named after my good friend and colleague, Stewart McKinney, a man who dedicated so much of his life to combating this critical problem.

Mr. ANDREWS. Mr. Chairman, many people have been enlisted in the war against drugs in this country. The drug problem has been recognized as a national crisis and it is clear that we must continue to focus our efforts on eliminating this scourge.

However, there is another scourge to be fought. It has not received quite so much attention as the drug problem, but its huge cost in human suffering makes it imperative that we attack it with equal determination. I am speaking of the scourge of homelessness in America.

By now people in our cities are all too familiar with the sight of people sleeping on the streets with no place to go. Many of these people are mentally ill and an alarming number are families with children. In fact, families with children constitute one of the fastest growing segments of homeless.

In my hometown of Houston some estimates now put the number of homeless at as high as 25,000 to 30,000 people. In one shelter alone—the Star of Hope Women and Family Shelter—3,921 homeless people sought relief in 1987. A staggering 1,510 of them were children.

The fight against homelessness must be intensified and Congress must recognize its leadership role in this fight. For this reason I was glad to add my support to H.R. 4352 passed by the House today. This bill reauthorizes the essential programs under the McKinney Homeless Assistance Act.

The strength of the McKinney Act is not only that it provides aid for shelter for the homeless in the form of emergency shelter grants and supportive housing programs but also that it recognizes the need to attack the problems of the homeless at the core. It includes provisions for aid in areas such as outpatient health care, mental health assistance, job training, and educational assistance all aimed at helping find long-term solutions to homelessness. In all the bill authorizes $642.5 million for homeless assistance programs in 1989 and extends these programs through 1991.

It is my hope that our colleagues in the Senate will recognize the extreme importance of this legislation and act on it as soon as possible.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support for the reauthorization of homeless assistance programs established by the Steward B. McKinney Homeless Assistance Act of 1987. Current authorization for the measure expires on September 20, 1988.

The Federal Government began taking an active role in providing funding for homeless programs and services when it passed the Mckinney Act. The statute provides a comprehensive approach to the homeless crisis by allocating funding for the renovation of buildings for use as shelters, transitional housing, food distribution, increased medical and mental health care, and better utilization of surplus Federal facilities. Funds appropriated under the measure have made an important contribution to efforts aimed at easing the continuing and expanding crisis of hunger and poverty in our Nation, and to giving nationwide priority to the plight of the homeless. However, considerably more is needed to meet the critical needs of Americans who are without shelter.

The measure we are considering today would authorize $642 million to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children. This funding is vital to New York State, where over 34,000 homeless persons, including nearly 14,000 children, sleep in State-regulated shelters each night. Under the bill, New York State will receive an estimated $59 million in fiscal 1989 to provide essential services to the homeless including food and shelter, health care, education, and job training.

While New York continues to devote substantial resources to meeting the needs of its homeless citizens, funding under the McKinney Act has provided substantial assistance to the State in addressing the homelessness crisis. For example, organizations in New York receiving funds under FEMA's Emergency Food and Shelter Program have provided 17,500 meals a day and 2,100 beds each night. Under the Emergency Shelter Grant Program, which provides grants for the renovation, rehabilitation or conversion of buildings for use as emergency shelters for the homeless, an estimated 200 beds have been either saved or created in New York. Similarly, in New York last year, 47 community action agencies and one seasonal farmworkers group assisted an estimated 4,400 people through funds provided under the Emergency Community Services Homeless Grant Program.

Of particular importance to my district, the legislation we are debating today will extend through October 1, 1989, the moratorium on implementation of the regulations proposed by the Secretary of Health and Human Services that would restrict New York's use of the AFDC Special Needs Program for housing assistance. If these proposed regulations were implemented, New York would lose an estimated $85 million in Federal assistance for the homeless.

Mr. Chairman, the primary cause of homelessness is the lack of affordable housing. When President Reagan took office in 1981 funding for the Department of Housing and Urban Development [HUD] was around $32 billion, but today HUD receives only around $8 billion. We have seen the number of homeless people increase as the availability of low- and moderate-income housing has decreased in recent years. The most effective way to ad-

dress the homeless problem is to provide permanent affordable housing. However, until this issue is adequately addressed, homelessness will remain a major problem in the United States and emergency housing assistance will continue to be a necessity.

I strongly urge my colleagues to support passage of the Omnibus McKinney Homeless Assistance Act of 1988.

Mr. WORTLEY. Mr. Chairman, I rise in support of the McKinney homeless bill and I urge my colleagues to give it their support also.

We are aware of the homeless statistics. Anywhere from 300,000 to 3 million persons have no shelter from the elements, no privacy, no security, no place to cook their food or live in safety and decency. A lack of any shelter whatsoever strikes cruelly at the core of human dignity. This legislation takes significant steps to alleviate this situation by reauthorizing all homeless assistance programs.

Whether a result of economic dislocation, the stresses of modern 20th century life, or physical and mental impairments, we continue to be confronted with a serious problem which demands action by this Congress. This legislation will help diminish the immediate pains of the homeless while laying the groundwork for a more permanent solution.

The great diversity of the problem dictates that the solution should emphasize flexibility and local control. Since the nature of the problem varies from area to area, State and local input is essential. I am also glad that the bill seeks to reinforce certain nonprofit organizations because we will never solve this problem without increasing private involvement.

Fiscal constraints prevent us from doing everything we would like to in this area. The need for continued private efforts to help the homeless directs us to carefully consider what the Federal Government's role ought to be. But as one who has supported efforts to increase the funding for these programs, I maintain that this legislation is an important step in meeting the needs of some of the most vulnerable members of our society.

Mr. Chairman, I urge my colleagues to support the bill.

Mrs. LLOYD. Mr. Speaker, I rise in support of the Stewart B. McKinney Omnibus Homeless Assistance Act of 1988.

By the very nature of their situation, the homeless elude enumeration. Estimates range from a quarter of a million to 3 million people. Charitable, religious, and local community groups, traditionally operate the missions, shelters, and soup kitchens that serve the homeless. Mr. Slim Johnson, and all the dedicated workers at the community kitchen in Chattanooga, TN, are fine examples of the concerned individuals all across our Nation who give freely of their time and energies to minister to those in need. I am proud to be involved with the congregation of my own church, the Brainerd Church of Christ, in distributing clothing and food to the needy. Many of these groups and local governments consistently have reported increases in the need for emergency services, including both food and shelter, over the past few years and acknowledge that they have had to turn away homeless people because the groups' resources are insufficient to meet the growing demand.

Over the years of the 1980's, homelessness has become an acute national problem due to economic and social changes, unemployment, and growing numbers of the poor. The McKinney Act, which was passed, with my support in 1987, was a lifeline to the weakest and most vulnerable of our citizens—the homeless. It authorized a wide range of programs and benefits for the homeless, including health care, emergency food and shelter, mental health services, transitional housing, education, and job training. The legislation before us today, reauthorizing this law, is essential in our continuing efforts to alleviate homelessness.

H.R. 4352 would revise and extend, through fiscal year 1991, the four health authorities in title VI of Public Law 100–77: the Health Care for the Homeless Grant Program; the Mental Health Block Grant for Services to the Chronically Mentally Ill Homeless, the Demonstration for Community Mental Health Services to the Homeless; and the Demonstration for Alcohol and Drug Abuse Treatment for the Homeless. All of these authorities are due to expire on September 30, 1988. It is critical that we pass this legislation in order to revise and extend these authorities through September 30, 1991.

Mr. Chairman, homelessness is not a new phenomenon. News coverage of the homeless has evolved from individuals in soup lines during the recession of 1982 to families in shelters displaced by the rising costs of housing in 1988. Today, the image that homeless people were isolated in the core of decaying cities has given way to the realization that homeless people exist in the midst of urban renaissance and small town bustle. I believe that we in the Congress must take steps to assure that the poor and disenfranchised in our country become self-sufficient as well as address the critical, emergency, short-term needs of the poor. This legislation does both and deserves to be passed with all possible speed.

I urge my colleagues to join with me in supporting the Omnibus McKinney Homeless Assistance Act of 1988 so that we can continue to assist the homeless in making a successful transition to a more stable life.

Mrs. COLLINS. Mr. Chairman, problems change over time. As a problem becomes protracted, it draws attention, requires remedial action, and eventually receives it. In the United States in 1988, homelessness is at the stage of requiring remedial action, and H.R. 4352, the Omnibus McKinney Homeless Assistance Act of 1988, would be a significant step toward solving this problem.

The priorities of the Reagan administration over the past 7½ years have focused on elitism. As millions of American suffered to a degree previously unknown, a select cadre of our countrymen prospered to just as striking an extent. The administration viewed the victims of its policies with diffidence.

Problems resulted and grew. Among these problems are the staggering numbers of Americans who lost their jobs, were not able to afford life in America, and ultimately ended up living in the only place available where rent is free: the streets. Among these victims were middle-aged men and women, young men and women, elderly men and women, and families with young children. No group was exempt. Homelessness touched the lives of people throughout society.

All one needs to do to understand this phenomenon, unique to the years of the present administration, is to take a walk through virtually any urban center in the United States. One encounters people living in their cars, in abandoned buses, on park benches, and occasionally the lucky ones who are living in the few and overburdened homeless shelters. Very noticeably some of these people are in dire need of medical or psychiatric care. But just as noticeably, most are average citizens who simply became victims of circumstances beyond their control.

Remedial action is long overdue. The homeless need our help to get off the ground and get a fresh start. For many of them, what is required is a place to sleep for others, it is health care to overcome a debilitating physical problem; for some others, it is education or job training which will facilitate economic independence. But the bottom line is that the Government must lend a hand in as many substantial ways as possible. The time to act is now. Damage has been done, but it is not irreversible; independent successful lives can still be salvaged.

The McKinney Homeless Assistance Act recognizes the varied problems of homelessness and offers solutions and avenues which are equally multifarious. It is not enough to simply build a structure and toss in beds. The McKinney Act recognizes the philosophy of creating a new home, offering support, and encouraging residents to get on their feet to step toward a new life. This bill will have a significant impact on this homelessness problem and will set a very constructive precedent for future local, State, and national efforts to contain and eliminate the scourge on the face of America.

Mr. Chairman, I encourage my colleagues to join me in supporting this legislation.

Mr. GARCIA. Mr. Chairman, I rise in support of the reauthorization of the McKinney Homeless Assistance Act. Since it was passed in 1987, the McKinney Act has provided crucial emergency assistance through a panoply of programs that address the needs of homeless families and individuals throughout our country today. Homelessness has become a national crisis and a national embarrassment. We must do everything possible to provide for each and every homeless man, woman, and child.

This bill reauthorizes the homeless assistance programs at $642.5 million for fiscal year 1989. This represents an increase from the $484 million appropriated for fiscal year 1988 and includes $297 million for the housing programs authorized under McKinney, the emergency shelter grants, supportive housing demos, supplemental assistance, and section 8 rehab funding.

The bill authorizes $116 million in fiscal year 1989, $121 million and $128 million for fiscal years 1990 and 1991 respectively, for health care assistance and $74.5 million for each of fiscal years 1989 and 1990 for community service, job training and education programs for the homeless. The bill also provides an additional $154 million for veterans health care programs and emergency food and shelter.

I have taken the stand in favor of the McKinney Act on many occasions and will continue to do so. I will continue to speak out on behalf of the homeless in this country until this tragic reality is eliminated. It seems to me that no country with the wealth and demonstrated conscience of the United States of America should ever tolerate and let develop to such crisis proportions the homelessness that we witness on our streets and in our alleyways, under our bridges and in our vacant lots, doubled up in cramped housing and shepherded away in inadequate emergency welfare hotel rooms.

There is no doubt in my mind that this Nation cannot continue to place the needs of so many of its people, needs basic and necessary to everyday survival, so low on its list of priorities. There should be no greater challenge, no need more urgent, than the elimination of homelessness in America. How can we as a people prosper if we stand idly by as more and more families are threatened by the tragedy of homelessness? How can we as a people expect to instill civic values in our younger generation and help prepare for a greater America in the future if we fail to commit to the challenges that lay before us today? We must act now. I urge my colleagues to pass this bill and work hard for levels of appropriations.

This act is crucial to the fight against homelessness because the needs of the homeless continue. Families and individuals continue to need emergency housing assistance. They continue to need emergency health care and food. They continue to need job training and counseling and child care facilities. For these reasons, I urge my colleagues to support the McKinney programs in their present form and to vote against the amendment to block grant the delivery mechanism. The program works and should be given the time to deal an effective blow to homelessness.

In closing and in strong support of this bill and the commitment it represents, I think it is important to say that it represents the best of us as a people. But by itself, the McKinney programs will not solve the problems of homelessness. Yes, we need this commitment. Yes, this funding represents a significant fight against the problems of homelessness.

But we cannot simply pass this reauthorization and be satisfied that the whole job is done. Ultimately, we as a Nation must say enough is enough and make the larger commitment to provide affordable and decent housing to every American family. This has been the very foundation of our national housing policy. The promise of providing a decent home and safe living environment has unfortunately become an empty promise. Nothing could be more important to the welfare of this country. And nothing can be done until the Federal Government makes an all out commitment to produce more housing. It is important to remember that housing production has traditionally required Federal assistance. Housing production still requires Federal assistance.

We must make the commitment to provide the assistance necessary to counsel families making the transition from shelters to rental units and hopefully one day to homeownership. And we must make the larger commitment to fund these emergency programs, these counseling programs and all housing assistance at levels and for the duration that will eliminate this American tragedy all together.

I urge my colleagues to vote in favor of this measure and to let it make the renewed commitment for each of us as legislators and all of us as Americans to recognize this problem as the crisis that it is and to make the commitment to do away with it once and for all.

Mrs. MORELLA. Mr. Chairman, Robert Frost said in "Death of the Hired Man," "Home is the place where, when you have to go there, they have to take you in." Today, far too many Americans have no homes to go to. I am here today as an original cosponsor of the Omnibus McKinney Homeless Assistance Act, which will reauthorize the homeless assistance programs established by the first McKinney Act of 1987. This bill attacks the multifaceted problem of homelessness by authorizing emergency food and shelter programs, health care for the homeless, community service and education programs.

It is unconscionable that in one of the wealthiest nations on earth, people have to sleep on sidewalks and in cars. The McKinney Act, named after the late Congressman Stewart McKinney, who was a leader on homeless issues, includes some $642.5 million in emergency aid in the 1989 fiscal year.

There is certainly a serious need for this assistance locally. In Montgomery County, MD, which I represent, there are ten shelters which can accommodate approximately a total of 200 people. But there are an estimated 1,500 homeless in Montgomery County. This bill will help people move from the county's streets and shelters to short-term housing.

I strongly support the Omnibus McKinney Homeless Assistance Act, and I urge my colleagues to pass this legislation today.

Mr. TRAFICANT. Mr. Chairman, I would like to voice my strong support for the McKinney homeless assistance reauthorization bill before the House today. This measure comes to the aid of thousands of homeless adults and children. It would reauthorize the programs initiated under the McKinney Act of 1987 and authorizes the necessary funding to carry out these programs.

The projects we're considering here are crucial to stamping out the homeless problem that exists today, a problem that continues to worsen. The emergency shelter grant (administered by HUD) would provide money for upgrading emergency shelters. Also included, are moneys which would go toward transitional housing for the mentally ill and permanent housing for the homeless handicapped.

A Comprehensive Homeless Assistance Plan [CHAP] would be required by States and local governments in an effort to track funding needs and prepare strategies to assist the homeless across the country. Each CHAP must verify that program sponsors and participants restrict the homeless facility from illegal use, possession, or distribution of drugs or alcohol.

In addition, the McKinney Act provides assistance moneys for health, community service and education such as job training, emergency food and shelter programs, and an Interagency Homeless Council geared to administer homeless assistance programs. All totaled, this bill authorizes $297 million in fiscal year 1989 and such sums as may be necessary through fiscal year 1993.

Mr. Chairman, the problems associated with the plight of the homeless must be addressed. This legislation will help out the people who cannot help themselves: those who have no where to turn because they have neither a home nor money to find necessary shelter. Some say that Congress cannot consistently feed and shelter the poor at the taxpayer's expense. Well I can say this: Why can't we take some of the billions of dollars in foreign aid we send abroad and put it to work for those who need it here at home? Let's provide some "humanitarian aid" to our homeless.

I urge my colleagues to support this legislation. A vote for this homeless bill is a vote to end the tragedy which exists on the streets of every city in this Nation.

Mr. ANDREWS. Mr. Chairman, many people have been enlisted in the war against drugs in this country. The drug problem has been recognized as a national crisis and it is clear that we must continue to focus our efforts on eliminating this scourge.

However, there is another scourge to be fought. It has not received quite so much attention as the drug problem, but its huge cost in human suffering makes it imperative that we attack it with equal determination. I am speaking of the scourge of homelessness in America.

By now people in our cities are all too familiar with the sight of people sleeping on the streets with no place to go. Many of these people are mentally ill and an alarming number are families with children. In fact, families with children constitute one of the fastest growing segments of homeless.

In my home town of Houston some estimates now put the number of homeless at as high as 25,000 to 30,000 people. In one shelter alone—the Star of Hope Women and Family Shelter—3,921 homeless people sought relief in 1987. A staggering 1,510 of them were children.

The fight against homelessness must be intensified and Congress must recognize its leadership role in this fight. For this reason I was glad to add my support to H.R. 4352 passed by the House yesterday. This bill reauthorizes the essential programs under the McKinney Homeless Assistance Act.

The strength of the McKinney Act is not only that it provides aid for shelter for the homeless in the form of emergency shelter grants and supportive housing programs but also that it recognizes the need to attack the problems of the homeless at the core. It includes provisions for aid in areas such as outpatient health care, mental health assistance, job training, and educational assistance all aimed at helping find long-term solutions to homelessness. In all, the bill authorizes $642.5 million for homeless assistance programs in 1989 and extends these programs through 1991.

It is my hope that our colleagues in the Senate will recognize the extreme importance of this legislation and act on it as soon as possible.

The CHAIRMAN pro tempore (Ms. PELOSI). Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 15 minutes, and the gentleman from New York [Mr. LENT] will be recognized for 15 minutes.

The Chair recognizes the gentleman from New York [Mr. LENT].

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

Madam Chairman, I would like to take this opportunity to discuss title VI of this bill pertaining to programs for health care for the homeless which was reported out of the Energy and Commerce Committee.

Title VI of the bill revises and extends authority for four programs that were initiated under public law 100-77 (The Stewart McKinney Homeless Assistance Act):

The health care for the homeless grant programs,

The mental health block grant for services to the chronically mentally ill homeless,

Demonstration projects for community mental health services to the homeless, and

Demonstration projects for alcohol and drug abuse treatment for the homeless.

In particular, I would like to highlight the fine work of the grants program for the health care for the homeless. Since this program has been in existence, the Department of Health and Human Services has provided $44.5 million to 109 grantees in 43 States. It is anticipated that by the end of the current grant period these projects will have delivered health services to approximately 395,000 homeless men, women, and children.

I think this program has been effective. I believe that experience with the matching funding requirements for grantees to contribute to the costs of providing health care services from non-Federal funds demonstrates the success of the partnership between the public and private sectors in trying to address the problem of homelessness. I am pleased that the committee bill increases this matching requirement to one-third of costs. I think this is a responsible step. State and local governments as well as the private sector must also contribute to the solution of the homelessness problem.

Finally, I must note that while I support the extension of these programs, I am concerned about the authorization levels.

We are required to establish priorities and make hard decisions by the bipartisan economic summit agreement.

The conference report on the fiscal year 1989 concurrent resolution on the budget identifies the homeless programs as high priority. Presumably, if these programs are to be high priority, the necessary offsetting reductions must be made in other programs. Yet, H.R. 4352 authorizes spending for fiscal year 1989 alone of $116.2 million—an increase of over $90 million over current appropriations for the homeless—without and offsetting reductions. I certainly believe that we need to take a hard look at our funding priorities and make some hard decisions before this legislation is sent to the President.

Madam Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] is recognized for 15 minutes.

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

Mr. Chairman, I rise in strong support of H.R. 4352, which would reaffirm the Federal Government's commitment to assisting perhaps the most vulnerable group in our society—the homeless.

The Committee on Energy and Commerce authored title VI of this legislation, which revises and extends two health initiatives and two demonstration programs for the homeless which will expire on September 30. The committee's work was based on the Health Care for the Homeless Act of 1988, H.R. 4003, introduced by Mr. LELAND, who has been relentless in his efforts to improve the health care, nutrition, and housing services available to the homeless.

The first of the health initiatives in title VI is the Health Care for the Homeless Grant Program, which is currently funding the delivery of primary care and substance abuse treatment services to the homeless in 109 communities throughout the country. This initiative was modeled after a highly successful 4-year demonstration in 19 cities funded by the Robert Wood Johnson Foundation and Pew Memorial Trust which is coming to an end this year. Grantee organizations must now cover 25 percent of the costs with non-Federal funds; under the bill, this local matching requirement would increase to 33 percent for grants renewed in fiscal year 1990, assuring a greater local commitment. The bill authorizes $61.2 million for this program for the coming fiscal year, enough to reach an additional 41 urban and rural communities that have large concentrations of homeless people with no access to basic health care.

The second initiative is the block grant for community mental health services to the mentally ill homeless. Under this program, the Federal Government has allotted funds to the States to provide services to the chronically mentally ill homeless; States must match 25 percent of the costs from non-Federal funds. The bill provides that if a State elects not to apply for funds, the Secretary must use the amounts set aside for that State to make grants to public and private nonprofit organizations to provide mental health services to the homeless. The bill also establishes a minimum allotment of $50,000 for each of the territories. The authorization in fiscal year 1989 would be $35 million.

Finally, the Energy and Commerce title reauthorizes two demonstration programs to test new approaches to delivering community-based mental health and substance abuse services to the homeless. Both the community mental health demonstration program and the community alcohol and drug abuse demonstration program would be reauthorized at $10 million in fiscal year 1989.

The Energy and Commerce title provides a total budget authority for all of these initiatives of $116 million in fiscal year 1989, $122 million in fiscal year 1990 and $128 million in fiscal year 1991. These levels were chosen to give the Appropriations Committee the ability to increase existing funding levels to accommodate urban and rural communities with large concentrations of homeless people with unmet health needs.

I urge the Members to support this bill.

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Mr. LENT. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am pleased to rise in support of H.R. 4352, the Omnibus McKinney Homeless Assistance Reauthorization Act. I am an original cosponsor of this legislation which will authorize $632.5 million in assistance for fiscal year 1989, an increase of $16.5 million over last year's authorization, and "such sums as may be necessary" for most homeless programs in fiscal year 1990. The programs funded under this legislation are of vital importance in our continuing effort to eradicate the problem of homelessness throughout the Nation, and I would like to take this opportunity to commend the distinguished gentleman from Minnesota [Mr. VENTO], for his interest and leadership in this area.

Mr. Chairman, throughout my 16 years in the Congress, I have long

striven to defend the rights and benefits of homeless citizens. The condition of homelessness is an outrage which affronts the moral principles at the foundation of this great Nation. We cannot permit the continued existence of this desperate condition to persist further. Unfortunately, despite increased congressional awareness of this issue in recent years, the problem appears to be getting worse. Most regrettably, congressional appropriations provided only funding for some $357 million of the original McKinney bill's $616 million funding level. I urge my colleagues to resist a repetition of this pattern. While I recognize that there are competing priorities which vie for scarce budget dollars, the problem of homelessness is of sufficient merit to necessitate full funding as provided in this reauthorization. We must raise the problem of homelessness on the national agenda, and we must endeavor to provide sufficient funding to alleviate the growing problem among homeless families, especially among women and children.

To this end, Mr. Chairman, I have recently joined the Republican Housing Caucus to ensure that affordable housing problems and the problem of homelessness receive adequate attention at the 1988 Republican National Convention, later this month. As a caucus member, our first act is to pledge to support as a national priority the problems of housing and homelessness. Mr. Chairman, I ask unanimous consent to have this National Housing Pledge reproduced in the CONGRESSIONAL RECORD, and I urge all my Republican colleagues to consider signing this vow.

Mr. Chairman, I am also pleased that my colleagues on the Banking Committee have seen fit to continue most of the programs initially conceived in the McKinney legislation. In particular, I am pleased that the measure grants a 1-year moratorium on implementation of an HHS proposal to cut off funding for emergency homeless shelters after just 30 days. As my colleagues may recall, together with my colleague from New York [Mr. DIOGUARDI], I have introduced legislation to remove this statutory limitation on emergency assistance funding.

I also appreciate the attention of our colleagues from New York, the distinguished member of the Ways and Means Committee [Mr. DOWNEY], and my good friend, the distinguished chairman of the Subcommittee on Select Revenue Measures [Mr. RANGEL], for their always sensible solutions to the critical problems of homelessness in our area. Recognizing that the problem of homelessness is not amendable to a quick, thirty day solution, we are equally aware of the pressing need to find long-term, decent housing for all our Nation's homeless citizens.

Finally, Mr. Chairman, I am also pleased that the bill contains language to ensure that Federal homeless programs will only benefit assist drug-free housing facilities. I was pleased to cosponsor this amendment which was also offered by the distinguished gentleman from New York [Mr. DIOGUARDI]. As the ranking Republican member of the Select Committee on Narcotics Abuse and Control, I applaud this long past-due initiative to address our committee's growing concern over the drug- and alcohol-related problems too often present in our Nation's housing shelters.

Accordingly, I urge my colleagues to support H.R. 4352, the Omnibus McKinney bill reauthorization, so that we may continue the important battle for affordable housing and homeless assistance.

HOUSING PLEDGE

I pledge to support policies which return housing to a national priority and recognize a Federal responsibility to encourage home ownership and affordable rental housing in order to meet the housing needs facing America in the decade ahead. These policies include:

1. Maintain and increase home ownership opportunities by retaining the homeowners interest deduction on primary and secondary residences.

2. Maintain our strong housing finance delivery systems in both the primary and secondary mortgage markets.

3. Reduce the cost of housing by eliminating overlapping, duplicative and unnecessary regulations at all levels of government and support policies to discourage growth restrictions while increasing adequate infrastructure necessary to support continued production of affordable housing.

4. Address the needs of low and moderate income renters by increasing the supply of affordable rental housing.

5. Preserve and enhance the existing housing stock while preserving the rights and existing commitment to property owners.

6. Address the housing needs of native Americans, the elderly, the handicapped, those in rural areas and the homeless and near homeless.

BENJAMIN A. GILMAN,
MC.

Mr. WAXMAN. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Texas [Mr. LELAND] who is the author of the health components of the legislation before us.

Mr. LELAND. Mr. Chairman, I rise to lend my enthusiastic support to H.R. 4352 legislation reauthorizing the Stewart McKinney urgent relief for the Homeless Act of 1988. I urge my colleagues to support this proposal, and in so doing, reaffirm the commitment to alleviating the plight of homeless individuals across the United States.

The approval of the McKinney Act last year marked the first time the Federal Government assumed major responsibility for combating the complex causes of homelessness and responding to the varied needs of homeless people. While this was a significant step in the fight against homelessness the number of homeless individuals has not shrunken and the causes perpetuating this tragic epidemic have not abated.

The U.S. Conference of Mayors 1987 Survey of 26 cities reported a 23-percent increase in the demand for emergency shelter. The 80 percent decline in the Federal housing budget has placed low-income housing at a premium. Working individuals often cannot afford the basic necessities of life including decent housing. Hundreds of thousands of children have joined the ranks of the homeless, many of whom have turned to drugs and prostitution to support themselves. Men, women and children suffer everyday and die on the streets because they lack access to health care.

Mr. Chairman, I am proud to have had the opportunity to take part in crafting the health care for the homeless title of this legislation. According to a 1986 report prepared by the Social and Demographic Research Institute, there is probably more untreated disease among homeless persons than among any other identifiable group in the United States. Research also indicates that persons with long-term mental illness constitute the largest single identifiable group among the ranks of the homeless. The Grant Program embodied in the bill before us today, respond to the unique needs of this group by providing outreach, community mental health services, referral for abuse services, and supportive supervisory services in a residential setting. Additionally, the primary and mental health care grant programs extended in H.R. 4352 assure the availability of treatment and care that is readily accessible.

Last year we approved the McKinney Act and initiated a variety of programs and services designed to meet the emergency needs of the homeless and laid a comprehensive framework for eradicating homelessness. H.R. 4352 ensures the continuation of these initiatives.

Rhetoric concerning aid for the poor and the disenfranchished of our society has been widespread during this election year. This legislation provides us the opportunity to do more than extend sympathetic statements, it lets us extended a helping hand to those who are among the neediest of our country.

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

Mr. WAXMAN. Mr. Chairman, we have no further requests for time, and I yield back the balance of our time.

The CHAIRMAN. Under the rule, the gentleman from Illinois [Mr. ROSTENKOWSKI] will be recognized for 15 minutes and the gentleman from

Texas [Mr. ARCHER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI].

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

Mr. Chairman, I rise in support of H.R. 4352, the Stewart B. McKinney Homeless Assistance Act and especially title IX of the bill which falls within the jurisdiction of the Committee on Ways and Means.

Last year, the Department of Health and Human Services proposed regulations that would have abruptly curtailed AFDC payments for homeless families living in so-called welfare hotels. Congress responded with a 12-month moratorium on those regulations. This moratorium expires on October 1, 1988.

Title IX of H.R. 4352 would extend the moratorium for an additional 12 months, prohibiting the Department of Health and Human Services from issuing regulations prior to October 1, 1989. It would also authorize five no-cost demonstration projects designed to move homeless families from welfare hotels to more humane quarters that offer the supportive services these families need to find and keep permanent housing.

Homeless families, especially those with young children, should never have been housed in these unsafe and often squalid welfare hotels. Simply cutting off the funds—as HHS has proposed—will not solve the problem. The true solution will be complicated and might cost money, at least in the short term. As evidence of my commitment to ending the use of welfare hotels, I want my colleagues to know that I will resist any further extension of this moratorium. It's time to solve the problem which we expect to do next year.

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

Mr. Chairman, I have serious concern about many aspects of the approach this bill takes to solving what most all would agree is a difficult and emotional problem in many localities.

But I will address my comments now only to title X of the McKinney Act, which is within the jurisdiction of the Committee on Ways and Means. It allows States to continue to use AFDC emergency assistance funds to house families in welfare hotels on a year-round basis. Under the original law States were limited to using these funds for not more than 30 days in any 12-month period. However, in 1987 this limit was waived for 1 year, permitting some welfare families to be housed month after month in terrible temporary living arrangements. Title X, inadvisedly, in my opinion, extends that waiver for another year without addressing the substantive problem.

Everyone seems to agree that welfare hotels are not only extremely expensive, but potentially harmful to human health and family life. It also seems clear that without Federal funds, States would be forced to find a different solution to the housing problems of poor families.

Sooner or later, Congress must demand that States stop dealing with the housing problems of families by treating their situation as a permanent emergency. By passing title X, we are putting off that time for yet another year. It is a sad commentary on the work of this Congress that we are once again sweeping a problem under the rug, further burdening both the taxpayers who must pay the bills and the unfortunate families who are kept year round in the negative environs of welfare hotels.

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Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, there is a provision in the McKinney reauthorization bill that will extend for 1 year a moratorium on a proposed cutoff of Federal funds that are used for stays of longer than 30 days by homeless families in emergency facilities. The moratorium that was contained in last year's reconciliation bill expires in 2 months. The provision contained in the McKinney reauthorization will extend the moratorium for 1 more year. I rise to express my support of this provision but I wish to state the conditions under which I lend my support.

Last year the Department of Health and Human Services proposed an immediate cutoff in response to reports it had received about homeless families in New York City being housed in "welfare hotels" for extended periods of time, in some cases up to 2 years, at an average cost of $1,900 per month. Unfortunately those reports are true. The city government had been unable to come to grips with the welfare hotel situation. When faced with a sudden loss of $70 to $80 million a year in Federal emergency assistance funds, the city asked us for help. "Keep the money coming," it said, "and we will develop a plan for getting people out of the hotels." My distinguished colleague, Mr. RANGEL, and I agreed that an immediate slashing of Federal aid was not fair, and we worked to prevent the cutoff with the understanding and a commitment from the city to develop a plan to stop using "welfare hotels" to house homeless families for long periods.

Prior to last year's proposed cutoff date the city offered a 5-year plan for moving homeless families out of the "welfare hotels." Because the threat of losing Federal funds was the motivating factor for the city to develop its 5-year plan, Congressman RANGEL and I recognized the necessity of monitoring the city's progress to make sure it kept to its schedule. This past Monday, we held a hearing in New York City and called upon city officials to testify on what has been done over the past year to move families out of the "welfare hotels." We knew we needed evidence of substantial progress on the part of the city in order to come back to our colleagues and support an additional 1 year moratorium.

Aware that the threat of a cutoff of funds was still looming over the head, the city announced at the hearing that it will be able to accelerate its 5-year plan to a 2-year plan. By incorporating proposals that have been made over the past 3 years by homeless advocacy groups such as Partnership for the Homeless, and assisted by new Federal regulations that require local public housing agencies to give preference for housing assistance to homeless families, the city now says that after 2 years it will no longer need to house homeless families in "welfare hotels." There currently are 3,269 homeless families now housed in "welfare hotels." By the end of 1989 the city's plan calls for a reduction to 1,990 homeless families and by the end of 1990 there will be no families housed in the hotels.

This is good news. The "stick" worked. The city deserves a "carrot." The city's new proposal warrants our support by continuation for 1 year of the moratorium. I want to emphasize that when we approach the end of the next moratorium, I shall once again ask the city to provide substantial evidence that it is meeting the goals of its 2-year plan.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield back the balance of my time.

Mr. ARCHER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. If there are no further requests for time, pursuant to the rule, an amendment in the nature of a substitute consisting of the text of H.R. 5110 is considered as an original bill for the purpose of amendment under the 5-minute rule and each title is considered as having been read.

No amendments to title X of said substitute are in order except amendments printed in House Report 100-813.

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 "Omnibus McKinney Homeless Assistance Act of 1988".

(b) TABLE OF CONTENTS.—

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I.

The text of title I is as follows:

TITLE I—GENERAL PROVISIONS

SEC. 101. BUDGET COMPLIANCE.

(a) IN GENERAL.—This Act and the amendments made by this Act may not be construed to provide for new budget authority, budget outlays, or new entitlement authority, for fiscal year 1989 or 1990 in excess of the appropriate aggregate levels established by the concurrent resolution on the budget for such fiscal year for the programs authorized by this Act and the amendments made by this Act.

(b) DEFINITIONS.—For purposes of this section, the terms "budget authority", "budget outlays", "concurrent resolution on the budget", and "entitlement authority" have the meanings given such terms in section 3 of the Congressional Budget Act of 1974 (2 U.S.C. 622).

SEC. 102. AUDITS OF HOUSING AND SHELTER PROGRAMS BY COMPTROLLER GENERAL.

Section 105 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11304) is amended—

(1) by inserting "annually" after "shall"; and

(2) by striking the following: ", upon the expiration of the 4-month and 12-month periods beginning on the date of the enactment of this Act".

The CHAIRMAN. Are there any amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—INTERAGENCY COUNCIL ON THE HOMELESS

SEC. 201. FUNCTIONS.

Section 203(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11313(a)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

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

"(7) prepare and distribute to States, local governments, and other and private nonprofit organizations, a bimonthly bulletin that describes the Federal resources available to them to assist the homeless, including current information regarding application deadlines and appropriate persons to

contact in each Federal agency providing the resources.".

SEC. 202. AUTHORIZATION OF APPROPRIATIONS.

Section 208 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11318) is amended to read as follows:

"SEC. 208. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $800,000 for fiscal year 1989 and such sums as may be necessary for fiscal year 1990.".

SEC. 203. EXTENSION OF INTERAGENCY COUNCIL.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "upon the expiration of the 3-year period beginning on the date of the enactment of this Act" and inserting "on October 1, 1990".

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—FEDERAL EMERGENCY MANAGEMENT FOOD AND SHELTER PROGRAM

SEC. 301. DATA TO BE CONSIDERED IN DEVELOPMENT OF PROGRAM GUIDELINES.

Section 316 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11346) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following new subsection:

"(b) DATA ON LONG-TERM UNEMPLOYED WORKERS TO BE TAKEN INTO ACCOUNT.—In establishing and modifying the guidelines provided for by subsection (a), the National Board shall utilize data that reflect the number of long-term unemployed workers in the localities involved, including those who unemployment benefits have run out and those who have been out of work so long they are no longer actively seeking employment.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS.

Section 322 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11352) is amended to read as follows:

"SEC. 322. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $129,000,000 for fiscal year 1989 and such sums as may be necessary for fiscal year 1990.".

The CHAIRMAN. Are there any amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—HOUSING ASSISTANCE

SEC. 401. COMPREHENSIVE HOMELESS ASSISTANCE PLAN.

(a) PLAN REQUIRED.—Section 401(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361(a)) is amended—

(1) in paragraph (1)—

(A) by inserting "annually" after "submits"; and

(B) by striking "and" at the end;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) at the time of submission of the comprehensive plan to the Secretary—

"(A) in the case of a State, it also submits a copy of the comprehensive plan to each metropolitan city or urban county that is located in the State and is subject to the requirements of this subsection; and

"(B) in the case of a metropolitan city or urban county, it also submits a copy of the comprehensive plan to the State in which it is located; and".

(b) CONTENTS.—Section 401(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361(b)) is amended—

(1) in paragraph (3)—

(A) by inserting "facilities and" before "services"; and

(B) by striking "and" at the end;

(2) in paragraph (4)—

(A) by inserting "facilities and" before "services"; and

(B) by striking the period at the end and inserting a semicolon; and

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

"(5) an identification of the appropriate person or agency to contact in the State, metropolitan city, or urban county with respect to assistance under this title; and

"(6) an assurance that each recipient and project sponsor shall administer, in good faith, a policy designed to ensure that the homeless facility is free from the illegal use, possession, or distribution of drugs or alcohol by its beneficiaries.".

(c) APPLICATIONS.—Section 401(f) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361(f)) is amended by striking "the public official responsible for submitting a comprehensive plan for the jurisdiction to be served" and inserting the following: "each public official responsible for submitting a comprehensive plan for any jurisdiction to be served".

SEC. 402. EMERGENCY SHELTER GRANTS PROGRAM.

(a) DISTRIBUTION OF ASSISTANCE BY STATES TO PRIVATE NONPROFIT ORGANIZATIONS.—

(1) IN GENERAL.—Section 413(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11373(a)) is amended by inserting "and private nonprofit organizations" after "local governments".

(2) DISTRIBUTIONS TO NONPROFITS.—Section 413(c) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11373(c)) is amended by adding at the end the following new sentence: "Any State receiving assistance under this subtitle may distribute all or a portion of such assistance to private nonprofit organizations providing assistance to homeless individuals, if the local government for the locality in which the project is located certifies that it approves of the project.".

(b) REQUIRED USE OF BUILDING AS SHELTER.—Section 415(c)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11375(c)(1)) is amended—

(1) by striking "or" the first place it appears and inserting a comma; and

(2) by inserting before the semicolon at the end the following: ", or for the period during which such assistance is used if such assistance is used solely for activities described in paragraphs (2) and (3) of section 414(a)".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 417 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11377) is amended to read as follows:

"SEC. 417. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subtitle $125,000,000 for fiscal year 1989 and such sums as may be necessary for fiscal year 1990.".

SEC. 403. SUPPORTIVE HOUSING DEMONSTRATION PROGRAM.

(a) AVAILABILITY OF OPERATING AND TECHNICAL ASSISTANCE FOR NEW STRUCTURES.—

(1) DEFINITION OF PROJECT.—Section 422(7) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(7)) is amended by inserting before the period at the end the following: "or with respect to which the Secretary provides technical assistance or annual payments for operating costs under this subtitle".

(2) OPERATING ASSISTANCE.—Section 423(a)(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(a)(3)) is amended by inserting after "transitional housing" the following: "(without regard to whether the housing is an existing structure)".

(3) TECHNICAL ASSISTANCE.—Section 423(a)(4) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(a)(4)) is amended to read as follows:

"(4) Technical assistance in—

"(A) establishing supportive housing in an existing structure;

"(B) operating supportive housing (without regard to whether the housing is an existing structure); and

"(C) providing supportive services to the residents of supportive housing (without regard to whether the housing is an existing structure).".

(b) STATE APPROVALS OF PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS.—

(1) PROJECT SPONSOR.—Section 422(8) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(8)) is amended by striking "the Governor or other chief executive official of a State" and inserting "a State".

(2) LETTERS OF PARTICIPATION.—Section 424(a)(2)(F)(i) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384(a)(2)(F)(i)) is amended by striking "the Governor or other chief executive official of the State" and inserting "the State".

(c) DEFINITION OF SUPPORTIVE HOUSING.—

(1) MAXIMUM PERIOD OF RESIDENCE IN TRANSITIONAL HOUSING.—Section 422(12)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(12)(A)) is amended in the first sentence by striking "as determined by the Secretary" and inserting "as determined by the project sponsor".

(2) MAXIMUM NUMBER OF RESIDENTS IN PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS.—Section 422(12)(B) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11382(12)(B)) is amended in the first sentence by striking "8 handicapped homeless persons" and inserting "12 handicapped homeless persons".

(d) USE OF ADVANCES TO REPAY DEBT.—Section 423(a)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(a)(1)) is amended by adding at the end the following new sentence: "The repayment of any outstanding debt owed on a loan made to purchase an existing structure shall be considered to be a cost of acquisition eligible for an advance under this paragraph.".

(e) REPAYMENT OF ADVANCES.—

(1) IN GENERAL.—Section 423(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(b)) is amended—

(A) by striking "10" the first, second, and fourth place it appears and inserting "5"; and

(B) by striking "10" the third place it appears and inserting "20".

(2) ASSURANCES.—Section 424(a)(2)(D) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384(a)(2)(D)) is amended by striking "10" and inserting "5".

(f) SITE CONTROL.—

(1) REQUIREMENT.—Section 424(a)(2)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384(a)(2)(A)) is

amended by inserting before the semicolon the following: ", including documentation that the applicant or project sponsor has (or will have within 12 months after the date on which any assistance is provided for the project under this subtitle) control of the site of the proposed project".

(2) PRIORITY.—Section 424(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384(b)) is amended—

(A) by striking "and" at the end of paragraph (6);

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

(C) by inserting after paragraph (6) the following new paragraph:

"(7) the extent to which the applicant or project sponsor has control of the site of the proposed project; and".

(g) MATCHING FUNDS.—Section 425(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11385(a)) is amended—

(1) in the subsection caption, by striking "TRANSITIONAL" and inserting "SUPPORTIVE"; and

(2) in the last sentence—

(A) by striking "and" and inserting a comma; and

(B) by inserting before the period at the end the following: ", any salary paid to staff to carry out the program of the recipient, and the value of the time and services contributed by volunteers to carry out the program of the recipient at a rate determined by the Secretary".

(h) REPORTS TO CONGRESS.—Section 427 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11387) is amended to read as follows:

"SEC. 427. REPORTS TO CONGRESS.

"The Secretary shall submit annually to the Congress a report summarizing the activities carried out under this subtitle and setting forth the findings, conclusions, and recommendations of the Secretary as a result of the activities. The report shall be submitted not later than 3 months after the end of each fiscal year (6 months in the case of fiscal year 1988).".

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 428(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11388(a)) is amended to read as follows:

"(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle $105,000,000 for fiscal year 1989 and such sums as may be necessary for fiscal year 1990.".

(j) REALLOCATIONS.—Section 428 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11388) is amended by adding at the end the following new subsection:

"(d) REALLOCATIONS.—If, following the receipt of applications for the final funding round under this subtitle for any fiscal year, any amount set aside for assistance pursuant to subsection (b)(1), (b)(2), or (c) will not be required to fund the approvable applications submitted for such assistance, the Secretary shall reallocate such amount for other assistance pursuant to this subtitle.".

SEC. 404. SUPPLEMENTAL ASSISTANCE FOR FACILITIES TO ASSIST THE HOMELESS.

(a) USE OF ASSISTANCE.—Section 432(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11392(a)) is amended—

(1) in paragraph (1)—

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

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

"(C) to provide supportive services for the homeless; or"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting "operation," after "renovation,"; and

(B) in subparagraph (B), by striking "homeless individuals" and inserting "the homeless".

(b) RESERVATION OF FUNDS.—The second sentence of section 432(d) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11392(d)) is amended—

(1) by inserting "and services" after "facilities" each place it appears; and

(2) by striking "individuals and" and inserting "individuals or".

(c) AUTHORIZATION OF APPROPRIATIONS.—The first sentence of section 434 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11394) is amended to read as follows: "There are authorized to be appropriated to carry out this subtitle $27,000,000 for fiscal year 1989 and such sums as may be necessary for fiscal year 1990.".

SEC. 405. SECTION 8 ASSISTANCE FOR SINGLE ROOM OCCUPANCY DWELLINGS.

(a) INCREASE IN BUDGET AUTHORITY.—Section 441(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401(a)) is amended to read as follows:

"(a) INCREASE IN BUDGET AUTHORITY.—The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(e)(2) of such Act is authorized to be increased by $40,000,000 on or after October 1, 1988, and by such sums as may be necessary on or after October 1, 1989.".

(b) REPEAL OF COST LIMITATION.—Section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

SEC. 406. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—Subtitle E of title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401 et seq.) is amended by adding at the end the following new section:

"SEC. 443. ADMINISTRATIVE PROVISIONS.

"The procedures established under section 104(g) of the Housing and Community Development Act of 1974 shall also be applicable to projects assisted under this title.".

(b) CONFORMING AMENDMENT.—The table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 prec.) is amended by inserting after the item relating to section 442 the following new item:

"Sec. 443. Administrative provisions.".

(c) APPLICABILITY.—The amendments made by titles I through V shall be applicable to amounts received before, on, or after the date of the enactment of this Act.

(d) REGULATIONS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development or other Federal entity involved shall by notice establish such requirements as may be necessary to carry out the amendments made by titles I through V. The Secretary or other Federal entity involved shall issue regulations based on the notice not later than 12 months after the date of the enactment of this Act.

SEC. 407. REPORT ON EFFECT OF RENT CONTROL ON HOMELESSNESS.

(a) IN GENERAL.—The Secretary of Housing and Urban Development shall submit to the Congress a report evaluating the impact of local housing rent controls and regulations on the rate of homelessness in major cities in the United States.

(b) SPECIFIC REQUIREMENTS.—The report required in this section shall include—

(1) a listing of localities that have housing rent controls or regulations, the nature and extent of such controls or regulations, and an assessment of the variance of such controls or regulations among localities;

(2) an evaluation of the impact of such controls or regulations on the development, supply, and growth of affordable rental housing for lower income families, including an accounting of any increase or decrease in the supply of rental units that has occurred during the period of such controls or regulations;

(3) an evaluation of the benefits and effectiveness of such controls or regulations in ensuring affordable rents for lower income families;

(4) an evaluation of the relationship between the existence of such controls or regulations and Federal subsidized housing assistance in the locality, including whether such controls or regulations necessitate more or less Federal housing aid;

(5) an evaluation of the impact on the resident population of removing such controls or regulations, including an assessment of potential rent increases on lower income residents, the options available to localities to mitigate any such increases, the potential increased demand for Federal subsidized housing assistance, and the impact on fair market rents in the locality;

(6) an evaluation of the effect of such controls or regulations on commercial and nonrental housing development in the locality;

(7) a demographic review of the income levels of the population in controlled or regulated units;

(8) an evaluation of the effect of such controls or regulations on the quality of controlled or regulated units;

(9) an evaluation of compliance with such controls or regulations by owners, management, and residents of controlled or regulated units;

(10) an evaluation of the administration and enforcement of such controls or regulations by local officials;

(11) an evaluation of the impact of factors other than rent controls or regulations that affect the development of affordable housing in the locality;

(12) a comparison to other localities that have not instituted such controls or regulations on the supply, development, availability, and affordability of rental housing; and

(13) any other related issue the Secretary of Housing and Urban Development determines to be of interest or significance.

(c) DEADLINE.—The Secretary of Housing and Urban Development shall submit the report required in this section within 12 months after the date of the enactment of this Act.

The CHAIRMAN. Are there any amendments to title IV?

AMENDMENT OFFERED BY MR. RIDGE

Mr. RIDGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIDGE: At the end of title IV, insert the following new section:

SEC. 408. HOMELESS HOUSING ASSISTANCE BLOCK GRANTS.

(a) IN GENERAL.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) by striking subtitles B, C, and D; and

(2) by inserting after subtitle A the following new subtitle:

"Subtitle B—Homeless Housing Assistance Block Grants

"SEC. 411. STATEMENT OF PURPOSE.

"The purpose of this subtitle is to provide funding to States, and to larger metropolitan cities and urban counties, on a formula block grant basis, in order to provide them with maximum flexibility to meet the needs of the homeless.

"SEC. 412. DEFINITIONS.

"For purposes of this subtitle:

"(1) The term 'grantee' means a metropolitan city, urban county, or State receiving assistance from the Secretary under section 414 or an Indian tribe or territory receiving assistance from the Secretary under section 415.

"(2) The term 'handicapped' means an individual who is handicapped within the meaning of section 202 of the Housing Act of 1959.

"(3) The term 'handicapped homeless person' means, for purposes of permanent housing assisted under this subtitle, a handicapped individual who is a homeless individual within the meaning of section 103, is at risk of becoming a homeless individual, or is a handicapped individual who has been resident of transitional housing carried out pursuant to the provisions made effective by section 101(g) of Public Law 99-500 or Public Law 99-591.

"(4) The term 'Indian tribe' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"(5) The term 'metropolitan city' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"(6) The term 'operating costs' means expenses incurred in operating housing for the homeless assisted under this subtitle with respect to—

"(A) the administration, maintenance, repair, insurance, and security of such housing; and

"(B) utilities, fuels, furnishings, and equipment for such housing.

"(7) The term, 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management services.

"(8) The term 'private nonprofit organization' means a secular or religious organization described in section 501(c) of the Internal Revenue Code of 1986 that is exempt from taxation under subtitle A of such Code, has an accounting system and a voluntary board, and practices nondiscrimination in the provision of assistance.

"(9) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(10) The term 'State' means any State of the United States and the Commonwealth of Puerto Rico, or any instrumentality thereof approved by the chief executive officer of the State.

"(11) The term 'supportive housing' means a project assisted under this subtitle that provides housing and supportive services for homeless individuals. All or part of the supportive services may be provided directly by the grantee or other recipient or by arrangements with other public or private service providers. The term includes the following:

"(A) Transitional housing, which means a project assisted under this subtitle that has as its purpose facilitating the movement of homeless individuals to independent living within a reasonable amount of time, as determined by the project sponsor. Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental disabilities, and homeless families with children.

"(B) Permanent housing for handicapped homeless persons, which means a project assisted under this subtitle that provides community-based, long-term housing and supportive services for not more than 12 handicapped homeless persons. Each project shall be either a home designed solely for housing handicapped persons or dwelling units in a multifamily housing project, condominium project, or cooperative project. Not more than one home may be located on any one site and no such home may be located on a site contiguous to another site containing such a home. All projects shall be integrated into the neighborhoods in which they are located.

"(12) The term 'supportive services' means assistance designed by the recipient that (A) addresses the special needs of persons, such as deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons, intended to be served by a project; and (B) assists in accomplishing the purposes of the different types of housing for the homeless. The term includes, but is not limited to, food, child care, outpatient health services, drug treatment, education, employment counseling, nutritional counseling, security arrangements necessary for the protection of residents of facilities to assist the homeless, the provision of assistance to homeless individuals in obtaining other Federal, State, and local assistance available for such individuals, including mental health benefits, employment counseling, and medical assistance, such other services essential for maintaining independent living as the grantee determines to be appropriate, and assistance in obtaining permanent housing. The term does not include major medical equipment.

"(13) The term 'territory' means the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

"(14) The term 'unit of general local government' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"(15) The term 'urban county' has the meaning given such term in section 102 of the Housing and Community Development Act of 1974.

"SEC. 413. AUTHORIZATIONS.

"(a) AUTHORITY TO MAKE GRANTS.—The Secretary is authorized to make grants to metropolitan cities, urban counties, and States, in accordance with section 414 and the other provisions of this subtitle. The Secretary is also authorized to make grants to Indian tribes and territories, in accordance with section 415 and the other provisions of this subtitle.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal year 1990. Sums appropriated pursuant to this subsection shall remain available until expended.

"(c) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance in planning, developing, and administering assistance under this subtitle. This assistance may include, but is not limited to—

"(1) establishing supportive housing;

"(2) operating supportive housing; and

"(3) providing supporting services to the residents of housing under this subtitle.

"SEC. 414. ALLOCATION AND DISTRIBUTION OF FUNDS.

"(a) IN GENERAL.—

"(1) After determining the amount of the set-asides established under section 415 for grants to Indian tribes and territories, the Secretary shall allocate 80 percent of the remaining amount of assistance available under this subtitle to metropolitan cities and urban counties and 20 percent of such amount to States, in accordance with this section.

"(2) The Secretary shall determine the amount to be allocated to each metropolitan city and urban county under this subtitle as follows—

"(A) divide the amount available for allocation to all metropolitan cities and urban counties under this subtitle by the amount available for allocation to such cities and counties under section 106(a) of the Housing and Community Development Act of 1974 for the prior fiscal year; and

"(B) multiply the result by the amount that was allocated to each city and county under section 106(b) of such Act for the prior fiscal year.

"(3) The Secretary shall determine the amount to be allocated to each State under this subtitle as follows—

"(A) divide the amount available for allocation to States under this subtitle by the amount available for allocation to States under section 106(d) of the Housing and Community Development Act of 1974 for the prior fiscal year; and

"(B) multiply the result by the amount that was allocated to each State under section 106(df) of such Act for the fiscal year.

"(b) MIMIMUM ALLOCATION REQUIREMENT.—If, under subsection (a), any metropolitan city or urban county would receive a grant of less than 0.05 percent of the amounts appropriated to carry out this subtitle for any fiscal year, that amount shall, instead be allocated to the State. However, any city that is located in a State that does not have counties as local governments, that has a population greater than 40,000 but less than 50,000 as used in determining the fiscal year 1987 community development block grant program allocation, and that was allocated more than $1,000,000 in community development block grants funds in fiscal year 1987, shall receive directly from the Secretary the amount allocated to the city under subsection (a).

"(c) GRANTS TO STATES.—

"(1) A State may use amounts allocated to it under subsections (a) and (b) (A) to carry out eligible activities directly (all or a portion of which may be distributed to private nonprofit organizations, as authorized by subsection (d)); or (B) to distribute amounts to units of general local government. When a State carries out activities directly (including where it distributes amounts to private nonprofit organizations), it shall consult with the chief executive officer of the unit of general local government. When a State distributes amounts to private nonprofit organizations, the State shall request the applicable unit of general local government or Indian tribe to review and comment on each application from such an organization for a project to be assisted under this subtitle. The State shall give the unit of general local government or Indian tribe 30 days from the date of the request to submit com-

ments to the State, and shall take any comments into consideration in deciding whether to fund the application.

"(2) No amount may be distributed by any State to any unit of general local government unless the unit of general local government certifies that its program will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (Public Law 88-352) and title VIII of the Civil Rights Act of 1968 (Public Law 90-284), and that it will affirmatively further fair housing.

"(d) DISTRIBUTION TO NONPROFIT ORGANIZATIONS.—A grantee may distribute all or a portion of its grant to private nonprofit organizations providing assistance to homeless individuals. In the case of a grantee that is a State, any such distribution shall be made in accordance with subsection (c).

"(e) ADMINISTRATIVE EXPENSES.—A grantee may use up to 5 percent of its grant for any fiscal year to cover administrative expenses in carrying out its responsibilities under this subtitle.

"(f) REALLOCATION.—Any amounts allocated to a metropolitan city, urban county, or State pursuant to subsections (a) and (b) which are not received by the city, county, or State for a fiscal year for any reason or are returned, or which become available as a result of actions under section 417(a), shall be reallocated in the fiscal year in which the amounts become available to grantees that received an allocation in subsections (a) and (b), or in the next fiscal year if the Secretary determines that the amounts available for reallocation are so small that reallocation in the same year would not be feasible.

"SEC. 415. GRANTS TO INDIAN TRIBES AND TERRITORIES.

"(a) SET-ASIDES.—Of the total amount approved in appropriation Acts pursuant to section 413 for any fiscal year, the Secretary shall set aside an amount for grants to Indian tribes and an amount for grants to territories. The Secretary shall allocate these amounts in accordance with allocation formulas established by the Secretary. Any amounts under this subsection initially allocated to Indian tribes that become available for reallocation shall be reallocated to Indian tribes, and any amount initially allocated to territories shall be reallocated to territories.

"(b) ASSISTANCE FOR NONPROFITS.—Any grantee under this section may distribute all or a portion of its grant to private nonprofit organizations providing assistance to homeless individuals.

"(c) AVAILABILITY OF AMOUNTS.—Amounts set aside for grants under subsection (a) in any fiscal year, but not used in that year, shall remain available for use in later fiscal years for the same purposes.

"(d) COMPLIANCE WITH CIVIL RIGHTS LAWS.—

"(1) Except as provided in paragraph (2), no grant may be made under this section unless the grantee provides satisfactory assurances that its program will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (Public Law 88-352) and title VIII of the Civil Rights Act of 1968 (Public Law 90-284).

"(2) No grant may be made to an Indian tribe under this section unless the applicant provides satisfactory assurances that its program will be conducted and administered in conformity with title II of the Civil Rights Act of 1968 (Public Law 90-284). The Secretary may waive, in connection with grants to Indian tribes, the provisions of section 416(b)(8).

"(3) The Secretary may accept a certification from the grantee that it has complied with the requirements of paragraph (1) or (2), as appropriate.

"SEC. 416. ELIGIBLE ACTIVITIES; PROGRAM POLICIES AND REQUIREMENTS.

"(a) ELIGIBLE ACTIVITIES.—Activities assisted under this subtitle may include only—

"(1) the acquisition, lease, renovation, rehabilitation (including, but not limited to, substantial rehabilitation), acquisition and rehabilitation, or conversion of buildings to be used for supportive housing (including transitional and permanent housing) and emergency shelters;

"(2) debt service payments in connection with a preexisting loan made to purchase an existing structure that has been and will continue to be, or will be, used to assist homeless individuals;

"(3) assistance to facilitate the transfer and use of public buildings to assist homeless individuals and families;

"(4) the provision of supportive services, if the services have not been provided by the local government during any part of the immediately preceding 12-month period;

"(5) operating costs of providing housing for the homeless; and

"(6) additional assistance, in support of activities under paragraphs (1) through (5), to meet the special needs of homeless families with children, elderly homeless individuals, and the handicapped in connection with housing for the homeless assisted under this subtitle.

"(b) PROGRAM POLICIES AND REQUIREMENTS.—

"(1) Each grantee shall assure that housing assisted under this subtitle shall be decent, safe, and sanitary and shall meet all applicable State and local housing and building codes and licensing requirements in the jurisdiction in which the housing is located.

"(2) Each grantee shall certify, to the satisfaction of the Secretary, that it will maintain any building for which assistance is used under this subtitle for homeless individuals for not less than a 3-year period, for not less than a 10-year period if the assistance is used for acquisition, substantial rehabilitation, or conversion of a building, or for not less than a 1-year period if the assistance is used solely for activities described in paragraphs (3) through (6) of subsection (a).

"(3) Assistance under subsection (a)(1) for acquisition, substantial rehabilitation, or conversion, or under subsection (a)(2) for debt service payments, used to assist supportive housing shall be repaid on such terms as may be prescribed by the Secretary when the project ceases to be used as supportive housing in accordance with the provisions of this subtitle. Grantees and project sponsors shall be required to repay 100 percent of the amount of the assistance if the project is used as supportive housing for fewer than 5 years following initial occupancy. If the project is used as supportive housing for more than 5 years, the percentage of the amount that shall be required to be repaid shall be reduced by 20 percentage points for each year in excess of 5 that the property is used as supportive housing. A project may continue to be treated as supportive housing for purposes of this subsection if the Secretary determines that the project is no longer needed for use as supportive housing and approves the use of the project for the direct benefit of lower income persons.

"(4) Each grantee shall certify, to the satisfaction of the Secretary, that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (Public Law 88-352) and title VIII of the Civil Rights Act of 1968 (Public Law 90-284), and the grantee will affirmatively further fair housing.

"(5) Each grantee shall certify, to the satisfaction of the Secretary, that no assistance received under this subtitle (or any State or local government funds used to supplement such assistance) will be used to replace other public funds previously used, or designated for use, to assist the homeless.

"(6) Each grantee shall assure that homeless individuals will be assisted in obtaining—

"(A) appropriate supportive services, including permanent housing, medical and mental health treatment, counseling, supervision, and other services essential for achieving independent living; and

"(B) other Federal, State, local, and private assistance available for homeless individuals.

"(7) Notwithstanding any other provision of law, the Secretary may permit any grantee or other recipient of assistance under this subtitle to retain any program income that is realized from any grant made by the Secretary, or any amount distributed by a State, for the purposes of carrying out homeless housing assistance activities, subject to all applicable laws, regulations, and other requirements.

"(8) The provisions of section 109 of the Housing and Community Development Act of 1974 shall apply to assistance under this subtitle.

"(9) Each grantee shall certify, to the satisfaction of the Secretary, that a portion of the assistance received under this subtitle by the grantee will be used to assist handicapped homeless persons, including mentally ill homeless persons.

"(10) Each grantee shall comply with such other terms and conditions as the Secretary may establish for purposes of carrying out the program under this subtitle in an effective and efficient manner.

"SEC. 417. REVIEW AND ADJUSTMENTS; GAO AUDITS.

"(a) REVIEW AND ADJUSTMENTS.—

"(1) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a data-based performance and evaluation report, by project, concerning the use of funds made available under section 414 or 415, as appropriate. The grantee shall also make the report available to the citizens in each grantee's jurisdiction in sufficient time to permit the citizens to comment on the report before its submission. The grantee's report shall indicate its programmatic accomplishments, and shall include a summary of any comments received by the grantee from citizens in its jurisdiction respecting its program.

"(2) The Secretary shall, on at least an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

"(A) in the case of grants made to metropolitan cities, urban counties, and States (with respect to amounts used by a State to carry out eligible activities directly) (i) whether the grantee has carried out its activities in a timely manner; (ii) whether the grantee has carried out those activites and its certifications in accordance with the re-

quirements of this subtitle and with other applicable laws; and (iii) whether the grantee has a continuing capacity to carry out those activities in a timely manner; and

"(B) in the case of grants to States with respect to amounts distributed by the States to units of general local government (i) whether the State has distributed funds to units of general local government in a timely manner; (ii) whether the State has carried out its certifications in compliance with the requirements of this subtitle and other applicable laws; and (iii) whether the State has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

"(3) The Secretary shall prepare an annual report, based on information obtained from the grantees, to determine the effectiveness and efficiency of assistance provided under this subtitle. The report shall also provide information on the activities funded under this subtitle and assess whether there is a continuing need for assistance under this subtitle.

"(4) The Secretary may adjust, reduce, or withdraw assistance made available to a recipient, or take other action as appropriate in accordance with the Secretary's reviews and audits under this subsection, except that funds already expended on eligible activities under this subtitle shall not be recaptured or deducted from future assistance.

"(b) GAO AUDITS.—Insofar as they relate to funds provided under this subtitle, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to, or in use by, the recipients pertaining to the financial transactions and necessary to facilitate the audit.

"SEC. 418. REPORTING REQUIREMENTS.

"The Secretary may require grantees and other recipients of assistance under this subtitle to submit to the Secretary such reports and other information as the Secretary determines are necessary to monitor the program.".

(b) TRANSITION PROVISIONS.—

(1) TERMINATION OF ASSISTANCE.—On or after the effective date of this section, no assistance may be provided under subtitle B, C, or D of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11371 et seq.), as it existed immediately before such effective date, except pursuant to a commitment made before such effective date.

(2) CONTINUATION OF ASSISTANCE.—Any assistance provided under subtitle B, C, or D, as it existed immediately before the effective date of this section, shall continue to be governed by the provisions of such subtitle.

(3) REALLOCATION OF ASSISTANCE.—Any amounts that, in the absence of this section, would have been available for commitment on or after the effective date of this section shall be available for allocation pursuant to subtitle B, as added by subsection (a) of this section.

(4) DEFINITION.—The term "commitment", as used in this subsection, means (A) in the case of the emergency shelter grants program under subtitle B, approval of an application; and (B) in the case of the supportive housing demonstration program under subtitle C and the supplemental assistance for facilities to assist the homeless program under subtitle D, obligation of funds by the Secretary of Housing and Urban Development.

(c) CONFORMING AMENDMENTS.—

(1) TABLE OF CONTENTS.—The items relating to title IV in the table of contents in section 101(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 prec.) are amended to read as follows:

"TITLE IV—HOUSING ASSISTANCE

"Subtitle A—Comprehensive Homeless Assistance Plan

"Sec. 401. Requirement for comprehensive homeless assistance plan.

"Subtitle B—Homeless Housing Assistance Block Grants

"Sec. 411. Statement of purpose.
"Sec. 412. Definitions.
"Sec. 413. Authorizations.
"Sec. 414. Allocation and distribution of funds.
"Sec. 415. Grants to Indian tribes and territories.
"Sec. 416. Eligible activities; program policies and requirements.
"Sec. 417. Review and adjustments; GAO audits.
"Sec. 418. Reporting requirements.

"Subtitle C—Miscellaneous Provisions

"Sec. 431. Section 8 assistance for single room occupancy dwellings.
"Sec. 432. Community development block grant amendments.
"Sec. 433. Administrative provisions.".

(2) COMPREHENSIVE HOMELESS ASSISTANCE PLAN.—Section 401(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361(a)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "emergency shelter grants program" and inserting "homeless housing assistance block grant program under subtitle B"; and

(ii) by striking "section 413(b)" and inserting "section 414(b)";

(B) in paragraph (1), by inserting before the semicolon at the end the following: "or an amendment to the comprehensive plan submitted in the prior year (when appropriate)"; and

(C) by striking the semicolon at the end of paragraph (3) and all that follows and inserting a period.

(3) REDESIGNATIONS.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(A) by redesignating subtitle E as subtitle C; and

(B) by redesignating sections 441 through 443 as sections 431 through 433, respectively.

(d) EFFECTIVE DATE.—This section shall become effective on October 1, 1989.

In section 1, in the table of contents, insert after the item relating to section 407 the following new item: "Sec. 408. Homeless housing assistance block grants.".

In the matter proposed to be inserted by section 402(c), strike "and such sums as may be necessary for fiscal year 1990".

In the matter proposed to be inserted by section 403(i), strike "and such sums as may be necessary for fiscal year 1990".

In the matter proposed to be inserted by section 404(c), strike "and such sums as may be necessary for fiscal year 1990".

Mr. RIDGE [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 Pennsylvania?

There was no objection.

Mr. RIDGE. Mr. Chairman, first of all I do want to again applaud the chairman and the vice chairman of the Subcommittee on Housing and Community Development, the gentleman from Texas [Mr. GONZALEZ] and the gentlewoman from New Jersey [Mrs. ROUKEMA] for their leadership and resolve on this particular issue.

I look forward, regardless of the outcome of this debate, to continue working together with them to promote the interests and best utilization of our limited resources to help the homeless.

I would like to try to focus clearly on the primary issue. The debate is not going to be about specific dollar amounts or winners and losers because clearly there will be some communities that will receive more money and some communities are going to get less. It is more constructive for us to talk about the best approach available in developing a homeless policy, the best approach available to utilize the restricted resources in a way that maximizes their effectiveness.

What we are arguing about, Mr. Chairman, involves 40 percent of the money that would be set aside in the housing portion of the homeless bill. We seek to change these three categorial programs to a single block grant.

The gentlewoman from New Jersey [Mrs. ROUKEMA] and I strongly believe and encourage our colleagues to adopt the block grant approach rather than the categorical programs.

Let me tell you in a very real way at least why I have concluded that that is the best and most effective approach.

As many of you know, I was pleased to work with our deceased colleague from Connecticut through the natal stages of this homeless bill through and to completion when we enacted it into law last year.

What I did toward the conclusion of the year was to get together with my service providers, with those men and women and agencies that have been involved in meeting the real human needs of the homeless people long before the Federal Government ever got involved in the enterprise.

Mr. Chairman, I was surprised to learn quite a few things from them. In many instances it was a good news/bad news situation. They said, "Congressman, it is great that the Federal Government has finally recognized its responsibility to the homeless." That is the good news. "There is some money out there for us or potentially for communities to use to help the

homeless. That is good. Remember this was a group of 8 or 10 people representing different social service organizations and nonprofits which had been dealing with homeless for years and years they reiterated "the good news is the Federal Government has some money out there and the bad news is that none of us are receiving any."

They also reminded me of another very, very important fact that I think is absolutely essential for consideration of the choice that we are offering you.

There is really no generic no stereotypical homeless person. There are a variety of reasons: economic, social, demographic which have resulted in homelessness.

Take a look in any particular community. There will be a certain number of homeless because of an alcohol or drug dependency, or maybe some that are just runaway adolescents; clearly there are some out there for economic reasons, some are those who may have been prematurely and cruelly released from institutions; others may be abused and battered women with children. So clearly there is not one particular type of homeless person, and indeed therefore it seems logical to conclude that there is not a single kind of program that we could devise in Washington to take care of these homeless people in these communities, communities that are best capable of identifying their own unique needs.

So we have to fashion a flexible policy because there are so many different kinds of needs and so many reasons that people are homeless. It is not easy. It is not easy to do at all.

In the bill that we are trying to amend there are three programs that we are trying to consolidate into block grants: the Emergency Shelter Grant Program where some of the money went to the State and the balance through the Federal Government. There was a supplemental assistance program and there was a supportive housing program.

What the gentlewoman and I would like to do is to wrap those three into one, one single block grant; we are not changing the list of eligible or activities. Communities can still use these monies for purposes allowed within these three categorical programs.

We had some hearings on the effectiveness of the categorical approach earlier this January.

We had people from Pennsylvania, from Minnesota and from other communities around this country, men and women who deal on a day-to-day basis, not once or twice a year as Congress and individual Congressmen and women, but women and men and organizations that deal daily with homeless people.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. RIDGE] has expired.

(By unanimous consent, Mr. RIDGE was allowed to proceed for 5 additional minutes.)

Mr. RIDGE. I would just like to recite a few of their comments, understanding of course, that the hearings lasted for hours and hours. But we asked them specifically about the block grant project.

Ms. Tonelli said:

I know there have been some block grant funds given through the provision to mental health, under the McKinney Act, and they have been very helpful. I think probably that approach will work because they are at the level where they know the money is needed, so I certainly support that.

Ms. Cancilla from northwestern Pennsylvania said:

I definitely support the block grant approach, so long as it is the result of a shared consensus of people who are involved in the service in a particular community to decide where funds should be disbursed.

Mr. Leary said:

I would also support the block grant approach. In the competitive programs under the McKinney Act especially, a few large programs, if any, are receiving funding. Like I mentioned earlier, we have 27 transitional programs in Minnesota and only one of the agencies was able to access that money.

Mr. Suko said:

I think the block grant approach is a very useful way of focusing attention on coordinating all the services.

We had hearings, we recognized there was a problem, so we invited service providers in. They said to us:

As you are looking through the housing portion of the homeless bill why don't you give the block grant approach a try. We think it would be a better, more useful tool to coordinate our approach toward dealing with the real needs of these people who are affected by the plight of homelessness.

I also asked the Council of State Community Affairs Agencies, State agencies which deal with the problem of homelessness. They wrote a very supportive letter which I might just quote:

The block grant concept nonetheless is viewed as the simplest and most effective way of overcoming the weaknesses and inefficiencies of the McKinney Act Housing Progam and maximizing the efficacy of those programs.

The National Association of Counties remarked similarly:

Restructuring the McKinney Act to provide housing and other services to the homeless through block grants simply makes more sense. With block grants there is more local flexibility, the facilities setting priorities and developing a comprehensive strategy to meet the needs of the homeless.

I might say we also received a letter in support from the National Association of State Mental Health Program Directors. Finally, the National League of Cities, which I will quote.

The National League of Cities has long supported legislative efforts that would enhance the ability of local governments to exercise the maximum amount of flexibility in addressing local concerns. Given the growing complexity and diverse service demands of the homeless crisis, it is vitally important that local officials have the ability to utilize federal financial assistance in a manner that is best suited to their unique community requirements.

So I would urge my colleagues to take a very, very careful and studied look at the approach that the gentlewoman and I are offering in the form of this amendment. A categorical approach benefits those organizations and communities that have good grantsmen not necessarily the most homeless. We do not think having a qualified grantsman is necessarily the most appropriate and most effective way of meeting the needs of the homeless. It is better for local service providers and the homeless to target the money through the CDBG Program.

Let's take the money from these three programs and put it in a block grant. Let's distribute these moneys as we distribute moneys through the Community Development Block Grant Program. Eighty percent would go to entitlement communities. Twenty percent to the States.

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Mr. Chairman, I would just encourage the Members to examine this amendment carefully because I think it has considerable merit. Certainly there is more efficiency and a lot more flexibility here. The decisionmakers who are most knowledgeable about the needs of the homeless in their communities make the decisions. We trust our local officials. The homeless are better served when service providers get together to avoid duplication and to provide a very comprehensive approach to their problems. The amendment distributes the funds to States, cities, and urban communities through the well respected and understood CDBG Program formula.

We must remember that this has the added feature of allowing the grantees to channel that money to the nonprofit providers. It permits allocation of funds to communities with the greatest need.

We think there is also another very important element, and that is predictability. In this way these communities that are making a very aggressive effort to meet the needs of the homeless will have a predictable source of funding on which they can base not only an annual program but a program projected in the future to help the homeless.

If you truly want to help the homeless, if you are really concerned about the men and women and families that are out on the street—and I think we are all concerned about them—please support the block grant approach. I think it is a much more effective utili-

zation of our limited resources and ultimately serves the needs of these homeless in a more effective fashion.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the amendment.

(By unanimous consent, Mr. GONZALEZ was allowed to proceed for 5 additional minutes.)

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] is recognized for 10 minutes in opposition to the amendment.

Mr. GONZALEZ. Mr. Chairman, I know that many Members have received "Dear Colleague" letters from the proponents of this amendment alleging that the Ridge/Roukema block grant amendment would provide more funds for the HUD Homeless Assistance Programs than would be available under the committee version. In some cases the Members have showed me the statements that were made that their districts would be getting double the amount of funds that they received in the previous years' activity. I challenge the accuracy of these statements by the proponents of the amendment.

After a quick review of the budget justification I would state that these statements on the level of assistance in the Dear Colleague letters are based on the authorization level of $257 million in the committee reported bill. The amounts that they compare the higher levels to are based on last year's appropriated level which is approximately $144 million. No wonder they can make the claim that more funds would be available under their amendment. The authorized level in this bill and in the pending amendment is higher than the appropriated amounts in last years appropriations act. A vote for the committee version of this legislation would produce the same amount of funding for the Members' communities as the Ridge/Roukema proposal would produce. Do not be swayed by the argument that your communities are being cheated. They are not. We will be getting the same amount of money under the committee version as we would in the Ridge/Roukema amendment.

This block grant approach is merely an attempt to dilute support of individual HUD programs which assist the homeless and consolidate these programs into one large grant which will be susceptible to the domestic budget program ax in the congressional budget process. To block grant McKinney programs at this time would be premature given that the McKinney programs have only been operating for a few months and the programs have been grossley underfunded. The true problem with the McKinney Act is that the programs need more funding.

I believe that the block grant approach leaves the homeless programs vunerable to further budget cuts in the future. We have experienced severe cuts to block grants, such as the Community Development Block Grant Program, which under the Reagan administration has experienced drastic cuts of 40 percent. Likewise, this block grant for the homeless would be most susceptible to those wishing to cut domestic programs.

The block grant amendment does not address the real issue surrounding the McKinney Act which is the need for more funds for McKinney Act programs. The McKinney programs have not received adequate funding. For instance, the committee authorized $616 million for fiscal year 1988, and $360.5 million was appropriated which is an approximate 42 percent shortfall from the authorization. The proponents of the block grant list a series of cities and States which would receive allocations under the block grant approach; however, given the past drastic cuts to the McKinney programs, if the block grant is adopted the actual funding may be quite low; thus having a minimal impact on the homeless in each community.

Proponents of the block grant allege that local service providers support the block grant approach. It is unclear, however, whether such support exists. In the Housing Subcommittee's January 26, 1988, hearing on the McKinney Act programs, witnesses emphasized the need for more funding for the McKinney programs. The witnesses did not, however, give their strong support to this approach. In their brief responses to a question on the block grant approach, witnesses outlined conditions under which a block grant could be considered.

Mr. Chairman, I urge the defeat of the Roukema/Ridge amendment.

I rise in opposition to the amendment which substitutes a block grant for several McKinney homeless programs. This amendment was voted down in committee by a vote of 30 nays, 19 ayes. I believe that this amendment is premature given that the McKinney programs were first enacted 1 year ago and have only been operating for the last 7 to 8 months; and in addition I believe that the amendment is a disguise for further reducing services to the homeless. This block grant amendment does little to simplify the McKinney programs. Rather it eliminates three vitally needed homeless programs—HUD Emergency Shelter Grants Program, supportive housing demonstration programs—including transition housing and permanent for the handicapped homeless—and the supplemental assistance for facilities to assist the homeless program. This block grant amendment will better be handled in committee when the banking committee considers omnibus housing legislation for the 1990's when we deal with more permanent affordable housing approaches for low-income Americans. Consideration of this amendment in this emergency bill is not the proper vehicle to handle this issue.

The U.S. Conference of Mayors, the National Coalition for the Homeless, and the National Mental Health Association oppose this amendment. I have included their recent letters in opposition to the amendment.

THE U.S. CONFERENCE OF MAYORS,
Washington, DC, August 1, 1988.

DEAR REPRESENTATIVE: On Wednesday you will consider H.R. 4352, a bill to reauthorize the Stewart B. McKinney Homeless Assistance Act. I am writing on behalf of the nation's mayors to urge your support for this important legislation, and to urge you to vote against an amendment to be offered by Representatives Roukema and Ridge that would turn three of the McKinney Act programs into a block grant.

In June The Conference of Mayors sent you a report on how cities are using funds provided through the McKinney Act. That report showed that the Act has provided much needed help to homeless people in our cities, that the federal funds have leveraged significant amounts of local dollars—both public and private—and that local efforts to meet the needs of homeless people have been expanded. But the problems of homelessness continue to grow in our cities, as our previous reports have shown. Even with the help provided through the McKinney Act, local programs which serve homeless people, including increasing numbers of families with children, are often unable to meet the need. Clearly the McKinney Act must be continued.

On the issue of the Roukema/Ridge amendment, generally The Conference of Mayors supports block grants to cities. This amendment, however, would take 20 percent of the funds appropriated and provide them to the states. This would reduce the funding provided directly to local governments—funding which has been quickly and efficiently put to work by those governments. Our experience in other programs, notably the anti-drug enforcement grants, has shown that state administration of funds intended for local governments has been extremely slow. Indeed some cities have yet to see a penny of funds appropriated nearly two years ago for anti-drug programs. We see no justification for changing the McKinney Act system, established just a year ago, when clearly it is working.

Please consider the views of the nation's mayors when you vote on H.R. 4352.

Sincerely,

J. THOMAS COCHRAN,
Executive Director.

NATIONAL MENTAL HEALTH ASSOCIATION,
Alexandria, VA, June 20, 1988.

HOUSE BANKING COMMITTEE MEMBER,
U.S. House of Representatives,
Washington, DC.

DEAR MEMBER OF HOUSE BANKING COMMITTEE: I would like to bring to your attention several concerns that the undersigned organzations have on H.R. 4725, which would block grant the housing programs under the Steward B. McKinney Homeless Assistance Act. For the following reasons, we urge you to support reauthorization of the housing programs in McKinney as reported out of the Housing subcommittee:

(1) Preservation of the Permanent Housing Program for Homeless Handicapped

People as a categorical grant better ensures that mentally ill homeless people would be served. A block granting of the programs increases the likelihood that mentally ill people would be at a disadvantage in the competition for funds at the state level since sponsors of projects for people with developmental disabilities have more experience in applying for these projects than sponsors of projects for people with mental illnesses.

(2) Since the housing programs in McKinney were just authorized last year, it is premature to block grant them now. While there were some problems with initial implementation of the McKinney programs, it makes more sense to make technical changes to the existing programs (as the subcommittee has done) than to change the whole structure, and combine them.

(3) Next year, Congress will be considering major changes to housing programs. Any changes to McKinney housing programs would be more appropriate at that time.

Sincerely,

LARRY BEST,
Staff Associate, Federal Relations,
National Mental Health Association.

NATIONAL COALITION FOR
THE HOMELESS,
Washington, DC, August 1, 1988.

Hon. HENRY B. GONZALEZ,
House Office Building,
Washington, DC.

DEAR CONGRESSMAN GONZALEZ: Later this week, the Stewart B. McKinney Homeless Assistance Act Reauthorization (H.R. 4352) will be voted on by the House of Representatives. I understand that Congresswoman Marge Roukema and Congressman Tom Ridge plan to offer H.R. 4725, the Homeless Housing Block Grant Act of 1988, as an amendment to the reauthorization bill. The Ridge-Roukema amendment combines three programs under Title IV of the McKinney Act; the Emergency Shelter Grant, Supportive Housing, and Supplemental Assistance for Facilities to Assist the Homeless, under one block grant.

While I do not oppose in principle the block grant approach to these programs, I am concerned about the critical need to get the reauthorization bill passed as quickly as possible. Already the bill has moved very slowly through the committee process on its way to the floor; any further delay would be intolerable.

I encourage and support further investigation of the proposals offered by the Ridge-Roukeman amendment. I hope that the debate between those favoring the block grant approach and those supportive of categorical or competitive grants does not develop into a partisan battle. There are some obvious advantages to the block grant approach provided that adequate Federal safeguards are incorporated in the statutory language. However, I do not believe that there is enough time or that the House floor is the proper forum to examine specific language and implement the necessary safeguards. As a result, I oppose consideration of the amendment at this time.

The McKinney Act provides emergency, survival resources to people in desperate need of help. As you know, the funds involved are almost nominal compared to the enormity of the need. Nevertheless, they can and will help save lives. I hope that in overseeing the consideration of the bill on the floor, our common objective, to ensure that the bill passes as quickly and with as little controversy as possible, remains the focal point.

Sincerely yours,

MARIA FOSCARINIS.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, do I understand that my colleague meant to tell us earlier that according to the material and charts that the amendments proponents issued, counted the money in the special programs, the categorical programs, on the basis of appropriated money, and they counted the block grant on the basis of what was authorized?

Mr. GONZALEZ. That is right.

Mr. VENTO. There is a difference of more than $100 million. It is no wonder, then the difference. In other words, these are phantom dollars they are dealing with; is that correct?

Mr. GONZALEZ. That is right, these are ghost dollars.

Mr. VENTO. They are phantom dollars.

The authors of this amendment are circulating a letter to many Members of Congress which promise large increases in homeless assistance funding to each district if their block grant amendment passes.

Mr. Chairman, this is more phantom dollars than real dollars more blue smoke and mirrors than true help.

The figures used in this letter are misleading and inaccurate. They bear no resemblence to what was actually appropriated or authorized and surely no sound basis upon which to compare the benefits of competing means of Federal funds distribution.

These figures compare apples to oranges to bananas and come out with a "red herring"—claiming that every district will somehow receive increased funding from this "revenue neutral" amendment.

That type of shell and pea game ought to fall of its own weight!

This amendment would not help rural areas as the authors specifically claim. Twenty percent of the block grant funds would be stretched across the country to nonentitlement areas. That is 20 percent of $73 million—fiscal year 1988 appropriation for all three programs—only $14 million for rural communities across the Nation. We could just about double that number under current authorization levels if they were fully appropriated. Ironically under the regular CDBG formula, rural, nonentitlement areas receive a more generous treatment.

For example, the largest McKinney homeless assistance program is a block grant program—the Emergency Shelter Grant Program—which received only $8 million of the $120 million authorized. If you are sincere about increasing block grant funding, then support increased funding for this program and defeat this amendment. If you want to destroy a program that has only been in operation for 8 months but has shown a great deal of promise in helping the homeless then support the amendment.

The purpose of the homeless programs is to serve the poorest of the poor and maybe even save a few lives. Let's not lose sight of that goal in these underhanded tactics and cooked up numbers.

The authors say that their aim is to simplify the McKinney Act, yet their amendment would not accomplish that goal. The Roukema-Ridge amendment affects only 3 of the 19 homeless programs. In fact, the two largest homeless assistance programs are already block grant programs. What is really needed instead of this amendment is support to fully fund the existing homeless assistance block grant.

The likely effect of the amendment would be to eliminate essential McKinney programs and to make the homeless assistance programs more susceptible to the domestic budget ax. After less than a year of operation and exhaustive efforts—including a lawsuit—to get HUD to administer the homeless assistance programs, it would be unreasonable and premature to eliminate any of the McKinney programs.

This amendment would eventually result in lower funding levels for the homeless assistance programs. This consolidation attempt is not a new device. It was used to eliminate other programs and form the Community Development Block Grant Program. If this amendment passes, it won't be long before some of its supporters will want to lump it together with the CDBG Program. Our first clue to that attempt was the Reagan budget that ignored the fact the CDBG Program has been cut by 40 percent since 1980 and implied that the CDBG Program is sufficient to satisfy the needs of the homeless. Past experience has shown us that consolidating programs into block grants results in stretching fewer and fewer Federal dollars for more and more purposes.

This amendment is also unfair to charitable organizations that were helping the homeless long before this legislation was first enacted. Charitable organizations that have traditionally served the homeless would be bypassed in the funding process under this amendment. State and local governments would be the only entities receiving direct funding. If this amendment passes, State and local governments will win; charitable organizations will lose; but the true loss will be felt by the homeless.

I urge my colleagues to vote against this amendment.

Mr. GONZALEZ. Yes, they are ghost dollars, floating around out there somewhere. I think the gentle-

man from Massachusetts [Mr. FRANK] put it very aptly when he said, "Well, there must be some golden pot somewhere where less is more."

But the truth is that a careful analysis of this clearly shows that this would be a cruel hoax to perpetuate on our sincere colleagues who are not members of the committee and have not had a chance to digest this.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise to speak in favor of the amendment that is cosponsored by the gentleman from Pennsylvania [Mr. RIDGE] and myself. Before moving on to the body of my remarks, I would like to address myself to a statement just made by the chairman of the subcommittee, and I assert that indeed he was correct in his reference to the amounts and the erroneous figures that were first distributed concerning the amounts that would be allocated under the block grant proposal. He was indeed correct. There was an original tabulation that had been distributed to the committee where an error had been made. However, these numbers have now been corrected, and the numbers that I referred to earlier in the debate with respect to the specific question of what would happen, say, in the case of Arkansas, are accurate. We are comparing apples and apples, so to speak, in terms of those numbers.

The comparison we asked HUD to make was if under the same assumptions of the appropriations of the 1987 McKinney Act the provisions were applied on a block grant basis, how would those numbers look? That was what we asked them to do, and I must say that we now have those accurate numbers here for anyone who would like to look at them.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the point is that we cannot use dollars that are not appropriated. The point is that the categorical grant programs are up and running, and assuming they would make grant awards rather than having the type of lack of performance we had the past year the dollars would go out and some communities would benefit, based on the categorical awards.

Mrs. ROUKEMA. Correct.

Mr. VENTO. So there are no extra dollars here. These are dollars that are either going to go in a concentrated form on a categorical program or we are going to spread them an inch deep and a mile wide in terms of the block grant type of program.

Mrs. ROUKEMA. Mr. Chairman. I simply want to make the point again that has been made before, and I hope that everyone hears it because there has been an attempt to divert the issue here. The issue is that this formula is not discriminatory to rural areas. There are, as the gentleman from Pennsylvania [Mr. RIDGE] has said, winners and losers, but it is not based on rural versus urban in terms of the formula we have here.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield on that point?

Mrs. ROUKEMA. I yield to the gentleman from Minnesota.

Mr. VENTO. The fact is the way the formula works in the other part of the bill if we have less than a specific dollar amount, those dollars go to the State, because on a block grant basis the dollars would be too small. Does the gentlewoman's formula work in the same manner?

Mrs. ROUKEMA. Yes, it does.

Mr. VENTO. So the point, then, would be that we would distribute that money through the State rather than directly through the eligible communities. Many communities, of course, are not eligible under the formula basis, under CDBG, in any instance, and so most of this money would be going out through the States, and in that particular sense they would not get the money directly.

Mr. Chairman, I thank the gentlewoman for yielding.

Mr. RIDGE. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I yield to the gentleman from Pennsylvania.

□ 1645

Mr. RIDGE. I would like to respond to the gentleman's inquiry. The gentleman probably understands that there is a minimal amount that the communities would be eligible to receive, and, if their allocation formula came in under that amount, that money would be reversed to that particular State. We have, again using 1987 appropriation figures, calculated basically the percentage that would go directly to the entitlement communities and to the money that would be available to the States. It is probably closer to 70 percent/30 percent because of the residual money that is left over, but it would be application to the States.

Now presently with those two programs you have got to go to the Federal Government. Another program, some of the money goes to the Federal Government. Some goes to the State. And so we have reduced the amount of paperwork, brought it a lot closer to the people who need it and who are in a better position to evaluate what they need to help their communities than I am afraid a lot of people are giving them credit for.

So, Mr. Chairman, I am happy to respond to the gentleman's question.

Mrs. ROUKEMA. Reclaiming my time, Mr. Chairman, I would like to explain the amendment as I see it.

The CHAIRMAN. The time of the gentlewoman from New Jersey [Mrs. ROUKEMA] has expired.

(By unanimous consent Mrs. ROUKEMA was allowed to proceed for 5 additional minutes.)

Mrs. ROUKEMA. Mr. Chairman, let me first compliment the principal author of the amendment, the gentleman from Pennsylvania [Mr. RIDGE]. He is a very able member of our subcommittee, and he has worked hard on this issue.

I want to emphasize that the authors of this amendment, the gentleman from Pennsylvania [Mr. RIDGE] and I, are supporters of assistance to homeless individuals and families. Both of us are original cosponsors of the bill before us. We come at this issue from the perspective of trying to improve delivery of services to the homeless.

How, would our amendment improve that delivery of services?

The various nonprofit providers are the ones who are on the front line dealing with the problems of homeless. When one of those providers appeared before our committee, she complained about the current program structure.

This witness happens to come from an area that already has shelter facilities for its homeless. However, it is short on the services needed to help these people get back on their feet.

Our witness asked, "What need do we have of a categorical program that provides money for bricks and mortar? We don't need that. We have facilities already. What we need are services. So a program to build shelters does us no good."

She pointed out to the committee, however, that, if a block grant combined the various programs, she and the other providers on the local level could assess their needs and decide how best to allocate money to help the homeless. This is common sense.

That witness described the first and most important advantage of the block grant approach—flexibility for local providers to decide how best to serve the homeless.

What are the other advantages?

Predictability. Under the current categorical structure, no area can predict how much homeless assistance it will receive in a given year. It depends on the application process, and some applications are funded and some are not.

A block grant, on the other hand, provides predictability, a very important feature for local governments and nonprofit providers. Under our proposal, funds would be distributed according to the established and well-known community development block grant formula, modified slightly to give greater weight to the areas where the problem is most acute. By distributing

funds on a formula basis, localities would know what they are going to get once the appropriation has been approved. In short, a block grant would allow localities to plan, which they cannot do with the current structure.

Another advantage of the block grant is that it gives no unfair advantage to sophisticated grantsmen. The present system favors localities that may have experienced grantsmen on contract, people who are most adept at the drafting of grant applications. This is an even greater advantage to those communities when we are talking about programs like those under the McKinney Act which are relatively new.

Of course, many communities do not have such sophisticated grantsmen. A block grant would help such communities because, as I explained a moment ago, the funds would be distributed on a formula basis. The unfair advantage to crafty grantsmen would be removed.

The people who deal directly with these programs prefer the block grant approach. The National League of Cities supports our amendment, as does the National Association of Counties. The block grant approach is supported by many Governors and by the National Association of State Mental Health Program Directors.

I should emphasize that nothing in our amendment in any way diminishes the role of the nonprofit providers. The nonprofits are doing a terrific job of helping the homeless, and that would continue with the block grant. Money distributed with the block grant would be passed along from the cities or State to nonprofit entities in their jurisdiction.

During our subcommittee's hearing on reauthorizing the McKinney Act which we held in January of this year, we heard from a half-dozen nonprofit service providers from around the country.

And they were unanimous in their support of the block grant approach.

I think it's worth quoting briefly from those witnesses.

In response to a question about instituting a block grant which was asked by the gentleman from Pennsylvania [Mr. RIDGE], Flo Tonelli of the Colorado Department of Housing said, "I certainly support that."

Kitty Cancilla of the Erie, PA, Community Drop-in Center said, "I definitely support the block grant approach."

Patrick Leary, the Minnesota Homeless Assistance Programs coordinator, said, "I would also support the block grant approach."

Randy Suko, of the Thurston County, WA, Housing Authority, said "I think the block grant approach is a very useful way of focusing attention on coordinating all the services."

And Ted Pappas of the American Institute of Architects said that his organization "supports the block grant appoach."

No witness expressed opposition. They all supported a block grant.

The people who are involved in providing assistance to the homeless like the Ridge-Roukema amendment because it makes sense.

It simplifies the system and increases flexibility for localities.

Our amendment combines three of the categorical programs now authorized under the act into one homeless assistance block grant.

The amendment takes the emergency shelter grants, supportive housing, and supplemental assistance, and makes these programs into one block grant.

All of the activities now authorized under those three programs would be eligible activities under the block grant. Anything you can do now, you could do under the block grant.

We do not affect the authorization levels with our amendment. The total for our block grant is the same authorization total as that for the three categorical programs.

We use a well-known and well-liked formula to distribute the money under the block grant. We use the CDBG formula, slightly revised to give greater weight to cities and urban counties. This is a formula which States and localities are very familiar with and which will help to get the money out more quickly and more effectively.

In summary, our amendment would provide greater efficiency and flexibility and would ease the delivery of funds to those in our society who are so desperately in need.

This is a commonsense amendment, and I urge my colleagues to support it.

Ms. OAKAR. Mr. Chairman, I move to strike the requisite number of words and I rise in strong opposition to the amendment, and I yield to the gentlewoman from New Jersey [Mrs. ROUKEMA], my good friend whom I respect very much, but who, in this case, I ardently disagree with, just for purposes of a question.

Does the block grant formula of the gentlewoman from New Jersey [Mrs. ROUKEMA] authorize any money for 1989?

Mrs. ROUKEMA. Mr. Chairman, we had determined to have this effective in 1990 because the appropriation has already been made. The appropriations have already been made for 1989, and, therefore, we have formulated the amendment to apply in 1990.

Ms. OAKAR. Well, Mr. Chairman, let me just say that I thank the gentlewoman from New Jersey [Mrs. ROUKEMA] for responding to the question. She really creates, if this passes, and I just hope the Members are aware of this, that, if this passes, she creates a very fuzzy area for 1989 because truly—if I can just finish my point, and then I will yield when I finish some other points that I would like to respond to in terms of what the gentlewoman is making as her argument—it is important that we authorize and keep the formula that we have for 1989 because, if we change it in midstream, which is really what this is all about, this becomes a new concept, a new bill, that has not really taken off yet. And we are really on the verge now of seeing an impact on the homeless due to the efforts of Stew McKinney, and certainly our chairman and others. So, we do not have that.

The second thing is I have seen all of these "Dear Colleagues" which I guess I want to change some of the figures on, but nonetheless every Member who may not have the opportunity to listen to this debate who may be in hearings, et cetera they ought to know for those who believe that this may help rural and smaller areas that the formula being proposed by my friends on the other side would change the formula from 30 percent for the rural areas to 20 percent for the rural areas. So, it is a decrease for rural areas.

The other point that I would like to make is just in terms of responding to the gentlewoman from New Jersey [Mrs. ROUKEMA] who talked about one of the witnesses from Pennsylvania, my mother's place of birth, with respect to transitional housing. I think somebody, since I wrote part of that particular section and contributed to that section, somebody should have explained what that section is all about, and I think it would be reasonable that that Member would explain that to her. The fact is that the transitional housing area is not necessarily bricks and mortar. What we are saying is that we want to give a person a chance to bring his or her life back together, and the problem is that with many of the people that are predictable we can tell who the homeless are in contrast to my colleague from Pennsylvania who said, or to paraphrase, that we are not sure who the homeless are.

Mr. Chairman, I honestly know who the homeless are. I see them in my own neighborhood. About a third of them are mentally deinstitutionalized. About a third of them are families, men, women and children, and about a third of them are made up of veterans and other groups. I know who they are, and I do not think local authorities know any more about this than I do.

I do know this: That no one on a local level to my knowledge has comprehensively addressed the mental health deinstitutionalized person or the families, and let me tell my colleagues that one of the things we are trying to do is to fold all of that to-

gether and not target these groups that are so vulnerable and very seldom get the comprehensive kind of counseling, training, health care that this bill does. What they are trying to do is fold it all together and not mention what groups we really are trying to target, and we say it in the bill. We say that we want emergency shelter grants. We say that we want supportive housing for families, for handicapped, for the deinstitutionalized. We are not afraid to say that. We think it is important to have supplemental assistance and to target those kinds of programs, at least for the time being, until we can get the resources.

As my colleagues know, the administration time and time again has opposed this concept.

At one point, if we all recall, those of us who have been on the committee for a while, we recall that they put out a report and said that there was not to any discernable person a homeless problem. So, without intending to do this, they are in fact gutting a portion of a very important portion of the bill. That is really what it is all about because, if we can create this huge umbrella and have the laissez-faire attitude of the States and say, "Do with the money whatever you think you should do," there is no guarantee that there will be emergency shelters, that we will finally take a look at the mentally deinstitutionalized and the handicapped in the families of America who are in fact homeless, and we will not be serving, frankly, a lot of homeless individuals who are women, and we very seldom see targeted homeless programs for those individuals who are battered women, et cetera, who want a chance for transition, not just the opportunity to have some roof over their heads for a night or so, but a transition so they can get their lives back together, get that job, have the health care that they need get into a dignified human condition and living atmosphere for all of our people.

Mr. Chairman, this is a people problem, and I am surprised that HUD likes the idea of block grants because this administration loves to block grant everything. It reminds me of the voucher system that they have always proposed for health benefits. I mean that is in fact tantamount to no program at all, and I do not think it is intentional because I know that the gentlewoman from New Jersey has worked many hours on this, but I do feel very strongly that, if we want to see the gutting of an issue that some of us have worked very, very hard on on both sides of the aisle, including the late, great Stew McKinney, we will certainly not be served by this block grant approach.

□ 1700

The other point I would like to make is that it is very, very important that we not allow the mandated 5 percent of all money to be used for administration.

Let me tell you something. Sure, these State administrators, and I have a lot of respect for the State administrators, but a lot of them would like to raise salaries and they would like to hire more people and all that sort of thing. Listen, I think that within the framework, when you get a nonprofit group knowing that this is going to be a pilot project targeting a specific group in great dire need to comprehensively deal with that person, that individual nonprofit group or administration should not be saying off the bat that 5 percent of the limited resources in the average grant can be watered down to about $40,000 to be used for administration. We ought to be using that money for the homeless problem in a comprehensive fashion.

Mr. RIDGE. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Chairman, if I might, just a couple points. The gentlewoman does not think that the Governor of the great State of Ohio or Governors elsewhere are going to abuse that 5 percent. It is a requirement in the legislation the gentlewoman is supporting.

Ms. OAKAR. May I tell the gentleman, I think of the world of the Governor from my State and I think in the State of Ohio they have done a terrific job in terms of the mental health program, but I also think not only in the State of Ohio, but in all 50 States that many of the States because of their budget restrictions are deinstitutionalizing people and they have been doing this for years, beyond this administration in terms of my own State of Ohio, and everybody in America knows it.

These people are so vulnerable. They do not have the opportunity, very often they do not vote. They have no political clout. The gentleman knows it and I know it.

Let me tell the gentleman something. When they are deinstitutionalized and a third of them are walking the streets, they usually do not have any family. They do not have any medical follow-up which is in the bill, if that is the way these groups want to use this money. They very often do not have any job training, let alone a home.

One of the things that we are dealing with this transitional housing section and other sections of the bill is saying that finally on a pilot program basis we are going to deal comprehensively with the problem and see what happens when you give them the medication, when you give them the home, you give them the training and you give them the human interest that they so sorely need so that they do not walk around the streets without seeming to have a direction.

So I think we ought to reject this. Let us give this bill time and really have this comprehensive approach.

I want to compliment my chairman for all his good work.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. OAKAR] has expired.

(At the request of Mrs. ROUKEMA, and by unanimous consent, Ms. OAKAR was allowed to proceed for 2 additional minutes.)

Mrs. ROUKEMA. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentlewoman from Ohio.

Mrs. ROUKEMA. Mr. Chairman, just for a point of clarification, particularly between my good friend, the gentlewoman from Ohio and myself, I think the gentlewoman and I have probably expressed more concern for the mentally ill and the deinstitutionalized than I guess any two people I know in the Congress. I do not know why we have this difference of opinion.

Ms. OAKAR. That is why it is so important.

Mrs. ROUKEMA. We are looking at the same issue through different ends of the telescope, it seems to me; but I do want to say to the gentlewoman that certainly it is not my intention nor have we devised here an amendment that would in any way diminish services for the mentally ill or handicapped in other ways. All programs that qualify under present law under the bill as it now stands qualify and are included in this block grant approach. There is not one effort to diminish services to the mentally ill.

In addition, in the health portion of it, that of course is not affected at all

Ms. OAKAR. I know that is the gentlewoman's intention. Let me tell the gentlewoman what happens. You leave the block grant approach where you combine, it is like a big umbrella. In our bill we have targeted specific amounts of money, and I will be happy to show the gentlewoman this chart which was handed out to us during the hearings, et cetera. For example, for HUD emergency shelter grants, we have specifically targeted in H.R. 4352 $125 million.

In support of housing, the demonstration program that we have been talking about, we have specifically targeted out $105 million.

For the handicapped grants, we specifically targeted out a certain amount.

We do not have any guarantee whatsoever when you float all these many programs under one huge umbrella that the States will specifically deal with issues like the mentally deinstitutionalized, and that is the problem.

I am not blaming the States in terms of their resources and so on. Maybe they are doing the best they can, but I think it is high time we comprehensively target people who are extraordinarily vulnerable and have comprehensive needs. That is why I want to see this have a chance to be successful. We are not giving it a chance.

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Minnesota.

Mr. VENTO. Well, Mr. Chairman, I think the gentlewoman from Ohio is exactly right. The point that has to be made in this instance is that if we spend this on a block grant basis, it will go to all 50 States and eligible territories, a small amount of money. In fact, the Emergency Shelter Program, we have written as the gentlewoman knows, is on a block grant basis, so the amount of moneys that are here are very small. Most of the homeless programs are on a block grant or formula basis already.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. OAKAR] has again expired.

(At the request of Mr. VENTO, and by unanimous consent, Ms. OAKAR was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentlewoman yield?

Ms. OAKAR. I yield to the gentleman from Minnesota.

Mr. VENTO. That is the point, Mr. Chairman, that has to be borne in mind, that most of the homeless program we already have is on a formula or block grant basis, so the amounts of money we are talking about here, not only authorized, but appropriated, are relatively small.

The fact is that over a period of time if you for instance block grant this money, it will be spread an inch deep and a mile wide all over the country. You will not really have the impact in terms of the special or creative programs that are necessary to deal with the homeless.

I do not think from a housing standpoint, from a shelter standpoint, that we have all the answers today with regard to how we are going to deal with the homeless and shelter perspective. In many instances these categorical types of grant programs provide in-depth funding. They provide funding for 1, 2, 3, or 4 years. They provide, the nonprofit groups the type of in-depth funding that permits counseling, job training, and to deal with special problems that the homeless experience. If you give everyone just a little bit of money, the most likely thing they will do is put it into dormitories, or to pay the utility bills.

I do not doubt that my colleagues want to do good things for the homeless. This is an argument between people that support the program. I commend them for their effort and sponsorship of this total legislative package; but we have to realize what the impact is. Of this amendment we decided to go with most of these programs in the past. We ought to let them work before we throw them out the window.

What we are doing is walking away from these important commitments. We need those type of in-depth categorical programs and the creativity that they will spawn. The nonprofits need it. That is why the Conference of Mayors supports the categorical programs, as the bill is. That is why the National Mental Health Association nationwide support it. That is why we should be supporting it for these relatively modest amounts.

Actually, if the cities and States remain a couple bucks more, they will use it right now.

We should take a longer point of view a different perspective. We have to realize that providing those nonprofits with special targeted funding will create and will be creative with regard to these dollars to help us resolve this homeless problem, so I hope my colleagues will consider what I have said and the good words of the gentlewoman from Ohio—whom I thank for her hard work today and yielding to me so I could express my views.

Mr. BEREUTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in general support of the efforts to aid the homeless, but I do have some substantial reservations regarding this legislation.

I am somewhat encouraged by the Housing Subcommittee's various steps forward in this legislation toward a more flexible and efficient service system for the homeless; however, like most Members, I am opposed to throwing away more and more of our limited taxpayer dollars at the problems of homelessness without assuring ourselves of a better quality control and performance-based effort. Those concerns about the inefficient or wasteful and ineffective utilization of Federal funds would, this Member is convinced, be greatly reduced if the concept of block grants was applied to this legislation.

It is for this reason that I strongly support the Roukema-Ridge amendment which will use a block grant approach to address the problems of homelessness. To some degree, each community or locality has a different situation with respect to the homeless. How many of the Members of this body have been State legislators, members of city councils, county commissioners or perhaps mayors, supervisors? Statistically I think over half the body have been. Think back to those days when it was suggested frequently that the Federal Government had the answers to all the problems on the use of grant funds, categorical block grants, or whatever. The reason we had the block grants is because we are a very diverse Nation. We continue to be diverse, and the problems of homelessness as they are faced in various communities are quite different.

So instead of addressing this issue on a local or even State basis with Federal assistance, last year Congress when it first authorized a rather extensive, if uncoordinated program, to address the problems of the homeless forgot about that diversity in the Nation, and we chose a centralized bureaucratic and financially inefficient approach. The result is too few dollars efficiently reach the homeless and the program of assistance in those areas with the greatest need. We cannot afford this inefficient use of our limited financial resources at any time, and I think we particularly cannot afford them when we have huge budget deficits.

Now, I am sure it has been suggested already by others before me that it is not just this or these Members who support a block grant approach for the homelessness programs. It is supported by the National League of Cities, the National Association of Counties, and many Governors also support it.

Even the providers of homeless programs benefits indicated in the hearings before the Housing Subcommittee that experienced providers were not benefiting from the current Federal application approach as much as desired or as much as possible. These people and the entities they represent are the ones who deliver the services on the front lines to the homeless, and they are saying that the currently authorized program is not working very well. Substantial basic improvements can be made.

Now I would like to suggest is the time when those changes should be made when bureaucratic inertia is not as big as it is going to be a couple years from now.

The block grant approach would allow those communities and providers to individually fashion their programs so that they can better meet the individual needs of the respective communities with these Federal funds.

Much has been made of the fact that we have a limited amount of funds. That is true. These programs tend to grow. I would suggest that the States and cities if they had adequate funds, Federal funds, Federal funds to block grant matching their local funds, would have done and would do in the future a much better job of addressing the problems of homelessness and they would do it in a fashion that meets local concerns and conditions. No longer would they have to devote

such effort to fitting a square peg into a round hole. No longer would grantsmanship be the primary reason why localities are able to receive grant funds.

Earlier in this debate, the gentleman from Arkansas [Mr. ALEXANDER] made the point that in fact less funds would come to rural areas under a block grant approach. I think that is not the case. The formula may suggest it is the case, but I think the reality because of the importance of grantsmanship, the amount going to rural areas, and we do have substantial homelessness among minority groups in particular with native Americans in the State where I come from, if you take a look at what they are getting, it amounts to about zero, zip.

So I would like to suggest that in general State by State we will find that more money will be going to rural areas, so that the gentleman's admonition to Members who represent rural constituencies should be turned on its face. More money would come to rural areas.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. BEREUTER] has expired.

(By unanimous consent, Mr. BEREUTER was allowed to proceed for 2 additional minutes.)

Mr. BEREUTER. While there has been some discussion as to the need for further study of the block grant approach, I believe that we should implement a more efficient delivery system now. The right for greater local control and coordination of many homeless assistance programs must be won now, not later, before the hardening of the arteries sets in.

I would also suggest that we need to insist upon local accountability and performance as provided in the block grant amendment.

I believe we have attempted to do that by the offering of the gentleman from Pennsylvania and the gentlewoman from New Jersey. I urge support for the Ridge-Roukema block grant amendment.

□ 1715

Mr. MFUME. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I join my colleagues in opposition to the block grant amendment to the Omnibus McKinney Homeless Assistance Act of 1988.

The McKinney Act of 1987 has been in existence for less than a year. I say let's give the programs in the McKinney Act a chance to work before we make changes that really may not be needed. In fact, all indications thus far have shown that the programs under the McKinney Act are clearly working as intended.

This amendment was considered by the House Banking Committee during markup a few weeks ago. Many of us on that committee rejected the amendment because we didn't see a real need to make changes in the programs before this session ends. I think it would be wiser for us to return next year after we have had a chance to reexamine these programs and then decide whether changes are needed. So let's not rush into reorganizing the McKinney programs. There are many questions that have yet to be answered about the block grant approach and I think that we need to thoroughly review them to adequately assess its prospected impact.

Additionally, the amendment does not specify authorization levels, which makes it impossible for State or local authorities to determine how much they will receive. Many cities base their budgetary planning on projected Federal funding. Because this amendment does not require any matching amounts from non-Federal sources, the incentive to involve State and local governments or private enterprises would diminish.

Finally, the amendment does not specifically target money to seriously mentally ill homeless persons nor to families.

The programs were just let this past September. Essentially, this amendment would virtually eliminate the Supportive Housing Program, which is the only funded program specifically targeted to assist the seriously mentally ill and to aid homeless families. At a time when whole families comprise an estimated one-third of our homeless population, this program desperately needs to be preserved. And so I argue that if it ain't broke don't fix it.

I urge my colleagues to vote no to the block grant amendment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I did not want to take 5 minutes on my own, because I know we are anxious to get to a vote on this.

Mr. Chairman, this debate is between the friends and supporters of the homeless that disagree on the approach. We all want to do more for the homeless. We want to do the best we can with too few Federal dollars, but we ought to try the categorical grant programs we wrote into law, before we dump them by virtue of this amendment.

The authors say that their aim is to simplify the McKinney Act, yet their amendment would not accomplish that goal. The Roukema-Ridge amendment affects only 3 of the 19 homeless programs. In fact, the two largest homeless assistance programs are already block grant programs. What is really needed instead of this amendment is support to fully fund the existing homeless assistance block grant.

The real effect of the amendment might well be to eliminate essential McKinney programs by making homeless assistance programs more susceptible to the domestic budget ax. After less than a year of operation and exhaustive efforts, including a lawsuit, to get HUD to administer the homeless assistance programs, it would be unreasonable and premature to eliminate any of the McKinney programs.

This amendment would eventually result in lower funding levels for the homeless assistance programs. This consolidation attempt is not a new device. It was used to eliminate other programs and form the Community Development Block Grant Program. If this amendment passes, it won't be long before some of its supporters will want to lump it together with the CDBG Program. Our first clue to that attempt was the Reagan budget that ignored the fact that the CDBG Program has been cut by 40 percent since 1980 and implied that the CDBG Program is sufficient to satisfy the needs of the homeless. Past experience has shown us that consolidating programs into block grants results in stretching fewer and fewer Federal dollars for more and more purposes.

This amendment is also unfair to charitable organizations that were helping the homeless long before this legislation was first enacted. Charitable organizations that have traditionally served the homeless would be bypassed in the funding process under this amendment. State and local governments would be the only entities receiving direct funding. If this amendment passes, State and local governments will win; charitable organizations will lose; but the true loss will be felt by the homeless. Funding one inch deep and one mile wide it would spread the money and kill most creative efforts by the nonprofit organizations would be under cut.

Mr. Chairman, we did not write this legislation to benefit State and local governments; I wrote it to help the millions of homeless living and dying in our country. I urge my colleagues to vote against this amendment.

Mr. WYLIE. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the statement was made that if this is a block grant program it will kill off the homeless program, and I would remind the Members that we have had a block grant program in effect since 1974. The Community Development Block Grant Program just received an increase, and most mayors, including the mayor of my own city, like the flexibility of the block grant concept.

As I stated earlier, it is my belief that there is a strong need to deal more realistically with the Federal response and funding system of the homeless assistance by recognition of

the fact that the Federal Government alone is not capable of shouldering all of the responsibility. The problems of homelessness and the solutions as well reflect wide geographically and regionally determined responses and, therefore, in my view it is necessary and essential to carefully consider these important differences when we in Congress attempt to deal with such problems as homelessness.

The amendment offered by the gentlewomen from New Jersey [Mrs. ROUKEMA] and the gentleman from Pennsylvania [Mr. RIDGE] is carefully constructed and goes directly to the heart of the matter. By building into our Federal delivery system requirements which maximize flexibility and recognition of regional variations in favor of local and grassroots decisionmaking authority, the Ridge-Roukema amendment proposes to use the very successful, tried and proven model of the Community Development Block Grant Program to create a true partnership among the Federal, State, local, and private sector organizations which are the most knowledgeable and proficient in meeting the needs of the homeless.

This amendment is both responsive and responsible and was initiated in consultation with local government leaders with recommendations and suggestions from government leaders and from mayors all over the country.

This method, by using a block grant formula basis in allocating scarce Federal resources, is an improvement over the current distribution system which uses a categorical and competitive approach that rewards grantsmanship and results in only a few chosen winners and many more losers in such competition.

The Ridge-Roukema homeless assistance block grant amendment would not disrupt the current programs authorized by the omnibus McKinney homeless assistance reauthorization contained in this bill, because it only proposes to consolidate three HUD homeless housing programs into a block grant which will not go into effect until 1990.

The amendment is a rational approach which enables local communities advance notice and better planning assurances to utilize specific funding allocations on worthy homeless aid projects at the local level.

Mr. Chairman, I wish to congratulate my colleagues, the gentleman from Pennsylvania [Mr. RIDGE] and the gentlewoman from New Jersey [Mrs. ROUKEMA], for their good work in bringing this to the floor. I must emphasize the strong support given to the amendment by the 16,000-member National League of Cities and the National Association of Counties, and I am pleased to encourage all House Members to vote in favor of the Ridge-Roukema amendment.

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am happy to yield to the gentleman.

Mr. RIDGE. Mr. Chairman, I would just like to point out to the Members the colloquy that the gentlewoman from Ohio had and some of the observations that our colleague and friend, the gentleman from Maryland, had really go to the heart of that.

The gentlewoman is very concerned about transitional housing. Make no mistake about it, transitional housing remains an eligible activity, and it may very well be that is what the gentlewoman's community needs to deal with a significant portion of its homeless. It may not be what my community needs or anybody else's community needs. As long as we protect it as an eligible activity along with a long list of other activities, it is our belief, strong belief, that the local community is in a much better position to aid the homeless in the fashion that the homeless need the aid. We serve two purposes. We serve both the interests of both communities, but, more importantly, we serve and will be able to satisfy the unique needs of the different kinds of homeless in the different communities.

Ms. OAKAR. Mr. Chairman, will the gentleman yield?

Mr. WYLIE. I am happy to yield to the gentlewoman.

Ms. OAKAR. Mr. Chairman, I thank the gentleman for yielding. He mentioned community development block grants and, of course, this is what is in the bill is a block grant as it is, but we do in fact mention certain targeting that we think is important.

Are there under the current community development block grant formulas specific requirements? Since the gentleman made that analogy, are there requirements as to how that is used?

Mr. WYLIE. Mr. Chairman, reclaiming my time, the answer is yes, there are certain categorical requirements for individual block grant programs within the community development plan.

The point I would make is that the determination is made more at the local level as to needs.

Ms. OAKAR. If I could just ask the gentleman, who deemed those requirements? Was it not in fact our bipartisan, terrific committee that mandated certain requirements as to how the money would be used? Otherwise, cities might use it for fire engines or police cars.

Mr. WYLIE. Certainly. Reclaiming my time, we have sort of a rifle-shot approach, I would like to say, in the case of categorical grant programs.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WYLIE] has expired.

(At the request of Ms. OAKAR and by unanimous consent, Mr. WYLIE was allowed to proceed for 5 additional minutes.)

Mr. WYLIE. Mr. Chairman, in the case of the categorical grant programs, we have kind of a rifle-shot approach to the program. It has to be done on a specific basis, mandated at the Federal level, whereas in the Community Development Block Grant Program, there are certain guidelines under that umbrella within which the local community leaders have some discretion.

Ms. OAKAR. Mr. Chairman, if I could just respond to that, that is exactly on a parallel basis with what we are doing.

Mr. WYLIE. Maybe there is a distinction without a difference here. So, why not let community leaders make the decision.

Ms. OAKAR. We are saying that there are a couple of areas. We know that these people are walking around in these neighborhoods without any kind of transitional housing or sort of permanency to their lives. We know that they do not get training. We know that they do not have their medication and so on. Why not give them a chance?

If I could just say this: We just started awarding the grants, HUD just finally got around to it, last September. We passed the bill months before that. We just started the program, and already the gentleman wants to eradicate any kind of a formula.

Mr. WYLIE. Mr. Chairman, no, none of that at all. I was one of the original cosponsors of the homeless bill along with the gentleman from Minnesota [Mr. VENTO], so I do see the need.

I would just say that my local community leaders think that this is a better approach, and I am supporting their position.

Mr. KENNEDY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to address the issue before the House today with regard to the notion of having the funds moved into a block grant.

The fact is that we have heard an awful lot of debate on this issue. When all is said and one, we are talking about $300,000 worth of funds for the 50 States across this country, and it just seems to me that if we are talking about that kind of money, we ought to be able to have the expertise in the Department of Housing and Urban Development to be able to target those funds to the communities that have the greatest homeless needs in our country. That is what those people over at HUD are paid for. That is what I would think we, as a country, that pays billions of dollars to that agency, should be able to expect in terms of their expertise.

Mr. Chairman, I do not question that small communities or urban cities, whoever we are determining are going to be doing better under the

block grant formula, that in fact one or two cities or towns might do better in any particular year. What I am suggesting, for the sake of the small amount of dollars which are being put into this bill, if we had a fully funded homeless bill, which I am sure the gentleman from Pennsylvania [Mr. RIDGE] and the gentlewoman from New Jersey [Mrs. ROUKEMA] and all of us would like to see, so that the homeless needs of Americans would be taken care of. The gentleman from Pennsylvania [Mr. RIDGE] knows as well as I do that the amounts of funds we are dealing with today, in today's bill, are a piddly amount compared to the need in this country.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I am happy to yield to the gentlewoman.

Mrs. ROUKEMA. Mr. Chairman, I would suggest to the gentleman from Massachusetts that it was precisely that line of reasoning that led the gentleman from Pennsylvania [Mr. RIDGE] and myself, and I think the providers who testified before our committee, to say that since funds are so limited we want to have the flexibility and the predictability to target those funds as they are best needed in our communities and can best serve our communities.

Mr. KENNEDY. The fact of the matter is if we had a situation where the funds were up to a certain level at which we could actually provide people a reasonable amount, but it seems to me that anybody watching this debate that really a sham is being provided. What is actually occurring is $300,000 for every State across this country. That is how much money it is; 80 percent of the $140 million. It just is not enough money to put in the form of a block grant.

If the gentlewoman and the gentleman want to work with our side to be able to come up with a bill that actually funds the homeless issue and funds the homeless programs to a point at which the applications could be made, I think that we would not have a big problem in terms of our side going along with the block grants.

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I am happy to yield to the gentleman.

Mr. RIDGE. Mr. Chairman, I know that my colleagues want to conclude the debate.

The gentleman is right, one of the reasons we are offering the block grant approach is because there are very, very limited resources. I think we authorized, and somebody correct me if I am wrong, a little bit in excess of $600 million. The appropriation was approximately $350 million. Who is in a better position to determine what the needs are in a particular homeless community? The folks down at HUD down the street or the people in the community? We have concluded that if we really want to help the homeless, if we really want to arrest or at least respond to the unique needs of the kinds of homeless that we have in our communities, we had better not let that decision rest solely in Washington. Share it with those back home.

What we have done in Washington is to identify eligible activities. All of these activities, transitional housing, child care, outpatient health services, drug treatment, education, employment counseling are eligible activities. We must avoid our predisposition to mandate what is need in our load communities. They should decide for themselves.

□ 1730

Mr. KENNEDY. The gentleman knows as well as I do that those activities were not put in there arbitrarily. Those activities were put into this bill in order to deal with the needs that were heard in testimony before each and every committee that listens to these issues. And the reason why we have those committee hearings is in order to come up with programs to meet the needs of the poor and vulnerable citizens of this Nation.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I thank the gentleman for yielding because I want to agree very much.

There is one point I want to make to meet directly what the gentleman from Pennsylvania said. Sometimes some of the things we want to do for the homeless are not all that popular in the immediate political jurisdiction. Transitional housing, unfortunately, is not always the most popular thing, and sometimes having a good community group being able to apply directly to the Federal Government to do something like transitional housing is a lot likelier to get that built than if you have to go through the more local level where frankly there may be some kinds of political opposition that could come about.

I just want to say I think the gentleman from Massachusetts made the central point: We want more money. Let me acknowledge that this is a relatively small disagreement among friends. The gentleman from Pennsylvania and the gentlewoman from New Jersey joined with us, most of us, in voting for more money, we have all done that on the tough vote taken a while ago and our friends were there.

So there are two sides here that are both well intentioned, but we are the right well intentioned and you are the wrong one.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

There was no objection.

Mr. GONZALEZ. Mr. Chairman, I think it is time that we advise the Members what this amendment is they are going to be asked to be voting for, and I want to point out some things.

I said that as far as I was concerned I sympathize with the thrust and the desires as reflected by the authors of the amendment, but that this was premature. This is not the vehicle, the Emergency Homeless Act, on which to append this. But on top of that, a careful scrutiny of the actual wording of the amendment will show that it does the very opposite of what the authors seek to bring about.

I will add another point, and this seems strange, that we on our side would be saying that this is a fiscally irresponsible amendment, and I will tell my colleagues why. It simply is open-ended on authorization of appropriations.

"There are authorized to be appropriated to carry out this subtitle such sums as may be necessary for fiscal year 1990. Sums appropriated pursuant to this subsection shall remain available."

"Such sums as may be necessary," what is that? There is no stated figure at any point in this amendment targeting any particular activity.

But then interestingly on page 8, the minimum allocation requirement, "If under subsection (A) any metropolitan city or urban county would receive a grant of less than .05 percent of the amounts appropriated to carry out this subtitle for any fiscal year," my goodness, how are we going to figure out this amount in time for an emergency action? "That amount shall instead be allocated to the State. However, any city that is located in a State that does not have counties as local governments," and what is this, "that has a population greater than 40,000, but less than 50,000 as used in determining the fiscal year 1987 Community Development Block Grant Program allocation, and that was allocated more than $1 million in community development block grant funds in fiscal year 1987, shall receive directly from the Secretary the amount allocated to the city under subsection (A)."

I would like for the authors of this amendment to tell me what particular city fits this population bracket definition? I have had staff check, and it seems there is only one city, and that is Woonsocket, RI.

This is something that I think they automatically copied from the community development block grant amendments to the authorization bill. But is

this what my colleagues want to vote for in a homelessness emergency bill?

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Yes, of course I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Chairman, I would say, because I know the gentleman and I have been working together on this entire measure, that much of the language to which he refers we grafted from this bill. So it basically contains a lot of the language that he just read. When it came to the formula that talks about 0.05 percent and the reversion back to the States, that is also existing law. So I do not really think we have a disagreement here, because I think the language to which the gentleman referred is contained both in his bill and in our amendment.

Mr. GONZALEZ. If the gentleman will excuse me interrupting, I am going to reclaim my time. The gentleman is referring to wording in the community development block grant language in the authorization bill. This is an Emergency Homelessness Assistance Act that we are talking about that the gentleman from Pennsylvania wants to incrust this particular verbiage in. But I ask the gentleman which city is he enclosing here that has received $1 million worth of CDBG grants in the 1987 appropriation process? This is what the gentleman is asking us to vote on, and this is the language I am reading from his amendment.

Mr. RIDGE. I do not know for sure, but I am told that there is this city of Woonsocket.

Mr. GONZALEZ. That is what I was told. I do not know.

Mr. RIDGE. But a member of our committee represents that particular city. And I might say that is the precise language that is in the gentleman's bill.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

(By unanimous consent Mr. GONZALEZ was allowed to proceed for 3 additional minutes.)

Mr. GONZALEZ. Mr. Chairman, I would reclaim my time because I think this is vital. This is what we are going to be voting on, not some desirable mechanism to improve the delivery through the block grant approach.

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I will yield in a minute, but not yet because I am going to another section.

Mr. RIDGE. Will the gentleman from Texas let me respond to the last inquiry?

Mr. GONZALEZ. I will in a minute.

On page 12, "rehabilitation: including, but not limited to substantial rehabiliation, acquisition and rehabilitation or conversion of buildings to be used for supportive housing, including transitional and permanent housing and emergency shelters. Debt service payments in connection with a preexisting loan made to purchase an existing structure that has been and will continue to be or will be used to assist the homeless individuals. Assistance to facilitate the transfer and use of public buildings to assist homeless individuals and families."

Then on page 13, "Each grantee shall certify to the satisfaction of the Secretary." The gentleman was talking about getting away from this awful Washington, but it says to the satisfaction of the Secretary. The last time I heard, I do not know, he was in Moscow. That is the last time I heard. But assuming he is still headquartered here, you have to come to the District of Columbia so that "each grantee will certify that it will maintain any building for which assistance is used under this subtitle for homeless individuals for not less than a 3-year period, for not less than a 10-year period if the assistance is used for acquisition, substantial rehabilitation or conversion of a building."

That, my friend, is the reason I objected previously to trying to permanentize in this legislation. This provision, if we vote it in, will permanentize an otherwise emergency, ad hoc program where we are trying to do something about the acute need and distress that we find with 3 million homeless Americans.

So I think the gentleman will agree that I had substantial reasons for saying hold up, let us refine and redefine the amendment. I was hoping that you all would withdraw it and answer these questions.

Mr. RIDGE. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Chairman, first of all, I appreciate the gentleman's offer, but I am going to ask for a recorded vote.

Second, I would just share with the chairman and my colleagues that again the language to which the gentleman referred, and of which he is so critical in our amendment, is precisely the same language that is contained in Public Law 100-77, the Stewart B. McKinney Homeless Assistance Act, and it is put in there to comply with the provisions of that act. We only are changing three programs and trying to take that money into a pool and let the local communities use it where they can best meet the needs of the homeless in their communities.

So I just wanted to remind my colleagues the language of which the gentleman complains is already in the law, and I know the gentleman supports the bill.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has again expired.

(By unanimous consent Mr. GONZALEZ was allowed to proceed for 1 additional minute.)

Mr. GONZALEZ. Mr. Chairman, I have asked for this 1 more minute because that needs a reply urgently.

In the first place, the gentleman is talking about and referring to a permanent housing law. We are dealing with an emergency homeless law.

I yield back the balance of my time.

Mr. LAGOMARSINO. Mr. Chairman, I rise in support of the H.R. 4352, to reauthorize the McKinney Homeless Assistance Act. The problems of the homeless are mutifaceted, and this bill addresses many special homeless needs: Emergency food and shelter, building rehabilitation, and a variety of health care services without duplicating or overlapping existing programs. The McKinney Program is 1 year old and unlike the bill passed in 1987, H.R. 4352 responds to the growing homeless problem with more reason than emotion and maintains fiscal responsibility.

I am also pleased to support Mrs. ROUKEMA's and Mr. RIDGE's amendment to combine the shelter, housing, and supplemental assistance programs under one block grant. The causes and nature of homelessness varies from area to area. Solutions must, therefore, recognize and respond to the differing regional and local needs. I believe that the local cities, counties, and private organizations have the ability to design and implement creative solutions to their homeless problems. With a growing number of poor, homelessness is fast becoming a national problem. This Block Grant Program will provide the necessary Federal funding to local municipalities and private organizations funding while allowing them the flexibility to address their situations as they see fit.

Mr. BRENNAN. Mr. Chairman, I rise in support of the amendment offered by Representatives RIDGE and ROUKEMA. This amendment combines into a single block grant three housing assistance programs for the homeless authorized by the McKinney Act. These three programs are emergency shelter grants, the supportive housing demonstration program, and supplemental assistance for facilities to assist the homeless.

This amendment is about where decisions will be made concerning the use of these funds. Do we in Congress want to delineate how cities and towns will spend these funds? Or do we let the cities and towns make some decisions, too?

In my former job as Governor of the State of Maine, I dealt with municipal officials on a daily basis. They are on the front lines in facing particular challenges of homelessness in their communities. They know firsthand the needs of their communities and how these needs can be most effectively addressed.

As a strong supporter of the McKinney Act, I realize there is concern that this change could be disruptive to these programs. I would point out, however, that the amendment would not be effective until 1990, so it allows for a period of planning and transition.

I intend to vote for this measure because it will provide cities and towns with flexibility in coping with the crisis of homelessness. I know from experience that cities and towns need this flexibility, and I urge my colleagues to support it as well.

Mr. WYLIE. Mr. Speaker, I take this time to raise several important issues relating to title X, the technical corrections portion of this bill. As Members of the House recognize, enactment of last year's Housing and Community Development Act required a long and difficult process which had many twists and surprises, not all of which were pleasant. However, at the end of that process, we had a bill signed into law, and I am very proud of that fact.

Given the complexities of that bill and its many revisions over several months, it is not surprising that it has become necessary to draft legislation to correct or clarify certain technical provisions. The Banking Committee has done so and has included those corrections as title X of the homeless assistance bill before us today.

It is also not surprising that several of these provisions are more than "technical" in nature and that the administration opposes some of them.

Mr. Chairman, HUD and the administration object to several of the technical changes; citing some as being violations of previous agreements and others as having a budgetary impact. I don't agree with all of their objections, but there are a few which appear to be misunderstandings of agreement or intent, and I am concerned about any provisions which might cost more than originally anticipated.

HUD has been attempting to work out some of these differences with the Housing Subcommittee staff. As a matter of fact, one provision to which HUD had strong objection was dropped from the bill.

Mr. Chairman, I urge the chairman of the Housing Subcommittee, Mr. GONZALEZ, and the ranking minority member, Mrs. ROUKEMA, to continue with their negotiating with HUD so that these final differences can be resolved in conference and that we can make this the best bill possible, with complete support for its speedy enactment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RIDGE].

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

RECORDED VOTE

Mr. RIDGE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 215, not voting 13, as follows:

[Roll No. 256]

AYES—203

Applegate	Bateman	Brown (CO)
Archer	Bentley	Buechner
Armey	Bereuter	Bunning
Badham	Bilirakis	Burton
Baker	Bliley	Byron
Ballenger	Boehlert	Callahan
Barnard	Boggs	Chandler
Bartlett	Brennan	Cheney
Barton	Broomfield	Clarke
Clinger	Jenkins	Rinaldo
Coats	Johnson (CT)	Ritter
Coble	Johnson (SD)	Roberts
Coleman (MO)	Kasich	Rogers
Combest	Kolbe	Rose
Conte	Konnyu	Roth
Coughlin	Kyl	Roukema
Courter	Lagomarsino	Rowland (CT)
Craig	Latta	Saiki
Crane	Leach (IA)	Saxton
Dannemeyer	Lent	Schaefer
Darden	Lewis (CA)	Schneider
Davis (IL)	Lewis (FL)	Schuette
Davis (MI)	Lightfoot	Schulze
DeLay	Livingston	Sensenbrenner
Derrick	Lowery (CA)	Shaw
DeWine	Lujan	Shays
Dickinson	Lukens, Donald	Shumway
DioGuardi	Lungren	Shuster
Dornan (CA)	Mack	Skeen
Dreier	Madigan	Skelton
Edwards (OK)	Marlenee	Slattery
Emerson	Martin (IL)	Slaughter (NY)
Fawell	Martin (NY)	Slaughter (VA)
Fields	McCandless	Smith (NE)
Fish	McCollum	Smith (NJ)
Frenzel	McCrery	Smith (TX)
Gallegly	McDade	Smith, Denny (OR)
Gallo	McEwen	Smith, Robert (NH)
Gekas	McGrath	Smith, Robert (OR)
Gibbons	McMillan (NC)	Snowe
Gilman	Meyers	Solomon
Gingrich	Michel	Spratt
Goodling	Miller (OH)	Stallings
Gradison	Miller (WA)	Stangeland
Grandy	Molinari	Stenholm
Green	Moorhead	Stump
Gregg	Morella	Sundquist
Gunderson	Morrison (WA)	Sweeney
Hall (TX)	Myers	Swindall
Hammerschmidt	Neal	Tallon
Hansen	Nichols	Tauke
Hastert	Nielson	Tauzin
Hayes (LA)	Olin	Thomas (CA)
Hefley	Oxley	Upton
Hefner	Packard	Valentine
Henry	Parris	Vander Jagt
Herger	Pashayan	Vucanovich
Hiler	Patterson	Walker
Holloway	Payne	Weber
Hopkins	Petri	Weldon
Horton	Porter	Whittaker
Houghton	Price	Wolf
Huckaby	Pursell	Wylie
Hunter	Quillen	Young (AK)
Hutto	Ravenel	Young (FL)
Hyde	Ray	
Inhofe	Regula	
Ireland	Rhodes	
Jeffords	Ridge	

NOES—215

Ackerman	Chappell	Florio
Akaka	Clay	Foglietta
Alexander	Clement	Foley
Anderson	Coelho	Ford (MI)
Andrews	Coleman (TX)	Ford (TN)
Annunzio	Collins	Frank
Anthony	Conyers	Frost
Aspin	Cooper	Garcia
Atkins	Coyne	Gaydos
AuCoin	Crockett	Gejdenson
Bates	DeFazio	Gephardt
Beilenson	Dellums	Glickman
Bennett	Dicks	Gonzalez
Berman	Dingell	Gordon
Bevill	Dixon	Grant
Bilbray	Donnelly	Gray (IL)
Boland	Dorgan (ND)	Gray (PA)
Bonior	Downey	Guarini
Bonker	Durbin	Hall (OH)
Borski	Dwyer	Hamilton
Bosco	Dymally	Harris
Boucher	Dyson	Hatcher
Boxer	Early	Hawkins
Brooks	Eckart	Hayes (IL)
Brown (CA)	Edwards (CA)	Hertel
Bruce	English	Hochbrueckner
Bryant	Erdreich	Hoyer
Bustamante	Evans	Hubbard
Campbell	Fascell	Hughes
Cardin	Fazio	Jacobs
Carper	Feighan	Jones (NC)
Carr	Flake	Jones (TN)
Chapman	Flippo	Jontz
Kanjorski	Moody	Sikorski
Kaptur	Morrison (CT)	Sisisky
Kastenmeier	Mrazek	Skaggs
Kennedy	Murphy	Smith (FL)
Kennelly	Murtha	Smith (IA)
Kildee	Nagle	Solarz
Kleczka	Natcher	St Germain
Kolter	Nelson	Staggers
Kostmayer	Nowak	Stark
LaFalce	Oakar	Stokes
Lancaster	Oberstar	Stratton
Lantos	Obey	Studds
Leath (TX)	Ortiz	Swift
Lehman (CA)	Owens (UT)	Synar
Lehman (FL)	Panetta	Thomas (GA)
Leland	Pease	Torres
Levin (MI)	Pelosi	Torricelli
Levine (CA)	Penny	Towns
Lewis (GA)	Pepper	Traficant
Lipinski	Perkins	Traxler
Lloyd	Pickett	Udall
Lowry (WA)	Pickle	Vento
Luken, Thomas	Rahall	Visclosky
Manton	Rangel	Volkmer
Markey	Richardson	Walgren
Martinez	Robinson	Watkins
Matsui	Rodino	Waxman
Mavroules	Roe	Weiss
Mazzoli	Rostenkowski	Wheat
McCloskey	Rowland (GA)	Whitten
McCurdy	Roybal	Williams
McHugh	Russo	Wilson
McMillen (MD)	Sabo	Wise
Mfume	Savage	Wolpe
Miller (CA)	Sawyer	Wortley
Mineta	Scheuer	Wyden
Moakley	Schroeder	Yates
Mollohan	Schumer	Yatron
Montgomery	Sharp	

NOT VOTING—13

Biaggi	Espy	Owens (NY)
Boulter	Kemp	Spence
Daub	Lott	Taylor
de la Garza	MacKay	
Dowdy	Mica	

□ 1759

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Owens of New York against.

Messrs. LIPINSKI, DICKS, RANGEL, WATKINS, PICKLE, and WORTLEY changed their vote from "aye" to "no."

Messrs. SKELTON, JENKINS, and SHAYS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. CRANE: Page 13, after line 14, insert the following new subsection (and redesignate the subsequent subsections accordingly):

(e) EMPLOYMENT ASSISTANCE.—

(1) AUTHORITY TO PROVIDE GRANTS.—Section 423(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11383(a)) is amended by adding at the end the following new paragraph:

"(5) A grant for establishing and operating an employment assistance program for the residents of transitional housing, which shall include—

"(A) employment of residents in the operation and maintenance of the housing; and

"(B) the payment of the transportation costs of residents to places of employment.".

(2) PRIORITY.—Section 424(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11384(b)) is amended—

(A) by striking "and" at the end of paragraph (6);

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

(C) by inserting after paragraph (6) the following new paragraph:

"(7) in the case of transitional housing, the extent to which the project contains an employment assistance program described in section 423(a)(5); and".

Page 14, line 14, stike "is" and insert the following: "(as amended by subsection (e) of this section) is further".

Page 14, line 16, strike "(6)" and insert "(7)".

Page 14, line 17, strike "(7)" and insert "(8)".

Page 14, line 18, strike "(8)" and insert "(9)".

Page 14, line 19, strike "(6)" and insert "(7)".

Page 14, line 21, strike "(7)" and insert "(8)".

Page 15, line 11, insert after the comma the following: "any salary paid to residents of transitional housing under an employment assistance program described in section 423(a)(5),"

Mr. CRANE (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 Illinois?

There was no objection.

Mr. CRANE. Mr. Chairman, I would like to pay tribute to the thousands of private, nonprofit organizations which are doing an outstanding job of providing the homeless with housing and counseling services. Given the large number of these groups, time will not permit me to acknowledge all of them today. Nevertheless, I do have the opportunity to mention a few of these groups.

Travelers and Immigrants Aid has served the good residents of my hometown of Chicago for years. It provides transitional housing to 25 homeless young adults. These individuals are provided with an array of services designed to improve their ability to return to full-time work and independent living. This private group has been successful and a credit to the efforts of all private organizations dedicated to helping the less fortunate members of our society.

Jubilee Housing Inc., based in Washington, DC., was founded in 1973 by a mission group of the Church of the Saviour. This outstanding group owns and manages nine buildings which provide affordable housing to 1,000 individuals. Jubilee Housing takes a unique approach to the care of the homeless by not only providing shelter, but just as importantly, giving families spiritual guidance. The president John W. Branner, and vice president, Bob Boulter, deserve a special commendation for their tireless efforts on behalf of the homeless.

Based in Boston, Bridge Over Troubled Waters has over 18 years of experience in providing health, education, residential housing, and vocational counseling services to runaway and homeless youth. The Bridge House, an independent living program for 16- and 17-year-old youths, assists young people in learning the basics of daily living. Since 1970, Bridge has treated thousands of youths on their free medical van, now a landmark on the streets of Boston. It is an organization which has a long and proud tradition of which it can be proud.

In an effort to help these organizations provide their residents with an opportunity to improve their job skills and earn an income, I offer the following amendment. My amendment is quite straight forward; it enables nonprofit organizations, local, and State governments to develop employment assistance programs for the residents of transitional housing, which shall include employment of residents in the operation and maintenance of housing. It also gives financial assistance to these organizations to help defray the cost of transporting homeless individuals to places of employment. I would also like to thank Jubilee Housing Inc., and the National Center for Neighborhood Enterprise for giving me much needed assistance in crafting this amendment. I welcome their fine support for this effort.

My amendment will enable these organizations to apply for assistance from the Supportive Housing Demonstration Program, a program already authorized by this bill. This amendment is consistent with the purpose of this program since it is intended to allow homeless assistance organizations to demonstrate the viability of new and innovative projects.

My amendment would also allow these organizations to use each dollar spent on employing the homeless as a credit toward receiving matching funds from the Federal Government. Nonprofits are generally allowed to receive a dollar from the Federal Government in assistance for every dollar they raise from other sources. My amendment would give these organizations an incentive to employ the homeless by making it easier for them to receive matching funds from the Federal Government. For example, if a nonprofit seeks $100,000 in funding from the Federal Government and is willing to spend $20,000 on employing the homeless, it would only be required to raise $80,000 from other sources to receive Federal funding. In essence, this provision gives nonprofits an economic incentive to raise additional money from the private sector to provide assistance to the homeless.

My amendment is fiscally sound because these new projects would receive funds from the Supportive Housing Demonstration Program, a program which has already been authorized. Furthermore, nonprofit organizations have a fine record of raising funds from the private sector and my amendment augments their efforts to raise matching fund requirements.

My amendment is based on the evidence that local governments and private nonprofit organizations are the best equipped to help rehabilitate the homeless. Thus, my amendment simply gives them another tool to carry on their fine work. They know that care for the homeless not only means providing shelter, but that it requires improving the social and jobs skills of these individuals. I am hopeful that my colleagues will support my amendment and give the homeless the opportunity to develop job skills and take one step in the direction of achieving complete self-sufficiency. Let us support the concept that those more unfortunate than ourselves have the ability to return to work and become self-supportive.

Mr. Chairman, inasmuch as the floor managers on both sides of the aisle have reviewed and consented to my amendment, I would like to yield just for a confirmation to the distinguished gentleman from Texas [Mr. GONZALEZ]

Mr. GONZALEZ. Mr. Chairman, I thank the distinguished gentleman from Illinois for yielding.

Mr. Chairman, we have looked over the gentleman's amendment. It is a good amendment, and we accept it on our side.

Mr. CRANE. Mr. Chairman, I thank the subcommittee chairman for his kind words.

Mr. Chairman, I now yield to our distinguished ranking minority member, the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, we have no problem with the amendment. Indeed I think it is a very appropriate one to attach to this bill, and I thank the gentleman for his contribution.

Mr. CRANE. Mr. Chairman, I thank both sides, and with that I ask for the support of the Members for my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—IDENTIFICATION AND USE OF SURPLUS FEDERAL PROPERTY

SEC. 501. IDENTIFICATION OF PROPERTIES BY SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

Section 501(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411(a)) is amended by inserting before "shall identify" the following: ", within 2 months after collecting such information,".

The CHAIRMAN. Are there any amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—REVISION AND EXTENSION OF PROGRAMS OF HEALTH CARE FOR THE HOMELESS

Subtitle A—Categorical Grants for Primary Health Services and Substance Abuse Services

SEC. 601. INCREASE IN REQUIRED AMOUNT OF MATCHING FUNDS AND MODIFICATION IN ELIGIBILITY FOR WAIVER WITH RESPECT TO MATCHING FUNDS.

(a) INCREASE IN REQUIRED AMOUNT.—Section 340(e)(1)(A) of the Public Health Service Act (42 U.S.C. 256(e)(1)(A)) is amended—

(1) in clause (i), by striking "under the grant; and" and inserting the following: "for the first fiscal year of payments under the grant and 66⅔ percent of the costs of pro-

viding such services for any subsequent fiscal year of payments under the grant; and"; and

(2) in clause (ii), by striking "Federal funds" and all that follows and inserting the following: "Federal funds provided for the first fiscal year of payments under the grant and not less than $1 (in cash or in kind under such subparagraph) for each $2 of Federal funds provided for any subsequent fiscal year of payments under the grant.".

(b) EFFECTIVE DATE FOR INCREASE.—The amendment made by subsection (a) shall take effect October 1, 1989.

(c) MODIFICATION IN ELIGIBILITY FOR WAIVER.—Section 340(e)(2) of the Public Health Service Act (42 U.S.C. 256(e)(2)) is amended to read as follows:

"(2) The Secretary may waive the requirement established in paragraph (1)(A) if the applicant involved is a nonprofit private entity and the Secretary determines that it is not feasible for the applicant to comply with such requirement.".

SEC. 602. ESTABLISHMENT OF AUTHORITY FOR TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.

(a) IN GENERAL.—Section 340 of the Public Health Service Act (42 U.S.C. 256) is amended—

(1) by redesignating subsections (h) through (q) as subsections (i) through (r), respectively; and

(2) by adding after subsection (g) the following new subsection:

"(h) TEMPORARY CONTINUED PROVISION OF SERVICES TO CERTAIN FORMER HOMELESS INDIVIDUALS.—If any grantee under subsection (a) has provided services described in subsection (f) or (g) to a homeless individual, any such grantee may, notwithstanding that the individual is no longer homeless as a result of becoming a resident in permanent housing, expend the grant to continue to provide such services to the individual for not more than 12 months.".

(b) CONFORMING AMENDMENTS.—

(1) Section 340(d)(1) of the Public Health Service Act (42 U.S.C. 256(d)(1)) is amended—

(A) in subparagraph (C), by striking "(h)" and inserting "(i)";

(B) in subparagraph (D), by striking "(i)" and inserting "(j)";

(C) in subparagraph (E), by striking "(j)" and inserting "(k)"; and

(D) in subparagraph (F), by striking "(k)" and inserting "(l)".

(2) Section 332(a)(3) of the Public Health Service Act (42 U.S.C. 254e(a)(3)) is amended by striking "340(q)(2)" and inserting "340(r)".

(3) Section 536(1) of the Public Health Service Act (42 U.S.C. 290cc-36(1)) is amended by striking "340(q)(2)" and inserting "340(r)".

SEC. 603. CLARIFICATION WITH RESPECT TO CERTAIN PROVISIONS.

(a) DEFINITION OF HOMELESS INDIVIDUAL.—Section 340(r)(2) of the Public Health Service Act (as redesignated in section 602(a)(1) of this title) is amended by striking "living accommodations." and inserting "living accommodations and an individual who is a resident in transitional housing.".

(b) PROVISION OF TECHNICAL ASSISTANCE.—Section 340(o)(2) of the Public Health Service Act (as redesignated in section 602(a)(1) of this title) is amended by striking "(p)(1)," and inserting "(q)(1) for a fiscal year,".

SEC. 604. AUTHORIZATION OF APPROPRIATIONS.

Section 340(q)(1) of the Public Health Service Act (as redesignated in section 602(a)(1) of this title) is amended by striking "There are authorized" and all that follows and inserting the following: "There are authorized to be appropriated to carry out this section $61,200,000 for fiscal year 1989, $63,600,000 for fiscal year 1990, and $66,200,000 for fiscal year 1991.".

Subtitle B—Block Grant for Community Mental Health Services

SEC. 611. AUTHORIZATION OF APPROPRIATIONS AND CONTINGENT CONVERSIONS TO CATEGORICAL PROGRAM.

(a) IN GENERAL.—Section 535 of the Public Health Service Act (42 U.S.C. 290cc-35) is amended to read as follows:

"FUNDING

"SEC. 535. (a) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this part, there are authorized to be appropriated $35,000,000 for fiscal year 1989, $36,000,000 for fiscal year 1990, and $38,000,000 for fiscal year 1991.

"(b) EFFECT OF INSUFFICIENT APPROPRIATIONS FOR MINIMUM ALLOTMENTS.—

"(1) If the amounts made available pursuant to subsection (a) are insufficient for providing each State with an allotment under section 521(a) of not less than the applicable amount specified in section 528(a)(1), the Secretary shall, from such amounts as are made available pursuant to such subsection, make grants to the States for providing to homeless individuals the mental health services described in section 524.

"(2) Paragraph (1) may not be construed to require the Secretary to make a grant under such paragraph to each State.".

(b) FAILURE OF STATE WITH RESPECT TO EXPENDING ALLOTMENT.—Section 529 of the Public Health Service Act (42 U.S.C. 290cc-29) is amended to read as follow:

"CONVERSION TO STATE CATEGORICAL PROGRAM IN EVENT OF FAILURE OF STATE WITH RESPECT TO EXPENDING ALLOTMENT

"SEC. 529. (a) IN GENERAL.—Subject to subsection (c), the Secretary shall, from amounts described in subsection (b), make grants to public and nonprofit private entities for the purpose of providing to homeless individuals the mental health services described in section 524.

"(b) DESCRIPTION OF FUNDS.—The amounts referred to in subsection (a) are any amounts made available in appropriations Acts for allotments under section 521(a) that are not allotted under such section to a State as a result of—

"(1) the failure of the State to submit an application under section 522;

"(2) the failure, in the determination of the Secretary, of any State to prepare within a reasonable period of time such application in compliance with such section; or

"(3) the State informing the Secretary that the State does not intend to expend the full amount of the allotment made to the State.

"(c) REQUIREMENT OF PROVISION OF SERVICES IN CERTAIN STATES.—With respect to grants under subsection (a), amounts made available pursuant to subsection (b) as a result of the State involved shall be available only for grants to provide services in such State.".

SEC. 612. ELIGIBILITY OF TERRITORIES.

(a) DEFINITION OF STATE.—Section 536(3) of the Public Health Service Act (42 U.S.C. 290cc-36(3)) is amended by striking "Columbia," and all that follows and inserting the following: "Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.".

(b) MINIMUM ALLOTMENT.—Section 528(a)(1) of the Public Health Service Act (42 U.S.C. 290cc-28(a)(1)) is amended to read as follows:

"(1) $275,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico and $50,000 for each of Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and".

SEC. 613. TECHNICAL AND CONFORMING AMENDMENTS.

Title V of the Public Health Service Act (42 U.S.C. 290aa et seq.) is amended—

(1) in section 521(a), by amending the first sentence to read as follows: "The Secretary shall for each fiscal year make an allotment for each State in an amount determined in accordance with section 528.";

(2) in section 541(a)(4), by striking "522" and inserting "543";

(3) in section 545(d), by striking "526" and inserting "547"; and

(4) in section 546(a)(4), by striking "521" and inserting "542".

Subtitle C—Authorization of Appropriations for Community Demonstration Projects

SEC. 621. MENTAL HEALTH SERVICES FOR HOMELESS INDIVIDUALS WITH CHRONIC MENTAL ILLNESS.

The first sentence of section 612(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 290aa-3 note) is amended to read as follows: "For payments pursuant to section 504(f) of the Public Health Service Act, there are authorized to be appropriated $10,000,000 for fiscal year 1989, $11,000,000 for fiscal year 1990, and $12,000,000 for fiscal year 1991, in addition to any other amounts authorized to be appropriated for such payments for each of such fiscal years.".

SEC. 622. ALCOHOL AND DRUG ABUSE TREATMENT OF HOMELESS INDIVIDUALS.

Section 513(b) of the Public Health Service Act (42 U.S.C. 290bb-2(b)) is amended to read as follows:

"(b) There are authorized to be appropriated to carry out section 512(c) $10,000,000 for fiscal year 1989, $11,000,000 for fiscal year 1990, and $12,000,000 for fiscal year 1991.".

Subtitle D—General Provisions

SEC. 631. EFFECTIVE DATES.

The amendments made by subsection (a) of section 601 shall take effect in accordance with subsection (b) of such section. The amendments otherwise made by this title shall take effect October 1, 1988, or upon the date of the enactment of this Act, whichever occurs later.

The CHAIRMAN. Are there any amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—EDUCATION, TRAINING, AND COMMUNITY SERVICES PROGRAMS

SEC. 701. ADULT EDUCATION FOR THE HOMELESS.

Section 702(c)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421(c)(1)) is amended to read as follows:

"(1) There is authorized to be appropriated $11,000,000 for each of the fiscal years 1989 and 1990 for the adult literacy and

basic skills remediation programs authorized by this section.".

SEC. 702. EDUCATION FOR HOMELESS CHILDREN AND YOUTH.

(a) GRANTS FOR STATE ACTIVITIES.—

(1) DATA GATHERING.—Section 722(d)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432(d)(1)) is amended by inserting "annually" before "gather".

(2) REPORTS.—Section 722(d)(3) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432(d)(3)) is amended to read as follows:

"(3) prepare and submit to the Secretary not later than December 31 of each year a report on the data gathered pursuant to paragraph (1).".

(3) AUTHORIZATION OF APPROPRIATIONS.—Section 722(g)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432(g)(1)) is amended to read as follows:

"(1) There is authorized to be appropriated to carry out this section $6,000,000 for each of the fiscal years 1989 and 1990.".

(b) EXEMPLARY GRANTS AND DISSEMINATION OF INFORMATION.—Section 723(f) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11433(f)) is amended to read as follows:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000 for each of the fiscal years 1989 and 1990.".

SEC. 703. JOB TRAINING FOR THE HOMELESS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 739(a)(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449(a)(1)) is amended to read as follows:

"(1) There is authorized to be appropriated to carry out this subtitle $13,000,000 for each of the fiscal years 1989 and 1990, of which amount $2,200,000 for each fiscal year shall be available only to carry out section 738.".

(b) RATABLE REDUCTIONS.—Section 739(a)(2) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11449(a)(2)) is amended—

(1) by striking "in fiscal year 1988" and inserting "for any fiscal year"; and

(2) by striking "$12,000,000" and inserting "the amount authorized in paragraph (1)".

SEC. 704. EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM.

(a) PROGRAM REQUIREMENTS.—

(1) ADDITIONAL ELIGIBLE USE OF FUNDS.—Section 753(c) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11463(c)) is amended by adding at the end the following new paragraph:

"(4) Provision of assistance to any individual who has received a notice of foreclosure, eviction, or termination of utility services, if—

"(A) the inability of the individual to make mortgage, rental, or utility payments is due to a sudden reduction in income;

"(B) the assistance is necessary to avoid the foreclosure, eviction, or termination of utility services; and

"(C) there is a reasonable prospect that the individual will be able to resume the payments within a reasonable period of time.".

(2) MAXIMUM AMOUNT AVAILABLE FOR ADDITIONAL ELIGIBLE USE.—Section 753(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11463(b)) is amended—

(A) by striking "and" at the end of paragraph (2);

(B) by striking the period at the end of paragraph (3) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) not more than 25 percent of the amounts received will be used for the purpose described in subsection (c)(4).".

(b) TIMELY AWARDING OF FUNDS.—Section 753(b)(1)(A) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11463(b)(1)(A)) is amended in the matter preceding clause (i) by inserting after "receives" the following: ", by not later than 60 days after such receipt,".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 754 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11464) is amended to read as follows:

"SEC. 754. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to carry out this subtitle $42,000,000 for each of the fiscal years 1989 and 1990.".

SEC. 705. ACCESS OF HOMELESS WOMEN, INFANTS, AND CHILDREN TO THE SPECIAL SUPPLEMENTAL FOOD PROGRAM.

(a) DEFINITIONS.—Section 17(b) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)) is amended by adding at the end the following new paragraph:

"(15) 'Homeless individual' means—

"(A) an individual who lacks a fixed and regular nighttime residence; or

"(B) an individual whose primary nighttime residence is—

"(i) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(ii) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(iii) a temporary accommodation in the residence of another individual; or

"(iv) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.".

(b) GENERAL AUTHORITY.—The last sentence of section 17(c)(1) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(c)(1)) is amended to read as follows: "The program shall be supplementary to—

"(A) the food stamp program;

"(B) any program under which foods are distributed to needy families in lieu of food stamps; and

"(C) receipt of meals from soup kitchens, shelters, or other emergency food assistance programs.".

(c) STATE ADMINISTRATION.—Section 17(f) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(f)) is amended—

(1) in paragraph (1)(C)(iv), by striking "migrants" and inserting "migrants, homeless individuals,";

(2) in paragraph (8)(A), by inserting "organizations and agencies serving homeless individuals," after "Indian tribal organizations,";

(3) in paragraph (13), by striking "cultural eating patterns" and inserting the following: "cultural eating patterns, and, in the case of homeless individuals, the special needs and problems of such individuals"; and

(4) by adding at the end the following new paragraph:

"(17) The State agency may adopt methods of delivering benefits to accommodate the special needs and problems of homeless individuals.".

AMENDMENT OFFERED BY MR. DE LUGO

Mr. DE LUGO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DE LUGO: Page 31, line 22, insert before "Section" the following: "(a) AUTHORIZATION OF APPROPRIATIONS.—

Page 32, after line 4, insert the following new subsection:

(b) DEFINITION OF STATE.—Section 702(d) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11421(d)) is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end the following: ", the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

Page 32, after line 6, insert the following new paragraph:

(1) ALLOCATION.—Section 722(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11432(b)) is amended by inserting before the period at the end the following: "and 0.1 percent of the amount appropriated for each fiscal year shall be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

Page 32, line 7, strike "(1)" and insert "(2)".

Page 32, line 11, strike "(2)" and insert "(3)".

Page 32, line 17, strike "(3)" and insert "(4)".

Page 33, after line 5, insert the following new subsection:

(c) DEFINITION OF STATE.—Section 725(1) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11435(1)) is amended—

(1) by striking "and"; and

(2) by inserting before the period at the end the following: ", the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

Page 33, after line 6, insert the following new subsection:

(a) DEFINITION OF STATE.—Section 737(5) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11447(5)) is amended—

(1) by striking "and" and inserting a comma; and

(2) by inserting before the period at the end the following: ", the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

Page 33, line 7, strike "(a)" and insert "(b)".

Page 33, line 15, strike "(b)" and insert "(c)".

Page 33, after line 23, insert the following new subsection:

(a) ALLOCATION OF GRANTS.—Section 752(a) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11462(a)) is amended by inserting before the period at the end the following: ", except that 0.1 percent of the amounts made available under this subtitle for each fiscal year shall be allocated by the Secretary among the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands".

Page 33, line 24, strike "(a)" and insert "(b)".

Page 35, line 6, strike "(b)" and insert "(c)".

Page 35, line 11, strike "9c))" and insert "(d)".

Mr. DE LUGO (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 the Virgin Islands?

There was no objection.

Mr. DE LUGO. Mr. Chairman, I offer a noncontroversial amendment that has been cleared with both the subcommittee chairman and the minority.

Now this amendment to the McKinney Homeless Act that is under discussion today clarifies the language of the bill and makes clear that the U.S. territories, that is, the U.S. Virgin Islands, Guam, American Samoa, and the Northern Marianas, would participate in the program under title VII. The territories are in all the other sections, but inadvertently they were not included in this section.

Mr. Chairman, I would like to ask at this time if this amendment is acceptable to the committee.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield to me?

Mr. DE LUGO. I am happy to yield to the distinguished subcommittee chairman.

Mr. GONZALEZ. Mr. Chairman, we have examined the amendment. We consider it a technical amendment that improves the bill. It includes what by inadvertence was left out, including the territories and other jurisdictions.

Mr. DE LUGO. Mr. Chairman, I thank the chairman of the subcommittee, and at this time I yield to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I have examined this amendment offered by the gentleman from the Virgin Islands [Mr. DE LUGO], and I find it a good amendment. We have no objection to it, and I believe it really covers an inadvertent omission in the original bill.

Mr. DE LUGO. Mr. Chairman, I thank the gentlewoman from New Jersey.

The CHAIRMAN. The question is on the amendment offered by the gentleman from the Virgin Islands [Mr. DE LUGO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VII?

If not, the Clerk will designate title VIII.

The text of title VIII is as follows:

TITLE VIII—VETERANS PROGRAMS

SEC. 801. MEDICAL PROGRAMS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for each of fiscal years 1989 and 1990, in addition to any funds appropriated pursuant to any other authorization (whether definite or indefinite) of appropriations for those fiscal years, the sum of $25,000,000 for medical care.

(b) DOMICILIARY CARE.—Of the amount appropriated pursuant to subsection (a), 60 percent shall be available for—

(1) converting to domiciliary care beds underused space located in facilities under the jurisdiction of the Administrator of Veterans' Affairs in urban areas in which there are a significant number of homeless veterans; and

(2) furnishing domiciliary care in such beds to eligible veterans (primarily homeless veterans) who are in need of such care.

(c) CHRONICALLY MENTALLY ILL HOMELESS VETERANS.—Of the amount appropriated pursuant to subsection (a), 40 percent shall be available for furnishing care under section 620C of title 38, United States Code (or any other applicable provision of law), to homeless veterans who have a chronic mental illness disability. Not more than $500,000 of the amount available under the preceding sentence shall be used for the purpose of monitoring the furnishing of such care and, in furtherance of such purpose, maintaining an additional ten full-time-employee equivalent personnel.

(d) LIMITATION.—Nothing in this section shall result in the diminution of the conversion of hospital-care beds to nursing-home-care beds by the Veterans' Administration.

The CHAIRMAN. Are there amendments to title VIII?

If not, the Clerk will designate title IX.

The text of title IX is as follows:

TITLE IX—AID TO FAMILIES WITH DEPENDENT CHILDREN

SEC. 901. EXTENSION OF PROHIBITION AGAINST IMPLEMENTATION OF CERTAIN PROPOSED REGULATIONS.

Section 9118 of the Omnibus Budget Reconciliation Act of 1987 is amended by striking "October 1, 1988" and inserting "September 30, 1989".

SEC. 902. REVIEW OF POLICY GOVERNING USE OF AFDC FUNDS TO MEET EMERGENCY NEEDS OF FAMILIES ELIGIBLE FOR AFDC THROUGH EMERGENCY ASSISTANCE OR SPECIAL NEEDS PAYMENTS; REPORT TO CONGRESS.

(a) REVIEW OF POLICY.—The Secretary of Health and Human Services shall review the policies in effect, as of the date of the enactment of this section, with respect to the use by States of amounts paid to such States under the program of aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), in the form of payments of aid to meet special needs or emergency assistance under section 406(e) of such Act (42 U.S.C. 606(e)) to meet emergency needs of families who are eligible for such aid.

(b) REPORT TO CONGRESS.—Not later than April 1, 1989, the Secretary of Health and Human Services shall submit to the Congress a report containing recommendations for legislative and regulatory changes designed to—

(1) improve the ability of the program of aid to families with dependent children under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to respond to emergency needs of families who are eligible for such aid; and

(2) eliminate the use of funds provided to States under such program to pay for the provision of shelter in commercial or similar transient facilities.

SEC. 903. DEMONSTRATION PROJECTS TO REDUCE NUMBER OF HOMELESS AFDC FAMILIES IN WELFARE HOTELS AND EXPAND USE OF TRANSITIONAL FACILITIES TO HOUSE SUCH FAMILIES.

(a) IN GENERAL.—In order to encourage States and political subdivisions of States to house homeless families who are recipients of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in transitional facilities instead of in commercial or similar transient facilities, up to 5 States and political subdivisions of States may undertake and carry out demonstration projects in accordance with this section. Demonstration projects under this section shall meet such conditions and requirements as the Secretary shall prescribe. The Secretary shall consider all applications received from States and political subdivisions of States desiring to conduct demonstration projects under this section and shall approve up to 5 applications involving projects which appear likely to contribute significantly to the achievement of the purpose of this section.

(b) PROJECT REQUIREMENTS.—A demonstration project under this section must provide that the State or political subdivision of the State will—

(1) make transitional facilities available to homeless families who are recipients of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and who reside in commercial or similar transient facilities;

(2) permanently reduce the number of rooms used to house homeless families who are recipients of such aid in commercial or similar transient facilities by the number of units made available in transitional facilities in accordance with paragraph (1); and

(3) make a transitional facility available in accordance with paragraph (1) for any fiscal year beginning on or after October 1, 1988, only if the cost of providing shelter and services in such facility for such fiscal year does not exceed the cost of providing shelter and services in commercial or similar transient facilities for such fiscal year.

(c) FUNDING.—

(1) IN GENERAL.—Notwithstanding part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and the regulations promulgated thereunder, any amount expended by any State, during the 5-year period beginning October 1, 1988, to pay the operating costs (including debt service costs) of transitional facilities used to carry out a project which meets the requirements of subsection (b) and an application for which has been approved by the Secretary of Health and Human Services shall constitute an expenditure subject to Federal reimbursement under paragraph (1) or (2) of section 403(a) of such Act, whichever is applicable.

(2) PROJECTS TO RESULT IN ZERO NET COST TO THE FEDERAL GOVERNMENT.—The aggregate of the amounts to be provided by the Federal Government for demonstration projects under this section shall not exceed the aggregate of the amounts which would have been provided by the Federal Government, in the absence of such projects, to house homeless families who are recipients of aid to families with dependent children under a State plan approved under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in commercial or similar transient facilities.

(d) DEFINITIONS.—As used in this title—

(1) the term "homeless family" means a dependent child or children and the relatives with whom such child or children are living, who—

(A) lack a fixed and regular nighttime address,

(B) have a primary residence that is a shelter designed for temporary accommodation, a hotel, or a motel, or

(C) are living in a place not designed for, or ordinarily used as, a regular sleeping accommodation;

(2) the term "commercial or similar transient facilities" means transient accommodations in—

(A) a commercial hotel or motel operated by a privately owned for-profit entity, or

(B) a similar establishment which is not a transitional facility (whether or not directly operated or contracted for by the State or a political subdivision or by a not-for-profit organization authorized by the State or political subdivision to provide such accommodations); and

(3) the term "transitional facility" means any facility operated by a State or local government or a nonprofit organization which, at a minimum—

(A) provides temporary and private sleeping accommodations, and temporary eating and cooking accommodations; and

(B) provides services to help families locate and retain permanent housing.

The CHAIRMAN. Are there amendments to title IX?

If not, the Clerk will designate title X.

The text of title X is as follows:

TITLE X—TECHNICAL AND CONFORMING AMENDMENTS TO HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1987

Subtitle A—Housing Assistance

SEC. 1001. INCOME ELIGIBILITY FOR ASSISTED HOUSING.

Section 16(c) of the United States Housing Act of 1937 (42 U.S.C. 1437n(c)) is amended in the first sentence—

(1) by striking ", and" and inserting a comma;

(2) by striking ", as appropriate" and all that follows through "programs" and inserting the following: "an appropriate specific percentage of lower income families other than very-low income families that may be assisted in each assisted housing program"; and

(3) by inserting before the period at the end the following: ", and shall prohibit project owners from selecting families for residence in an order different from the order on the waiting list for the purpose of selecting relatively higher income families for residence".

SEC. 1002. PROHIBITION OF REDUCTION OF SECTION 8 CONTRACT RENTS.

Section 8(c)(2)(C) of the United States Housing Act of 1937 (42 U.S.C. 1437f(c)(2)(C)) is amended—

(1) in the first sentence, by striking "as hereinbefore provided" and inserting the following: "under subparagraphs (A) and (B)"; and

(2) by striking the last sentence and inserting the following: "After April 14, 1987, the Secretary shall not reduce the maximum monthly rents in effect for a newly constructed, substantially rehabilitated, or moderately rehabilitated project assisted under this section (including any project assisted under this section as in effect prior to November 30, 1983) unless the project has been refinanced in a manner that reduces the periodic payments of the owner. Any maximum monthly rent that has been reduced by the Secretary after April 14, 1987, and prior to the enactment of this sentence shall be restored to the maximum monthly rent in effect on April 15, 1987. For any project which has had its maximum monthly rents reduced after April 14, 1987, the Secretary shall make assistance payments (from amounts reserved for the original contract) to the owner of such project in an amount equal to the difference between the maximum monthly rents in effect on April 15, 1987, and the reduced maximum monthly rents, multiplied by the number of months that the reduced maximum monthly rents were in effect.".

SEC. 1003. PUBLIC HOUSING CHILD CARE GRANTS.

(a) AVAILABILITY OF CHILD CARE SERVICES IN FACILITIES NEAR PUBLIC HOUSING.—Subsections (a), (b), (c), and (e) of section 222 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z-6 note) are amended by inserting "or near" after "child care services in" each place it appears.

(b) CONFORMING AMENDMENTS.—

(1) ELIGIBLITY FOR ASSISTANCE.—Section 222(b) of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z-6 note) is amended—

(A) by striking "in the project" each place it appears and inserting "for the project"; and

(B) in paragraph (2), by inserting "in or near the project" after "facilities".

(2) ALLOCATION OF ASSISTANCE.—Section 222(c)(3) of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701z-6 note) is amended by striking "established in" and inserting "established for".

SEC. 1004. HOUSING COUNSELING.

Section 106(a)(2) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(a)(2)) is amended by inserting before the period at the end of the first sentence the following: "or guaranteed or insured under chapter 37 of title 38, United States Code".

SEC. 1005. MULTIFAMILY HOUSING MANAGEMENT AND PRESERVATION.

(a) UNSUBSIDIZED PROJECTS.—Section 203(a)(1)(C) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(a)(1)(C)) is amended by inserting after "that" the following: "(i) for purposes of subsection (d), are, on the date of assignment, foreclosure, or sale, occupied by low- and moderate-income persons; or (ii) for all other purposes under this section,".

(b) RIGHT OF FIRST REFUSAL.—Section 203(e) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(e)) is amended—

(1) in the first sentence, by striking "Upon receipt of a bona fide offer to purchase" and inserting the following: "Upon approval of a disposition plan that reflects the fair market value of"; and

(2) by striking "the offer" each place it appears and inserting "the disposition plan".

(c) DEFINITION OF SUBSIDIZED PROJECT.—Section 203(i)(2)(E) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(i)(2)(E)) is amended by striking "(other" and all that follows and inserting "(excluding payments made for certificates under subsection (b)(1) or vouchers under subsection (o)), if (except for purposes of paragraphs (1) and (2) of subsection (h) and section 183(c) of the Housing and Community Development Act of 1987) such housing assistance payments are made to more than 50 percent of the units in the project.".

(d) APPLICABILITY.—

(1) IN GENERAL.—The amendments made by this section and section 181 of the Housing and Community Development Act of 1987 (other than subsection (e) of such section 181) shall apply to any case in which legal title to the property is not transferred before February 5, 1988 (including such property for which a contract of sale is entered into before such date).

(2) DATE OF ASSIGNMENT.—For purposes of section 203(a)(1)(C) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1701z-11(a)(1)(C)), the term "date of assignment" means the date of assignment, without regard to whether such date occurs before, on, or after February 5, 1988.

(3) EXCEPTION.—The provisions of paragraph (1) shall not apply to the contract of sale entered into by the Department of Housing and Urban Development and the Minneapolis Community Development Agency for the disposition of the Cedar Square West Project.

SEC. 1006. MULTIFAMILY HOUSING CAPITAL IMPROVEMENTS ASSISTANCE.

Section 201(j)(4) of the Housing and Community Development Amendments of 1978 (12 U.S.C. 1715z-1a(j)(4)) is amended by striking "may use not more than" and inserting the following: "shall, to the extent of approvable applications and subject to paragraph (1), use not less than".

SEC. 1007. USE OF FUNDS RECAPTURED FROM REFINANCING STATE FINANCE PROJECTS.

In the case of any State financed project that was provided a financial adjustment factor under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) and is being refinanced, 50 percent of the amounts that are recaptured from the project shall be made available to the State housing finance agency in the State where the project is located for use in providing decent, safe, and sanitary housing affordable to very low-income families or persons.

Subtitle B—Preservation of Low Income Housing

SEC. 1021. NOTICE OF INTENT.

Section 222 of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended in the last sentence by striking "notice or intent" and inserting "notice of intent".

SEC. 1022. NOTICE TO TENANTS.

(a) NOTICE OF INTENT.—Section 222 of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended by inserting before the period at the end of the last sentence the following: ", and shall submit the notice of intent to the tenants of the housing".

(b) PLAN OF ACTION.—Section 223(a) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended in the last sentence—

(1) by striking "owner may" and inserting "owner shall"; and

(2) by inserting after "plan of action" the following: "to the tenants of the housing and".

(c) CONSULTATIONS.—Section 229 of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended—

(1) by inserting before "The Secretary shall confer" the following: "(a) CONSULTATIONS BY SECRETARY.—"; and

(2) by adding at the end the following new subsection:

"(b) CONSULTATIONS WITH TENANTS.—The Secretary may not approve any plan of action under this subtitle unless the Secretary—

"(1) has determined that the tenants of the housing have been notified in accordance with sections 222 and 223(a);

"(2) has provided the tenants with an opportunity to comment on the plan of action of the owner; and

"(3) has taken the comments of the tenants into consideration.".

SEC. 1023. INCENTIVES TO EXTEND LOW INCOME USE.

Section 224(b) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended in the matter preceding paragraph (1) by inserting after "agreements" the following: "that extend low income affordability restrictions through the term of the mortgage".

SEC. 1024. CRITERIA FOR APPROVAL OF PLAN OF ACTION.

Section 225(a)(1) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended by striking "will not materially increase economic hardship for current tenants" and inserting the following: "will not result in a monthly rental payment by a current tenant that exceeds 30 percent of the monthly adjusted income of the tenant (or, in the case of a current tenant who already pays more than such percentage, will not result in an increase in the monthly rental payment in any year that exceeds the increase in the Consumer Price Index)".

SEC. 1025. MODIFICATION OF EXISTING REGULATORY AGREEMENTS.

Section 228(a)(5) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended by striking "section 225(b)(6)" and inserting "section 225(b)(3)(F)".

SEC. 1026. DEFINITION OF ELIGIBLE LOW INCOME HOUSING.

Section 233(1)(A)(iii) of the Housing and Community Development Act of 1987 (12 U.S.C. 1715*l* note) is amended by inserting "or a State or State agency" after "Secretary".

SEC. 1027. RURAL RENTAL HOUSING DISPLACEMENT PREVENTION.

Section 502(c)(4)(B)(iv) of the Housing Act of 1949 (42 U.S.C. 1472(c)(4)(B)(iv)) is amended by striking "paragraphs (7) and (8) of section 515(b)" and inserting "paragraphs (1) and (2) of section 515(c)".

SEC. 1028. SECTION 8 LOAN MANAGEMENT PROGRAM.

Section 8(v)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(v)(2)) is amended by inserting "for project-based loan management assistance" after "new contract".

Subtitle C—Rural Housing

SEC. 1041. AVAILABILITY OF AMOUNTS FOR GUARANTEED LOAN DEMONSTRATION.

(a) IN GENERAL.—Section 304(a) of the Housing and Community Development Act of 1987 (42 U.S.C. 1472 note) is amended by striking "to the extent of amounts provided in appropriation Acts" and inserting "using amounts made available under subsection (b)".

(b) CONFORMING AMENDMENT.—Section 304 of the Housing and Community Development Act of 1987 (42 U.S.C. 1472 note) is amended by adding at the end the following new subsection:

"(f) RELATION TO OTHER LAW.—Section 4 of this Act, section 502(d) of the Housing Act of 1949, and the second sentence of section 517(e) of the Housing Act of 1949, shall not apply to this section.".

(c) APPLICABILITY.—The amendments made by this section shall apply to fiscal year 1988 and each succeeding fiscal year.

SEC. 1042. SECTION 515 RENTS.

Section 515 of the Housing Act of 1949 (42 U.S.C. 1485) is amended by striking subsection (h).

SEC. 1043. AVAILABILITY OF DOMESTIC FARM LABOR HOUSING FOR OTHER FAMILIES.

(a) INSURED LOAN PROGRAM.—Section 514 of the Housing Act of 1949 (42 U.S.C. 1484) is amended by adding at the end the following new subsection:

"(i) Housing and related facilities constructed with loans under this section may be used for tenants eligible for occupancy under section 515 if the Secretary determines that—

"(1) there is no longer a need in the area for farm labor housing; or

"(2) the need for such housing in the area has diminished to the extent that the purpose of the loan, providing housing for domestic farm labor, can no longer be met.".

(b) GRANT PROGRAM.—Section 516 of the Housing Act of 1949 (42 U.S.C. 1486) is amended by adding at the end the following new subsection:

"(j) Housing and related facilities constructed with grants under this section may be used for tenants eligible for occupancy under section 515 if the Secretary determines that—

"(1) there is no longer a need in the area for farm labor housing; or

"(2) the need for such housing in the area has diminished to the extent that the purpose of the grant, providing housing for domestic farm labor, can no longer be met.".

Subtitle D—Mortgage Insurance and Secondary Mortgage Market Programs

SEC. 1061. CHANGE IN DEFINITION OF VETERAN.

Section 203(b) of the National Housing Act (12 U.S.C. 1709(b)) is amended to read as if the amendment made by section 405(1) of the Housing and Community Development Act of 1987 (101 Stat. 1899) to section 203(b)(3)(2) of the National Housing Act had been made instead to section 203(b)(2) of the National Housing Act.

SEC. 1062. LIMITATION ON USE OF SINGLE FAMILY MORTGAGE INSURANCE BY INVESTORS.

(a) EXEMPTION FROM OCCUPANCY REQUIREMENT.—Section 203(g)(3) of the National Housing Act (12 U.S.C. 1709(g)(3)) is amended—

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

(2) by striking the period at the end of subparagraph (E) and inserting "; or"; and

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

"(F) a mortgagor that, pursuant to section 223(a)(7), is refinancing an existing mortgage insured under this Act for not more than the outstanding balance of the existing mortgage, if the amount of the monthly payment due under the refinancing mortgage is less than the amount due under the existing mortgage for the month in which the refinancing mortgage is executed.".

(b) CORRECTION OF CONFORMING AMENDMENT.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended to read as if the amendment made by section 406(b)(1)(B) of the Housing and Community Development Act of 1987 (101 Stat. 1900) had deleted instead the following: "to be occupied as the principal residence of the owner".

SEC. 1063. PROCEDURES APPLICABLE TO ASSUMPTION OF INSURED MORTGAGES.

(a) CREDIT REVIEWS.—Section 203(r)(2) of the National Housing Act (12 U.S.C. 1709(r)(2)) is amended by striking "date on which the mortgage is endorsed for insurance" each place it appears and inserting "date on which the mortgage is executed".

(b) EFFECTIVE DATE.—Section 407(a)(2) of the Housing and Community Development Act of 1987 is amended to read as follows:

"(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to each mortgage originated pursuant to an application for commitment for insurance signed by the applicant on or after December 1, 1986.".

SEC. 1064. MORTGAGE INSURANCE ON HAWAIIAN HOME LANDS.

Section 247 of the National Housing Act (12 U.S.C. 1715z-12), as similarly amended first by the Department of Housing and Urban Development-Independent Agencies Act, 1988 (101 Stat. 1329-191) and later by subsections (a) and (b) of section 413 of the Housing and Community Development Act of 1987 (101 Stat. 1906), is amended to read as if the later amendment had not been enacted.

SEC. 1065. HOME EQUITY CONVERSION MORTGAGE INSURANCE DEMONSTRATION.

(a) DEFINITIONS.—Section 255(b)(3) of the National Housing Act (12 U.S.C. 1715z-20(b)(3)) is amended by inserting "Depository" before "Institutions".

(b) ELIGIBILITY REQUIREMENTS.—Section 255(d)(3) of the National Housing Act (12 U.S.C. 1715z-20(d)(3)) is amended by striking "and that" and all that follows through "residence".

SEC. 1066. RECIPROCITY IN APPROVAL OF HOUSING SUBDIVISIONS AMONG FEDERAL AGENCIES.

Section 535 of the Housing Act of 1949 (42 U.S.C. 1490o) is amended—

(1) by inserting "(a)" after the section designation; and

(2) by adding at the end the following new subsections:

"(b) For purposes of complying with subsection (a), the Secretary of Housing and Urban Development shall consider the issuance by the Administrator of Veterans' Affairs of a certificate of reasonable value for 1 or more properties in a subdivision to be an administrative approval for the entire subdivision. This subsection shall not apply after the expiration of the 1-year period beginning on the date of the enactment of the Omnibus McKinney Homeless Assistance Act of 1988.

"(c) Before the expiration of the period referred to in subsection (b), the Secretary of Housing and Urban Development shall report to the Congress on housing subdivision approval policies and practices, if any, of the Departments of Housing and Urban Development and Agriculture and the Veterans' Administration. The report shall focus on the administration of environmental laws in connection with any such policies and practices, and shall recommend any statutory, regulatory, and administrative changes needed to achieve total reciprocity for such housing subdivision approvals. The Secretary of Housing and Urban Development shall consult with the foregoing agencies, and such other agencies as the Secretary selects, in preparing the report.".

SEC. 1067. REGULATION OF RENTS IN INSURED PROJECTS.

Section 425 of the Housing and Community Development Act of 1987 (12 U.S.C. 1715z-1c) is amended—

(1) by inserting before "After" the following: "(a) IN GENERAL.—";

(2) in paragraph (1), by striking ", and the project owner has not filed a written request with the Secretary to enter into,"; and

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

"(b) REGULATIONS.—The Secretary of Housing and Urban Development shall issue regulations to carry out this section in accordance with section 553 of title 5, United States Code.".

SEC. 1068. PERMANENT AUTHORITY TO PURCHASE SECOND MORTGAGES ON MULTIFAMILY PROPERTIES.

(a) FEDERAL NATIONAL MORTGAGE ASSOCIATION.—Section 302(b)(5)(A)(ii) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(5)(A)(ii)) is amended by striking "until October 1, 1985,".

(b) FEDERAL HOME LOAN MORTGAGE CORPORATION.—Section 305(a)(4)(A)(ii) of the Federal Home Loan Mortgage Corporation Act (12 U.S.C. 1454(a)(4)(A)(ii)) is amended by striking "until October 1, 1985,".

Subtitle E—Community Development and Miscellaneous Programs

SEC. 1081. CITY AND COUNTY CLASSIFICATIONS.

(a) METROPOLITAN CITY.—

(1) RETENTION OF CLASSIFICATION.—Section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) is amended in the second sentence—

(A) by striking "the population data of the 1980 decennial census" and inserting "a decrease in population"; and

(B) by inserting "or any subsequent fiscal year" after "1983".

(2) DEFERRAL OF CLASSIFICATION.—Section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)), as similarly amended first by the Department of Housing and Urban Development-Independent Agencies Act, 1988 (101 Stat. 1329-193) and later by section 503(a)(2) of the Housing and Community Development Act of 1987 (101 Stat. 1923), is amended to read as if the later amendment had not been enacted.

(b) URBAN COUNTY.—Section 102(a)(6)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(6)(A)) is amended by striking the last comma in clauses (i) and (ii)(I) and inserting a semicolon.

SEC. 1082. CORRECTIONS TO CROSS-REFERENCES.

(a) DEFINITIONS.—

(1) INCLUSION OF POPULATION IN URBAN COUNTY.—Section 102(d) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(d)) is amended by striking "subsection (a)(6)(B)" and inserting "subparagraph (A)(ii) or (D) of subsection (a)(6)".

(2) EXCLUSION OF POPULATION FROM URBAN COUNTY.—The first sentence of section 102(e) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(e)) is amended by striking "subsection (a)(6)(B)(i)" and inserting "subsection (a)(6)(A)(ii)(I)(a)".

(b) REALLOCATION OF AMOUNTS.—Section 106(c)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(c)(1)) is amended—

(1) in the first sentence, by striking "section 104(a), (b), or (c)" and inserting "subsection (a), (b), (c), or (d) of section 104";

(2) in the first sentence by striking "section 104(d)" and inserting "section 104(e)"; and

(3) in subparagraph (B), by striking "section 104(d)" and inserting "section 104(e)".

(c) ALLOCATIONS TO STATES.—Section 106(d)(3) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(3)) is amended—

(1) in subparagraph (C), by striking "subsection (a) or (b)" and inserting "subsection (a), (b), or (d)"; and

(2) in subparagraphs (C) and (D), by striking "section 104(d)" each place it appears and inserting "section 104(e)".

SEC. 1083. CONSERVING NEIGHBORHOODS AND HOUSING BY PROHIBITING DISPLACEMENT.

(a) CERTIFICATIONS.—The third sentence of section 104(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 4304(d)(1)) is amended to read as follows: "A unit of general local government receiving amounts from a State under section 106(d) shall so certify to the State, and a unit of general local government receiving amounts from the Secretary under section 106(d) shall so certify to the Secretary.".

(b) PLAN REQUIREMENTS.—Section 104(d)(2)(A)(iii)(II) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(d)(2)(A)(iii)(II)) is amended by adding "and" at the end.

SEC. 1084. DETERMINATION OF LOW AND MODERATE INCOME BENEFIT FOR ASSISTANCE USED TO PAY ASSESSMENTS.

Section 105(c)(2)(A) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(c)(2)(A)) is amended—

(1) by striking "or" before "(ii)"; and

(2) by inserting before the period at the end the following: "; or (iii) the assistance for such activity is limited to paying assessments (including any charge made as a condition of obtaining access) levied against properties owned and occupied by persons of low and moderate income to recover the capital cost for a public improvement".

SEC. 1085. URBAN DEVELOPMENT ACTION GRANTS.

(a) USE OF REPAID GRANT FUNDS.—Section 119(f) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(f)) is amended in the penultimate sentence by striking "section 104" and inserting "section 105".

(b) CONSIDERATION OF CERTAIN COUNTIES AS CITIES.—Section 119(n)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5318(n)(1)), as similarly amended first by the provisions made effective by section 101(g) of Public Law 99-500 and Public Law 99-591 (100 Stat. 1783-242 and 3341-242) and later by section 515(i) of the Housing and Community Development Act of 1987 (101 Stat. 1934), is amended to read as if the later amendment had not been enacted.

SEC. 1086. NEIGHBORHOOD REINVESTMENT CORPORATION.

Section 604(a)(6) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8103(a)(6)) is amended by striking the second of the two periods at the end.

SEC. 1087. NATIONAL FLOOD INSURANCE PROGRAM.

Section 1306(c)(1)(A) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1)(A)) is amended by striking "Following" each place it appears in clauses (i) and (ii) and inserting "following".

SEC. 1088. HOME MORTGAGE DISCLOSURE.

Section 565(a)(4) of the Housing and Community Development Act of 1987 (12 U.S.C. 2802 note) is amended by striking "1986" and inserting "1987".

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BARTLETT: Page 60, after line 2, insert the following new section:

SEC. 1069. PAYMENT OF CLAIMS ON LOSSES FROM PREFORECLOSURE SALES.

(a) IN GENERAL.—The second sentence of section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended—

(1) by inserting "(A)" after "(1)"; and

(2) by striking ", and (2)" and inserting the following: ", or (B) upon the sale of the insured property by the mortgagor after default, if (i) the sale has been approved by the Secretary, (ii) the mortgagee receives an amount at least equal to the fair market value of the property (with appropriate adjustments), as determined by the Secretary, and (iii) the mortgagor has received appropriate homeownership counseling, as determined by the Secretary; and (2)".

(b) CONFORMING AMENDMENTS.—

(1) APPLICABILITY.— Section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended in the third sentence by striking "the effective date of this sentence" and inserting the following: "November 30, 1983 (on or after the date of the enactment of the Omnibus McKinney Homeless Assistance Act of 1988, with respect to the payment of benefits under clause (1)(B) of the preceding sentence),".

(2) CROSS-REFERENCE.—

(A) Section 204(a) of the National Housing Act (12 U.S.C. 1710(a)) is amended immediately before the first proviso in the fifth sentence by striking "foreclosure".

(B) Section 204(j) of the National Housing Act (12 U.S.C. 1710(j)) is amended by inserting "clause (1)(A) of" before "the second sentence".

(c) REGULATIONS.—In developing regulations to carry out the amendments made by this section, the Secretary of Housing and Urban Development may delegate to mortgagees the authority to make determinations on behalf of the Secretary, and the Secretary shall rely on certifications and post audit reviews to the greatest extent possible.

Page 4, in the table of contents, insert after the item relating to section 1068 the following new item:

SEC. 1069. Payment of claims on losses from preforeclosure sales.

Mr. BARTLETT (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 Texas?

There was no objection.

Mr. BARTLETT. Mr. Chairman, I am offering an amendment to title X of H.R. 5110, the McKinney homeless assistance reauthorization bill. Title X contains a variety of technical changes pertaining to existing housing programs.

My amendment would provide needed flexibility to HUD with respect to the handling of claims after a default has occurred on an FHA-insured mortgage.

Current law requires that HUD reimburse lenders when an FHA loan goes into default only after the lender has foreclosed, taken possession of the property and actually conveyed the property to HUD. Another circumstance under which HUD will pay out claims is when the loan has been as-

signed to HUD. The assignment most frequently occurs in instances where borrowers can work their way out of temporary financial difficulties.

HUD will also make payment on claims filed without advancing the title of the property if the property value is less than the outstanding amount of the loan. However, in practice, the property ends up in HUD inventory anyway since lenders simply want to avoid having to try to sell off devalued property. My amendment would add to the battery of tools the Federal Government has to arrange for a sale of property without actual foreclosure.

The amendment would make clear that defaulted borrowers have the option of selling their property and allowing lenders, upon sale of the property, to file a claim with HUD—without having to convey the property title to the agency. This approach is permissible, provided:

First, HUD approves the sale;

Second, in connection with the sale, HUD conducts a cost/benefit analysis to determine whether actual sale of the property would be less costly than having HUD take possession of the property;

Third, the borrower explicitly agrees to sell the property; and

Fourth, the foreclosed property is a single-family home.

In addition, the amendment requires that the property be sold at the fair market price and also preserves existing counseling programs available to borrowers. The property must be sold at a price at least equal to what FHA would receive if actual foreclosure were to take place and the property were sold by FHA. When the agency drafts its regulations, I would encourage it to set specific standards for lenders to ensure that they receive the best price possible for the property.

As to appropriate homeownership counseling, the amendment stipulates that HUD ensure that borrowers who are capable of keeping their homes—if they receive counseling or can restructure their financial obligations—be given plenty of opportunity to do so. The HUD Secretary should, therefore, make clear to lenders and FHA that the new procedure for filing claims is not meant to override any existing programs to help borrowers deal with outstanding loans.

The benefits of this amendment will fall to borrowers, lenders and the taxpayers, alike.

The amendment would save the Federal Government considerable costs related to foreclosure, property disposition, and management which would include maintenance, repairs and taxes. An April, 1988 GAO report indicates that the costs of acquisition and disposition of property have, in many instances, outweighed the property value.

The GAO found that in fiscal year 1987, HUD's average selling price was $38,200 after holding properties in its inventory for 7 months. The interest carrying costs on such property was approximately $2,200, based on a rate of 10 percent. According to GAO, on each 1 percent of the property acquisitions, HUD would have saved roughly $1.4 million if it had been able to eliminate the interest costs through more expedient home sale programs.

I also note that in fiscal year 1987, HUD sold 59,194 single family homes out of its inventory and experienced a loss of $1.2 billion on these sales. That averages out to $20,272 per unit. The loss is based on the sales price less all HUD costs to acquire, manage, and dispose of these properties.

The time for the foreclosure process between the last payment made by a mortgagor and the time the property is conveyed to HUD is, on average, 16.7 months. GAO estimates indicate that the Federal Government would save an average of over $5,000 per unit if it avoided the foreclosure process, as well as prevent additional depreciation of property values.

Second, it would allow borrowers to keep their good credit ratings intact. Instead of having a foreclosure on record, the borrower's credit report would only indicate that a loan default has occurred.

Third, it would prevent foreclosures that can only depreciate other property in a neighborhood and force vacancies that increase the potential for vandalism. Under current practice, foreclosed property stands vacant until HUD finds a buyer for the property.

In conclusion, my amendment would shorten what otherwise has become a cumbersome and costly process for all the parties involved; be it the borrowers, lenders or the Federal Government.

The additional flexibility provided under my amendment will specifically address circumstances when the value of the property that is subject to foreclosure is less than the outstanding amount of the loan. The new procedure for filing FHA claims as proposed in my amendment is not intended to circumvent any existing counseling programs, foreclosure proceedings established at the state level or right-of-redemption time periods.

This amendment is supported by the National Association of Homebuilders and the Mortgage Bankers Association. I urge your support for this amendment.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I am happy to yield to the chairman of the subcommittee.

Mr. GONZALEZ. Mr. Chairman, we have looked over the amendment, and we have had a chance to evaluate it. There are some things I feel we could refine, but for the purpose of expediting the processes, I will say that the amendment is good, it is constructive, and we accept it on our side.

Mr. BARTLETT. Mr. Chairman, I thank the gentleman for his support.

Mr. KLECZKA. Mr. Chairman, will the gentleman yield?

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

Mr. KLECZKA. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the amendment. I did have conversations and I had correspondence with my local manager of HUD from Milwaukee, and clearly, as he demonstrated to me, we could save dollars from the insurance fund if in fact we would buy out the mortgage or permit the sale of the mortgage or the residence prior to going to foreclosure, with all the other attendant costs involved. In fact, he indicated to me that the system is similar to what the VA currently permits.

So I do very strongly support the gentleman's amendment, and I hope over the next few weeks to work with the gentleman and with the subcommittee chairman, the gentleman from Texas [Mr. GONZALEZ], to tighten up one or two aspects of it while the bill is in conference.

So, Mr. Chairman, I join the gentleman in supporting this worthwhile amendment.

Mr. BARLETT. Mr. Chairman, I thank the gentleman for his support.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BARTLETT] has expired.

(On request of Mrs. ROUKEMA, and by unanimous consent, Mr. BARLETT was allowed to proceed for 1 additional minute.)

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. BARTLETT. I yield to the gentleman from New Jersey.

Mrs. ROUKEMA. Mr. Chairman, I rise in support of the gentleman's amendment which would provide needed flexibility to FHA with respect to the handling of FHA insured mortgage foreclosures and claims payment procedures.

Under current law FHA is restricted by section 204(a) of the National Housing Act to only make a claim payment for a defaulted or foreclosed mortgage insured by FHA to a lender only after the lender has foreclosed and taken possession of the property, and actually conveyed the property to the Secretary.

The impact of this restriction is to create significant delays resulting in increased costs to the FHA mortgage insurance funds created by the holding period required before HUD may sell or dispose of the acquired and foreclosed property.

The proposed amendment will permit HUD to make claim payments on defaulted FHA insured loans before foreclosure and conveyance to lenders and when HUD approves the sale of the property by the homeowner who is in default. The amendment will result in a reduction of HUD property disposition costs and reduction of mortgage insurance fund payments, because of the savings of time of disposition of such property.

The amendment is supported by HUD and is recommended by the GAO. The National Association of Home Builders, and the Mortgage Bankers Association also supports the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SAXTON: Page 55, after line 2, insert the following new section:

SEC. 1044. LEGAL REPRESENTATION IN LITIGATION INVOLVING COLLECTION OF CLAIMS AND OBLIGATIONS ARISING OUT OF RURAL HOUSING PROGRAMS.

Section 510(d) of the Housing Act of 1949 (42 U.S.C. 1480(d)) is amended by inserting before the semicolon at the end the following: "; except that prosecution and defense of any litigation under section 502 shall be conducted, at the discretion of the Secretary by—

"(1) the United States attorneys for the districts in which the litigation arises and any other attorney that the Attorney General may designate under law, under the supervision of the Attorney General;

"(2) the General Counsel of the Department of Agriculture; or

"(3) any other attorney with whom the Secretary enters into a contract".

Page 3, in the table of contents, insert after the item relating to section 1043 the following new item:

Sec. 1044. Legal representation in litigation involving collection of claims and obligations arising out of rural housing programs.

Mr. SAXTON (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 New Jersey?

There was no objection.

Mr. SAXTON. Mr. Chairman, I am pleased to be able to offer an amendment which does two things which usually run counter to each other. The first is that it saves the American taxpayers or at least it has the potential of saving the American taxpayers over $102 million a year, and at the same time it makes homes available which would otherwise not be available for local and moderate income buyers.

Today in our country our Farmers Home Administration has on the books some $555 million worth of mortgages which are in the process of foreclosure.

□ 1815

These are on homes that have been vacated. They have been boarded up. They are in disrepair and becoming in more disrepair.

Mr. Chairman, through this amendment, therefore, we can save a great deal of money for the taxpayers and put these homes back on the market for people who need them. As a matter of fact, our research shows, Mr. Chairman, that there are more than 17,000 of these homes available throughout the country today, and in my home State, 744 alone.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Texas [Mr. GONZALEZ] happily.

Mr. GONZALEZ. Mr. Chairman, we have discussed this with the author of the amendment. We have looked it over. It is a very good amendment, and I compliment the gentleman for improving this bill with respect to the Farmer's Home Administration programs, and we accepted it on our side.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I am happy to yield to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Chairman, I just want to rise in support of the amendment of the gentleman from New Jersey [Mr. SAXTON], and I congratulate him because this puts more housing stock back on the market, it will save the Government tens of millions of dollars by contracting attorneys fees, and it is amazing that we have not thought of this before. I congratulate the gentleman.

Mr. Chairman, I rise in support of the amendment my colleague from New Jersey has offered.

In these days of scarce Federal funds and even scarcer low-income housing, it's a disgrace that we allow perfectly good houses to sit boarded up for over 3 years because the U.S. Attorney's Office doesn't have the manpower to promptly handle section 502 foreclosure cases.

This amendment will not make it easier for the Farmers Home Administration to evict defaulting borrowers from their homes. It does not affect foreclosure decisions at all, nor does it affect the numerous servicing options that Farmers Home is required to offer to these section 502 borrowers. According to the FmHA, evictions are rarely necessary for borrowers who don't resolve their problems in the first phases of the foreclosure process, because most of these homes are vacated by the borrowers when, or shortly after, foreclosure is initiated.

It is at this point, when a foreclosure case is turned over to the U.S. Attorney's Office, that the process bogs down. Farmers Home estimates that judicial foreclosure takes an average of three years, during which the houses in question remained unused. Each of these empty houses—of which there are now over 17,000—costs the Government about $400 per month in interest payments, taxes, and caretaker and repair fees.

Meanwhile, low-income families who would love to have the chance to buy these homes through the section 502 program are closed out of the housing market for want of available housing.

The Farmers Home Administration estimates that the time it takes to complete an average judicial foreclosure could be cut from 3 years to 1 year if they could secure adequate legal manpower by contracting with outside attorneys. The savings from such a reduction, in interest costs alone, would be in excess of $100 million per year. It would also liquefy the more than $555 million now invested in these loans, which continue to accrue interest at approximately $70,000 per day.

In short, this amendment would save the Government money while helping low-income families secure decent housing. I urge my colleagues to support these worthy goals.

Mrs. ROUKEMA. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. I rise in support of the amendment of the gentleman from New Jersey [Mr. SAXTON].

This amendment is constructive and technical in nature and pertains to title X—Technical and Conforming Amendments to the Housing and Community Development Act of 1987.

Specifically, the Saxton amendment will result in substantial cost savings and reduction of delays in the collection of claims and obligations in the administration of loan processing under the Farmers Home Administration Rural Housing Home Ownership Program known as section 502.

The amendment will provide for a more flexible alternative to the Farmers Home Administration in the collection of claims and obligations arising from mortgage foreclosure proceedings. Presently the law limits litigation procedure to be conducted only by the U.S. Attorneys General. This limitation has a funnel impact resulting in very long delays and subsequent loss of time and the addition of costs to the process.

The gentleman from New Jersey, Mr. Saxton's amendment will permit, at the discretion of the Secretary of Agriculture, the handling and processing of such claims and obligations to be administered by attorneys from the U.S. Department of Agriculture in addition to the Attorneys General.

This will greatly expedite the procedure and save taxpayers dollars.

Mr. Chairman, I urge the adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SAXTON].

The amendment was agreed to.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, no person has to look far to see why this legislation and such programs are so necessary. There are 2 to 3 million homeless men, women, and children in our Nation.

To be homeless, what does it mean? We hear so much about the homeless that we may gloss over the real meaning of homeless. My colleagues, take just a minute to think about life without a decent place to live. Without shelter, we would see the disintegration of our family, our job, and eventually our entire life would be in dismay.

Shelter provides much more than a roof over our heads. It provides the stability neeeded to live a normal life. The millions of homeless individuals and families are not just without shelter, they are without the essential stable base needed to pull themselves out of despair.

Without shelter, they are unable to take advantage of opportunities such as education and employment—the traditional and only means to get ahead in society and to make your way back into the mainstream.

Without shelter, the homeless are driven to such desperation that they will take any work they can find—and I mean any work—even when it may seriously threaten their health and endanger their lives. Recent incidents in the San Francisco Bay area have been reported, in which homeless people were hired to work as "scrapers" removing cancer-causing asbesto from buildings without the adequate training, safety equipment, or proper protective clothing, and without medical exams as required by Federal and States laws. One homeless activist has said, "Society doesn't want asbestos and it doesn't want the homeless, and it treats both as waste products." What a travesty. What an outrageous exploitation of the powerless in our society—a nation that reverses the dignity and value of the individual.

What does that say about our society that we allow the most powerless to be shuffled around, taken advantage of and treated as expendable?

Allowing our fellow citizens to remain homeless and vulnerable is devastating to the individual and devastating to society as a whole.

These actions, this exploitation must not go unchecked. Let me assure my colleagues of my concern and enlist your help to fully address the questions and accountability of our laws and protection of workers in the work place, whether they are homeless or not.

For the individual who is homeless, decent shelter provides a basis for dignity and self-respect and a boost out of the despair of being homeless. This legislation will reclaim some of the lost hope and restore a measure of dignity for thousands of homeless nationwide.

The homeless crisis has surely reached critical proportions within the last decade. Why does our Nation have more homeless today than at any time since the Great Depression? Why indeed? Because we have more poor people, with less money, seeking fewer available housing units, of declining quality at sharply increasing rents.

The future housing prospects for low-income Americans looks even bleaker. The number of poor households is expected to increase by more than 40 percent and the number of low-rent units is expected to shrink from 12.9 to 9.4 million within 15 years if the current policy path is not changed.

The American public recognizes and sympathizes with the plight of the homeless. Sixty-eight percent of American voters support increased funding for Federal aid to the homeless, according to a Roper organization poll. No other economic, military or social program has such support, yet, most other Federal programs receive more funding.

The concern of the American public is part of the reason we were able to elicit the support of nearly 100 Members of Congress as cosponsors. I thank the Speaker JIM WRIGHT, Majority Leader TOM FOLEY and Majority Whip TONY COEHLO for their early endorsement of this legislation. I also thank Chairman ST GERMAIN, Chairman GONZALEZ, and Ranking Member CHALMERS WYLIE and MARGE ROUKEMA for their support. Of course, I also want to thank my colleague and friend MIKE LOWRY who has been fighting this battle with me since the start in Congress.

The McKinney Act will continue to help meet the immediate emergency needs as well as deal with some of the chronic problems of the homeless. This 2-year reauthorization measure proposes about $642 million annually to meet the needs of the homeless. In addition to emergency shelter and food, the legislation will provide critical health care, education, job training services, and transitional housing for homeless families.

In 1 short year since the McKinney Act took effect, it has enhanced existing homeless programs, and spawned a number of innovative new homeless assistance programs nationwide. It has encouraged communities across America to respond to the tragedy of homelessness with great compassion. All sectors—public, private and nonprofit—have participated in efforts to help those who have become victims of the housing and shelter crisis plaguing our Nation.

In order to help the homeless we must meet their emergency needs and then tackle the larger problem of providing affordable housing. The enactment of this legislation is a crucial step in our efforts to help the homeless out of their despair; to help them regain their dignity and self-respect; and to boost them back into the mainstream. The next step will be to alter the devastating housing policy path this Nation has been on for the last 8 years and to provide the homeless and all Americans with decent, affordable housing.

I urge my colleagues to support this legislation.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, I thank the gentleman for giving me just a few moments as the dean of the Connecticut delegation to commend him for his great work and to remember Stewart McKinney, who of course played such a tremendous role in working for the homeless.

The Stewart B. McKinney Act is an appropriate tribute to our late colleague from Connecticut. Stewart worked hard for those most in need in our Nation—the poor, the homeless.

Reauthorization of the act is an important tribute to Stew. More importantly, reauthorization is essential to the survival of homeless families and individuals.

Homelessness is a problem that continues to grow worse. As we all know, the fastest growing group of homeless is families with children. Homelessness is found across our Nation, in our cities, in our rural communities, even in our suburbs. There are an estimated 20,000 homeless in Connecticut.

The McKinney Act provides needed relief—emergency food, shelter, health and mental health care. The need for this relief is growing. We not only need to reauthorize this bill; we need to find solutions so no more families are forced to survive on the street and in emergency shelters.

We need to find permanent solutions to the causes of the problem, not just solutions to the effects of the problem. If Stewart was with us, he would be fighting to find permanent solutions to the causes of homelessness. He would be fighting for decent, affordable housing for the poor and for families with moderate incomes. He would be fighting for the health of our cities and towns. He would be fighting for opportunity for our country's poor.

As we consider the reauthorization of this act, we should also remember the values of its original author and work to fight for them.

Mr. VENTO. Mr. Chairman, I would share in the gentleman's accommodation with regards to Mr. McKinney. I think this is a day in which he would be proud of the work of this House.

The CHAIRMAN. Are there further amendments to title X?

If there are no further amendments, the question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker, having resumed the Chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4352) to amend the Stewart B. McKinney Homeless Assistance Act to extend programs providing urgently needed assistance for the homeless, and for other purposes, pursuant to House Resolution 508, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 333, noes 80, not voting 18, as follows:

[Roll No. 257]

AYES—333

Ackerman	Brown (CA)	Dellums
Akaka	Bruce	Derrick
Alexander	Bryant	DeWine
Anderson	Buechner	Dickinson
Andrews	Bustamante	Dicks
Annunzio	Byron	Dingell
Anthony	Campbell	DioGuardi
Applegate	Cardin	Dixon
Aspin	Carper	Donnelly
Atkins	Carr	Dorgan (ND)
AuCoin	Chandler	Downey
Barnard	Chapman	Durbin
Bateman	Chappell	Dwyer
Bates	Clarke	Dymally
Beilenson	Clay	Dyson
Bennett	Clement	Early
Bentley	Clinger	Eckart
Berman	Coats	Edwards (CA)
Bevill	Coble	Edwards (OK)
Bilbray	Coelho	Emerson
Bliley	Coleman (MO)	English
Boehlert	Coleman (TX)	Erdreich
Boggs	Collins	Evans
Boland	Conte	Fascell
Bonior	Conyers	Fawell
Bonker	Cooper	Fazio
Borski	Coughlin	Feighan
Bosco	Courter	Fish
Boucher	Crockett	Flake
Boxer	Darden	Flippo
Brennan	Davis (IL)	Florio
Brooks	Davis (MI)	Foglietta
Broomfield	DeFazio	Foley
Ford (MI)	Madigan	Russo
Frank	Manton	Sabo
Frost	Markey	Saiki
Gallo	Martin (NY)	Savage
Garcia	Martinez	Sawyer
Gaydos	Matsui	Saxton
Gejdenson	Mavroules	Scheuer
Gibbons	Mazzoli	Schneider
Gilman	McCloskey	Schroeder
Gonzalez	McCrery	Schuette
Gordon	McCurdy	Schulze
Gradison	McDade	Schumer
Grandy	McGrath	Sharp
Grant	McHugh	Shays
Gray (IL)	McMillan (NC)	Sikorski
Gray (PA)	McMillen (MD)	Sisisky
Green	Meyers	Skaggs
Guarini	Mfume	Skeen
Gunderson	Miller (CA)	Skelton
Hall (OH)	Miller (OH)	Slattery
Hall (TX)	Miller (WA)	Slaughter (NY)
Hamilton	Mineta	Slaughter (VA)
Harris	Moakley	Smith (FL)
Hatcher	Molinari	Smith (IA)
Hawkins	Mollohan	Smith (NE)
Hayes (IL)	Montgomery	Smith (NJ)
Hayes (LA)	Moody	Smith, Robert (OR)
Hefner	Morella	Snowe
Henry	Morrison (CT)	Solarz
Herger	Morrison (WA)	Spratt
Hertel	Mrazek	St Germain
Hiler	Murphy	Staggers
Hochbrueckner	Murtha	Stallings
Holloway	Myers	Stark
Horton	Nagle	Stenholm
Houghton	Natcher	Stokes
Hoyer	Neal	Stratton
Hubbard	Nelson	Studds
Huckaby	Nichols	Sundquist
Hughes	Nowak	Swift
Hutto	Oakar	Synar
Hyde	Oberstar	Tallon
Ireland	Obey	Tauke
Jacobs	Olin	Tauzin
Jeffords	Ortiz	Thomas (GA)
Jenkins	Owens (UT)	Torres
Johnson (CT)	Panetta	Torricelli
Johnson (SD)	Parris	Towns
Jones (NC)	Pashayan	Traficant
Jones (TN)	Patterson	Traxler
Jontz	Payne	Upton
Kanjorski	Pease	Valentine
Kaptur	Pelosi	Vander Jagt
Kasich	Penny	Vento
Kastenmeier	Pepper	Visclosky
Kennedy	Perkins	Volkmer
Kennelly	Pickett	Vucanovich
Kildee	Pickle	Walgren
Kleczka	Price	Watkins
Kolter	Pursell	Waxman
Kostmayer	Quillen	Weiss
LaFalce	Rahall	Weldon
Lagomarsino	Rangel	Wheat
Lancaster	Ravenel	Whitten
Lantos	Ray	Williams
Leach (IA)	Regula	Wilson
Leath (TX)	Richardson	Wise
Lehman (CA)	Ridge	Wolf
Lehman (FL)	Rinaldo	Wolpe
Leland	Robinson	Wortley
Lent	Rodino	Wyden
Levin (MI)	Roe	Wylie
Levine (CA)	Rogers	Yates
Lewis (GA)	Rose	Yatron
Lipinski	Rostenkowski	Young (AK)
Lloyd	Roukema	Young (FL)
Lowry (WA)	Rowland (CT)	
Lujan	Rowland (GA)	
Luken, Thomas	Roybal	

NOES—80

Archer	Combest	Hammerschmidt
Armey	Craig	Hansen
Badham	Crane	Hastert
Baker	Dannemeyer	Hefley
Ballenger	DeLay	Hopkins
Bartlett	Dornan (CA)	Hunter
Barton	Dreier	Inhofe
Bereuter	Fields	Kolbe
Bilirakis	Frenzel	Konnyu
Brown (CO)	Gallegly	Kyl
Bunning	Gekas	Latta
Burton	Gingrich	Lewis (CA)
Callahan	Goodling	Lewis (FL)
Cheney	Gregg	Lightfoot
Livingston	Packard	Smith, Robert (NH)
Lowery (CA)	Petri	Solomon
Lukens, Donald	Porter	Stangeland
Lungren	Rhodes	Stump
Mack	Ritter	Sweeney
Marlenee	Roberts	Swindall
Martin (IL)	Roth	Thomas (CA)
McCandless	Schaefer	Walker
McCollum	Sensenbrenner	Weber
McEwen	Shaw	Whittaker
Michel	Shumway	
Moorhead	Shuster	
Nielson	Smith (TX)	
Oxley	Smith, Denny (OR)	

NOT VOTING—18

Biaggi	Espy	MacKay
Boulter	Ford (TN)	Mica
Coyne	Gephardt	Owens (NY)
Daub	Glickman	Spence
de la Garza	Kemp	Taylor
Dowdy	Lott	Udall

□ 1844

The Clerk announced the following pair:

On this vote:

Mr. Owens of New York for, with Mr. Boulter against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. COYNE. Mr. Speaker, I was absent during rollcall vote No. 257 on H.R. 4352. Had I been present I would have voted "yes" on passage of the bill.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4352, OMNIBUS McKINNEY HOMELESS ASSISTANCE ACT OF 1988

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 4352, the Clerk be authorized to correct section numbers, cross-references, punctuation, and indentation, and to make any other technical and conforming changes necessary to reflect the actions of the House.

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

There was no objection.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 4352, the bill just passed.

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

There was no objection.

ANNOUNCEMENT OF RULES COMMITTEE PROCEDURE PROVIDING FOR CONSIDERATION OF OMNIBUS DRUG LEGISLATION

Mr. PEPPER. Mr. Speaker, I have a very important announcement to make regarding the Rules Committee procedure in providing for the consideration of the omnibus drug legislation. On Monday, Members should have received a "Dear Colleague" outlining the amendment procedure. I would simply like to reemphasize at this time that all amendments to the drug bill must as a general guideline be submitted to the Rules Committee by 3 p.m., Friday, August 5. Today, an amended Rules Committee print is being distributed to all Members which should be used in the preparation of amendments. This new committee print is simply a compilation of all the bills submitted for inclusion in the Omnibus drug bill from the legislative committees. The original Rules Committee print distributed on Tuesday inadvertently failed to include the Energy and Commerce Committee title. In addition, Members should submit 35 copies of each amendment along with a brief explanation to the Rules Committee. The Rules Committee will meet to take all testimony on the bill and all amendments beginning at 11:00 a.m., Monday, August 8.

We contemplate finishing hearing all the witnesses on Monday, August 8, and reporting a rule out to the House on the next day, August 9.

Mr. Speaker, I thank the Members for their consideration.

□ 1845

MAKING IN ORDER CONSIDERATION OF THE UNITED STATES-CANADA FREE TRADE AGREEMENT, H.R. 5090, ON AUGUST 9, 1988, OR ANY DAY THEREAFTER

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it be in order to consider, pursuant to the procedures contained in section 151 of the Trade Act of 1974, as amended, the bill (H.R. 5090) implementing the United States-Canada Free Trade Agreement, any rule of the House to the contrary notwithstanding, on Tuesday, August 9, 1988, or any day thereafter, and that the general debate on the bill be limited to 3 hours.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

Mr. WALKER. Mr. Speaker, reserving the right to object, and I do not intend to object, but I take the time in order to ask the gentleman from Washington if he could inform the House what the rest of the schedule is for the evening. We are hearing a whole series of rumors about what it is we are taking up and what we are not taking up. I wonder if the gentleman could clarify the situation for the House.

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

Mr. WALKER. I am happy to yield to the gentleman.

Mr. FOLEY. Mr. Speaker, it will be our intention to call up the veto message of the President with respect to the bill H.R. 4264, the Department of Defense authorization bill, and I will move to refer the bill and the accompanying veto message to the Committee on Armed Services. That motion is preferential and would provide for 1 hour of debate. It would be my intention to yield that time to the gentleman from Wisconsin [Mr. ASPIN], who in turn will yield 30 minutes to the Republican side. At the conclusion of the debate, we will have a vote, rollcall vote, on the referral motion, and if it is carried, that will conclude the business for the evening. Let me correct that statement. We will take up the general debate tonight, general debate only, on the conference report with respect to the Japanese relocation legislation, the conference report.

Mr. WALKER. Mr. Speaker, further reserving the right to object, there are a number of us who have some severe concerns about bringing up the Japanese relocation bill and debating it when the Members are obviously going to be leaving the Hill. Is there any chance that the debate and the vote could go tomorrow rather than trying to do that yet this evening? Obviously it is going to be very late at night before that particular bill comes up, and as the gentleman well knows, that has been a subject of some controversy.

Mr. FOLEY. We had intended to take the Japanese relocation bill up in its entirety tonight, but the intervening veto message has created a situation where the schedule has to be adjusted because of that. As the gentleman knows, it is necessary to take some action on the veto message on the day it is received, and that is what is making us late, not the Japanese relocation bill.

Mr. WALKER. Mr. Speaker, further reserving the right to object then, can we have the vote tonight, because if in fact what we are going to do is keep some of the Members around here in order to participate in the debate——

Mr. FOLEY. The Members have to decide whether they remain for the debate or not. There is no way, as the gentleman knows, that Members can be forced to sit in the Chamber or to otherwise listen to the debate if they do not wish to do so, whether the debate is held at night or in the morning, and frankly I think the attention span of Members is sufficiently great to carry them from the evening's conclusion tonight to the first action tomorrow morning.

Mr. WALKER. Further reserving the right to object, I am wondering, Mr. Leader, given the nature of this, is there any chance that we could do part of the debate tonight and part of the debate tomorrow and thereby at least give some chance that some Members might hear the debate? I think we are in a situation where what we are doing is putting this in, this particular legislation in a situation where we can predict that practically none of the Members are going to hear the debate on this very serious matter. Is there some chance that we can divide the debate?

Mr. FOLEY. I have to disagree with the gentleman. This matter has been extensively debated during the legislative stage of the bill, and the conference report follows very closely the legislation enacted in the House. It is not a matter of new impression to the Members, and the issues have been thoroughly debated, but, again, I am not willing to suggest that Members are all going to absent themselves from the House tonight. We have discussed it. There is an obvious difference of opinion about whether we should conclude tonight, keeping all of the Members there for a vote, or attempt to do the general debate and to have the vote the first thing in the morning. It is not unusual at all that we should do this. Time and time again, we have had the general debate at the conclusion of one business day and the vote or the amendments considered the following day.

Mr. WALKER. Further reserving the right to object, maybe I can ask the Chair a question. Has this matter been before the Senate? Has the Senate approved the conference report at this point?

The SPEAKER. The Chair will respond to the gentleman's question that the Senate has approved the conference report on H.R. 442. The remaining action is in the House.

Mr. WALKER. I thank the Chair. I have one more question.

Mr. FOLEY. If it will provide any assistance to the gentleman, we could do 10 minutes on each side tomorrow.

Mr. WALKER. I think that would be preferable to doing the whole thing this evening, and I think that if we could arrive at that agreement that would certainly be preferable to trying to do the whole thing this evening.

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

Mr. WALKER. Further reserving the right to object, I am happy to yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Speaker, I would like to establish for the record and the understanding of some of the Members, including this one, is it a parliamentary requirement that we

must bring up the veto message and deal with it today?

Mr. FOLEY. The gentleman is correct.

Mr. DICKINSON. Why must it come today if it has not even come back yet? Why do we not take it up tomorrow?

Mr. FOLEY. We are required to take some action on it when it is received. It can be referred; it can be tabled; it can be postponed to another date at a time certain or it can be voted. Some action is required today, under my understanding.

Mr. DICKINSON. It would seem reasonable to me, and certainly I think preferable, if we could postpone it to a date certain such as tomorrow to give us some opportunity to get ready to even debate it, and why it has to come up and be dealt with today instead of going over to tomorrow and give us an opportunity to take up the Japanese relocation bill, that makes more sense to me.

Mr. FOLEY. I understand, and believe me as one who has been involved in it, that there are many different ways of doing a schedule. We create all sorts of alternatives, postponing for months, postponing for days, taking up one bill tonight and another bill another night, and I just have to tell the gentleman that we have given a lot of thought to this. This is what we consider to be the best arrangement and, with the exception of the change that I have just noted, that we will have 10 minutes of debate tomorrow, if the gentleman finds that agreeable, on each side prior to the adoption of the conference report vote. I will also say that under those circumstances we will do the 1-minutes at the end of the day tomorrow, not prior, and we will probably hope that we could avoid the Journal vote tomorrow.

Mr. DICKINSON. If I might just respond to the gentleman, and I thank him for his answer, and it is not the intent at this time to be argumentative, but if it is possible to simply postpone to a date certain such as tomorrow so that we can deal with it, we could deal with the rest of today's scheduled business today and get out of here and give us an opportunity to at least focus further on the veto, and I would hope it would not go over.

Mr. FOLEY. Mr. Speaker, I wish to tell the gentleman that we were not advised by the executive branch that they were sending the bill vetoed today. It could have been a message tomorrow and taking care of the problem that way, but having received it, we are in a position of having to determine how to proceed. It is our intention to go ahead with a motion to refer the bill to committee, and that is subject to 1 hour of debate under the rules. A usual vote on the veto override would be 1 hour of debate, so in either case, we are getting an hour of debate on it.

Mr. DICKINSON. Mr. Speaker, I thank the majority leader for his answer. But I think we would be wise to do it tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Washington with respect to granting permission for consideration for the United States-Canada Trade Agreement?

Mr. WALKER. Mr. Speaker, reserving the right to object, it has been brought to my attention that we might have one other piece of legislation coming to the floor tomorrow, and I would like to find out if this piece of information is true, and that is dealing with the railroad strike in Chicago. Is that piece of legislation going to be on the schedule tomorrow? Is that one reason why we cannot fit some of these other things in tomorrow? Is that something else that is going to be added to the schedule, and is that something else that we have not been informed about?

The SPEAKER. May the Chair respond that if that matter were to arise for consideration tomorrow, it would do so by a unanimous-consent request.

□ 1900

Mr. WALKER. It would have to come up by unanimous consent?

The SPEAKER. That would be the expectation of the Chair.

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

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Saunders, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolutions of the House of the following titles:

On June 14, 1988:

H.J. Res. 469. Joint resolution to designate June 1988 as "National Recycling Month"; and

H.R. 4556. An act to amend the provisions of the Agricultural Act of 1949 relating to certain cross compliance requirements under the extra long staple cotton program.

On June 16, 1988:

H.R. 2210. An act to prohibit the use of certain antifouling paints containing organotin and the use of organotin compounds, purchased at retail, used to make such paints; and

H.R. 2969. An act to amend chapter 11 of title 11 of the United States Code to improve the treatment of claims for certain retiree benefits of former employees.

On June 17, 1988:

H.R. 1100. An act to authorize the Secretary of the Interior to provide assistance to Wildlife Prairie Park, in the State of Illinois, and for other purposes;

H.R. 3869. An act to amend the act providing for the establishment of the Tuskegee Institute National Historic Site, Alabama, to authorize an exchange of properties between the United States and Tuskegee University, and for other purposes; and

H.R. 4799. An act to extend the withdrawal of certain public lands in Lincoln County, NV;

On June 22, 1988:

H.J. Res. 423. Joint resolution to designate the third week in June 1988 as "National Dairy Goat Awareness Week".

On June 24, 1988:

H.R. 4448. An act to designate the Cleveland Ohio General Mail Facility and Main Office in Cleveland, Ohio, as the "John O. Holly Building of the United States Postal Service."

On June 27, 1988:

H.R. 1044. An act to establish the San Francisco Maritime National Historical Park in the State of California, and for other purposes;

H.R. 1212. An act to prevent the denial of employment opportunities by prohibiting the use of lie detectors by employers involved in or affecting interstate commerce;

H.R. 2652. An act to revise the boundaries of Salem Maritime National Historic Site in the Commonwealth of Massachusetts, and for other purposes;

H.R. 4621. An act to provide Congressional approval of the Governing International Fishery Agreement between the United States and the Government of the German Democratic Republic; and

H.R. 4638. An act to amend the effective date provision of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988.

On June 28, 1988:

H.R. 2203. An act to increase the amount authorized to be appropriated with respect to the Sewall-Belmont House National Historic Site.

On June 29, 1988:

H.R. 3927. An act to amend the United States Housing Act of 1937 to establish a separate program to provide housing assistance for Indians and Alaska Natives.

On June 30, 1988:

H.J. Res. 485. Joint resolution designating June 26 through July 2, 1988 "National Safety Belt Use Week".

On July 1, 1988:

H.J. Res. 587. Joint resolution designating July 2 and 3, 1988, as "United States-Canada Days of Peace and Friendship"; and

H.R. 2470. An act to amend title XVIII of the Social Security Act to provide protection against catastrophic medical expenses under the Medicare Program, and for other purposes.

On July 6, 1988:

H.R. 4162. An act to make the International Organizations Immunities Act applicable to the Organization of Eastern Caribbean States.

On July 11, 1988:

H.R. 4731. An act to extend the authority for the Work Incentive Demonstration Program.

On July 15, 1988:

H.R. 4288. An act to designate the Federal building located at the corner of Locust Street and West Cumberland Avenue in Knoxville, TN, as the "John J. Duncan Federal Building".

On July 18, 1988:

H.R. 3893. An act to amend the provisions of the Toxic Substances Control Act relating to asbestos in the Nation's schools by

providing adequate time for local educational agencies to submit asbestos management plans to State Governors and to begin implementation of those plans.

H.R. 4639. An act to amend the Higher Education Act of 1965 to prevent abuses in the Supplemental Loans for Students program under part B of title IV of the Higher Education Act of 1965, and for other purposes.

On July 19, 1988:

H.R. 4229. An act to amend title 10, United States Code, to codify in that title certain defense-related permanent free-standing provisions of law.

H.R. 4567. An act making appropriations for energy and water development for the fiscal year ending September 30, 1989, and for other purposes.

On August 1, 1988:

H.J. Res. 569. Joint Resolution designating July 24 through 30, 1988, as "Lyme Disease Awareness Week".

H.R. 3251. An act to require the Secretary of the Treasury to mint coins in commemoration of the Bicentennial of the United States Congress.

NATIONAL DEFENSE AUTHORIZATION ACT, FISCAL YEAR 1989—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-220)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning without my approval H.R. 4264, the National Defense Authorization Act, Fiscal Year 1989.

The bill's provisions on strategic defense and arms control undercut the very foundation of our Nation's security and our successful arms reduction efforts—to negotiate with the Soviets, we must do so from strength. On the basis of strength alone, we concluded the historic INF Treaty to eliminate an entire class of United States and Soviet nuclear missiles. Only on the basis of strength can we continue to pursue our negotiations in Geneva for further arms reductions, including deep cuts in strategic forces.

This bill would drastically curtail our Strategic Defense Initiative [SDI] Program, make unilateral concessions on arms control, limit our strategic forces and their modernization, and sacrifice national defense requirements to the demands of parochial interests. It would needlessly concede military advantage to the Soviets, whose military programs are not similarly restricted. The bill would signal a basic change in the future direction of our national defense—away from strength and proven success and back toward weakness and accommodation. It would reward the Soviets for their words and not their deeds. This I shall not do.

The bill would restrict, reorient, and limit funding for our strategic defense initiative. Together, these restrictions and funding cuts would cripple our ability to fulfill the promise of effective strategic defense. The bill would hand the Soviet Union restrictions on our Strategic Defense Initiative Program they have long sought. It would limit critical funding for the space-based interceptor program, altering long-established priorities for the SDI and delaying unacceptably the development of technology to defend against missiles in the boost-phase, where defensive leverage is greatest. The strategic defense initiative challenges our best scientists to find a way to deter war and protect what we value while threatening no one. The use of advanced technologies to defend—rather than destroy—offers the brightest hope for a more secure future. Most importantly, we owe our children an alternative to the current policy of deterrence based solely on the threat of nuclear retaliation.

The Congress must fully fund our vital Strategic Defense Initiative Program without restricting research into promising technologies.

The bill would return us to the practice of rushing to give away our negotiating leverage without receiving a single thing in return from the Soviets.

Two such actions in this bill:

Depressed Trajectory Missile Testing—The bill would prohibit depressed trajectory missile testing. Yet, the Congress admits that depressed trajectory testing is something it cannot define. So, the bill asks the Department of Defense to define the action, after which the Department will be banned from conducting such tests unless such tests are undertaken by the Soviet Union. This hastily written provision usurps the President's treaty negotiating authority and erodes the Senate's treaty ratification responsibility.

Poseidon Retirements—The bill would require the United States to remove two of our Poseidon ballistic missile submarines from active duty earlier than we had planned. The action is a vestige of thinly disguised congressional efforts to force the United States to comply unilaterally with numerical limits in the fatally flawed and unratified SALT II Treaty. In its current form, it would arbitrarily restrict U.S. strategic force levels by prematurely retiring Poseidon submarines. There is no similar requirement for the Soviet Union. This would undermine both our strategic deterrent and our position in the START negotiations.

The bill would cut 25 percent of the funds requested to continue modernization of our strategic forces at the same time we are pursuing strategic arms reductions. It does not assure our rail-mobile PEACEKEEPER program—a program critical to ensuring the continued effectiveness of the land-based leg of the triad of forces we have relied upon for several decades. The Soviet Union continues, without letup, its own strategic modernization program which includes both new rail- and road-mobile ICBM's.

Part of the success we have experienced in the last several years rests squarely upon the modernization of our strategic forces, which had witnessed a decade of neglect during the 1970's.

Our negotiators in Geneva have told us that the Strategic Defense Initiative and the strategic modernization program brought the Soviets back to the table in 1985. This helped us attain the first real cuts and begin to move even further toward more historic 50-percent reductions in Soviet and American strategic nuclear forces. Bolder agreements and deeper, stabilizing cuts are only possible if we maintain our resolve. The Congress must fully fund the modernization of our strategic forces. The Congress must stop tying the hands of our negotiators in Geneva.

Finally, the bill would authorize a number of procurements that are clearly in the special interest of a few. Although the bill is within the overall levels of defense spending outlined in the bipartisan budget agreement, the Congress stayed within the agreement only by reducing vital programs and inserting billions of dollars for items not needed to defend our Nation. In short, the bill trades vitally needed defense muscle for the parochial interests of those in the Congress.

There are a number of desirable provisions in this bill. In fact, the version passed by the Senate was one of the better defense bills in several years. The provisions for the readiness and modernization of our forces needed for a strong conventional deterrent, the authorized personnel levels, the needed pay raise for our men and women in uniform, the support for multi-year procurement, and the responsible involvement of the Department of Defense in our war on drugs are all positive aspects of the bill. Unfortunately, the House version contained many unacceptable provisions, and the conference agreed on a bill more like the House version than the Senate version.

In conclusion, I cannot accept H.R. 4264 because it would undercut current U.S. arms control and negotiating efforts and redirect funds from critical defense programs. I look forward to receiving from the Congress a responsible defense bill.

RONALD REAGAN.

THE WHITE HOUSE, *August 3, 1988.*

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

PARLIAMENTARY INQUIRIES

Mr. MICHEL. Mr. Speaker, I have a series of parliamentary inquiries.

The SPEAKER. The gentleman will be recognized to state his parliamentary inquiries.

Mr. MICHEL. Mr. Speaker, is it true that under House precedents, now that the President's veto message has been read, the question of consideration is considered as pending and a motion to reconsider is not required?

The SPEAKER. The gentleman would be correct if the Chair should state the question on reconsideration. The Chair has not stated that question.

Mr. MICHEL. I have a further parliamentary inquiry, Mr. Speaker. Is it also true that unless the Speaker actually states the question on passing the bill under reconsideration, the bill is not considered to be under debate by the House?

The SPEAKER. The gentleman is correct.

Mr. MICHEL. Is it not customary for the Speaker to state the question on passage immediately after the reading of a message so that the House can actually proceed to debate and vote on the bill?

The SPEAKER. The Chair would respond that that is not necessarily customary.

The consistent practice under the precedents of the House with respect to the disposition of veto messages is accurately reflected in Deschler-Brown procedure in the House, chapter 24, section 15.8.

Under the precedents of the House, when a veto message is before the House for consideration either de novo or as unfinished business, the motions to lay on the table, to postpone, and to refer take precedence in the order named over the question of reconsideration, the objections of the President to the contrary notwithstanding, and a Member may not in that situation invoke the provisions of rule XVI, clause 4 to move the previous question on the question of reconsideration as preferential over the motion to refer, where the chair has not yet stated the question to be pending on overriding the veto.

It is an accepted principle of parliamentary procedure that a question is not under debate until the chair has stated the question. Thus, the question of overriding the President's veto is not under debate until the Speaker states the question as such.

Such course is not required under the precedents, although the chair has on occasion entertained a motion to proceed to the reconsideration of a vetoed bill. The Constitutional question of reconsideration may be considered as pending without motion from the floor when so stated by the chair. And that is a modern practice.

But Speaker Champ Clark stated the constitutional and parliamentary situation correctly in Cannon's VII, section 1100, where the headnote reads that:

The constitutional mandate that the House "shall proceed to reconsider" a vetoed bill is complied with by laying it on the table, postponing consideration to a day certain, referring it to a committee, or immediately voting on reconsideration.

Speaker Clark said:

Of course everybody understands that frequently it would be extremely inconvenient, if not impossible, to immediately consider a veto message; and the Constitution does not say "immediately" anyhow. The practice has been to dispose of it in one of three ways.

And therefore, in response to the gentleman's question, the Chair would declare that the precedents of the House consistently indicate that prior to the Chair's stating the question of whether the House upon reconsideration shall pass the bill, the objections of the President to the contrary notwithstanding, any one of three motions would be in order, but that the motion for the previous question is not yet in order on the question of override, unless and until the Speaker has not stated that question or recognized for a motion to that effect.

Mr. MICHEL. Mr. Speaker, I have a further parliamentary inquiry.

Is the Speaker saying that the constitutional mandate to proceed to reconsider a vetoed bill may be prevented by secondary motions and the House could actually avoid a direct debate and vote on overriding the veto bill?

The SPEAKER. The Speaker is saying that on many occasions precisely that has occurred, and that it is wholly within the precedents and rules of the House, and that under those precedents a motion to refer takes precedence over a motion to reconsider, the objections of the President notwithstanding, where the Chair has not stated the question on override.

Mr. MICHEL. In the opinion of this gentleman, I guess that tends to stand the Constitution on its head, but the Chair has made a ruling.

□ 1915

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

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WALKER. Is all that the Speaker has just told the House true even if there is no intention of ever proceeding to the reconsideration of the veto?

The SPEAKER. The issue remains privileged under the rules of the House and there is no precedent available to the Chair with respect to an interpretation of intention in regard to a matter of this kind. The intentions of the House may be expressed in any one of several ways: By tabling, by postponing to a day certain, by referring to a committee or by proceeding immediately to the reconsideration of the matter vetoed, the objections of the President to the contrary notwithstanding.

Any one of those four is in order under the House rules. Under the precedents that the Chair has cited, to wit: The precedents stated in chapter 24, section 15.8 of the Deschler/Brown Procedure, a motion to refer to a committee would take precedence over a question of reconsideration where the Chair has not stated the question on override.

Mr. WALKER. A further parliamentary inquiry, Mr. Speaker: If I understood the precedents as read by the Speaker, they were predicated on the idea that the House would eventually proceed to reconsideration. If in fact the House does not ever get to reconsideration, then it seems to me that those precedents, then, do not apply. And so this gentleman's inquiry is whether or not those precedents only apply when the House is actually proceeding to reconsideration.

The SPEAKER. The presumption has to be that the precedents apply with respect to a present situation in which a Presidential veto message has been presented to the House and the motion of any of the types described is offered.

Now the Chair would state, further, to the gentleman that if the bill were, by action of the House, referred to a committee, it remains a privileged matter under the precedents and the motion to discharge that committee would be in order at a subsequent time, consistent with the constitutional requirement that the House reconsider the bill.

CONSTITUTIONAL PRIVILEGES OF THE HOUSE

Mr. MICHEL. Mr. Speaker, I rise to a question of the constitutional privileges of the House. I send a resolution to the desk and ask for its immediate consideration.

The SPEAKER. The Chair will report the resolution.

The Clerk read as follows:

HOUSE RESOLUTION

Whereas the Constitution provides that, if a bill is returned by the President to the Congress without his approval, the objections shall be entered at large on the Journal and the House which originated the bill shall "proceed to reconsider it."; and

Whereas "when a bill returned with the President's objections is called up the question of reconsideration is considered as pending and a motion to reconsider is not required." (7 Cannon's Precedents 1097-1099); and

Whereas veto messages are privileged questions under the Constitution and "take precedence over all other business except questions of the privileges of the House" (6 Deschler's Precedents, chapter 21, § 28); and

Whereas House Rule IX defines questions of privilege as "those affecting the rights of the House collectively," including the "integrity of its proceedings," and, under the precedents of the House, include "questions

relating to its constitutional prerogatives (House Rules & Manual, § 662); and

Whereas the Speaker was in the process of giving priority recognition for a motion to refer the vetoed bill (H.R. 4264), the Department of Defense Authorization for Fiscal Year 1989 at the time this resolution was offered and before stating the question on the reconsideration of said vetoed bill; and

Whereas such consideration of a motion to refer would preclude the actual reconsideration of the vetoed bill as guaranteed by article I, section 7 of the Constitution, interferes with the constitutional prerogative of the House to "proceed to reconsider" the vetoed bill, and thus raises a question of the constitutional privileges of the House under House Rule IX: Now, therefore, be it

Resolved, That as a question of the constitutional privileges and prerogatives of the House under Rule IX, the Speaker shall, immediately upon the adoption of this resolution, first state the question on the reconsideration of the bill (H.R. 4264), before recognizing any Member to offer a motion to refer the vetoed message and bill.

The SPEAKER. The Chair will state that the distinguished Republican leader has demonstrated the courtesy to the Chair of having shown this proposed resolution to the Chair in advance and the Chair expresses his appreciation for that courtesy.

Therefore, the Chair has had the opportunity to examine the resolution and concludes that the question of the privileges of the House under rule IX is not involved in such a resolution.

As recently as March 11, 1987, as shown on page 341 of the House Rules Manual, it was held that questions of privilege of the House may not be invoked to effect a change in the rules of the House on their interpretation, including directions to the Speaker that priority recognition shall be given to any Member seeking to call up a matter highly privileged pursuant to a statutory provision.

By the terms of the resolving clause, the gentleman's motion would require that the Speaker shall immediately, first state the question on the reconsideration of the bill before recognizing any Member to offer a motion to refer. That would be a change in the rules of the House and an overt direction to the Speaker as to whom he must give priority recognition. The Chair believes that under the precedents, the question of reconsideration which the gentleman from Illinois would reach immediately through the adoption of such resolution as this can only be reached under the rules when the Speaker states the question to be on the passage of the bill, the objections of the President to the contrary notwithstanding, or when the Speaker recognizes a Member to offer a motion to that effect. But until that time, the precedents of the House indicate that the Chair is acting in accordance with the rules by recognizing a Member to move to lay the bill on the table or to postpone further consideration of the bill to a day certain or to refer the bill to a committee. And thus the Chair really does not believe that a question of the privilege of the House can be utilized to direct the Chair's recognition in a certain way when the Chair has exercised his power of recognition in accordance with the rules.

The Chair had done so by recognizing the gentleman from Washington, the distinguished majoriey leader.

Mr. WALKER. Mr. Speaker, I respectfully appeal from the ruling of the Chair.

Mr. FOLEY. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The question is on the motion to lay the appeal on the table offered by the gentleman from Washington [Mr. FOLEY].

The question was taken, and on a division (demanded by Mr. WALKER) there were—yeas 87, nays 72.

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

The SPEAKER. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 234, nays 168, not voting 29, as follows:

[Roll No. 258]

YEAS—234

Ackerman	Derrick	Hubbard
Akaka	Dicks	Huckaby
Alexander	Dingell	Hughes
Anderson	Dixon	Hutto
Andrews	Donnelly	Jacobs
Annunzio	Dorgan (ND)	Jenkins
Anthony	Downey	Johnson (SD)
Aspin	Durbin	Jones (NC)
Atkins	Dwyer	Jones (TN)
AuCoin	Dymally	Jontz
Barnard	Dyson	Kanjorski
Bates	Early	Kaptur
Beilenson	Eckart	Kastenmeier
Bennett	Edwards (CA)	Kennedy
Berman	English	Kennelly
Bevill	Erdreich	Kildee
Bilbray	Evans	Kleczka
Boggs	Fascell	Kolter
Boland	Fazio	Kostmayer
Bonior	Feighan	LaFalce
Bonker	Flake	Lancaster
Borski	Flippo	Lantos
Bosco	Florio	Leath (TX)
Boucher	Foley	Lehman (CA)
Boxer	Ford (MI)	Lehman (FL)
Brennan	Frank	Leland
Brooks	Frost	Levin (MI)
Brown (CA)	Garcia	Levine (CA)
Bruce	Gaydos	Lewis (GA)
Bryant	Gejdenson	Lipinski
Bustamante	Gibbons	Lloyd
Byron	Gonzalez	Lowry (WA)
Campbell	Gordon	Luken, Thomas
Cardin	Grant	Manton
Carr	Gray (IL)	Markey
Chapman	Gray (PA)	Martinez
Chappell	Guarini	Matsui
Clarke	Hall (OH)	Mavroules
Clay	Hall (TX)	Mazzoli
Clement	Hamilton	McCloskey
Coelho	Harris	McCurdy
Coleman (TX)	Hatcher	McHugh
Collins	Hawkins	McMillen (MD)
Conyers	Hayes (IL)	Mfume
Cooper	Hayes (LA)	Mineta
Coyne	Hefner	Moakley
Darden	Hertel	Mollohan
DeFazio	Hochbrueckner	Montgomery
Dellums	Hoyer	Moody
Morrison (CT)	Richardson	Stokes
Mrazek	Robinson	Stratton
Murtha	Rodino	Studds
Nagle	Roe	Swift
Natcher	Rostenkowski	Synar
Neal	Rowland (GA)	Tallon
Nelson	Roybal	Tauzin
Nichols	Russo	Thomas (GA)
Nowak	Sabo	Torres
Oakar	Savage	Torricelli
Oberstar	Sawyer	Towns
Obey	Scheuer	Traficant
Olin	Schroeder	Traxler
Ortiz	Schumer	Valentine
Owens (UT)	Sharp	Vento
Panetta	Sikorski	Visclosky
Patterson	Sisisky	Volkmer
Payne	Skaggs	Walgren
Pease	Skelton	Watkins
Pelosi	Slattery	Waxman
Penny	Slaughter (NY)	Weiss
Pepper	Smith (FL)	Wheat
Perkins	Smith (IA)	Whitten
Pickett	Solarz	Wilson
Pickle	Spratt	Wise
Price	St Germain	Wolpe
Rahall	Staggers	Wyden
Rangel	Stallings	Yates
Ray	Stenholm	Yatron

NAYS—168

Archer	Hammerschmidt	Petri
Armey	Hansen	Porter
Badham	Hastert	Pursell
Baker	Hefley	Quillen
Ballenger	Henry	Ravenel
Bartlett	Herger	Regula
Barton	Hiler	Rhodes
Bateman	Holloway	Ridge
Bentley	Hopkins	Rinaldo
Bereuter	Horton	Ritter
Bilirakis	Houghton	Roberts
Bliley	Hunter	Rogers
Boehlert	Inhofe	Roth
Broomfield	Ireland	Roukema
Brown (CO)	Jeffords	Rowland (CT)
Buechner	Johnson (CT)	Saiki
Bunning	Kasich	Saxton
Burton	Kolbe	Schaefer
Callahan	Konnyu	Schneider
Chandler	Kyl	Schuette
Cheney	Lagomarsino	Schulze
Clinger	Latta	Sensenbrenner
Coats	Leach (IA)	Shaw
Coble	Lent	Shays
Coleman (MO)	Lewis (CA)	Shumway
Combest	Lewis (FL)	Shuster
Conte	Lightfoot	Skeen
Coughlin	Livingston	Slaughter (VA)
Courter	Lowery (CA)	Smith (NE)
Craig	Lujan	Smith (NJ)
Crane	Lukens, Donald	Smith, Denny (OR)
Dannemeyer	Lungren	Smith, Robert (NH)
Davis (IL)	Mack	Smith, Robert (OR)
Davis (MI)	Madigan	Snowe
DeLay	Marlenee	Solomon
DeWine	Martin (IL)	Stangeland
Dickinson	Martin (NY)	Stump
DioGuardi	McCandless	Sundquist
Dornan (CA)	McCollum	Sweeney
Dreier	McCrery	Swindall
Edwards (OK)	McDade	Tauke
Emerson	McEwen	Thomas (CA)
Fawell	McGrath	Upton
Fields	McMillan (NC)	Vander Jagt
Fish	Meyers	Vucanovich
Frenzel	Michel	Walker
Gallegly	Miller (OH)	Weber
Gallo	Miller (WA)	Weldon
Gekas	Molinari	Whittaker
Gilman	Moorhead	Wolf
Gingrich	Morella	Wortley
Goodling	Morrison (WA)	Wylie
Gradison	Myers	Young (AK)
Grandy	Nielson	Young (FL)
Green	Packard	
Gregg	Parris	
Gunderson	Pashayan	

NOT VOTING—29

Applegate	Daub	Ford (TN)
Biaggi	de la Garza	Gephardt
Boulter	Dowdy	Glickman
Carper	Espy	Hyde
Crockett	Foglietta	Kemp

Lott	Owens (NY)	Stark
MacKay	Oxley	Taylor
Mica	Rose	Udall
Miller (CA)	Smith (TX)	Williams
Murphy	Spence	

The Clerk announced the following pairs:

On this vote:

Mr. Carper for, with Mr. Boulter against.
Mr. Foglietta for, with Mr. Oxley against.

□ 1945

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PREFERENTIAL MOTION OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I offer a preferential motion.

The SPEAKER. The Clerk will report the preferential motion.

The Clerk read as follows:

Mr. WALKER moves to postpone consideration of the bill, H.R. 4264, together with the veto message, until Thursday, August 4, 1988.

Mr. FOLEY. Mr. Speaker, I move to lay the motion to postpone on the table.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY] to lay on the table the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and on a division (demanded by Mr. WALKER) there were—153 yeas, 95 nays.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 225, nays 158, not voting 48, as follows:

[Roll No. 259]

YEAS—225

Ackerman	Carr	Fazio
Akaka	Chapman	Feighan
Alexander	Chappell	Flake
Anderson	Clarke	Flippo
Annunzio	Clay	Foley
Anthony	Clement	Ford (MI)
Aspin	Coelho	Frank
Atkins	Coleman (TX)	Frost
AuCoin	Collins	Garcia
Barnard	Cooper	Gaydos
Bates	Coyne	Gejdenson
Beilenson	Darden	Gibbons
Bennett	DeFazio	Gonzalez
Berman	Dellums	Gordon
Bevill	Derrick	Grant
Bilbray	Dicks	Gray (IL)
Boggs	Dingell	Gray (PA)
Boland	Dixon	Guarini
Bonior	Donnelly	Hall (OH)
Bonker	Dorgan (ND)	Hall (TX)
Borski	Downey	Hamilton
Bosco	Durbin	Harris
Boucher	Dwyer	Hatcher
Boxer	Dymally	Hawkins
Brennan	Dyson	Hayes (IL)
Brown (CA)	Early	Hayes (LA)
Bruce	Eckart	Hefner
Bryant	Edwards (CA)	Hertel
Bustamante	English	Hochbrueckner
Byron	Erdreich	Hoyer
Campbell	Evans	Hubbard
Cardin	Fascell	Huckaby
Hughes	Mollohan	Schumer
Hutto	Montgomery	Sharp
Jacobs	Moody	Sikorski
Jenkins	Morrison (CT)	Sisisky
Johnson (SD)	Mrazek	Skaggs
Jones (NC)	Murtha	Skelton
Jones (TN)	Nagle	Slattery
Jontz	Natcher	Slaughter (NY)
Kanjorski	Neal	Smith (FL)
Kaptur	Nichols	Smith (IA)
Kastenmeier	Nowak	Solarz
Kennedy	Oakar	Spratt
Kennelly	Oberstar	St Germain
Kildee	Obey	Staggers
Kleczka	Olin	Stallings
Kolter	Ortiz	Stenholm
Kostmayer	Owens (UT)	Stokes
LaFalce	Panetta	Stratton
Lantos	Patterson	Studds
Leath (TX)	Payne	Swift
Lehman (CA)	Pease	Synar
Lehman (FL)	Pelosi	Tallon
Leland	Penny	Tauzin
Levin (MI)	Pepper	Thomas (GA)
Levine (CA)	Perkins	Torres
Lewis (GA)	Pickett	Torricelli
Lipinski	Pickle	Towns
Lloyd	Price	Traficant
Lowry (WA)	Rahall	Traxler
Luken, Thomas	Rangel	Valentine
Manton	Ray	Vento
Markey	Richardson	Visclosky
Martinez	Robinson	Volkmer
Matsui	Rodino	Walgren
Mavroules	Roe	Watkins
Mazzoli	Rostenkowski	Weiss
McCloskey	Rowland (GA)	Wheat
McCurdy	Roybal	Whitten
McHugh	Russo	Wilson
McMillen (MD)	Savage	Wolpe
Mfume	Sawyer	Wyden
Mineta	Scheuer	Yates
Moakley	Schroeder	Yatron

NAYS—158

Archer	Green	Moorhead
Armey	Gregg	Morella
Badham	Gunderson	Morrison (WA)
Baker	Hammerschmidt	Myers
Ballenger	Hansen	Nielson
Bartlett	Hastert	Packard
Barton	Hefley	Parris
Bentley	Herger	Pashayan
Bereuter	Hiler	Porter
Bilirakis	Holloway	Pursell
Bliley	Hopkins	Quillen
Boehlert	Horton	Ravenel
Broomfield	Houghton	Regula
Brown (CO)	Hunter	Rhodes
Bunning	Inhofe	Rinaldo
Burton	Ireland	Ritter
Callahan	Jeffords	Roberts
Chandler	Johnson (CT)	Rogers
Cheney	Kasich	Roth
Clinger	Kolbe	Roukema
Coats	Konnyu	Rowland (CT)
Coble	Kyl	Saiki
Coleman (MO)	Lagomarsino	Saxton
Combest	Latta	Schaefer
Conte	Leach (IA)	Schneider
Coughlin	Lent	Schuette
Courter	Lewis (CA)	Schulze
Craig	Lewis (FL)	Sensenbrenner
Crane	Lightfoot	Shaw
Dannemeyer	Livingston	Shays
Davis (IL)	Lowery (CA)	Shumway
Davis (MI)	Lukens, Donald	Skeen
DeLay	Lungren	Slaughter (VA)
DeWine	Mack	Smith (NE)
Dickinson	Madigan	Smith (NJ)
DioGuardi	Marlenee	Smith, Denny (OR)
Dornan (CA)	Martin (IL)	
Dreier	Martin (NY)	Smith, Robert (NH)
Edwards (OK)	McCandless	
Emerson	McCollum	Smith, Robert (OR)
Fawell	McCrery	
Fields	McDade	Snowe
Frenzel	McEwen	Stangeland
Gallo	McGrath	Stump
Gekas	McMillan (NC)	Sundquist
Gilman	Meyers	Sweeney
Gingrich	Michel	Swindall
Goodling	Miller (OH)	Tauke
Gradison	Miller (WA)	Thomas (CA)
Grandy	Molinari	Upton
Vander Jagt	Weldon	Wylie
Vucanovich	Whittaker	Young (AK)
Walker	Wolf	Young (FL)
Weber	Wortley	

NOT VOTING—48

Andrews	Foglietta	Owens (NY)
Applegate	Ford (TN)	Oxley
Bateman	Gallegly	Petri
Biaggi	Gephardt	Ridge
Boulter	Glickman	Rose
Brooks	Henry	Sabo
Buechner	Hyde	Shuster
Carper	Kemp	Smith (TX)
Conyers	Lancaster	Solomon
Crockett	Lott	Spence
Daub	Lujan	Stark
de la Garza	MacKay	Taylor
Dowdy	Mica	Udall
Espy	Miller (CA)	Waxman
Fish	Murphy	Williams
Florio	Nelson	Wise

□ 2007

The Clerk announced the following pairs:

On this vote:

Mr. Carper for, with Mr. Boulter against.
Mr. Foglietta for, with Mr. Oxley against.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. FOLEY

Mr. FOLEY. Mr. Speaker, I move that the veto message of the President, together with the accompanying bill, H.R. 4264, be referred to the Committee on Armed Services.

MOTION TO TABLE OFFERED BY MR. WALKER

Mr. WALKER. Mr. Speaker, I move to table the motion offered by the gentleman from Washington [Mr. FOLEY].

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER] to lay on the table the motion offered by the gentleman from Washington [Mr. FOLEY].

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—yeas 162, nays 229, not voting 40, as follows:

[Roll No. 260]

YEAS—162

Archer	Chandler	DioGuardi
Armey	Cheney	Dornan (CA)
Badham	Clinger	Dreier
Baker	Coats	Edwards (OK)
Ballenger	Coble	Emerson
Bartlett	Coleman (MO)	Fawell
Barton	Combest	Fields
Bateman	Conte	Frenzel
Bentley	Coughlin	Gallo
Bereuter	Courter	Gekas
Bilirakis	Craig	Gilman
Bliley	Crane	Gingrich
Boehlert	Dannemeyer	Goodling
Broomfield	Davis (IL)	Gradison
Brown (CO)	Davis (MI)	Grandy
Bunning	DeLay	Green
Burton	DeWine	Gregg
Callahan	Dickinson	Gunderson

Hammerschmidt	McCollum	Schuette
Hansen	McCrery	Schulze
Hastert	McDade	Sensenbrenner
Hefley	McEwen	Shaw
Henry	McGrath	Shays
Herger	McMillan (NC)	Shumway
Hiler	Meyers	Skeen
Holloway	Michel	Slaughter (VA)
Hopkins	Miller (OH)	Smith (NE)
Horton	Miller (WA)	Smith (NJ)
Houghton	Molinari	Smith (TX)
Hunter	Moorhead	Smith, Denny (OR)
Inhofe	Morella	
Ireland	Morrison (WA)	Smith, Robert (NH)
Jeffords	Myers	
Johnson (CT)	Nielson	Smith, Robert (OR)
Kasich	Packard	
Kolbe	Parris	Snowe
Konnyu	Pashayan	Stangeland
Kyl	Porter	Stump
Lagomarsino	Pursell	Sundquist
Latta	Quillen	Sweeney
Leach (IA)	Ravenel	Swindall
Lent	Regula	Tauke
Lewis (CA)	Rhodes	Thomas (CA)
Lewis (FL)	Ridge	Upton
Lightfoot	Rinaldo	Vander Jagt
Livingston	Ritter	Vucanovich
Lowery (CA)	Roberts	Walker
Lukens, Donald	Rogers	Weber
Lungren	Roth	Weldon
Mack	Roukema	Whittaker
Madigan	Rowland (CT)	Wolf
Marlenee	Saiki	Wortley
Martin (IL)	Saxton	Wylie
Martin (NY)	Schaefer	Young (AK)
McCandless	Schneider	Young (FL)

NAYS—229

Ackerman	Dyson	Kolter
Akaka	Early	Kostmayer
Alexander	Eckart	LaFalce
Anderson	Edwards (CA)	Lancaster
Annunzio	English	Lantos
Anthony	Erdreich	Leath (TX)
Aspin	Evans	Lehman (CA)
Atkins	Fascell	Lehman (FL)
AuCoin	Fazio	Leland
Barnard	Feighan	Levin (MI)
Bates	Flake	Levine (CA)
Beilenson	Flippo	Lewis (GA)
Bennett	Florio	Lipinski
Berman	Foley	Lloyd
Bevill	Ford (MI)	Lowry (WA)
Bilbray	Frank	Manton
Boggs	Frost	Markey
Boland	Garcia	Martinez
Bonior	Gaydos	Matsui
Bonker	Gejdenson	Mavroules
Borski	Gibbons	Mazzoli
Bosco	Gonzalez	McCloskey
Boucher	Gordon	McCurdy
Boxer	Grant	McHugh
Brennan	Gray (IL)	McMillen (MD)
Brown (CA)	Gray (PA)	Mfume
Bruce	Guarini	Miller (CA)
Bryant	Hall (OH)	Mineta
Bustamante	Hall (TX)	Moakley
Byron	Hamilton	Mollohan
Campbell	Harris	Montgomery
Cardin	Hatcher	Moody
Carr	Hawkins	Morrison (CT)
Chapman	Hayes (IL)	Mrazek
Chappell	Hayes (LA)	Murtha
Clarke	Hefner	Nagle
Clay	Hertel	Natcher
Clement	Hochbrueckner	Neal
Coelho	Hoyer	Nelson
Coleman (TX)	Hubbard	Nichols
Collins	Huckaby	Nowak
Cooper	Hughes	Oakar
Coyne	Hutto	Oberstar
Darden	Jacobs	Obey
DeFazio	Jenkins	Olin
Dellums	Johnson (SD)	Ortiz
Derrick	Jones (NC)	Owens (UT)
Dicks	Jones (TN)	Panetta
Dingell	Jontz	Patterson
Dixon	Kanjorski	Payne
Donnelly	Kaptur	Pease
Dorgan (ND)	Kastenmeier	Pelosi
Downey	Kennedy	Penny
Durbin	Kennelly	Pepper
Dwyer	Kildee	Perkins
Dymally	Kleczka	Pickett
Pickle	Skaggs	Towns
Price	Skelton	Traficant
Rahall	Slattery	Traxler
Rangel	Slaughter (NY)	Valentine
Ray	Smith (FL)	Vento
Richardson	Smith (IA)	Visclosky
Robinson	Solarz	Volkmer
Rodino	St Germain	Walgren
Roe	Staggers	Watkins
Rostenkowski	Stallings	Weiss
Rowland (GA)	Stenholm	Wheat
Roybal	Stokes	Whitten
Russo	Stratton	Williams
Savage	Studds	Wilson
Sawyer	Swift	Wise
Scheuer	Synar	Wolpe
Schroeder	Tallon	Wyden
Schumer	Tauzin	Yates
Sharp	Thomas (GA)	Yatron
Sikorski	Torres	
Sisisky	Torricelli	

NOT VOTING—40

Andrews	Foglietta	Oxley
Applegate	Ford (TN)	Petri
Biaggi	Gallegly	Rose
Boulter	Gephardt	Sabo
Brooks	Glickman	Shuster
Buechner	Hyde	Solomon
Carper	Kemp	Spence
Conyers	Lott	Spratt
Crockett	Lujan	Stark
Daub	Luken, Thomas	Taylor
de la Garza	MacKay	Udall
Dowdy	Mica	Waxman
Espy	Murphy	
Fish	Owens (NY)	

□ 2024

The Clerk announced the following pairs:

On this vote:

Mr. Boulter for, with Mr. Carper against.
Mr. Oxley for, with Mr. Foglietta against.

Mr. MILLER of California changed his vote from "yea" to "nay."

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

So the motion to lay the motion on the table was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The pending business is the motion of the gentleman from Washington [Mr. FOLEY] to refer the veto message and the bill to the Committee on Armed Services.

The gentleman from Washington [Mr. FOLEY] is recognized for 1 hour.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the hour provided for debate on this motion may be equally divided and controlled, for purposes of debate only, by the chairman and the ranking minority member of the Committee on Armed Services.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER. The gentleman from Wisconsin [Mr. ASPIN] is recognized for 30 minutes.

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

Mr. Speaker, I think it is appropriate to refer this veto message to the committee at this time.

The House could go through a contentious debate on the veto and vote on it but, with the vote result as close as it was when the conference report originally passed the House, I don't think this would be productive.

I don't want people to misunderstand my dismay at the President's decision. It is clear, Mr. Speaker, this veto has almost nothing to do with the substance of the bill and almost everything to do with politics and the White House effort to use important legislative responsibilities of this Government to the perceived benefit of the Bush Presidential campaign.

Mr. Speaker, it is well known that the Secretary of Defense and the President's own National Security Advisor opposed a veto. It was the political apperatchicks in the White House who engineered this action. What makes me say this? Let's look at the facts.

The veto message complains about the level of SDI funding. The fact is that in percentage terms the SDI cut was much less this year than last year—that is a 17-percent cut this year versus a 32-percent cut last year. It would be over $4 billion for next year even with the reduction.

The veto message complains about arms control provisions in this year's bill—yet the provisions contained in this bill are almost identical to those contained in the bill the President signed last year.

The veto message complains about the add-ons the Congress has in this bill—yet the dollar value of add-ons this year is half what it was last year. The add-ons this year were for conventional forces when the administration preferred to spend money on questionable strategic programs.

Mr. Speaker, then what is the difference in the President's decision this year versus last year. I think we all know the answer. This is the White House using the Defense authorization for election year politics and putting politics over the good of national defense.

Mr. Speaker, the President has the right to veto and he can delay—and maybe stop—an authorization bill. But I think the President, and all those who support him need to understand that he cannot and will not be able to stop responsible, legislated arms control limitations from being contained in Department of Defense legislation. It's coming, Mr. President, but maybe in a new vehicle.

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

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

Mr. Speaker, we are debating tonight whether or not to refer this bill back to our committee, the Committee on Armed Services. I am sorry that it has come to this, and I am sorry that circumstances necessitate it.

□ 2030

Let me say before we go into a long discourse on this that there is a strong feeling on my side of the aisle that once this bill is referred to the Committee on Armed Services of the House that it will never again see the light of day. I think this is probably the main thrust of the resistance to this motion tonight.

If I might have the attention of my chairman, I would like to discount these fears by asking the chairman, in the event this motion should carry and this bill be referred to our Committee on Armed Services, would the Chair give it an expeditious hearing and help to expedite getting it back to the floor in whatever shape it is going to be in?

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

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

Mr. ASPIN. Mr. Speaker, I would just tell the gentleman from Alabama that at this point we do not know what will happen to the bill when it comes to the committee.

Mr. DICKINSON. That is what I thought the answer would be, and that is the reason, I would say, if this bill is referred to the Committee on Armed Services of the House it will never see the light of day again. I was hoping the gentleman from Wisconsin would dispel this matter of some concern.

Let me point out two reasons to vote against this motion to send this bill to the Committee on Armed Services.

First, it is a surprise to me that the Members are not going to be allowed to vote on the veto. That is the usual and customary way of doing business. If the President vetoes a bill, the bill comes over and we vote the veto up or down. I purposely asked the majority leader what remedies we had, if it were absolutely necessary that at this late hour, and it is now 8:30, that we must deal with the veto, and the answer was we must deal with it in some way. There were three ways to deal with it.

One way was a very simple way, which was to move that it be postponed to a time certain, such as tomorrow, when we might have an opportunity to collect our thoughts, determine the best course and procedure to take, and might at least have had an opportunity to type what remarks we might want to make, and do some research instead of having to scratch our remarks out on the back of an envelope. But we were not given that opportunity.

That is easily the reasonable way to go. We had some other legislation scheduled that this is going to supersede. There was no reason to do it except for political reasons.

So my chairman wants to talk about playing politics. What could be more playing politics than to bring this bill up at this late hour when there was no reason to? It could have gone over until tomorrow and been handled by an orderly procedure, but the leadership on the Democratic side decided this is not the way they want to do it.

It does not have to be dealt with tonight. It could be dealt with in a very orderly procedure and manner at a time certain, whether it be tomorrow or the next day or any time before we adjourn.

Next, I would predict that if this bill is referred to our committee, the House will not be given an opportunity to vote on the veto. There will be no bill to be voted on, because it will never come out of our committee.

Let me give my colleagues some fundamental reasons why I voted against the bill when it came out of the House in the first place. My colleagues I think will remember that when it came to final passage of this bill I stood at this podium in this well and said that I would vote against the bill and I would urge all my friends to vote against the bill, and if it passed I would urge the President to veto it in its present form. My chairman and others I am sure will make a lot to do by saying this is a political decision here in a presidential campaign. It has nothing to do with politics. It has to do with the contents of this bill. It had to do with what we fought for in committee. After it came out of committee, it had to do with the amendments that were added on this floor.

At that time I opposed the bill. It went to conference with the Senate. I had hoped that in the conference with the Senate we could improve the bill, which we usually do. There was no substantial improvement to the bill in the conference with the Senate. For that reason, only two of the Republicans in the conference voted for the conference report. Everybody else refused to sign the conference report.

The conference report came to the floor. I urged a negative vote on the conference report, and there were 183 votes against the conference report.

So to say that this is some sort of a political gimmick that the President is bringing up is just a spurious argument to cover the politics we are playing here this evening.

Let me tell my colleagues some of the things that are absolutely wrong with the bill. First off, money is not in contention. It is not the amount of money involved here. We started out with an agreement at the beginning of the year coming out of the budget summit of last year with $299.5 billion, and that is the amount of money in here. I did not vote against it because of the amount of money. I voted against it because of what was done with the amounts of money.

I voted against the bill for several reasons. One had to do with the reduction of the strategic defense initiative [SDI]. My chairman has pointed out it was not cut near the percentage it was cut last year. That was because, as General Abrahamson testified, they themselves, in anticipation of the resistance on the floor, asked for less than they thought they really needed. We took $800 million out of the SDI Program in this bill, and if that was not bad enough, then we had to micromanage what was left.

I talked to General Abrahamson, who is in charge of the program, as my colleagues know, and he came to my office the day before the conference report was to come out of conference. He said, Congressman, I can live with the cuts. I cannot live with both the cuts and the micromanagement of the elements of the program, because I cannot adjust the manpower, adjust the level of efforts of the various programs. And he said we are going to have to lay off many skilled people that are presently engaged in this program, and when they go out the gate they will not be back in because we cannot replace them.

So I am saying we have dealth a deadly blow to the strategic defense initiative in this bill. The President stated this in his message accompanying the veto message.

If you want to kill the SDI Program, this is a good way to do it. But at least give it a chance to survive until the next administration, and then we will let the next President decide what he wants to do with it.

Initially the administration started out asking for $1 billion for the rail garrison program, the MX. By agreement, the administration changed that and asked for $800 million for the MX program, and put in $200 million as a sop or an accommodation to those who prefer the Midgetman.

What was the final shape of the bill? Not $800 million and $200 million, but they reduced the $800 million down to $250 million and they raised from zero to $250 million, raised both programs to $250 million even though the administration does not want the Midgetman. It said repeatedly it is too expensive to afford. They would not fund it if they had their choice, but we are mandating that they spend $250 million for the Midgetman ICBM that the administration does not want and cannot afford.

Then getting to more or less the crux of the bad part of this bill, the bill usurps the Presidential prerogative in arms control negotiations. It deals with SALT, and this Congress and this Government has never ratified the SALT Treaty. But it deals with the subject and is requiring the destruction of two *Poseidon* submarines to stay within the SALT limits, even though there is no ratified SALT Treaty.

It deals with a nuclear test ban which is under negotiation by our negotiators in Geneva with the Soviets. And also they throw in as a little gratuitous effort legislation prohibiting us from testing a depressed trajectory missile, which this administration never even contemplated doing, but we are giving all of these things to the Soviets at the same time we are negotiating with them in Geneva.

I talked to Ambassador Rowny. He called me very concerned and said, "Congressman, you are giving things away faster in the Congress than we can ever negotiate in Geneva. At least give us a chance to get some quid pro quo if we are going to give something away. Why do you write in legislation giving away things when we are negotiating?"

He urged a veto of the bill.

Next, I voted against the conference report. I had hoped that the conference report would improve the bill. Not only did it not improve it, it made it worse.

Just a couple of small items. It fenced, and that means you cannot use it for any other purpose, $225 million for a free electronic laser in New Mexico. Then the Appropriations Committee came after that and in their bill, which has already passed the House, they fenced an additional $150 million for a project in New Mexico, this time the neutral particle beam program.

So we not only have cut the programs as they are, then we get in and micromanage the balance.

So I think that this bill was due for a veto. I think we ought to let the Commander in Chief be the Commander in Chief, let the Secretary of State be the Secretary of State, and not have 435 Members over here acting like the Secretary of Defense, acting like the Secretary of State, and taking the prerogatives of the President.

The bill was prime for a veto. I would have vetoed it last year. I urge the President to veto it. Many of our Members went and sat with the President in the Cabinet Room last week setting out these reasons why it is a bad bill. The contents are bad; forget the politics.

The President was convinced that we were right. Both Senators and House Members were present. He acceded to our request. It was the right thing to do and it is the only choice that he had.

I would urge the Members to vote no on referring this to our committee where it will never see the light of day. If Members vote no, then we will have an opportunity to vote up or down on the veto, which I think the American people deserve to see us do, and let us set the record straight as to where we stand.

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

The SPEAKER pro tempore (Mr. MINETA). The gentleman from Alabama [Mr. DICKINSON] has consumed 12 minutes.

Mr. ASPIN. Mr. President, I yield 3 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I thank my chairman for yielding me this time.

Mr. Speaker, when I first heard that the President was going to veto the defense bill, I thought that maybe, just maybe the Pentagon scandal had really changed the Reagan-Bush attitude about the defense procurement problems. I really thought that maybe he was vetoing this bill in light of the Pentagon scandal so he could work with us to straighten out the mess, the fraud, waste, the abuse, the corruption that we have seen.

But no, the President does not even mention the Pentagon scandal in this veto message. He gives other reasons for his veto, in my opinion quite absurd reasons.

First he says that Congress is soft on defense. This bill is $50 million more than the President asked for, more dollars than he asked for for defense, so let us put an end to that phony charge.

Second, he says that the modest arms control in the bill will tie the hands of our negotiations in Geneva. We ought to make sure that the record shows that it was not until Congress started passing arms control that there was any progress at all in Geneva.

Third, star wars. The Joint Chiefs of Staff say that star wars can only be 30 percent effective, yet the President wants to break the bank on a system that not one expert says can really work as he envisioned it. And by the way, the bill spends more on star wars than last year, so let us put an end to that phony charge.

So why, we ask ourselves, why this veto? I think it is to deflect attention from Congress' success on the plant closing bill, and for that matter on a number of our successes, on health, on housing, on deficit reduction, on clean water, on trade.

I think it is important to note that Secretary of Defense, Frank Carlucci, counseled against this veto while GEORGE BUSH, Presidential candidate, counseled in favor of this veto. With that on the record, how can we ever doubt that this is clearly a political veto, and that it is clearly counterproductive?

Mr. DICKINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. BADHAM].

□ 2045

Mr. BADHAM. Mr. Speaker, I have chosen to address the House from this side of the aisle because I want to talk to my friends on the Democratic, the majority side of the aisle.

In the word of the great spokesman for the prize-fighting ring, "You can run but you can't hide."

I think the charge of the people from this side of the aisle that the people on that side of the aisle are making this politic is absurd and ludicrous because, let me tell you, I do not think that the American people are even devoid of intelligence on this one. If you can prevent this veto message from being voted on and the veto sustained on the House floor, you can hide for a little while, you can run for a little while, but you cannot hide.

The chairman, whom I respect greatly, has said we would be subjecting ourselves, if we did not put this vote back to committee, to recommit the bill to a contentious debate on the House floor. My heavens, colleagues, the bill was written on the House floor and that is why we voted against it, that is why I voted against it; that is why the President vetoed it, because it was junked up on the floor and it was junked up in conference, and you know that.

The bill was written by the Dukakis wing of the Democratic Party. It might as well have been written in Massachusetts. There is junk sufficient in there to last the unilateral disarmament people for a long time. But the bill was not written in committee. The money was agreed to in the Rose Garden a year ago and everybody agreed, $299.5 billion, magic number.

But on the House floor we reratified the ABM Treaty, we virtually killed rail garrison while breathing life into the Midgetman.

On SDI, the administration requested a reduction from $6.2 billion when it is time to ramp up, down to $4.5 billion which was cut to $3.7 billion, biggest cut ever in SDI. The depressed trajectory which has not yet been defined is something that is put in the bill by my friends over here who can run but they cannot hide.

We have had in the conference a provision to prepare for a nuclear test ban and have a committee do that. To say that this does not bind the hands of the Commander in Chief is ludicrous.

Now to say that it is political is also ludicrous. I and 171 of my colleagues voted against this bill as it left the House floor on May 11 of this year. Why? Because the bill was junked up. We voted against the conference report, not 171 of my colleagues and I, but 182 of my colleagues and I, because the bill was further ruined and politicized in the conference.

Mr. Speaker, we have read in the press now recently that if this bill's veto is sustained, which you know, every one of you, will be sustained be-

cause there are not two-thirds of the Members of this body who will support this lousy bill; there are not two-thirds of this body who will support that bill. And now we understand that the Democrats have said, "Well, there goes the pay raise for our military." That is another reason I would like to take this side of the aisle to talk to my friends in the majority party and say, "Are you really going to eliminate a modest four percent pay raise for those who have served our country in uniform on the basis that you think you can call the Republicans political on this issue? Are you really going to deny the people who have fallen farther and farther behind in comparable pay because of the defense cuts that the majority has put on the people of this country? Are you really going to do that? Are you going to deny a much-needed and well-deserved and essential pay raise to the people who serve this country in the uniform of this country?" Give me a break.

I think that if your party had courage and really wants to get into politics, what you would do is allow this bill to come to the floor of the House and have an up or down vote on whether or not the Commander in Chief could be Commander in Chief or whether the gentleman from Massachusetts who seeks to be President by killing defense would be the President of the United States and hence Commander in Chief. That is where you are, gang. That is where we are.

Mr. ASPIN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. I thank the chairman for yielding this time.

I might address some of the allegations made by my colleague from California [Mr. BADHAM] with regard to Governor Dukakis.

Mr. Speaker, I can say to you and to those who might be listening and watching this debate throughout the country, Governor Dukakis will demonstrate leadership, competence and a sense of values and he will not politicize such an important issue as we are discussing here on the floor.

This morning I listened very intently to some of the Members of the Republican side taking their 1-minutes on the floor and they started the old game, they went back to Carter-bashing, bashing Jimmy Carter, bashing Governor Dukakis whom you know and I know has absolutely nothing to do with the defense authorization bill. And on the other hand, they say to you and to the people they are not politicizing the issue.

It is not a question of politics. The truth is you have been talking politics since this morning. You made this a political issue. We have not and, therefore, we are going to respond to you.

And to those of you who have been bashing Mr. Carter, let me give you the facts and let me set them out straight: It was under President Nixon and his administration that defense spending went down by 30 percent—30 percent reduction in defense spending under President Nixon. And thank God President Ford had the foresight and the wisdom to bring it back to 9 percent in 1 year and under Jimmy Carter we brought it back 8.2 percent during his administration, a plus, because he realized the weakness of President Nixon during his years in office.

Those are the facts, my friends, you cannot run away from them. The truth is that we have a good defense authorization bill. The truth is it is a question of politics. The truth is President Reagan is playing games with a national security issue and the truth is, and you know it, that this is a good bill and the initiative should be referred to the committee as we have stated before.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. MAVROULES. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. I thank the gentleman for yielding.

Mr. Speaker, the gentleman knows obviously the Governor from Massachusetts very well and I just want to talk about his management style.

Mr. Speaker, would he be inclined to veto a defense bill if his Secretary of Defense not only recommended against it, but was outside of the country visiting the Soviet Union?

Mr. MAVROULES. Absolutely not and we know that, my dear colleague.

Mrs. SCHROEDER. And do you not think it is rather startling that Colin Powell, the National Security Adviser is here in town and the President's appointee, and he said this was not a good idea to veto it, that this was a good bill?

Mr. MAVROULES. I might add that the Republican leadership on the other side have all supported this legislation. And suddenly even Republicans who support the legislation wake up the next morning and say, "The President wanted a veto, let's make it a political issue." Those are the facts.

Mr. Speaker I rise today to express my indignation at the Presidential veto of our Defense Authorization bill. Against better wisdom of his Defense Secretary and National Security Adviser, Ronald Reagan opted to veto the $300 billion military bill in order to force the next President to place defensive weapons in outer space and MX missiles on civilian rail care.

These, however, are decisions that should be made by the next man to occupy the oval office. I find it offensive that President Reagan will not extend to his successor the courtesies provided by his predecessor. The issue here is not the numbers in the bill but the numbers in the polls.

Furthermore, for all of the administration's criticism of Congress, this President has presided over the largest peacetime military buildup in history.

Quite frankly, I think the American people have had enough of Reagan administration excesses—excessive waste, excessive defense spending, and an excessively political veto that undermines prudent national security planning.

Mr. ASPIN. Mr. Speaker. I yield 3 minutes to the gentleman from Washington [Mr. DICKS]

Mr. DICKS. Mr. Speaker, Ronald Reagan has violated his most basic pledge with the veto of the fiscal year 1989 Defense Authorization Act: Not to play politics with national security. The President has often referred to the late Senator Henry Jackson's famous motto: "When it comes to national defense and national security, the best politics is no politics." Scoop Jackson would be appalled that a President would rely on pollsters rather than his defense advisers who unanimously favored signing this bill. This veto is a ploy by a failed administration desperate to stop the political freefall of the Vice President.

I am shocked by this decision to reject legislation that provides a level of defense funding higher than the current fiscal year and even slightly higher than the current fiscal year and even slightly higher than the President's own request. This Defense bill is, in my judgment, clearly consistent with our national security interests.

It is apparent that the President has chosen to listen to political pollsters who are desperately trying to throw a lifesaver to the sinking campaign of Vice President GEORGE BUSH, rather than listening to his Secretary of Defense, his National Security Adviser, and congressional leaders. In doing this, the President has broken faith with the American people.

This bill provides funding to improve our conventional forces including increases above the President's request for anti-tank weapons, measures to eliminate the fraud in Pentagon contracting, and efforts to modernize our strategic forces. It also includes modest, but important provisions to curb the nuclear arms race including preserving the Anti-Ballistic Missile Treaty and restraining the deployment of offensive weapons on both sides.

I believe this bill strikes a proper balance. Despite the administration rhetoric, it does not return to the so-called neglect of the 1970's. But neither does it return to the fantasy of unlimited defense dollars of the early 1980's It even provides more than $4.1 billion for research and development of the strategic defense initiative, the President's favorite program. This is by far the largest R&D program in the budget and nearly as large as all the Army R&D programs combined: It

would be no means "gut" the SDI Program. Rather, it allows for a rational approach to the issue of strategic defense—not a leap into the unknown.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. CONTE].

Mr. CONTE. Mr. Speaker, I sat here and listened with a great deal of interest, especially from the other side, who said this veto was a political maneuver by the President. I do not know what is more political than sending this bill back to the Committee on Armed Services.

I voted for this bill, I voted for every objectionable amendment that the President is opposing here in the veto. And I want to have this opportunity tonight to vote to override the President. But we are not going to get it and I will tell you why: It is the best soft-shoe dance I have seen in town in 30 years that I have been in the Congress. They want to protect the conservative Democrats over there because if they have to vote on a veto up or down and they vote to override the President like I want to do tonight they are going to look weak on defense.

Now I think that we have had enough politics. There might have been some politics down at 1600, but do not be holier than thou, you are guilty of politics tonight. You should have taken this bill on the floor and let us vote up or down.

I believe in what I voted on and I would like to show the President that I believe. They are just ducking. The Senate and the committee, you know where this bill is going to wind up, in the CR. You are going to have the big colossal Christmas tree in that CR. Everyone who has something that they want to get to their district know that that is the last train leaving the station and they will put it on the CR and the taxpayers are the ones that are going to suffer tonight. That is a bad mistake.

Mr. ASPIN. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

□ 2100

Mr. FAZIO. Mr. Speaker, in vetoing the defense authorization bill President Reagan charged that the bill would have glutted the strategic defense initiative.

Nothing could be further from the truth.

The defense authorization bill included $4.1 billion for SDI. That's a 3 percent increase over the $3.9 billion we're spending this year and four times the $1 billion we spent on the program in 1984, just 5 years ago.

Moreover, Mr. Speaker, these enormous increases for SDI over 400 percent have come at a time when the overall national defense budget has increased just over 3 percent in real terms. Even as other defense and domestic programs have suffered cutbacks forced by the mounting national deficit, funding for SDI has shot through the roof.

In vetoing the defense bill, President Reagan said he was "putting back the 'I' for 'Initiative' in SDI."

We think it's more important to focus on the "D" for "Defense."

The defense budget has become a zero sum game. More spent on SDI means less for strategic force modernization and less for conventional strength, and that knowledge is what caused Secretary Carlucci to advocate his signature on this bill. But even within the SDI, we have to make choices. We cannot do it all.

Rather than spend hundreds of billions of dollars developing space-based interceptors, which the experts have concluded would be too expensive to deploy and easily neutralized through Soviet countermeasures, Congress decided to reorient the program to researching advanced technologies—beam weapons and the like—which promise real defense from a responsive Soviet nuclear threat.

These advanced technologies for which the defense bill provided more funding for than the President requested offer the only promise of fulfilling the President's personal vision of a shield to protect us and our allies against the threat of nuclear destruction.

This is a political veto but it's impact will be not to increase support for the Reagan-Bush campaign but to create more doubt and confusion about the fiscal process. This will lead us to a CR and the possible disruption of our otherwise smooth appropriation process. But perhaps that is a political objective as well.

If it is, I hope the people who are watching know who brought about the budget chaos. It was not the Congress but the President who threw down this veto gauntlet and created the kind of mess we have tried so hard, and so far so successfully, to avoid in this Congress. What a tragedy for so little gain.

The President continues to hold to the false belief that we now have or soon could have the technology capable of protecting the American people from nuclear attack. Scientific opinion is nearly unanimous: it will take at least a decade of basic research before we might know if such weapons were even feasible.

Moreover, recent estimates from the Congressional Budget Office indicate that it could cost American taxpayers $450 billion over ten years to deploy the elaborate constellation of space weapons Pentagon planners now say would be needed to stop even a small fraction of Soviet nuclear missiles. That's more than we have invested in all of our strategic forces over the past 10 years, including the procurement of 100 B–1 bombers, all 50 MX missiles and a fleet of Trident submarines.

Further, there is no political consensus in Congress to proceed with development or deployment of the administration's early deployment architecture for the strategic defense initiative [SDI]. A 25-member special Task Force of the Democratic Caucus of the House of Representatives, which I cochaired along with Congressman CHARLES BENNETT of Florida, unanimously agreed that after spending $13 billion over the past 5 years, SDI is no where near fulfilling the President's expectations.

From liberals such as Congressman RON DELLUMS and ED MARKEY to conservatives such as Congressman BILL CHAPPELL and DAVE MCCURDY, our task force recommended an alternative program, one that focuses on new technologies that might have the long-term potential of defending our country. We recommended that this research be funded at a reasonable and stable level and that all our work remain within the limits of the ABM treaty.

Our task force was painfully aware of the tough choices forced upon us by the massive budget deficits incurred by this administration. For the forseeable future, the defense budget will be a zero-sum game: increased funding for SDI cannot be achieved without doing great harm to our programs to modernize our conventional and strategic forces. Secretary of Defense Frank Carlucci has already told us that he will be forced to cut over $250 billion from the Pentagon's budget plans over the next 5 years. And former Lt. Gen. Brent Scowcroft outlined for the task force the prospect that the newly signed INF Treaty and a future START agreement will require the United States to expend billions of dollars on dispersing and mobilizing fewer nuclear warheads on more launchers. The fact is budget pressures alone may significantly hamstring our ability to pursue much more than research on SDI.

The experts our task force talked with agreed—the easiest way to defeat any possible defense is to simply overwhelm it with attacking missiles. That was true in 1972; it is true today. In fact, the Department of Defense's own science board recently recommended that the administration's plans for building an SDI system be drastically scaled back.

Beyond any doubt, an agreement to sharply reduce both the numbers and classes of nuclear weapons will enhance stability sooner and at far less cost that SDI, even it were possible. The President can rest assured that the United States can continue to adhere to the ABM Treaty for the next 10 years without jeopardizing any vital research.

Someday, strategic defenses might make sense. Were we to reduce nuclear weapons to several hundred instead of tens of thousands, deployment of futuristic defensive systems might be a prudent step. Until then, fiscal and technological realities should encourage this President and the next to trade something we cannot use, for a treaty that we can.

Mr. ASPIN. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma [Mr. MCCURDY].

Mr. McCURDY. Mr. Speaker, I find this evening a regrettable situation, and I have to say this as one who has tried to work with my colleagues in the Committee on Armed Services on both sides of the aisle: I think it is regrettable because what we have seen tonight is the continued politicization of a very important issue, and issue that we in this body and certainly the chief executive of this country should rise above, and that is that we should not be playing politics with our national security.

It is not only politicizing this issue that is regrettable, it is also incredibly wasteful. This one issue and the one thing that the Secretary of Defense has stressed to our committee and that we have seen from experts who deal with defense that we need the most today is stability. We need stability in funding, we need stability in programs, we need stability so we can plan, and what we have tonight is not the Congress creating the instability but the administration itself throwing the big wrench into the works.

I had an opportunity yesterday to speak with the Chairman of the Joint Chiefs, a man that I have incredible respect for, and he indicated that it was against his advice that the President was going to veto this bill. Here is a man who spent his entire career trying to provide leadership for our national defenses, and yet he sees to his regret the very administration that has stressed defense as the one critical pillar of the administration being the most political toward the end.

In this environment today, in post-INF, with the treaty, we need to be stressing conventional readiness, conventional improvements, and that is what this bill did. When the CINC's met with the committee, the one issue, they said, that was the most important to them was the pay raise, to reestablish morale, to get the men and women who serve feeling better about themselves and about the opportunities that lie within the professional services.

We have seen the development, however slowly, over 7 years, when finally we have the utilization of the net assessment, trying to base decisions on defense on the threat and on our relative abilities to meet that threat. And yet tonight we are walking away from that, because what we are going to do is rely on a continuing resolution, as the gentleman from Massachusetts indicated.

Mr. Speaker, I in my 7 years, nearly 8 years now, of service on the Armed Services Committee have, I think, seen some progress. We have tried to move away from just dealing with weapons systems and have tried to establish and reestablish policy as the principal directive in developing an authorization bill. We are not there yet, but we are making progress toward that end.

The net assessment is the key factor. We have seen an administration in 8 years squandering opportunities because of mismanagement and the inability to establish priorities in our defense. We have seen the opportunities squandered, and we have seen the consequences for increasing defense spending, which I have supported. These opportunities have been squandered because of the lack of management and in many cases because of mismanagement.

We see a stress on strategic systems, SDI. We have heard much about SDI, and yet we are spending over $4 billion on research and development on that this year, which is larger than Army research and development for conventional systems. Air Force R&D was larger than Army procurement. We tried to address that in this bill.

Mr. Speaker, my only concern is that whichever administration is going to be in office next year, whether it is a Democratic administration or a Republican administration, I would hope they would try to build a bipartisan consensus, that they would reach out to both aisles to try to establish that consensus which is absolutely necessary to establish stability.

This move today undermines that capability in the next administration. This is not the way to start the next 4 years in dealing with national security. This is not the way to start. I would just say that I urge my colleagues that even knowing the politics is running high and heavy tonight and today, that in the next few weeks we try to rise above that, and if we have to override a veto, fine. If we have to attach it to the appropriations bill, fine, but we need to get down to the business of establishing policy in this Congress.

Mr. DICKINSON. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

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

Mr. Speaker, I am very interested in hearing all the talk about politics here this evening, because there is some real politics being played, of course, on the House floor, too, because what we are doing is we are just taking the Constitution and kind of ripping it up and throwing it away when it comes to the veto power of the President. What we are doing here is a real attempt not only to protect conservative Democrats, I would say to my colleague, the gentleman from Massachusetts, but to protect the liberal Democrats as well. A bunch of them voted against this bill.

And guess what? What they would have to do is vote to sustain the President in order to maintain that particular vote. They do not want to do that. The leftwing viscerally antimilitary Dukakis wing of the party has absolutely no desire to vote on this veto, so instead what we will do is send it into the pigeonhole of the Armed Services Committee. And what have we already heard as an admission on this floor tonight? This bill is going nowhere after it goes into that pigeonhole.

We have already heard it said by the chairman of the committee himself that we will have a new vehicle. And guess what? We have already heard it said on the floor what that new vehicle is going to be. It is going to be a continuing resolution, one of those abominations that we always get at the end of the session.

That is not politics? Of course, it is politics, and it is absolutely wrong.

What is the reason why those Presidential advisers wanted this bill signed? Nobody has mentioned the reason for it. They thought this was the best abomination they could get this year, that if it came back up here, they would get an even worse abomination out of this Congress. So they decided they ought to take the best abomination they could get. That is not exactly a good recommendation for the bill.

I am surprised to hear my Democratic colleagues quoting those people, given the opinion they had of this particular bill.

And what about the figures we have had thrown at us tonight? My distinguished colleague, the gentleman from Massachusetts [Mr. MAVROULES] got up here and talked about the 8.2-percent increase during the Carter years. There was 13-percent inflation in one of those Carter years. In only one of the Carter years they had more inflation than we had as an increase in the entire time.

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

Mr. WALKER. He also quoted that Nixon had a 30-percent drop in defense. The Vietnam war ended. Does the gentleman not remember that little piece of history? We had an end to the Vietnam war. I think that was probably a time when defense might come down a little bit.

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

Mr. WALKER. I would be glad to yield to the gentleman from Massachusetts.

The SPEAKER pro tempore. (Mr. MINETA). The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

Mr. ASPIN. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MAVROULES].

Mr. MAVROULES. Mr. Speaker, I thank the gentleman very much for yielding time to me, and if I may, I would like to engage in a colloquy with the gentleman from Pennsylvania [Mr. WALKER]. The point is that the gentleman from Pennsylvania was one of those this morning who came up

here—and I believe I am correct, and started Carter-bashing.

Mr. WALKER. No.

Mr. MAVROULES. Oh, yes.

Mr. WALKER. I did not speak this morning.

Mr. MAVROULES. Who came in and gave a 1-minute speech this morning from the Republican side? They started the old rhetoric on Carter-bashing, which is terribly unfair and very much politicizing the issue.

The point is that even if we ended the war in Vietnam, we had the reduction of 30 percent under President Nixon and the erosion had taken place.

Mr. WALKER. Mr. Speaker, if the gentleman will yield, let me say to the gentleman that I just want to correct the facts. I did not speak in the 1-minutes this morning; I was in committee. So, therefore, the gentleman is absolutely wrong with something that I may have said or done.

Mr. MAVROULES. I am very sorry if that is the case, and I apologize to the gentleman. But the point is that the Carter-bashing had begun this morning. Therefore, it was the Republicans who started politicizing the issue.

I just want to set the record straight, that because of Nixon's actions the erosion in the security and the Defense Department had taken place.

Mr. WALKER. Mr. Speaker, let me just say to the gentleman that I think Carter should be bashed on defense.

Mr. ASPIN. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Speaker, since the Vietnam war was mentioned, I think the House ought to know some facts.

The fact is that spending in fiscal year 1989 will still be $70 billion higher in real terms for defense than it was in fiscal year 1981. Two-thirds of that increase will be concentrated in procurement. The fact is that real outlays for procurement in fiscal year 1989 will be more than double the annual average for the period between Vietnam and the beginning of the Reagan administration, and they will be more than 25 percent above the annual average spent on procurement during the 7 worst years of the Vietnam War.

Mr. Speaker, if that is not enough, somebody is nuts.

Mr. ASPIN. Mr. Speaker, I yield 4 minutes to the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I thank the committee chairman for yielding this time to me.

Mr. Speaker, President Reagan has regrettably yielded and bowed to partisan politics and vetoed the Defense authorization bill. This veto is said to have come at the behest of Vice President BUSH.

He said in a speech in Chicago yesterday that this bill cuts SDI spending. But it does not. It increases it, although not as much as they would like. And he said it ties the President's hands on SDI. Among other things, the Vice President said, "The Democrats in Congress are dragging their feet on SDI."

For the record, I think we ought to say that over the last five years we have appropriated between $13 billion and $14 billion for defenses against ballistic missiles. Others have said this, and it bears saying again: The bill that was just vetoed contains $4.1 billion for SDI research and development, and by comparison that is more than we are spending in this bill on any other defense system now in procurement or research and development. It is almost as much as all the United States Army receives for its entire research and development budget. Surely, this is enough to keep SDI going and to keep the Soviets bargaining in Geneva.

□ 2115

As I understand what the gentleman from Alabama has stated and what General Abrahamson told him, it is not the amount that they really object to. It is the allocation of these amounts, and, if my colleagues listen for long to what they said, they would think that we have really hogtied this strategic defense organization with the provisions of this bill.

The truth of the matter is that of $4,100,000,000 authorized in this bill for SDI, only 15 percent is limited by the bill, and only in one case do we actually put a lid on spending. In two cases we impose a floor in order to protect two systems, a free electron laser system and the ground-based kinetic energy systems, those ground-based interceptors known as the ERIS and the HEDI from being savagely cut in the case of reallocation within this budget due to these reductions.

Now these priorities that we impose in this bill, 3, 15 percent of total spending. The rest of the money, 85 percent of it, can be allocated as SDI sees fit.

These priorities did not come off the wall. In fact, they reflect, if they do not exactly mirror, the recommendation of the Pentagon's own panel of scientists which they themselves called together through the Defense Science Board, the so-called Everett Commission chaired by the former chairman of the MITRE Corp., Robert Everett.

In April this DSB, the Defense Science Board panel impaneled, being called in by the Pentagon itself, concluded in view of technical, budgetary, political, and arms control uncertainty surrounding the ballistic defense missile defense program. The panel recommends planning a number of steps in technical development and deployment of the system to meet the Joint Chiefs of Staff requirement rather than a single major action. And what they recommended was a 6-point program. Every commission put together by the Pentagon recommended a 6-point specific program. The first two steps recommended by that panel of scientists, the development of an accidental launch protection system, that will be phase 1, step 1, and a robust network of sensors are completely consistent with this defense authorization bill, and indeed the very thing we protect by putting a floor under it is a ground-based kinetic system which would comply with the step 1 recommendation of that board. We say SBI wanted $350 million for that. Fine. Spend $350 million on that because we go along with that, and the House indeed overwhelmingly voted to support that idea.

It is true that one of those systems is cut, 1. On one system alone do we impose a lid, and that is the so-called spaced-based interceptor. We have limited expenditures on that program in the next fiscal year. We would have under this bill to go $85 million down from a request of $330 million.

But this action taken in this bill was taken only after that Pentagon science panel downgraded the SBI, the space-based interceptor, to the lowest priority of the near-term development project, a system which was based partly on its projected costs.

As someone earlier said, "Analysts have estimated that a limited deployment of these spaced based interceptors alone could cost $80 billion or more."

Now can anybody realistically recommend to the House or to anyone here tonight in this debate that we are going to be able to find $80 billion to put into space this highly vulnerable system? I doubt it.

I think it is well that we inform SDIO that this priority should be adhered to.

Mr. Speaker, I appreciate this opportunity.

Mr. DICKINSON. Mr. Speaker, I yield 3½ minutes to the very distinguished and able gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, the American people should know what is going on here. There are several myths, and I have chosen in my brief time to simply address four of them,

The first myth perpetrated by some of my colleagues on this side is that the Secretary of Defense likes this bill and perhaps even the National Security Adviser. He does not. He says it is a bad bill, and the National Security Adviser agrees with him.

Last week when I was at the White House, and I saw none of my colleagues from the Democratic side here

in the room with the President and with the Secretary of Defense, the National Security Adviser. I took notes on what the Secretary of Defense said. He said that it is a bad bill because it does not provide enough money for SDI. It is a bad bill because it cuts money for the rail garrison, for the MX missile. It is a bad bill because it forces us to retire two *Poseidon* submarines next year. It is a bad bill because it bans testing on depressed trajectory. And he went on and on. The Secretary of Defense does not like this bill.

Second myth: The President vetoed the bill because he was reading the polls. Well, that is not why, if he had bothered to read the veto message of the President.

But what if it were true? Imagine the President doing what the American people wanted. And I think the truth of it is the polls would show that the American people would turn thumbs down on this bill because it does not provide for a strong defense.

Next myth: That the Democrats are merely referring this bill to the committee. Now everybody in this Chamber, Mr. Speaker, knows precisely what we mean by that. Here the word "referring" does not mean what the American public might think it means. It means "killing." Because when this bill goes to the committee, it will never again see the light of day, and we will never have an opportunity to vote to sustain or to override the veto.

Do my colleagues know why? Because the Democrats know they do not have the votes to override the veto.

The fourth myth: That we are already spending plenty on SDI. Do my colleagues know how much we are spending on SDI? We are spending less than 1½ percent. One and a half percent of the Defense budget is allocated to SDI, arguably the most important, ultimately the most important, spending program in the entire Defense budget—1½ percent. And our colleagues over here say that is too much, and so they cut $800 million.

And who is their big witness tonight? It is the Secretary of Defense.

It was the Secretary of Defense who said, "You're gutting the SDI program. Don't cut it by $800 million. We can't run the program on that much money in a responsible way." And all of my colleagues on the Committee on Armed Services heard him testify precisely in that fashion.

So, the Secretary of Defense said, "This is a bad bill because it doesn't fund SDI adequately."

Let us not suggest to the American people, Mr. Speaker, to our colleagues, that the Secretary of Defense and the National Security Adviser believes that the bill that the President vetoed funded SDI adequately. They disagree with that.

Now a final point: I will tell you who is playing politics.

The people playing politics are those Democrats who are threatening the 4.1-percent pay raise for the men and women of the military with this particular action here tonight. That is irresponsible. One should not play politics with the men and women in the military services. It is absolutely irresponsible.

When it comes to the national defense, the people of this country know who to trust: Ronald Reagan. He had a strong defense which brought us to the bargaining table with the Soviets, and the result was the INF treaty.

We know that the President understands how to deal with the Soviets, and that is why he vetoed this bill, and that is why I support this veto.

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

Mr. MARTIN of New York. Mr. Speaker, I thank the gentleman from Alabama [Mr. DICKINSON] for his generosity.

Mr. Speaker, I want to point out in the very outset that the question we are talking about here tonight is not the amount of money to be spent on defense.

I heard one Member of this House on the radio this morning talking about the administration wanting to spend more money for defense and less on other issues. That has never been the argument here. It is 2995. The question is how is it going to be spent.

I hate to be the bearer of bad tidings to my friends on the Republican side of the aisle, but this is not jumpball. This is not a fair fight. And on this issue we are going to vote not to send it to the committee where it will never see the light of day again.

I hate to break the news, but we are going to lose. But that is the way it is in the House unfortunately.

Mr. Speaker, this was decided a long time ago, but the sad part about it is for everyone that we are not even going to get a vote on sustaining the President's veto of this bill, and that is really sad.

I go to the high schools and the grade schools in my district, and I hate to explain to the young people that it does not really work the way it should, the way Miss Ruth told me some 30 years ago in the big book where the President says, "I veto this," and we say, "We respectfully disagree with you, Mr. President," if we are going to vote and two-thirds of us will decide that we are right and he is wrong.

Mr. Speaker, it does not work that way. Somehow in the procedures of this House unfortunately we find that the American public really does not understand how this works. We are not even going to get to vote to sustain or override the President of the United States.

Now what is particularly inappropriate about that is that this bill was written here on the floor of the House contrary to the wishes of my colleagues on both sides of the aisle who serve on the Committee on Armed Services. Does this mean that we are going to wave the white flag and turn over our responsibilities to the Committee on Appropriations and to the entire body on a continuing resolution? I hope not because it would be a sad day.

But respectfully I say to my leader, the gentleman from Alabama [Mr. DICKINSON] that I do not think we are going to win.

Mr. DICKINSON. Mr. Speaker, I yield 3½ minutes to the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, first I want to compliment Members, particularly on my side of the aisle, for the splendid arguments they have made for the position on our side, and, Mr. Speaker, since you are now again on the floor, as I mentioned in my remarks earlier today, I am concerned with a growing practice of attempting to bury Presidential vetoes by referring them to committee.

And what we are doing here is subverting the Constitution and the clear intent of those who wrote and ratified it. And what we are doing here is attempting to override Presidental vetoes frankly by a majority vote, and what we are doing here is creating a whole new legislative system which is beyond the screening of the public, beyond the discipline of the House rules, beyond the scope of the very Constitution we are here to serve.

And the Constitution says very clearly in article I, section 7, how we ought to deal with vetoes, and I will not repeat that but will include that in my extension of remarks. But my colleagues read it in the Constitution, and that language to me says that we are to give prompt reconsideration to a vetoed bill, that we are to vote on it, and that an override should require two-thirds of our number and that the vote is to be recorded for public inspection.

How can anyone in this body argue that we are complying with that instruction when we are referring the veto to a committee without the question of reconsideration being the question of highest privilege, slipping the vetoed bill on to another bill and sending it back to the President without ever having taken up the veto? Who will stand in this well and tell me that is what the Founding Fathers had in mind when they wrote section 7?

The Founding Fathers gave us the power in section 5 to write our own rules, but they did give us the power to write rules so we could subvert the

Constitution. They gave us the power of rulemaking to implement their good work and not to subvert it, and, if the Founding Fathers had intended that whoever sat in the Chair at any given time could do whatever he or she wanted to whomever, wherever, for whatever reason, I suspect they would have simply said, "The Speaker of the House is empowered to run things the way he chooses, not withstanding any other provision of this document."

Mr. Speaker, we do not need anyone to instruct us in the exercise of common sense and good judgment when attempting to fulfill the sacred trust of our forefathers or the people we serve, and what is right in this case is so profoundly clear that there should be no argument, no discourse, no politics and especially no parliamentary flimflam.

Mr. Speaker, the people have a right to demand that we take a stand on the veto, and the President has right to a decision one way or another. I think that is the least we can do.

Again, I want to thank the distinguished gentleman for the manner in which he has deported himself this afternoon. All the Members on our side have acquitted themselves so well in the great arguments they have made in support of our position.

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

□ 2130

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

Mr. ASPIN. Mr. Speaker, I yield 5 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

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

Mrs. SCHROEDER. I am delighted to yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, a couple questions of the gentlewoman. As a Member who sits on the Appropriations Committee, and we struggled to stay within the limits and worked diligently, both Republicans and Democrats, to meet the numbers on the particular bill, I would just like to ask the gentlewomen's opinion, have we not in the past when the President signed bills that were even more restrictive than the things we have in this particular bill?

Mrs. SCHROEDER. Absolutely. One of the main things the President talked about was the arms control provisions, which of course we have passed before.

Mr. HEFNER. That have been more restrictive than this?

Mrs. SCHROEDER. And they have been as restrictive or more, and I do not think that any of this is shocking. Obviously the numbers are the same that he wants. I think the gentleman makes an excellent point.

Mr. HEFNER. Mr. Speaker, if the gentleman will yield further, if this bill was so bad, I do not understand, and maybe I am misinformed, the vote in the other body, what was the vote in the other body on the final passage of this particular legislation?

Mrs. SCHROEDER. I do not know what the vote was, but I know many Members——

Mr. HEFNER. If my memory is correct, I believe this passed in the other body by voice vote.

Mrs. SCHROEDER. I think that is correct.

Mr. HEFNER. So we could technically say that if it passed the other body with all Members consenting, both Democrats and Republicans, except in this bill.

Mrs. SCHROEDER. That is right, and I think the other thing that is important to point out is the very distinguished gentleman, the ranking Member, Senator WARNER, thinks that this bill was very good and told the President it should be signed. I think the gentleman points out some good things.

Mr. BADHAM. Mr. Speaker, will the gentlewoman yield on that point?

Mrs. SCHROEDER. Well, I would like to respond first, and then if I have time, I will yield.

Mr. BADHAM. Fine. I will wait. I thank the gentlewoman.

Mrs. SCHROEDER. We have heard a lot about what the Founding Fathers wanted. I am sure that what we are doing tonight is exactly what the Founding Mothers would want. After all, if you look at this process, we were to be three independent bodies.

Let me tell you what you are hearing from the other side. What you are hearing from the other side is the President wanted to shoot at our feet and say, "Tapdance, Congress," and we were all supposed to come down here and tapdance.

Now, that is not what the Founding Fathers and Founding Mothers thought about. They said we are three independent bodies and we are to come here and exercise our judgment.

Now, No. 1, we are being told that this is not political; however, the President of the United States was advised by his Secretary of Defense, his National Security Adviser, the Joint Chiefs and the ranking Republican Member in the Senate to please sign the bill. On the other side, he was advised by GEORGE BUSH not to.

No. 2. The President says in his veto message one of the reasons he is so offended by this bill is the arms control provisions, which we have done before, but he is so offended by that because he thinks it takes power away from him and we should be speaking with one voice to the Soviet Union.

The reason I think that is totally undercut is at the time the President is vetoing this message his own Secretary of Defense is in the Soviet Union. He is undercutting his own Secretary of Defense at a time when he is over there negotiating. The poor man must feel a little silly being over there, having said, "Sign it," left town and, boom, this is what happens.

Now, we are supposed to over here in the Congress go one way or another or whatever. That makes no sense.

I think what we are doing tonight is absolutely the proper thing, referring it to the committee rather than magnifying this, and when the Secretary of Defense comes back we can try to be rational and present a position.

Next, I want to point out that the world has not been static since we passed this bill. A lot of things have happened. There has been the most massive Pentagon scandal we have ever seen. There are many of us who have been working very hard under Chairman ASPIN having all sorts of hearings about this scandal. We found all sorts of things that maybe we need to do to this bill that we did not know about when we first had it, making the inspector general more independent. We probably need whistleblower protection for the different contract employees who have no protection at all. Maybe we would have found out about this scandal much earlier had that happened. All those things are there.

We would be totally remiss to throw away those months of hearings and what we have been focusing on since we passed that bill. We do not quit when this bill is passed. Our chairman is a real taskmaster. He has been driving us trying to find out what has been going on, very important.

I think it is also important to point out that we have had all sorts of things happening in the Persian Gulf.

Now, people on this side had to go to convince the Defense Department on the pay issue that the Persian Gulf was indeed a dangerous area and people should get danger pay, so this side has been very worried about the morale of our soldiers, and I find it very offensive when the other side says we are playing games with that. We are not. We did get danger pay for people in the Persian Gulf area, as they should have it, with our work.

I think all of those are very important and I think sending it to the committee is the proper thing to do, the constitutional thing to do, and I think it is the best thing to do for foreign policy at the moment.

Mr. ASPIN. Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The SPEAKER. The question is on the motion offered by the gentleman from Washington [Mr. FOLEY] to refer the veto message and the bill, H.R. 4264, to the Committee on Armed Services.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 162, not voting 46, as follows:

[Roll No. 261]

YEAS—223

Ackerman	Gonzalez	Obey
Akaka	Gordon	Olin
Alexander	Grant	Ortiz
Anderson	Gray (IL)	Owens (UT)
Andrews	Gray (PA)	Panetta
Annunzio	Guarini	Patterson
Anthony	Hall (OH)	Payne
Aspin	Hall (TX)	Pease
Atkins	Hamilton	Pelosi
AuCoin	Harris	Penny
Barnard	Hatcher	Pepper
Bates	Hayes (IL)	Perkins
Bellenson	Hayes (LA)	Pickett
Bennett	Hefner	Pickle
Berman	Hertel	Price
Bevill	Hochbrueckner	Rahall
Bilbray	Hoyer	Ray
Boggs	Hubbard	Richardson
Boland	Huckaby	Robinson
Bonior	Hughes	Rodino
Bonker	Hutto	Rose
Borski	Jenkins	Rowland (GA)
Bosco	Johnson (SD)	Roybal
Boucher	Jones (NC)	Russo
Boxer	Jones (TN)	Sabo
Brennan	Jontz	Savage
Brown (CA)	Kanjorski	Sawyer
Bruce	Kaptur	Scheuer
Bustamante	Kastenmeier	Schroeder
Byron	Kennedy	Schumer
Campbell	Kennelly	Sharp
Cardin	Kildee	Sikorski
Carr	Kleczka	Sisisky
Chapman	Kolter	Skaggs
Chappell	Kostmayer	Skelton
Clarke	LaFalce	Slattery
Clement	Lancaster	Slaughter (NY)
Coelho	Lantos	Smith (FL)
Coleman (TX)	Leath (TX)	Smith (IA)
Collins	Lehman (CA)	Solarz
Cooper	Lehman (FL)	Spratt
Coyne	Leland	St Germain
Darden	Levin (MI)	Staggers
DeFazio	Levine (CA)	Stallings
Dellums	Lewis (GA)	Stenholm
Derrick	Lipinski	Stokes
Dicks	Lloyd	Stratton
Dingell	Lowry (WA)	Studds
Dixon	Manton	Swift
Donnelly	Markey	Tallon
Dorgan (ND)	Martinez	Tauzin
Downey	Matsui	Thomas (GA)
Durbin	Mavroules	Torres
Dwyer	Mazzoli	Torricelli
Dymally	McCloskey	Towns
Dyson	McCurdy	Traficant
Early	McHugh	Traxler
Eckart	McMillen (MD)	Valentine
Edwards (CA)	Mfume	Vento
English	Miller (CA)	Visclosky
Erdreich	Mineta	Volkmer
Evans	Moakley	Walgren
Fascell	Mollohan	Watkins
Fazio	Montgomery	Weiss
Feighan	Moody	Wheat
Flake	Morrison (CT)	Whitten
Flippo	Mrazek	Williams
Florio	Nagle	Wilson
Foley	Natcher	Wise
Frank	Neal	Wolpe
Frost	Nelson	Wyden
Garcia	Nichols	Yates
Gaydos	Nowak	Yatron
Gejdenson	Oakar	
Gibbons	Oberstar	

NAYS—162

Archer	Hefley	Pursell
Armey	Henry	Quillen
Badham	Herger	Ravenel
Baker	Hiler	Regula
Ballenger	Holloway	Rhodes
Bartlett	Hopkins	Ridge
Barton	Horton	Rinaldo
Bateman	Houghton	Ritter
Bentley	Hunter	Roberts
Bereuter	Inhofe	Rogers
Bilirakis	Ireland	Roth
Billey	Jeffords	Roukema
Boehlert	Johnson (CT)	Rowland (CT)
Broomfield	Kasich	Saiki
Brown (CO)	Kolbe	Saxton
Bunning	Konnyu	Schaefer
Burton	Kyl	Schneider
Callahan	Lagomarsino	Schuette
Chandler	Latta	Schulze
Clinger	Leach (IA)	Sensenbrenner
Coats	Lent	Shaw
Coble	Lewis (CA)	Shays
Coleman (MO)	Lewis (FL)	Shumway
Combest	Lightfoot	Skeen
Conte	Livingston	Slaughter (VA)
Courter	Lowery (CA)	Smith (NE)
Craig	Lujan	Smith (NJ)
Crane	Lukens, Donald	Smith (TX)
Dannemeyer	Lungren	Smith, Denny (OR)
Davis (IL)	Mack	
Davis (MI)	Madigan	Smith, Robert (NH)
DeLay	Marlenee	
DeWine	Martin (IL)	Smith, Robert (OR)
Dickinson	Martin (NY)	
DioGuardi	McCandless	Snowe
Dornan (CA)	McCollum	Solomon
Dreier	McCrery	Stangeland
Edwards (OK)	McDade	Stump
Emerson	McEwen	Sundquist
Fawell	McGrath	Sweeney
Fields	McMillan (NC)	Swindall
Frenzel	Meyers	Tauke
Gallo	Michel	Thomas (CA)
Gekas	Miller (OH)	Upton
Gilman	Miller (WA)	Vander Jagt
Gingrich	Molinari	Vucanovich
Goodling	Moorhead	Walker
Gradison	Morella	Weber
Grandy	Morrison (WA)	Weldon
Green	Myers	Whittaker
Gregg	Nielson	Wolf
Gunderson	Packard	Wortley
Hammerschmidt	Parris	Wylie
Hansen	Pashayan	Young (AK)
Hastert	Porter	Young (FL)

NOT VOTING—46

Applegate	Fish	Murtha
Biaggi	Foglietta	Owens (NY)
Boulter	Ford (MI)	Oxley
Brooks	Ford (TN)	Petri
Bryant	Gallegly	Rangel
Buechner	Gephardt	Roe
Carper	Glickman	Rostenkowski
Cheney	Hawkins	Shuster
Clay	Hyde	Spence
Conyers	Jacobs	Stark
Coughlin	Kemp	Synar
Crockett	Lott	Taylor
Daub	Luken, Thomas	Udall
de la Garza	MacKay	Waxman
Dowdy	Mica	
Espy	Murphy	

□ 2156

The Clerk announced the following pairs:

On this vote:

Mr. Carper, with Mr. Boulter against.
Mr. Foglietta, with Mr. Oxley against

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONFERENCE REPORT ON H.R. 442, CIVIL LIBERTIES ACT OF 1988

Mr. FRANK. Mr. Speaker, I call up the conference report on the bill (H.R. 442) to implement recommendations of the Commission on Wartime Relocation and Internment of Civilians.

The Clerk read the title of the bill.

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

(For conference report and statement, see proceedings of the House of July 26, 1988.)

The SPEAKER pro tempore (Mr. MINETA). The gentleman from Massachusetts [Mr. FRANK] will be recognized for 30 minutes and the gentleman from Georgia [Mr. SWINDALL] will be recognized for 30 minutes.

Mr. COBLE. Mr. Speaker, I oppose the bill, and under the rule I demand 20 minutes.

The SPEAKER pro tempore. Is the gentleman from Georgia [Mr. SWINDALL] opposed to the conference report?

Mr. SWINDALL. Mr. Speaker, I am in favor of the conference report, and I am amenable to the gentleman's request.

The SPEAKER pro tempore. The gentleman from North Carolina [Mr. COBLE] will be recognized for 20 minutes and the gentleman from Georgia [Mr. SWINDALL] will be recognized for 20 minutes.

Mr. FRANK. Mr. Speaker, pursuant to conversations among the three of us, I make the unanimous-consent request that pursuant to what the majority leader asked earlier, the time be divided as follows: that the gentleman from Georgia [Mr. SWINDALL] and myself have up to 14 minutes today and up to 6 minutes tomorrow, the gentleman from North Carolina [Mr. COBLE] 12 minutes today and up to 8 minutes tomorrow.

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

There was no objection.

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

Mr. Speaker, this is a very important day, and I thank all Members for allowing us to accommodate in a busy schedule this important piece of legislation. There are a number of Members who are very much concerned.

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

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

Mr. Speaker, I rise in support of the conference report on H.R. 442.

This is long overdue legislation designed to address the personal and financial injuries caused by the internment of over 120,000

Americans of Japanese ancestry during most of World War II.

Some erroneously view this legislation as a "gift" to internees. Nothing could be further from the truth.

This legislation is a gift from the internees to each American who loves and respects our Constitution. Because what this legislation says is that we, in the Congress, recognize the enormous blunder and disrespect for constitutional liberties which the internment was, and that we vow never to permit it to reoccur.

The Constitution of the United States guarantees the rights of all citizens, including Japanese-Americans, in times of peace as well as during times of war. This legislation sends a clear message to our people that as a country, we will constantly uphold these rights for all the racial groups, the ethnic groups and the social groups which are part of this country.

The internment of Japanese-Americans was ordered as a result of the conclusions of military leaders that Japanese-Americans—regardless how long they had lived here or their unqualified loyalty to America—posed a military threat to the United States. That conclusion was not based on facts; it was not based on law. It was based on racism pure and simple.

In fact, during the war, not a single person of Japanese descent was convicted of espionage. Japanese-Americans were no different from the Americans of German and Italian descent who had come to America seeking political and economic freedom. Yet they suffered a fate far more cruel and unjust than any other immigrant group.

I take this matter very personally, because among the children with whom I grew up the northern California in the 1940's were many whose parents and siblings were assigned to internment camps. Many of these Japanese-Americans of Contra Costa County were farmers and small business people who lost their possessions because of the internment policy.

In my district alone, the internment forced 1,200 people to leave their jobs, friends and possessions to spend up to 4 years in permanent relocation camps. One of those Contra Costans, Chiyeko Tahira, was lucky enough to have Caucasian friends with whom she hurriedly stored family china and other heirlooms before she left for over 3 years internment in Topaz, UT. Many others were not so lucky and returned to find that the barns where they had hidden their belongings had been looted or burned.

Beyond the material loss was the phsychological damage of having been suddenly uprooted and labeled a potential traitor. Over 7,000 of the internees were children less than 5 years old. These children were scared by the strains of overcrowded, impoverished living behind chain-link fences. Most of them fortunately survived the internment experience, returned home, and began reconstructing their lives, burdened by financial loss and social stigma. And admirably, they maintained faith in a country that had broken faith with them.

Forty years after that tragic period of American history, it falls to this Congress and this generation of America to make amends for the past error. In authorizing $20,000 to each surviving internee, we make only a symbolic effort to compensate these Japanese-Americans for their years of hardship. Twenty thousand dollars is not a great sum when we consider that settlements of up to $10,000 were made for only 1 night of false imprisonment during the Vietnam protests of the late sixties.

I am proud to be a cosponsor of this legislation, and we as Americans should be proud that we have finally the courage to confront this unpleasant chapter in our Nation's history and attempt, however symbolically, to right the wrongs. In approving this conference report, we do far more than acknowledge our debt to the interned Japanese-American citizens of the 1940's.

We reiterate our national commitment to the primacy of our Constitution and the rule of law which can be diminished neither by racial distinctions or the passage of time. By admitting to our past mistakes, we are a better and more united country today.

It is imperative that we give this conference report our overwhelming support and never again allow the constitutional rights of any group of citizens to be swept away by the powerful tides of prejudice and irrationality.

Mr. FRANK. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, a number of people have been very concerned with this bill. We have benefited from the support of the Speaker, the majority leader, the chairman of the Committee on the Judiciary who exercised their leadership. One of those who was entitled to claim authorship of this bill because he filed the first version consistent with his genuine concern for the rights of all people is our colleague, the gentleman from the State of Washington [Mr. LOWRY].

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

□ 2200

Mr. LOWRY of Washington. Mr. Speaker, I thank the gentleman from Massachusetts for yielding time to me.

Mr. Speaker, I rise in strong support of the conference report on H.R. 442. I think most of us in this country realize that the real strength of the United States is our Bill of Rights and constitutional protections of individual liberties, that that is what really sets our country apart from types of governments that we really do not agree with.

So the basic issue that is before us and is addressed by the successful passage of this conference report tomorrow and the President signing it into law is that in 1942, when in that time of panic the due process rights and the Bill of Rights rights of the Americans of Japanese ancestry were violated, we are saying that was wrong and this conference report is to address that. It was, of course, especially unique and ironic that the historic and heroic 442d Battalion battle group, made up totally of Americans of Japanese ancestry, were in Europe fighting fascism, fighting for the freedoms that this country so stands for, while at that time other Americans of Japanese ancestry were having exactly those freedoms violated by being put into internment camps, just one of the many examples of the tremendous service that these Americans have been doing for our country, their country, and that their rights were being violated.

I stand in strong support of this conference report. I hope that it will pass tomorrow by an overwhelming margin whereby we will say that this is what America stands for, the Bill of Rights, those constitutional protections for all individuals in this country.

Again I thank the gentleman for yielding me this time.

Mr. SWINDALL. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii [Mrs. SAIKI].

Mrs. SAIKI. Mr. Speaker, I rise to express my full support for the passage of this conference report, and to urge my colleagues to vote in favor of this historic measure.

I believe this legislation is the fulfillment of a promise, Mr. Speaker, the promise of our country to provide basic civil rights to all.

Governments make mistakes, and our government is no exception. What is different, however, what distinguishes our form of government from others, is that in a democracy based on the inherent constitutional rights of individuals, mistakes must be acknowledged and compensation awarded. Acknowledgment and compensation for the tragic mistake of the internment of loyal, decent Americans is what this legislation is about.

When this legislation was considered on the House floor last year, I spoke about growing up as a young person in Hawaii, and witnessing firsthand the forced relocation of many friends, neighbors, and relatives. Those memories are still with me, Mr. Chairman, and with those who were interned. I believe that the passage of this legislation will help to close this particularly unfortunate chapter in American history.

A great wrong was committed when nearly 120,000 American citizens were forced from their homes and placed in desolate "relocation centers" throughout the West and South. Nearly half of those who were interned have died. Let us not let more time pass before we do what is right.

Mr. Speaker, justice delayed is justice denied. We have waited nearly five decades for justice to be done. The time is now.

I urged my colleagues to support this measure, for with its passage we shall come one step closer to fulfilling the promise of America.

Mr. COBLE. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. SHUMWAY].

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

Mr. Speaker, I rise in opposition to the conference report, and in doing so I realize that my position here tonight is going to be a minority view. The bill will pass when the vote is taken tomorrow. It will be signed by the President. This measure will become the law.

But nevertheless, I feel that I must speak out and at least express the reasons that I have used to come to the particular conclusion that I have come to. It seems to me that to support this bill, in good faith, one must find a cause and effect relationship, and I simply cannot find it. I have searched desperately. I cannot recall another bill that we have considered in recent years that I have given as much study to as I have this bill. I have done that because I have among my constituents in California many people who are vitally affected by this bill, very interested in it. I have done it because I have colleagues here, notably my good friend, the gentleman from California, Mr. BOB MATSUI, who have urged me to consider my position and who have given me some very thought-provoking reasons to do so.

I have studied it because I have read books that have been supplied to me, one of them by John Tateishi called "And Justice for All" containing some very touching stories about those who were kept in these camps.

I really do not have any quarrel with the facts. There was a serious wrong done to many good American citizens, and there are some resulting emotional scars. I can feel the hurt many of the Japanese-Americans feel today and will describe during this debate.

But I do not see the remedy, the payment of $20,000, as the right answer to the equation. Search my conscience and the facts as I might, I simply do not find the justification for that.

This payment will go to some who suffered great harm and, therefore, the payment of $20,000 would be but a token payment to them. It will go to some who suffered very little harm, and to those for whom maybe it will be nothing more than a windfall. It will go to some who made claims under claims statutes in prior years and received payment from the U.S. Government in return for which they signed full releases of any further liability. It will go to some who perhaps had greater allegiance to Japan during those difficult war years.

In spite of these differences in status, the proponents say that we must pay a lump sum to all to address the wrong, that this is the only fair, the only just way to proceed, and they say that this bill, by doing so, reflects our sensitivity to that wrong.

Mr. Speaker, it is at this point that I think the cause and effect relationship really breaks down. I simply cannot match that proclaimed sensitivity with the very arbitrary, cold, mechanistic formula contained in this bill. Those two things just do not jibe and equate, and they do not properly recognize the nature of the wrong.

In my view there are other, more appropriate ways to redress the wrong done to loyal American citizens, and I offered some alternatives during the debate, including the granting of scholarships, perhaps a lasting memorial, and of more interest, a formula that was individualized based upon age and length of detention that would take into account different factors that applied to those who were detained. All of those alternatives were resisted and indeed rejected by the proponents of this legislation, and therefore, we find ourselves tonight facing an arbitrary formula, one which to me does not really address the differences in the level of need and wrong done to different people.

It is ironic to me that many of my friends have said the money does not matter, but at this point, Mr. Speaker, I think the money does matter. I think that we should not pass this legislation on waves of emotionalism, but on sound reason, and for that reason I intend to vote "no" and I would urge my colleagues to do so as well.

Mr. FRANK. Mr. Speaker, I yield 3 minutes to the gentleman from Hawaii [Mr. AKAKA] and I do so for sound reasons on behalf of this sound and reasonable bill.

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

Mr. Speaker, I would like to commend the House and Senate conferees for their diligence and determination to complete the conference report on H.R. 442, the Civil Liberties Act of 1987. As you know, on September 17, 1987, the House of Representatives voted in support of this legislation. The Senate followed with passage of S. 1009, a companion bill, on April 20, 1988.

The conference report before us today is a compromise which will begin to address the grave injustice committed against those Japanese-Americans who were interned and the Aleuts who were relocated from the Aleutian and Pribilof Islands during World War II.

The conference report extends a formal apology to the more than 120,000 Americans of Japanese ancestry, including at least 1,000 Japanese-Americans from Hawaii, who were interned and deprived of their civil liberties. It also authorizes $1.25 billion in reparations to the Japanese-Americans living on the date of enactment.

On December 1982, the Commission on Wartime Relocation and Internment of Civilians issued their report, "Personal Justice Denied." The Commission found that the evacuation and relocation of Japanese-Americans was a "grave injustice" caused by "race prejudice, war hysteria and a failure of political leadership." Since that time Congress has deliberated long and hard on this issue. The time has come for Government to recognize its mistake and provide those interned with just compensation. I know my colleagues will support this bill.

The laws of this country are based on a simple premise, "innocent until proven guilty." However, this basic law was violated when Japanese-Americans were relocated and interned. These Americans of Japanese ancestry were "guilty until proven innocent." They were denied their liberty and property without due process of law, a violation of their constitutional right. We cannot ignore this travesty of justice.

I strongly support passage of the conference report; it is a compromise which deserves the full support of the House of Representatives. Passage of this legislation will provide a long overdue apology and a token restitution; it demands our support.

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

First of all, Mr. Speaker, let me say that I differ with some of my colleagues with respect to what this bill is all about. This bill is not about Japanese-Americans. This bill is about the Constitution of the United States of America. This bill is about what each and every one of us does as our first official act when we walk into this Chamber. We raise our right hand and we take an oath of office that says that we will uphold and defend the Constitution.

The Constitution was not enacted in this country until such time as we ratified 10 very fundamental articles. The fifth amendment to the Constitution is what specifically this bill is all about. The fifth amendment says no person can be deprived of life, liberty, or property without due process of law. We are a nation not of men but of laws.

What does that mean? What it means, in simple terms, is what thousands of young children see every day when they walk across the street and look up at the facade of the Supreme Court and see the words inscribed, "Equal Justice Under the Law." It is what young children see when they see the statue that has come to symbolize our system of justice where Lady Justice is blind, colorblind, blind in terms of country of natural origin.

What really perturbs me as I look at this bill is many people are making the

same mistake that I made when I first heard this bill argued. We are making the mistake of looking at it and saying this is the ethnocentric bill, this is a bill about how macho we are, this is a bill about how American we are. It had nothing to do with that, and I do not think I really understood that and grasped that until a Japanese-American came into my office before we even heard the first bit of evidence about this and he sat down and he said, "I want you to hear this personally, because I know you are going to be hearing the evidence, and I know you are going to be deciding on this."

□ 2215

I said "I want you to imagine—I know you are the father of a child" and at that point I had one child, and he went on and said, "I want you to imagine how I felt when I walked to my door, opened the door and there stood American soldiers that said, 'We are coming to take your father.'" I looked at my father as he was taken off and I said, "Why are they taking you?" And he said, "Because I am Japanese." And I said, "No, we are American, we are not Japanese, we are Americans." And the little boy was right. In this country you are an American citizen the day you are naturalized.

I have spoken at so many immigration swearing-in ceremonies that I could virtually repeat the speech here. I will not.

But one of the points that I always make, no matter the color of the skin, no matter what the national origin is, that the day they take that oath and become a citizen of the United States of America, they can bank on this Constitution.

The gentleman from California earlier said some of this money may go to individuals whose allegiance was still to Japan. I would say to him that may be true, but in this country we do not assume that. That is why we have due process of law. Due process says that if there is some reason that an individual can be deprived of life, liberty, or property, then bring them before our judicial system and prove it. It does not mean in any way that you will not be able to deprive them of life, liberty, or property, but it means there is a proper way.

We cannot embrace this Machiavellian concept that the end justifies the means and that is what we got carried away with a number of years ago.

I want to say that I think this is very important not only for those individuals who are concerned about the Constitution, but I made this argument earlier and I had a number of individuals who told me they had never quite thought in this direction.

I want to focus this debate on those individuals who come into this Chamber and speak from a prolife position, specifically they speak against abortion, constitutional perspective, because the argument they have very simply is that we cannot in this country allow individuals, whether they are born or unborn, to have their life taken without due process of law. And I would just remind my colleagues who have made that position known that if they vote in this instance differently, what they are saying is that they want selective meaning to be placed on the word "person."

You cannot have it both ways; we are either a nation of laws, as Thomas Jefferson said we were, or we are a nation of men where the majority rules irrespective of what this Constitution says.

I do not think there is anything fruitful to go back and try to determine what caused our Government to make the decision that because certain groups of individuals were identifiable that we could throw the Constitution out, we could throw the fifth amendment out.

But I do think that any nation that is grounded on the principle of the rule of law has to understand that when rights are violated, reparation is appropriate. Why is it appropriate? Because it says we are going to repair in a monetary fashion the damage done.

Many times I have argued before juries where I said "I wish I were not asking for money because frankly I think money is a very imprecise way to compensate and try to repair damage." But let us face it, there is very little other ways that you can say, in a meaningful way, that we are sincere when we say we want to repair damage.

If the FBI searches someone's home they are responsible for coming in and repairing the damage; basic restitution.

Why can we not look at the fact that, first, we are talking about a pittance—in fact, if you take the $20,000 and commute it to cash value back in terms of 1945 to 1950, you are talking about $7,000 roughly. You are talking about individuals who gave up their livelihood, you are talking about individuals who gave up their citizenship and you are talking about individuals who gave up their property, many of them never to reclaim it.

What price can you place on citizenship? What price can you pay to repair the damage that was done to that young boy 45 years ago when his Dad was carried off and he said, "But Dad, you are an American citizen"? There is not a price. But I really and truly think as a fiscal conservative that it is ludicrous to stand in this body and try to nickel and dime what ought to be paid.

Not a single penny of this money goes to a single person who was not personally interned.

Do you realize every day juries come back with verdicts for false imprisonment of an hour, 2 hours, 3 hours, of $10,000 to $20,000?

So we are not talking here about money.

In conclusion, we are talking about this Constitution. I want to close with a conversation I had this morning.

I had breakfast this morning with Judge Robert Bork—I should say former Judge Robert Bork. We all know that Judge Bork's views are fairly clear in terms of the Constitution.

I said, "Judge Bork, we are going to be debating a bill today on the floor, the Japanese internment bill." He said, "Yes, I am familiar with it." I said, "Let me ask you a question. I know you are an individual who believes in strict construction, original understanding. What is your opinion about that?" His answer in a nutshell was that he thinks it is a constitutionally correct thing to do.

That is what this bill is all about.

I would just ask my colleagues to set aside any predisposition that they may have had, to set aside the thoughts or even some of the statements that they may have made back home to civic groups before they knew what this bill was all about, and think in terms of what is right, but more importantly think in terms of whether we really and truly want to send a message to future generations that when we say we are a nation of laws and not men we mean it and we are willing to put the pittance that it is, our money, where our mouth is.

The SPEAKER pro tempore (Mr. MINETA). The gentleman from Georgia [Mr. SWINDALL] has consumed 10 minutes.

Mr. COBLE. Mr. Speaker, I yield 4 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I rise in strong opposition to the conference report on H.R. 442 whose purpose is to make $1.25 billion in reparation to the Japanese-Americans as a result of the World War II internment.

I voted against this legislation once before and I will do so again. Maybe I will not address this House quite as gracefully as the former speaker did, but I do not think there is anyone that opposes this bill who does not believe in the fifth amendment rights of people.

But yet as long ago as 1948, Congress enacted legislation to make restitution for the difficulties which the internment caused the citizens of Japanese ancestry.

Some $38 million was paid. In 1972, the Social Security Act was amended to give some benefits—eligibility for time served in relocation camps. The U.S. Suprme Court also granted internees the right to sue for property

losses suffered because of this relocation.

We acknowledge our mistakes. We pay for it. We have learned from our actions.

No amount of money can adequately make up for the suffering which the Japanese-American citizens endured.

Now I do not know where we go from here. I mean, are we going—the gentleman spoke of the future—are we going to address this issue again in 10 years? Are we going to start looking at maybe saying, well, the $1.25 billion was not enough? Maybe we need to see if we can bring it up again and give another $22 billion, $180 billion. There is no figure to put on this. To me what was done, we realize at this point was wrong. Maybe at the time I would have done the same or I would have felt the same.

I often wonder what would have happened if we had agreed to pay this $1.25 billion a few years after the many millions of service boys were lost in this country due to World War II.

What were the feelings of the people then? I am sorry, but I cannot see where we go as a House, where we plan to go in the future as a House. I do not know if we are trying to buy the votes in the State of California from the people of Japanese ancestry, to try to bribe the people to vote one party or the other. Undoubtedly, we are not, because both parties seem to agree to this.

But it is just very hard for me to understand and go face veterans in my district who have suffered from World War II and to see the benefits that they are losing, to see that we have over $100 billion deficit every year and yet we choose to try to vote a bill like this in.

I am sorry, I do not see where we are trying to go. I plan to vote against this bill and I encourage every other Member of this House to do so.

Mr. FRANK. Mr. Speaker, I yield myself 30 seconds at first and then I will yield to others.

I have to express my disappointment that the gentleman from Louisiana would suggest that those of us who conscientiously differ with him are trying to bribe somebody's votes. I do not run in the State of California, I never plan to run in the State of California.

The gentleman from Georgia who made an eloquent statement today does not plan to run in the State of California. I think his colleagues deserve better of the gentleman from Louisiana than the entirely unwarranted suggestion that somehow this is a vote-buying effort.

Disagreement is one thing. I am disappointed that he does not even understand what seems to me to be the principles at stake.

Mr. Speaker, I yield 2 minutes to a distinguished libertarian, the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I rise in strong support of the conference report on H.R. 442, the Civil Liberties Act. It is a modest proposal which acknowledges and redresses the wrongs our Government perpetrated against American citizens of Japanese descent during World War II.

The internment policy undertaken by this Government during World War II was a tragic error on the part of the U.S. Government at that time. Under the policy, U.S. Army troops rounded up literally thousands of Japanese Americans on the west coast and forced them into relocation camps on the ludicrous grounds that they might collaborate with the Japanese Government. It was a policy driven purely by wartime hysteria and racial prejudice.

I recall that during my assignment to Japan in 1946-47, as a member of the U.S. Army, I met a number of first generation Japanese-Americans. These individuals were so distressed by their treatment by the United States during the war period that they left this country, the country of their birth, and returned to live in Japan. That people should emigrate from the United States to flee persecution demonstrates how far the U.S. Government had strayed from the principles upon which this Nation was founded.

Mr. Speaker, we are responsible for the ruining of lives beyond our comprehension. There is no adequate financial compensation for the fundamental violation of civil liberties and the humiliation that those individuals suffered. However, the payments to the surviving internees that this legislation contains are a symbol of the strong affirmation by this Congress that a terrible mistake was made, and a commitment by the U.S. Government that such a mistake will never be repeated.

I urge my colleagues to support the conference report.

□ 2230

Mr. SWINDALL. Mr. Speaker, we have no further requests for time now, so we will reserve the time for tomorrow.

Mr. COBLE. Mr. Speaker, I have no requests for this evening.

Mr. FRANK. Mr. Speaker, I have nothing further directly on the bill, but I yield myself 1 minute, because I just want the Members to know that one reason we are here today is because, with the leadership role of the chairman of the full committee, our colleague, the gentleman from New Jersey [Mr. RODINO], we know he will be leaving, and I just wanted to note that I have had the privilege to work as a subcommittee chairman under him.

These are his last 2 years, and this has been a time when we have done massive legislation in the area of protecting other people's constitutional rights. And again I am indebted to our colleague, the gentleman from Georgia, for his eloquent discussion of the subject of constitutional rights here. We have done the Fair Housing Act, and we have done the Grove City Act. I just wanted to note this and not let this debate go by without noting the leadership role of the gentleman from New Jersey [Mr. RODINO], one of the sponsors of the bill, and his presence is in this as it has been in so many other issues. He has in 40 years done an enormous amount to make our Constitution a living reality.

Mr. Speaker, this is one very important example of that, and I wanted to acknowledge it.

Mr. Speaker, I believe at this point all of us have yielded back our time, and we will resume tomorrow with out 6-6-8 agreement.

The SPEAKER pro tempore (Mr. MINETA). Pursuant to the previous order of the House, further proceedings on the conference report will be postponed.

ORDER OF BUSINESS

Mr. WALKER. Mr. Speaker, I ask unanimous consent that my special order previously agreed to be switched from a 60-minute special order to a 5-minute special order.

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

There was no objection.

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

[Mr. LANTOS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

MASSACHUSETTS ELDERLY THREATENED BY STATE GOVERNMENT POLICY

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

Mr. WALKER. Mr. Speaker, we will hear a great deal during the election campaign about who is doing what with regard to elderly Americans, and I think it is important that we begin to focus on just what some of the policies were in Massachusetts under Governor Dukakis, because Governor Dukakis evidently has some rather strange views of how we deal with long-term illness of the elderly and what happens should they have to go to nursing homes.

The way I became aware of this is through a newsletter that I received

out of Massachusetts. That is the newsletter sent to his constituents by the house chairman of the legislative committee on taxation. This is not someone who comes from a Republican point of view. In fact, he is a Democrat who chairs that committee.

Writing in the April 1988 newsletter, he tells about a program the Dukakis administration submitted to the legislature. In that newsletter, he writes, and I quote as follows:

"The latest example of government policy hurting those it is supposed to help is the Administration's"—and let me say parenthetically that that means the Dukakis administration—"recent proposal to place liens on the homes of elderly people as they enter nursing homes. To finance an out-of-control bureacracy, the State wants to take this extraordinary action even no debt has yet been incurred by the patient."

Now, let us understand what the means. The Dukakis administration in Massachusetts is proposing that the homes of elderly citizens should be taken by the State when they enter nursing homes even if they have incurred no debt.

Now, Representative Flood goes on in his newsletter to make a statement that I think is absolutely correct. He says this:

Beyond the obvious legal problems with this, it is unspeakably cruel. Are we telling people who have worked all their lives, paid taxes and paid into the Medicaid system, that their last remaining asset—the home they want to leave as their only legacy to their children, will have to be sold to satisfy their ultimate debt to the state? Throw another piece of the American dream into the voracious jaws of government.

Ironically, this quick and easy response to a growing revenue crunch is not only cruel but actually economically counter-productive. We have a serious problem in this state and in this country with capital formation—people are not saving and investing as much. Middle-income people often have as the only source of their savings an unexpected windfall, such as a small inheritance, which they can put in a money market account or invest in stocks and bonds or mutual funds and add to over the years.

And now the state would seize the foundation of that nest egg and thereby eliminate a significant source of capital. So a short-term attempt to squeeze a little "savings" out of the Medicaid program will not only cause unnecessary anguish among our older citizens, but will end up hurting us economically in the long-run. This is government policy at its worst.

As I have often pointed out, there are other more humane ways to save money in this state than to instinctively try to squeeze more out of people who have worked hard all their lives.

Finding alternatives might be more difficult than taking elderly people's homes away from them, but I think it's time we remember that government does not exist just to feed and perpetuate itself. In the words of Thomas Jefferson, "The care of human life and happiness, and not their destruction, is the first and only legitimate object of good government."

Mr. Speaker, I could not agree more with Representative Flood. But I think it is an appalling circumstance that we have Dukakis administration in Massachusetts that has proposed as its solution to the long-term nursing home care of the elderly citizens of this country that we take their homes away from them as the first resort. I think the American people need to reflect upon this kind of policy as they reflect on who they want to govern this country for the next 4 years.

Do we want someone who has a demonstrated record of compassion like GEORGE BUSH, or do we want someone like Governor Dukakis who has proposed in his own State the taking away of the homes of the elderly in order to put them in nursing homes even if they owe no debt to that nursing home?

SAMUEL HUNTINGTON—1939-1988

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

Mr. BOLAND. Mr. Speaker, it was with deep sadness that I learned of the tragedy which took the life of Samuel Huntington, president of the New England Electric Co.

Sam was only 49 years old when he was struck by lightning and killed instantly Tuesday, July 26, in Aspen, CO. It is incredible to consider all that he had achieved, at such a young age, and just as sorrowful to imagine what he might have accomplished in the years to come. He was a man who was respected by everyone with whom he came in contact—friends, contemporaries, and even competitors in the energy field.

Stephen Sweeney, president of Boston Edison said after Sam's death:

Sam was a giant in the electric utility industry. He was a visionary and a realist whose enormous skills and leadership had an enormous impact on New England's energy future.

Indeed, the intelligence and vigor which Sam brought to his work and the people in his life will be sorely missed. I express my profound sympathy to Sam's family, his wife Jennifer, his son Henry and his daughter Claire.

Mr. Speaker, David Warsh wrote an article for the Sunday, July 31, Boston Globe which eloquently summarized the life of Sam Huntington and what his work has meant to the energy community. In it, he called Sam "a star person of the very first magnitude."

Mr. Speaker, Sam Huntington was indeed a man for all seasons. I repeat again David Warsh's moving description of his extraordinary personality, "He was a star person of the very first magnitude."

I am submitting David Warsh's column as follows:

SAM HUNTINGTON AND NETWORKS

In "The Dreams of Reason," his just-published book about the way that new sciences are emerging to deal with various aspects of the complexity of life, physicist Heinz Pagels makes a fundamental distinction between networks and hierarchies, between parallel and serial systems.

"I remember hooking up lightbulbs in series circuit in electrical shop at my junior high school," Pagels writes. "In the series circuit, one wire ran from the power source to the first light bulb and then to the second and third and finally back to the power source. In the parallel circuit, two wires ran to the first light bulb, each connecting in effect to the filament of the bulb, and then the two wires continued to the next bulb and so on.

"The series circuit had the advantage of fewer connections [one wire]. But it was vulnerable—if one light bulb was removed or blew out, the circuit was broken and all of the lights went out. By contrast, the parallel circuit had more wire, more connections, but because of this redundancy it was much less vulnerable. If one light was removed, it would continue to function."

The distinction between hierarchies and networks was quite fundamental and universal, Pagels noted, especially when thinking about the social order. Companies, churches, the military—all relied on hierarchical organization, pyramid-shaped, with narrow tops and broad bottoms. Break a link in the chain of command and the system usually would be in trouble. But networks have no central executive authority to oversee the system. The existence of many connections increases the number of possible interactions among components of the network. Networks generally have lots of redundancy, so that if part of a network is destroyed, the network continues to function. Most real systems exhibit both characteristics, Pagels noted, whether the global financial system, or the human brain.

Pagels, 49, a leading scientist and an able writer on topics at the frontiers of science, died last week when he slipped and fell off a mountain ridge near Aspen, Colo. By an extraordinary coincidence, Samuel Huntington, 49, president and chief executive officer of the New England Electric System, died two days later when he was struck by lightning while climbing on another mountain ridge near Aspen. Huntington was a remarkable person, and the life he lived provides a memorable example of the way that networks are perhaps even more crucial to the functioning of the American economy than hierarchy. Though president of the largest utility in Massachusetts, Huntington also served as a single consciousness through which the medical, banking, education and environmental communities met and interacted, nationally and at a local level. There may be a few other executives of similar scope and depth in the United States—but surely no more than a dozen. He was a star person of the very first magnitude.

Huntington was in no sense a typical utility executive. He taught science and math in Nigeria after graduating in 1961 from Harvard College, then learned and practiced law, served for three years as an assistant solicitor general of the United States during the Nixon administration and taught for three years at Boston University before he was recruited in 1976 to serve as assistant general counsel at New England Electric. Eight years later, he was named president, having learned the utility business well

enough to have become a notable figure in the industry even before his accession.

Through the hierarchy that is New England Electric, Huntington sat at the pinnacle of a pyramid of 5,200 employees and 871,000 customers in 146 communities, the company owned in turn by some 74,000 shareholders, among whom big institutions held something like a quarter of the common stock. But the next branch of his unusual influence extended outward in a literal network, to other companies in the electricity business, starting with the more than 100 members of the New England Power Pool, whom he convinced early on to prepare to import large quantities of Canadian hydroelectric power rather than go on a building binge.

An influential proponent of conservation measures as well, earlier this year Huntington made an offer to buy Public Service Co. of New Hampshire, the beleagured proprietor of the Seabrook nuclear plant; the move further contributed to his leadership on the issue of nuclear safety. The $1 billion offer is still pending. In an industry just beginning to be stirred deep down by changes in regulatory philosophy, Huntington stood out as an exemplar of the next wave of leadership.

Just as striking were the handful of boards of directors on which he sat. They included the Bank of Boston, the dominant financial institution in New England; the Harvard Community Health Plan, an influential pioneer of the kind of health maintenance organization whose emergence has unleashed a revolution in the financing and provision of health care; the Cambridge Friends School, a small Quaker school on the fringes of the turmoil in public schooling; and Worcester Polytechnic Institute, one of the hot spots of the emerging Massachusetts biotech industry. In different ways, each gave him an extraordinary window on changing times. Nor did he stint; at the Bank of Boston, Huntington was chairman of the audit committee; at Cambridge Friends School, he was chairman of the board of trustees.

But perhaps most remarkably, Huntington reached out to groups not ordinarily included within the compass of the establishment consultations—to conservation groups, consumer representatives, "watchdogs" of all sorts—and not in a patronizing but rather in a thoroughly collaborative way. "He really enjoyed talking to them," says Paul Joscow, an MIT economists who is a corporate director of New England Electric. "He wanted to hear what they had to say, and he wanted them to hear what he had to say." Those who knew him agree that what stood out about Huntington in a political way was his relentless pursuit of consensus in areas where consensus was truly important. What stood out about him in a personal way was his sheer vitality. "He was so full of life. I couldn't have been more stunned if it had been a member of my family," said William Brown, chairman of the Bank of Boston.

So what happens when a star dies? Well, at first glance, at least, it appears to be an exception to Pagels' generalization about the fragility of hierarchies versus the durability of networks. The hierarchy is the much less for Huntington's death, of course. But as an industry cynosure, New England Electric has an unusually strong corps of executives and managers from which to choose. The death of a key officer is not an uncommon story in business and it is relatively rare that the loss proves to be a corporate turning point.

The personal network of persons of both goodwill and steely purpose at whose center Huntington was, is another story. Who is likely to take his place as a leader whose credibility is equally great among, say, those who favor nuclear energy and those who propose its abandonment? "I don't know how we will replace him said the Bank of Boston's Brown on Friday. "I think New England has suffered a great loss. His family certainly has, and his company has, but I think many more people are going to be impacted by his absence from the scene, in ways they'll never know."

HUMAN RIGHTS VIOLATIONS IN ROMANIA AND TRANSYLVANIA

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

Mr. DORNAN of California. Mr. Speaker, I had planned to take this special order tonight to discuss one of the great slanders of American history, a court case brought against dozens of Americans, named and unnamed agents of the Central Intelligence Agency, the FBI, and the courageous men on the front line in the battle against drugs, the Drug Enforcement Agency. But there is a human rights situation that has come to my attention, and I intend to infringe upon my own special order here for the first 5, 10, or 15 minutes, if it takes that long, to discuss this human rights situation in the country of Romania.

That is a nice, romantic name for a country—Romania, once a part of the Roman Empire. It has a language with an alphabet similar to ours, and it is a country caught up in that area where between Asia and Europe they sometimes are Occidental in their culture and customs and sometimes Oriental. But one part of Romania has only been a part of Romania in modern times, and that is the area in the northwestern part of that country called Transylvania.

To most Americans, Transylvania only became prominent in the Bram Stoker book, "Dracula." Bram Stoker was an Irishman who wrote that fascinating fiction tale. But Transylvania is actually a beautiful part of the mountain country that was part of the nation of Hungary for centuries and centuries, lost in the mist of time when the Magyar people first emigrated to that beautiful part of Europe.

But only since the Second World War, when the Soviet Union cut up all sorts of boundaries and borders, did Communist dictators decide that this piece of Hungary would now be placed in Romania, and it has not been a tranquil history since then.

One of my colleagues, the gentleman from California, Mr. ERNIE KONNYU, of Hungarian descent, was actually born in the nation of Hungary, and he is one of two Hungarians in this House, the other being our distinguished colleague on the other side of the aisle, the gentleman from California, Mr. THOMAS LANTOS, who was called away to other business and who had hoped to participate in his own special order tonight, one that the gentleman from California [Mr. KONNYU] and I were going to share. He will make a statement probably tomorrow on these ghastly human rights violations in Romania, in that part of the country where 2½ million Hungarians live in Transylvania.

So I have asked my colleague, the gentleman from California [Mr. KONNYU], to join me on the floor. I think it would be better, I say to the gentleman from California, if he would come down to this other lectern here and use the perfect acoustics down here to inform the Speaker and, through him, 400,000 Americans, which is the current figure of the people who follow the procedures of this House through the electronic technology and then through the literally thousands of libraries in America that get the CONGRESSIONAL RECORD, so that in 1 or 2 days the people can go to those libraries around America and read the proceedings of this House.

So as a Hungarian-born American, let me ask the gentleman from California [Mr. KONNYU], if he could tell us, what is the situation right now in the area of Romania that is known as Transylvania and controlled by the Communist dictatorship?

□ 2245

Mr. KONNYU. Mr. Speaker, I thank the gentleman from California [Mr. DORNAN] for yielding.

Mr. Speaker, I call on this Congress to stand up. The cause of human rights is calling. This is the time. Now or never.

The madman of Romania, Communist Dictator Nicolae Ceausescu, has done it again. He's gone into the village liquidation business and in no small way. He's liquidating some 8,000 villages, mostly in the pre-World War I Hungarian province of Transylvania, now belonging to Romania, where the overwhelming majority of Romania's 2½ million ethnic Hungarian minority lives. To be sure he's also liquidating ethnic German and even some Romanian villages, he's forcing all of the farm and handicraft population to be moved into cities, mostly far away from ethnic Hungarian areas.

Yes; the 2½ million ethnic Hungarians residing in villages concentrated in northwest Romania are being dispersed in cities in the rest of that suffering country. This is just the newest atrocity in a series of atrocities designed to achieve cultural destruction of the ethnic Hungarian minority.

The dictator began his Romanianization campaign in 1974 when he launched a national effort, as the July

4, 1988, issue of Time magazine described "to distract Romanians from economic problems." Since that time, Romanian authorities have systematically closed Hungarian language schools, changed Hungarian place names to Romanian, and forcibly relocated Hungarian families to Romanian areas. This year, he's doing it to villages.

To understand better what the mad dictator of Romania is doing, let me use an analogy. Just as 10 percent of Romania is made up of Hungarians, around 10 percent of the U.S.A. is made of Hispanics. Now let's imagine the unimaginable; namely, that the Government of this country would force all rural villages in the Southwest—from Texas to California—where most of our Hispanics live, to be leveled to the ground, and the people living in them, whether Anglo or Hispanic, be forcibly moved mostly to the other regions of our county, the Southeast, the Midwest, and New England States where, with the exception of Chicago and New York City, very few Hispanics live. Now we can better comprehend what the madman's program is all about.

Of course, if this atrocity were tried here there would be a revolution in our country but, sadly, under the police state dictatorship of Romania, such justified revolution is impossible today.

We, Americans, believe in human rights. We, as a Nation have taken strong steps, whether in Afghanistan or Cambodia, Nicaragua, or South Africa, to demonstrate our beliefs.

It is now time to deal with Stalin's kissing cousin, the village liquidator, Ceausescu.

For over two decades this country has worked with Romania and was generous to her. The aim was good. Help the impoverished people of that country in exchange for Romanian demonstrations of independence from the Cowbell of Moscow. However, now the dictator of Romania is willing to throw away two decades of work with the free world in order to destroy the ethnic identity of the Hungarian minority.

The United States must not stand silent in the wake of the gross and public Romanian violation of the Helsinki accord on human rights. We must turn the screws on this madman and his plan.

One. We must seriously debate the recall of our Ambassador from Bucharest and issuing an invitation to the Romanian Ambassador to leave.

Two. We must abrogate the commercial treaty with Romania now in effect.

Three. We must strongly debate the freezing of all Romanian assets in the United States.

Four. We must publicly state that the above points stay in effect as long as Romania fails to live up to the provisions of human rights spelled out in the Helsinki accords, and agreement signed by Romania.

Five. Our Representative in the United Nations must ask that body to denounce Romania's inhuman acts.

Six. Our Secretary of State must ask our allies in Europe to take the same steps as points one through three.

Mr. Speaker, last week I did something I never thought I would, namely, I personally thanked, on behalf of the human rights loving people of our country, a Communist ruler. Yes; I thanked the new Communist Premiere of Hungary, Karoly Grosz, for his Government's efforts to stop cultural genocide in another Communist country, Romania. Indeed, even Budapest and Moscow are embarrassed by the homes, churches, cemeteries, and cultural traditions being destroyed in Romania.

Now Mr. Speaker, it is up to everyone of us who can choose where we live and how we pray to stand up for those who cannot. Today the voices of the oppressed are being heard. The Romanian madness must stop. We, Members of Congress, who believe in what the Statue of Liberty symbolizes have made a start today. Now, let's lead boldly on behalf of freedom. Those who suffer know we are their only hope. Any journey toward a goal begins with one step. House Resolution 505 is that step. Let's take it.

Mr. DORNAN of California. My colleague from California, that House Resolution 505 is mine, and it is not nearly as comprehensive as the 6-point plan of action called for. It merely denies most-favored nation status to this Communist dictatorship.

I would like to go over just for a few minutes here so that it is very clear to the Speaker and through him to the world what we are discussing should be the toughest steps we should take.

One of the distinguished former public servants and foreign service officers that you see turn up occasionally on "Nightline", or "Viewpoint" on ABC, or "Cross-fire", is Ambassador Larry Eagleburger who serves in a lot of high positions in our Government including right under the Secretary of Defense as Under Secretary and Assistant Secretary for——

Mr. KONNYU. Yes, he was the gentleman who was in Romania.

Mr. DORNAN of California. Oh, I did not know that.

Well, when he was Ambassador there, he very toughly and with great dignity represented the United States of America and freedom as the President's representative in this Communist dictatorship, and he said that one of the dirtiest little hidden secrets in the world was that Ceausescu gave this very liberal, with a small "1", attitude to the world on foreign affairs outside this country. Even visited Israel, allowed Jews to immigrate freely and tourists to come into his country from Israel. But meanwhile he ran the most vicious police state inside Romania of any of the East Bloc countries. And then even kept some of the Communist Stalinists cells that were underground and in an area that had been cleared and then paved over which turned out to be the main square, even had people underground in these prison cells where at one time people were being tortured as President Nixon, unknown to President Nixon, actually drove across the cobblestones over these torture cells under that main city square. But Ambassador, former Under Secretary, Eagleburger said what he gets away with in his country, police state brutality, is unheard of, and now there are all sorts of rumors that he is sick, and he is dying and he is going through the pathetic spasms that Atheist dictators go through right before they die where there is this one last reaction of ugly terror.

Now I think the legacy that he wants to leave his country is an evil one indeed, to destroy any remaining Hungarian identity in any part of that country, particularly in Transylvania. So let us take a look at the points of the gentleman here, and I will tell you this:

Every time I put in—I have done this many years in a row—an amendment to take away most-favored-nation status, the Romanian Ambassador shows up in my office within hours, days.

Mr. KONNYU. If the gentleman will yield on that point?

Mr. DORNAN of California. Sure.

Mr. KONNYU. Of course we know that the United States has withdrawn most-favored-nation status.

Mr. DORNAN of California. Right.

Mr. KONNYU. At Romania's request interestingly enough.

Mr. DORNAN of California. Because they were tired of having it used against them as a leverage of freedom.

Mr. KONNYU. Well, absolutely.

And, of course, some say that the key reason was what I was talking about, which is that there are these 8,000 villages that he wants to destroy. He wants to destroy the rural Hungarian minority that is living in Romania, and he knew that the world was going to flame up over this outrageous act and that he would lose his issue.

If my colleague will remember the debate last year on the Wolf amendment, the gentleman knows the atrocities that Romania had already committed last year and the years before that, in that they were laid out to this House and of course to the world.

Mr. DORNAN of California. Grinding up the Bible and turning it into toilet paper.

Mr. KONNYU. Those kinds of ugly things.

Well, this tops it all. This is the worst of all because think about it. Churches and cemeteries and homes of people who have lived in them through their families and forefathers for centuries are going to be leveled to the ground ostensibly for the purpose of providing more agricultural land.

Mr. DORNAN of California. Right.

Mr. KONNYU. But for the real purpose, of course, of wiping out that Hungarian minority.

Mr. DORNAN of California. The gentleman's analogy was startling about taking the exact, almost to the percentage point, of our Hispanic Americans and trying to utterly destroy their culture where in our country we are telling them to enjoy their heritage, take pride in it, revel in it. We will try and create even bilingual situations.

Our Presidential candidate speaks in Spanish, the majority——

Mr. KONNYU. Well, that is the other side.

Mr. DORNAN of California. And I am sure that in the seconding speeches—I get to follow Jeb Bush at the convention, the Vice President's son who is the secretary of commerce in Florida, which also has a large Hispanic population, not just Cuban, but now Nicaraguan American, Salvadoran American, as they flee Communist instability in Central America. Jeb will probably have his beautiful Mexican-American wife, Colomba, who was only a Mexican citizen when they married and now has the beauty of two citizenships. She will stand up there with Jeb, I hope, and say something to the convention.

So here we are talking 10 percent of our country, which is no small number out of 245 million people, and glorying in it by saying, "Here is a rich culture in the Western United States all the way through Texas, all the way down to Florida." Imagine if they had a party convention of the Communist party in Bucharest and they had people up there speaking in Hungarian trying to nurture this great cultural heritage. Eight thousand villages is a lot of villages to wipe off the face of the Earth. Hitler's name still rings in infamy for leveling the village of Lidice in revenge for the underground of Reinhard Heydric, one of the evil men of the German Secret Service and the Gestapo who was a brutal ruler and Nazi-occupier of Czechoslovakia. I mean one cannot hardly keep track of 10 villages, let alone 8,000.

So let me walk down closing here some of your suggestions.

The gentleman says, point, 1, that we must seriously debate the recall. Do not say put an amendment to recall them. Just want to debate it, the recall of our Ambassador, and issuing an invitation to the Romanian Ambassador to leave.

Mr. KONNYU. If the gentleman will yield further, I really believe that, as members of the State Department leadership have said, that we do not have the usual leverage points with Romania that we do with many other countries in this world. And there are very few left, but there are a few left, and I pointed out six items——

Mr. DORNAN of California. The gentleman is correct.

Mr. KONNYU. Of recommendation, and that is clearly a leadership one.

Mr. DORNAN of California. Abrogating what commercial treaties we do have with them.

Mr. KONNYU. We just signed some codicils based on the old 1973 treaty with Romania with respect to commercial relationships. This is upon the withdrawal of MFN so that there is still a continuing element of commercial relationship, and clearly there is a need to do something and more than we have already done, and that is certainly one element of it.

Mr. DORNAN of California. Now, if the horror unfolds there as badly as we fear and anticipate right now; the gentleman's point 3 is really tough, but we did it with Iran, and although there is persecution of many of their own people, those who have been loyal to other regimes, particularly the Shah of Iran. We did what we had to do when they touched our hostages. We froze their assets. The gentleman says we should debate again, debate, to get the attention of this aging Communist dictator, Nicolae Ceausescu, the freezing of all Romanian assets in the United States.

□ 2300

I think we ought to talk about that.

Mr. KONNYU. Mr. Speaker, if the gentleman will yield further, clearly there is evidence on the part of our diplomatic leadership, and I do not need to state any names, but that is one element that was said, that Ceausescu can be moved only on two things from his intended course on those things. One way of moving him is through money and this is getting at his money and access to his money in the United States. The other one, of course, is through his ego. If you stroke his ego, but since the United States is in no position to stroke the ego of a madman, this is one way you can affect him is to take his money away.

Mr. DORNAN of California. If we had taken direct action like that in the middle or even in the last thirties against Adolf Hitler, we could probably have saved millions of lives, done early enough might even have destabilized his government and had him thrown out of office when we won with only 34 percent. Germany had, of course, much richer assets in this country than Romania does, but that always gets a nation's attention.

Mr. KONNYU. Mr. Speaker, if the gentleman will yield on that point, I think the gentleman and I differ on that one. I do not think Hitler was motivated by issues related to money. I think his motivations were other than that, but that is for further debate.

Mr. DORNAN of California. Where Ceausescu like aging Communists has this greed side to him.

Mr. KONNYU. That is right, greed and ego.

Mr. DORNAN of California. Point No. 4 would publicly state that the above points stay in effect as long as Romania fails to live up to the provisions of human rights spelled out in all the Helsinki accords since 1974. We have seen those accords taking a beating.

Mr. KONNYU. Mr. Speaker, if the gentleman will yield on that point No. 4, the key is, and we must remember as Americans that Romania signed the Helsinki accords, including obviously the human rights provisions in there, which requires that minority nationalities, and Romania has the largest minority nationals in all of Europe, the Hungarian minority, that they pledged to follow the Helsinki accords, which of course we in the United States monitor as an example when a Member of Congress from Maryland sits on that particular board.

Mr. DORNAN of California. No. 5 is our representative, of course that is the distinguished gentleman, scholar, linguist, speaks 14 languages, Dick Walters in the United Nations, Ambassador Walters. He must ask that the United Nations take a look at this and denounce Romania's inhumane acts against their Hungarian 10 percent minority peoples.

No. 6, that our Secretary of State, George Shultz, ask our allies in Europe to take at least steps 1 through 3, which is asking for the debate of the recall of their ambassadors, abrogating any of their commercial treaties and debating the freezing of Romanian assets in their countries. These acts are so simple in the area of diplomacy, compared to what nations in frustration try to think to do once the human rights horror is over with, once the genocide is over, the crushing of a culture is over. Then times marches on and history relegates a whole people, a whole culture sometimes, to the ash can of history because people are a little ashamed that they did not move to stop something in the cradle when they had an opportunity.

I appreciate the gentleman asking if he could join this special order of mine to get this out while it is before the world and get it before the world, because any human rights issue should always take precedence in this

House. That is when we should waive all rules, expedite all matters, get the debate on the House floor, because this is the most successful democracy republic in the history of the world.

These countries all watch what takes place in the proceedings of this House. One of the amazing things about the coverage of this house electronically is that as we talk to our Speaker and advise him, sometimes pretending that he does not know and hopefully he does, we end up being played over the C-SPAN facilities through satellite in hotels in Japan, in Malaysia, in the Caribbean resort islands and in all the major Swiss hotels in all their cities, and in Geneva there are a lot of Romanians nurturing themselves at the mother breast of the United Nations and a lot of their agencies that pump money around the world, money raised from the capitalist nations, and at this moment in some hotel some Romanian diplomat who has awakened very early or could not sleep well during the night is watching this discussion. I hope he knows that as long as the gentleman from California [Mr. KONNYU] is in this body, the gentleman from California [Mr. LANTOS] on the other side of the aisle and myself, we will call attention to these human rights abuses in Romania.

Mr. KONNYU. Well, Mr. Speaker, if the gentleman will yield for a final moment, I want to thank the gentleman for yielding to me and to allow me to make my statement and then, of course, to cross-examine each of the points so ably and in such a learned manner. It is always a pleasure to discuss foreign policy issues with the gentleman. Of course, we find ourselves almost always on the same side. Therefore, I take great pride in the gentleman's accomplishments and in-depth knowledge of these issues, and I thank him for his leadership, which I think is very important to this Congress, to America, and of course now because of what the gentleman has done and what I have done it is very important to the poor souls in Romania who are suffering under the madman.

Mr. DORNAN of California. Mr. Speaker, keep your attention on this issue, because the gentleman from California [Mr. LANTOS] will be in the well tomorrow, given our fast schedule on a Thursday getaway day, to emphasize many of the points that the gentleman from California [Mr. KONNYU] has made. The only price you have to pay Ernesto, my good friend, is when you get back to your office leave the television on. I want you to hear some of this information on the Christic Institute.

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

THE CHRISTIC INSTITUTE

Mr. DORNAN of California. Mr. Speaker, it is very difficult to make a special order and want to use every minute of precious time on what I consider to be one of the major lying slanders that has taken place in modern American history and not have to go back to all those people who are totally unaware of the facts of the Christic Institute versus truth and bring them up to date with all of the particulars and the legal battle. It is going to be very difficult for me to capsule this, so let me start by discussing in the popular marketplace of entertainment a ghastly lie that has spread across America and been fed viciously by an institute claiming to have roots in Christianity, particularly in my religion that I dearly love, the Roman Catholic faith, and they have attempted to destroy lives and ruin careers. I believe now it has reached the point where they know beyond a shadow of a doubt that they are lying.

First of all, I cannot stand to say the name Christic Institute, because the name is taken from Jesus Christ, the Son of God, to this believer. It is a beautiful name, Christ, or Jesus. The word "Christic" comes from a mystic Jesuit priest named Teilhard de Chardin. He was sort of the prototype for the priest in the film the Exorcist, the archaeologist priest dealing with all sorts of new concepts about the spirit in the world and things in this Christic spirit he talked about that will always be around, fighting the forces of evil. It is a concept I could understand and embrace, that there is a Christ spirit that fights evil everywhere, since God sent his Son down to redeem all of us, or each one of our series of sins and each individual grievous sin.

But to take that name, Christ, in that form that Jesuit priest Chardin had coined it and apply it to this unbelievable series of lies that has gone on for several years is horrendous.

Last night in a gathering of many of the victims of the Christic Institute, one of them, a former ambassador from Costa Rica, Kurt Windsor, suggested that we merely drop the word Christ off and call it the Tic Institute, after the blood-sucking insects that we see poison many people around this country with lying diseases and all sorts of other ghastly diseases. A tic will latch on to the body as this Tic Institute has latched on to the body politic, and as you do with most tics, destroy them, I hope to see this institute destroyed by a judicial decision down in Florida where Judge King completely threw out this case and showed that it was a fraud. They should be ridiculed now on the "Tonight Show," the "Today Show," the "Nightwatch Show," the "CBS Morning News," "Good Morning America," "This Week With David Brinkley," "Viewpoint on ABC" at night, all the evening news shows, everybody should set the record straight on the lies that the Christic Institute, the Tic Institute, has spread acoss this country.

Before I read some about this group and then try in the short time I have left to correct some of these lies, and it is probably going to take three or more special orders to do this, let me tell you a metaphor that a nun, a Dominican sister used to a third grade class that I was attending in New York City in the late 1930's. This nun was trying to teach third graders about lying about people's characters and how dangerous it was. The graphic example she used of how you can never take back all the lies of slander, she told a story that was very graphic for a young New Yorker who had just been up on the Empire State Building with his brothers and father.

She said, "When you tell lies about people and destroy their character, whether it is in ignorance or deliberately," this sister said, "it is like going up with a pillow on the top of the Empire State Building and in a roaring wind cutting open the pillow and flapping all the feathers out to the four winds, each one of those feathers being a lie, and then when your conscience begins to hurt, if you are a decent person and you want to redeem yourself," and she used, of course, the Catholic metaphor because we were some of us making our First Communion or had made it just a couple of years before, and she said, "You go to confess your sins to a priest and he gives you absolution"—or God gives you absolution through the priest—"he will tell you that you must make restitution and try to the best of your ability to restore the reputations of all these people that you destroyed."

And the sister said, "That is like trying to collect all the feathers from that pillow that you ripped open on top of what was then the Nation's highest building and collect all those feathers. At best you can fumble around in the streets and find a few of those feather lies to bring back."

Listen to this opening in a very thoughtful intellectual journal called the American Spectator about the Christic mystics, as they call them, and their drug-running theories. This lie is so pervasive that it worked its way into the keynote speech at the Democratic Convention. This very pretty Democratic grandmother from Texas, Ann Richards, gave the keynote, had a rotten vicious line in her keynote speech at one of the best, most successful conventions the Majority Party has ever had in this country. She said, "Testimony is given daily that the CIA, the Central Intelligence Agency, the Drug Enforcement Agency, the Federal Bureau of Investigation, knowingly have stood by and

watched," and the implication was even been involved in drug running from Central America.

She got that lie from a weird series of hearings that have been conducted on the other side of the Hill in the U.S. Senate by a junior Senator from one of the New England States, Massachusetts by name, that has been constantly trying to nail the Freedom Fighters in Nicaragua, the so-called Contras, with this drug-running theory, and by implication involving people in the Central Intelligence Agency and by acquiescence, people in the Drug Enforcement Agency. I do not know where she got the idea that the FBI is supposed to be involved.

This obscure Washington so-called institute is filling the head of this Nation, I mean our collective Americans' brains, with nonsense, and they are making a gigantic financial killing doing it, raising money all the way from Harvard Law School to Jane Fonda and the limousine liberals who are millionaires living on the west side of Los Angeles County.

Here is the way they begin their article. It is about as good a way I can think of:

For the past 30 years, says this earnest curly haired man who is the main liar in a short film called the "Heart of the Matter," a gang of gung-ho military and intelligence veterans, a shadow government, a secret team, has been conducting its own version of U.S. foreign policy. They have been "killing and maiming innocent people"——

This is a direct quote—

selling weapons of death, shipping cocaine by the tons into the United States, skimming millions of dollars, all as part of a global anti-Communist war conducted in the back alleys of the world.

The Iran Contra affair, this man is here to tell you, did not begin with Oliver North. "Evil things are done by the human family and done in the dark," he says. "He enters a church and lights a votive candle as the organ music rises, and then this man says, 'and we are here to expose it.'"

"The solemn voice belongs to one Daniel Sheehan, general counsel and prognosticator in chief of the Christic Institute which calls itself an interfaith center for law and public policy."

□ 2315

That means that through lawsuits the Washington-based group aims to effect a shift in American politics and culture. The group was founded only in 1980, but even a year ago it was just considered another wacky, moribund, left-wing hive with no more of a following than, say, the Rainbow Lobby or Partners for Global Justice. The institute took its name from the writings of Jesuit mystic Teilhard de Chardin, who wrote in the early 20th century of a Christic force that unifies all beings and overpowers destructive manmade forces. That appears to be the extent, the only extent, of the role religion plays in the institute's doings.

After the Iran Contragate issue broke they began to travel around this country to the point where they were taking in $60,000 a day, and it is a money machine. I for one hope to help them lose their 501(c)(3) tax status as a nonpolitical group, because they are a heavy-hitting, left-wing, radical, pro-Communist hit team spread around this country poisoning the minds of young people on college campuses, and raking in all of this money and affecting the scripts of Hollywood productions that are tuned out by the liberal left in Hollywood from television to nature motion pictures.

For example, "Lethal Weapon," a very exciting movie with the Australian star Mel Gibson, and he does not know what he is saying; he just takes his paycheck and takes it back to Australia, I guess, but in the film they are making a case that all of this drug-running, vicious torturing, murdering, big, tall, strapping handsome kids, that they are all ex-CIA agents who we know supposedly were running drugs in Indochina, one of the great calumnies and slanders to come out of the Vietnam war, and another film, "No Way Out," playing all over on HBO and television right now, and Mr. Speaker, the handsome new actor who made a big mark with his "Silverado" and then a starring role with "The Untouchables," Kevin Costner, a young actor, attractive, and probably apolitical, I hope, does not know what he is saying in the film. There are mock office buildings which are supposed to represent the Pentagon, and the Secretary of Defense has a mistress that the Secretary of Defense murders or is it manslaughter, anyway, he pushes her over a railing because she is cheating on him with this young naval officer, and this came on the heels of the Oliver North testimony, so they raked a windfall in the box office. At one point he is being chased around the Pentagon through the halls by two thugs chasing him with guns, beating up people, murdering people, right inside the Pentagon gymnasium, and when he says to one person in the presence of the two thugs, "Who are these people?" the answer was, "Well, they used to be part of the CIA effort down in Honduras and El Salvador, and they were part of the right-wing death squads down there or something." Unbelievable slander that I just sort of dismiss, because I am just so angry at the movie one minute and enjoying some of the technical perfection and some of the good acting and the performances, so I kind of dismissed it all as Hollywood left-wing, disgusting, vicious crapola, so I just put it out of my mind. But the young people in college campuses and high schools see these movies, and that goes into their minds and stays there, this poison that we should hate these agencies of our Government. One whole segment of "Cagney & Lacey" was devoted to glorifying the Christic Institute by name, and in the end, the husband and boyfriend on "Cagney & Lacey," the husband and boyfriend of the two award-winning actresses are saying that the Christic Institute is terrific; "This Daniel Sheehan, he is my hero," the husband of one of the lady leads of the main character says. It is phenomenal how this has affected the productions coming out of Hollywood.

What are the facts about drug running from Central America? The hard facts are that the Communist Sandinista leadership in Managua is nailed with hard evidence including film of them loading cocaine onto a C–47 Douglas gooney bird aircraft to be flown up to this country. The man flying the airplane was an American informant working with our antidrug agencies who was later assassinated in the streets of New Orleans. He did not get proper protection, and I think it was his own fault he did not ask for proper U.S. Government protection, but we have got film evidence of Borge's operation, the MINT down there, the Minister of the Interior, and we have had people defect that say that Borge himself takes care of all of the cocaine-running that comes through Nicaragua, and the Ortega brothers know about it.

Here is the winner in the Washington Post, Tuesday, July 26. What is That? Eight days ago. The Washington Post is hardly a conservative paper: "Five Guilty In $10 Million Cocaine Run; Trial Uncovers Evidence Of Cuban Drug Trafficking Involvement." Michael Isikoff is the byline. "Five members of a Miami-based drug ring were convicted yesterday of smuggling more than $10 million worth of cocaine through Cuba in a case prosecutors said contains some of the strongest evidence yet of Cuban Government involvement in drug-trafficking. The conviction of Hugo Ceballos, a Venezuelan native with ties to Colombian cocaine traffickers, and four codefendants came after a 2-week trial in which prosecutors presented evidence that the smugglers last year arranged to have two loads of cocaine totaling 700 kilograms flown from a farm in Colombia to Varadero, Cuba." And remember that name. I have learned this in secret briefings. I was briefed at a location in the United States where all of this evidence is collected with highly sophisticated means, and I am sworn to secrecy, because it is a top-secret briefing, but now it is in the Washington Post, and I can read it. There is an island off the coast of Cuba, and there are other places where we know that these drugs are trafficked through. It goes

all the way up to Fidel Castro. "With the assistance of men alleged to be Cuban Government officials, the drugs were loaded onto boats that were escorted out of the country's territorial waters by the Cuban Coast Guard, according to trial evidence and prosecutors."

Here is one of the prosecutors saying, "The evidence in the trial demonstrated that Cuban territory was used with the knowledge, approval and cooperation of the Cuban Government."

Why do we not see this in Hollywood films? This is the U.S. attorney in Miami. "These are not simply a few rogue, low-level Cuban officials. This demonstrated knowledge at high levels of the Cuban defense establishment."

It goes on to say, "For more than 5 years, Reagan administration officials have publicly accused the Cuban Government of Fidel Castro," and the Cuban Foreign Minister was convicted years ago in a Miami court in absentia for drug-running, as well as the Sandinista leadership in Nicaragua and the leftist guerrillas in South America who have complicity in the narcotics trade, but until recently law enforcement officials did not have enough hard evidence to substantiate the charges relating to the Cuban officials.

In an NBC television interview earlier this year with Brokaw, Castro vehemently denied that his country was involved in the drug trade, and he called allegations that he cooperated lies from top to bottom. No, he is the father of lies down there.

"This is the first time we have had evidence that Cuba, like other Caribbean countries, is being used as a transshipment base for drug-trafficking," as was said by Jack Hook, a spokesman for the Drug Enforcement Administration in Miami.

This is incredible, we have hard evidence that this has been going on for years, and in a bond hearing last month, another one of these people on tape boasted to an informant that, "I am the only one that has connections to Cuba" and then a reference to Castro, Mr. Ruiz says, "The money went into Fidel's drawer."

We have had people testify on the Senate side, which was not the plan of some Senators, about the plan of leaving huge suitcases of money in the offices of some of these Cubans and in some of the offices of some of these Panamanians, and none of the truth is coming out on this because we are too busy listening to Daniel Sheehan and the Tick Institute which put out these ghastly lies against the FBI, CIA, the DEA.

Here are some excerpts from Judge James Lawrence King's opinion throwing this suit out the last week in July.

"The whole suit started off with a bombing at La Penca where Eden Pastora was almost killed," and 30 journalists had traveled for hours in canoes up the san Juan River, which is most of the border between southern Nicaragua and northern Costa Rica, and Eden Pastora was going to have a press conference and this bomb went off, and Eden Pastora, who I grew to like over the years of 1984, 1985, and 1986, but who became a little erratic in his charges. He blamed the Sandinistas, then he blamed the disgruntled people in his own movement, and then he blamed people from the northern part of Nicaragua, and finally he ended up blaming the CIA, and then it came to the point where wherever one gets the most attention, then this man, whom I still admire for a lot of things that he did, finally decided to take his five handsome sons and his daughters back to shark fishing, and he now fishes off the northern part of Costa Rica.

This bombing was attended by two American newspapers, a man and a wife, and the wife uses her maiden name, Martha Honey, and the other guy's name is Avirgan, and these two people went to the Christic Institute, the blood-sucking Tick Institute and said, "Will you represent us in this lawsuit," and after the Iran/Contra issues hit the front pages, they were off and running raising tens of thousands of dollars.

Here is an excellent affidavit of General John K. Singlaub, who I thought conducted himself with great dignity and honor in front of the Senate-House joint Iran/Contra committee. He has not been charged with anything. He is proud of his help to freedom fighters from Afghanistan to Angola to Nicaragua to Cambodia.

He hired a lawyer only a year ago, a year ago May, Thomas R. Spencer, Jr. Here is the affidavit that is finally a part of the court record that tells the final story of the idiocy of this man Sheehan who claims to have thought about studying for the priesthood at one point, who appeared before my Select Committee on Narcotics Abuse and Control a few months ago, and embarrassed the whole committee, including our chairman, CHARLES RANGEL, of New York, and BEN GILMAN, CLAY SHAW, former mayor of Fort Lauderdale, Congressman for a decade, BEN GILMAN, two decades in this House, both of them who have worked tremendous hours of dedication trying to roll back this drug plague that is ripping our country apart, and we all looked at one another, and we said, "Mr. Sheehan, you are not telling us anything." I did not know at that time what a world-class lying mouth this guy had. I said, "Where is the evidence? We have 200 press people waiting in the hall. You are going to come up with this explosive evidence tying the Contra freedom fighters to drug-running." He had nothing. CHARLIE RANGEL had to call the press in, and I was there to make sure that he did it in simple, good, straightforward language; Mr. RANGEL did; he said, "We have heard nothing." Big sigh from the press, "Oh, boy, we thought this was going to be the smoking gun that would really get Oliver North and get everybody who has ever tried to help the Contras including everybody on both sides of the aisle," that has voted to give them sustenance in their fight for freedom against the nine Communist dictatorship junta down there in Managua, another dead-end street, but little did I know at that time, a few months ago, what Sheehan was doing in this incredible fairyland case down in Florida.

He came in with a case claiming, by the way, in his background, he once represented briefly, and he hyped this and blows this up, too, in a lot of lies that he had something to do in a peripheral way with the Karen Silkwood case, and that was the woman that Cher played in the movie about Silkwood and had the Academy Award-winning performance in the movie, about the young lady who was taking plutonium home from one of the nuclear reactor sites, and I believe it was in Oklahoma, but at least that is where the production company made that film, and it was a great performance by the young actress that goes by one name, Cher, but at the end of the film, when almost all of the young people are leaving, in the crawl at the end of the film is a little legal disclaimer. It said that when Karen Silkwood was found dead in a car accident, supposedly on her way to tell all to some eastern reporter, it said that in her body, at the time of her death, was found the following drugs, and I remember meprobamate, probably Valium, some others, and it was just a little thing to cover themselves in case she was fantasizing all of this, and they say that at the end of the film where nobody is watching and, of course, they are all filing out of the theater, "We did say that she might have been a little bit cuckoo on drugs and we covered ourselves." He has some background in that case—Sheehan.

He now comes in with a list of 79 defendants, and just as he did in the Karen Silkwood case he said some of these people were so secret he could not identify them. He identifies them by number and then puts words in these fictitious people's mouths and then they slander all of these people from distinguished, known American general officers down to unnamed people in the FBI.

I will try to do this fast in the time I have remaining. Listen to this: "Before me, the undersigned authority, personally appeared Thomas R. Spencer,

Jr., who, being first duly sworn, deposed on oath and said," and this is dated just a few days ago, July 20, 1988, "I have served as counsel for defendant John K. Singlaub since August 1987. I have become intimately familiar with the record in this case and the related discovery, evidence, production, briefs and other papers. Attached hereto and made a part hereof is the affidavit of Daniel P. Sheehan dated December 12, 1986, hereinafter referred to as the affidavit. I have annotated it to show the names now revealed as we procured them through elaborate and protracted court proceedings. The materials attached here were produced or filed in this case during its long evolution. Affidavit was filed in this cause and thereafter widely publicized by Mr. Sheehan and his wife, Sarah Nelson, executive director of the Christic-Tick Institute," and notice it is a family operation and they are all getting rich off of this. Some liberation theology people claim to work for the poor and they suddenly find a way to roll in the money from the naive Americans. It was sold and distributed to thousands of Americans.

It was sold, distributed to thousands of Americans, the Sheehan affidavit, which was sold in Hollywood, sold at the Harvard Law School and sold to colleges, and they have this videotape that I spoke about where he is going to light this bolt of light and he is going to uncover this evil called the Secret Team, a team of secret Americans and a secret government that has been operating secretly since the Second World War and tied into the Bay of Pigs, South America, Iran, Angola, all over the world and funding it all with tons of cocaine.

□ 2330

Did any of you ever see this documentary, one of a series of three by that Texas guy who was the press secretary for President Lyndon Baines Johnson, Moyers, this sickening thing called the Secret Government? He had TICK Institute liars in that film, barely identified, spewing out this sick theory that our country, since World War II, has been run by a secret shadow government. Moyers is the guy's name. I cannot believe what this guy did, and in a followup hour documentary, paid for with tax dollars through the Corporation for Public Broadcasting, Moyers then begins to attack his own Baptist faith, his religious upbringing and slanders whole groups of religious Americans in this country.

This affidavit, filled with lies by Daniel Sheehan, "was used by numerous journalists as the basis for countless articles written and disseminated throughout the world. It was presented as evidence to at least two other federal district courts, the U.S. District Court for District of Columbia, and the U.S. District Court for Kansas. It was used as the basic script for a prepared video-taped speech of Mr. Sheehan. This tape was shown all over the country.

"Based upon my knowledge of the Record, and the discovery taken in the case, I have concluded that many of the representations made by Mr. Sheehan to the Court in this Affidavit were false and were made with a reckless disregard for their truth."

In other words, in not such nice, legal language, that this is a knowing, foul, liar, this Daniel Sheehan, and I will say everything I say in this well, as I did last night, across the street, outside to the public. I would love to see this guy try and take me on. I will expose this phony, so-called Catholic interfaith organization for what they have done to people's reputations.

Spencer goes on:

"I believe that in some instances, the statements were made with a clear understanding that they were false at the time that they were made. In many instances, the attributions were consciously designed to mislead. In other instances, I am convinced that Mr. Sheehan acquired knowledge of their inaccuracy and took no steps to correct them," while he was drawing millions of dollars from Jane Fonda. As she sells exercise tapes across this country, she pumps the money into this liar so that he can go around to all of the universities, to Harvard University, to college campuses, and he can sell them videotapes and lying affidavits.

"This affidavit was made by Mr. Sheehan directly to this court. He represented that it contained evidence collected by a lawyer supposedly experienced for 16 years in trial practice. It was requested that this court rely on that affidavit. Mr. Sheehan represented that he had received this information from confidential sources which he numbered sequentially."

Now what Mr. Spencer does in the rest of his affidavit, he says, "Discovery was concluded May 20, 1988. Many Sources are now alleged by Mr. Sheehan to be 'unknown'. For example, Mr. Sheehan now claims that he has 'lost' the name of Source #1 (a Minister). He now claims that Source #2 (an F.B.I. Agent) was never known to him, but was really a 'Source' of Source #1. Source #3 (an F.B.I. Superior) is similarly unknown now. The reader, however is clearly led to believe that these were identified by Mr. Sheehan and known by name. They were supposed to be and have 'evidence', as that term is known even to inexperienced lawyers.

"5. Mr. Sheehan now claims that he communicated to Sources #4 (Taylor), #5 (Fink), #6 (Rosenberg), and #7 (Barger) the name of Source #1 (the unknown Minister). He now claims that he does not know that name. Source #7 (Barger) has refused to confirm the veracity of many of the statements reported to have been made by him to Mr. Sheehan (Exhibit 'E').

"6. We took the deposition of Source #8, Michael Hirsh (Exhibit 'F'). Mr. Hirsh testified that he did not give Mr. Sheehan the information attributed to him in paragraph 21 of the affidavit. He stated that he was never afraid of the defendants because he had no idea that he was a 'Source'.

"7. Mr. Sheehan now says that he has never known the name of Source #11 (a member of the Louisiana Guard).

"8. Mr. Sheehan now says that his Source #12 is unknown by him.

"9. Source #13 (Jack Terrell) has refused to confirm the veracity of the statements reported to have been made by him to Mr. Sheehan (see Deposition previously filed).

"10. While Source #19 was alleged to have provided direct first hand information, he is now alleged to be unknown.

"11. In paragraph 40 of the Affidavit, Mr. Sheehan contends this his 'Sources' informed him that an ABC cameraman had discovered that he had been injured in an attack 'planned by Defendant John Hull and a Costa Rican based anti-Sandinista terrorist group supplied with C-4 explosives by Defendants Thomas Posey, John Hull and Bruce Jones.' As is now clear from the 'evidence' submitted to the Court, there was no such information.

"12. The 'facts' stated by Mr. Sheehan in paragraph 42 of the Affidavit attributed to Mr. Avirgan and Ms. Honey are untrue. Both plaintiffs revealed on deposition that they never saw the Affidavit until much later and that they 'disagreed' with many of the facts alleged therein.

Imagine, this lying affidavit being sold on campuses all across the country for $10, $15, whatever the traffic will bear until they were taking in $60,000 a day in the dumpy little townhouses over here where the people, in the hippy style of the 1960's, slept in very rough conditions inside of the so-called legal offices, the beat-up old townhouses where the TICK Institute resides.

The affidavit states, and now this is the affidavit of the mad liar, Sheehan:

In fact, General Singlaub raised money inside the United States which was directed, by him, to be deposited by contributors in a Grand Cayman bank for use in the purchasing of weapons and explosives for the Contras. Singlaub also traveled to Central America with Robert K. Brown "he is known to me personally as an honorable gentleman, the publisher of Soldier of Fortune" and personally facilitated providing one John Harper to the Contras, who trained Contras in the construction of C-4 anti-personal bombs exactly like the one which was used to bomb the La Pence press

conference. In fact, Plaintiffs' Counsel has been informed by Source #24 (Wheaton) that Defendant Singlaub and Robert K. Brown directly provided John Harper to Defendant Amac Galil who helped Defendant Galil construct the very C-4 bomb which Galil used to blow up the May 1984 Eden Pastora press conference. Source #24 is a person with knowledge of the activities of Defendant Singlaub, Robert K. Brown and John Harper with the Contras.

This statement was published throughout America to defame Singlaub and link him with the La Penca bombing.

14. Mr. Gene Wheaton was interviewed extensively by Mr. Sheehan before and after he filed suit. At deposition, however, Mr. Wheaton testified:

(Spencer) Q. I was asking you about this Affidavit. The next sentence of that affidavit states: "In fact, plaintiffs' counsel has been informed by Source Number 24 that defendant Singlaub and Robert K. Brown directly provided John Harper to defendant Amac Galil, who helped Galil construct the very C-4 bomb which Galil used to blow up the May 1984 Eden Pastora press conference"

I'd be happy to read it back to you.

(Wheaton) A. No I heard the statement.

Q. My question—

A. What's the question?

Q. My question is: Did you make that statement to Mr. Sheehan?

A. No. I did not.

Q. Do you know why Mr. Sheehan included that sentence in that Affidavit—which was under oath by Mr. Sheehan—attributing that fact or alleged fact to you?

A. No. I don't.

Deposition of Wheaton, (page 706).

(Spencer) Q. Do you have any knowledge that Mr. Harper had anything to do with the La Penca bombing?

(Wheaton) A. I have no knowledge of that whatsoever.

Q. Or that General Singulaub had anything to do with the La Penca bombing?

A. I have no knowledge of that whatsoever.

Q. But you are aware, are you not, of the fact that Mr. Sheehan crafted a statement attributable to you to give that implication. Are you not?

A. I don't know.

Deposition of Wheaton (page 712) (see Transcript previously filed).

15. There is no identification anywhere in the Affidavit of the identity of "David" and his third-hand narrative could not constitute admissible evidence. Mr. Sheehan had never interviewed "David" and he was not, therefore, a "Source". Mr. Sheehan failed to tell the Court and the readers that "David" has never been identified.

16. In paragraph #49, Mr. Sheehan attests that "both Tony Avirgan and Martha Honey spoke by telephone, with David, confirming his existance, his name and his possession of the general information set forth [in paragraph 50]." As Mr. Sheehan knew, neither Avirgan nor Honey ever confirmed David's existance or his name. Mr. Sheehan sought to give the Court, journalists and the public, the impression that "David" was a real person, who was identified and who had provided first-hand information. As he well knew, this was untrue. The real supposed conversations would never constitute evidence in a Court as that term is used in the civilized world.

17. Sources numbered 27, 28 and 29 were indentified simply as "Mother" or "Father".

18. Source #31 is now allegedly "unknown".

19. Source #33 is now alleged to be "unknown".

20. The facts attributed to Source #34 (Brarrantes) are unsubstantiated by him.

21. Source #35 is now alleged to be unknown.

22 Although serious statements and charges are attributed to Source #36, he is now alleged to be unknown.

23. Curiously, Mr. Sheehan now claims that Sources #37 and 38 provided certain information. However, Source #38 Col. Barrantes (who is also Source #34) denied the facts attributed to him.

24. Source #39 is now alleged to be unknown. But in the Affidavit, he was alleged to be an intelligence officer who was interviewed.

25. Mr. Sheehan refused (until ordered by the Court) to reveal the names of "Sources" #42, 43, 44 and 45—although the attribution was to a report prepared in 1985 by the plaintiffs which listed all names of those interviewed. Furthermore, many of these "Sources" have more than one Source number. For example, Eden Pastora is now alleged to be both Source #42 and Source #77.

26. Source #46 is now alleged to be Brian Barger. He is also alleged to be Source #7. Paragraphs 59 and 60, however, are contradictory to earlier attributions of facts to Source #7 (see paragraph 40 and 41). There was no justifiable reason in 1986 for Mr. Sheehan to use two "Source" numbers for the same person, except to deceive the Court and the Public into believing that more individuals were attesting to the alleged facts. The truth is that Mr. Barger's information was widely quoted (he is a journalist) before the Affidavit was filed. Still, Mr. Barger has denied various attributions made to him by Mr. Sheehan.

27. Source #47 (Paul Hoven) has denied the attributions made to him. (Exhibit "H").

28. Source #48 is alleged now to be the same person as Source #24 (Gene Wheaton). Source #48, however, was described to be a former U.S. Intelligence officer."

By the way, this guy, Sheehan, puts all sorts of people in Indochina 2 or 3 years before they even got there on assignment as field grade officers. Now they are general officers, so the average college kid says, oh, I assumed he was a general at that time, with all of this power in the American military to correct our country.

Mr. Wheaton says he "had no first-hand knowledge." The Affidavit clearly represents that it is based on first hand knowledge. These attributions were misrepresented by Mr. Sheehan to create a "Secret Team" concept and to defame Mr. Shackley and Mr. Clines.

30. Source #49, Carl Jenkins, has rejected the factual statements attributed to him. Indeed, Mr. Jenkins testified by affidavit:

"Subsequent to reviewing the affidavit, I met with Mr. Sheehan in the presence of Mr. Wheaton. I expressed to Mr. Sheehan my displeasure at being used as a source for his affidavit, and I again explained and emphasized to Mr. Sheehan that I had no personal knowledge concerning the misconduct which he was alleging in the affidavit. At that time Mr. Sheehan said to me that he was not concerned with the actual state of my knowledge and that he was using the affidavit simply to keep the case in court so that he could take discovery to prove the story. He further told me that he would drop sources such as me once he had developed hard source. . ." (Exhibit "I").

Mr. Jenkins, did not provide the conclusion attributed to him in paragraph 62 that the explosives used in the La Penca bombing were on the ranch of John Hull.

31. Source #50 (General Brett) never talked with Mr. Sheehan, and never confirmed the alleged facts attributed to him.

32. Source #51 is now alleged to be unknown. But Source #51 in paragraph 62 made serious allegations:

According to Source #51, it was in Iran and Libya, while working for Wilson that Raul and Rafael Villaverde met Amac Galil, the right-wing anti-Gadhafi Libyan terrorist whom the defendants actually procured to carry out the La Penca bombing.

To be continued, folks, the most unbelievable, disgusting lying I have ever come across in my congressional career or 15-year career as a broadcaster. And it was important I get the Hungarian stuff out, Mr. Speaker.

I will be back again and again and again to drive the truth home that the Christic Institute is a bloodsucking tick. It must have its 501 C-3 removed, and Daniel Sheehan must be driven from the city in disgrace, and Hollywood must stop perpetuating the lies based upon this unbelievable, vicious, lying, digusting staff that he has got on a free ride and raising millions of dollars for the last 2 years.

Mr. Speaker, I include this entire affidavit along with the other articles on the subject of this special order.

[From the Washington Post, July 26, 1988]

FIVE GUILTY IN $10 MILLION COCAINE RUN

(By Michael Isikoff)

Five members of a Miami-based drug ring were convicted yesterday of smuggling more than $10 million worth of cocaine through Cuba in a case prosecutors said contains some of strongest evidence yet of Cuban government involvement in drug trafficking.

The conviction of Hugo Ceballos, a Venezuelan native with ties to Colombian cocaine traffickers, and four codefendants came after a two-week trial in which prosecutors presented evidence that the smugglers last year arranged to have two loads of cocaine totaling 700 kilograms flown from a farm in Colombia to Varadero, Cuba, a site identified as a Cuban military base.

With the assistance of men alleged to be Cuban government officials, the drugs were loaded onto boats that were escorted out of the country's territorial waters by the Cuban coast guard, according to trial evidence and prosecutors.

"The evidence in the trial demonstrated that Cuban territory was used with the knowledge, approval and cooperation of the Cuban government," said Dexter Lehtinen, U.S. attorney in Miami. "These were not simply a few, rogue low-level Cuban officials . . . . This demonstrated knowledge at high levels of the Cuban defense establishment."

For more than five years, Reagan administration officials have publicly accused the Cuban government of Fidel Castro—as well as the Sandinista leadership in Nicaragua and leftist guerrillas in South America—of complicity in the narcotics trade. But until recently, law enforcement officials said, little or no hard evidence has substantiated the charges relating to Cuban officials.

In an NBC television interview earlier this year, Castro vehemently denied his government's involvement in the drug trade, calling allegations that he cooperated with

members of the Colombia-based Medellin cocaine cartel "lies from top to bottom."

U.S. officials stressed that there is still no way to determine how high up Cuban government complicity may go. But officials said the Ceballos case, combined with evidence developed for a related case involving some of Ceballos' associates, is significant in any event because it shows that cocaine traffickers may be turning to Cuba as a transit base as U.S. law enforcement officials crack down on smuggling through the Bahamas and other Caribbean islands.

"This is the first time we've had evidence that Cuba—like other Caribbean countries—is being used as a transhipment base for drug trafficking," said Jack Hook, a spokesman for the Drug Enforcement Administration in Miami. "Before this, it's only been rumors."

In the course of the trial, prosecutors introduced videotapes and taped telephone conversations in which Ceballos contacted a U.S. government undercover agent and recruited him to fly cocaine into Cuba in March 1987, promising that his safety would be guaranteed.

After a second shipment in May 1987, an alleged Cuban-American coconspirator, Ruben Ruiz, is quoted on videotapes telling a secret government informant that he arranged to have Cuban officials "at the toppest channels in Havana" contact Federal Aviation Administration officials in Miami to inform them the Cessna they were using had run into "fuel trouble" and needed to make an emergency landing in Veradero.

Prosecutors said it was necessary to concoct the fuel trouble to provide the smugglers with an explanation of why they did not follow their pre-filed flight plan from Panama to Miami. When the plane landed in Cuba, it was met by a group of men dressed in civilian clothes who supervised the unloading of the cocaine onto a jeep.

"Oh, those [men] are government," Ruiz said on the tape. "Those are big guys."

In a bond hearing last March, Ruiz was quoted as boasting to the informant that "I am the only one that has connections" in Cuba. Then, in an apparent referral to Castro, Ruiz says, "the money went in Fidel's drawer," although at that point, the videotape was stopped.

[U.S. District Court, Southern District of Florida, Case No. 86-1146-CIV-KING]

TONY AVIRGAN AND MARTHA HONEY, PLAINTIFFS, *VS.* JOHN HULL, ET AL., DEFENDANTS

AFFIDAVIT OF THOMAS R. SPENCER, JR., COUNSEL FOR DEFENDANT, JOHN K. SINGLAUB, RE: RULE 11 SANCTIONS

Before me, the undersigned authority, personally appeared Thomas R. Spencer, Jr. who, being first duly sworn, deposed on oath and said:

1. I have served as counsel for Defendant John K. Singlaub since August, 1987. I have become intimately familiar with the Record in this case and the related discovery, evidence, production, briefs and other papers.

2. Attached hereto and made a part hereof is the Affidavit of Daniel P. Sheehan dated December 12, 1986 (hereinafter referred to as the Affidavit). I have annotated it to show the names now revealed as we procured them through elaborate and protracted Court proceedings. The materials attached here were produced or filed in this case during its long evolution. The Affidavit was filed in this cause and thereafter widely publicized by Mr. Sheehan and his wife Sarah Nelson, Executive Director of the Christic Institute and the "Public Education" section of the Institute. It was sold or distributed to thousands of Americans (Exhibit "A"). It was used by numerous journalists as the basis for countless articles written and disseminated throughout the world. It was presented as evidence to at least two other federal district courts, the U.S. District Court for District of Columbia, and the U.S. District Court for Kansas. It was used as the basis script for a prepared video-taped speech of Mr. Sheehan. This tape was shown all over the country.

Based upon my knowledge of the Record, and the discovery taken in the case, I have concluded that many of the representations made by Mr. Sheehan to the Court in this Affidavit were false and "were made with a reckless disregard for their truth." I believe that in some instances, the statements were made with a clear understanding that they were false at the time that they were made. In many instances, the attributions were consciously designed to mislead. In other instances, I am convinced that Mr. Sheehan acquired knowledge of their inaccuracy and took no steps to correct them.

This Affidavit was made by Mr. Sheehan directly to this Court. He represented that it contained evidence collected by a lawyer supposedly experienced for 16 years in trial practice. It was requested that this Court rely on that Affidavit. Mr. Sheehan represented that he had received this information from confidential sources which he numbered sequentially.

3. In August, 1987, at the time that I began my representation of Defendant Singlaub, I and several other defense counsel requested the names of the "Sources" referred to in the Affidavit. This request was in the form of Interrogatories and Requests for Production. The process to procure the identities of the accusers against my client ultimately resulted in numerous hearings and Orders requiring the revelation of the names and addresses. (Exhibit "B"). In resisting the production, Mr. Sheehan and his colleagues contended, of these names, that all of the Sources for his Affidavit were confidential, that they had evidence incriminating the defendants, and that the Sources were afraid for their lives since all of the defendants were dangerous and some had allegedly threatened many of the "Sources". (Exhibit "C"). In some instances, Mr. Sheehan actually accused the defendants with the murder of an unknown person named "David" and the murder of Steven Carr. Extended proceedings were thereafter undertaken to force Mr. Sheehan to reveal the Sources. The Court is familiar with these elaborates proceedings. (See Docket Index previously filed). Over a period of approximately six months, the supposed identities of these Sources were revealed. A schedule of the source numbers, and attributions and the chronological progression of revelation is attached as Exhibit "D".

4. Discovery was concluded May 20, 1988. Many Sources are now alleged by Mr. Sheehan to be "unknown". For example, Mr. Sheehan now claims that he has "lost" the name of Source No. 1 (a minister). He now claims that Source No. 2 (an F.B.I. Agent) was never known to him, but was really a "Source" of Source No. 1. Source No. 3 (an F.B.I. Superior) is similarly unknown now. The reader, however is clearly led to believe that these were identified by Mr. Sheehan and known by name. They were supposed to be and have "evidence", as that term is known even to inexperienced lawyers.

5. Mr. Sheehan now claims that he communicated to Sources No. 4 (Taylor), No. 5 (Fink), No. 6 (Rosenberg), and No. 7 (Barger) the name of Source No. 1 (the unknown Minister). He now claims that he does not know that name. Source No. 7 (Barger) has refused to confirm the veracity of many of the statements reported to have been made by him to Mr. Sheehan (Exhibit "E").

6. We took the deposition of Source No. 8, Michael Hirsch (Exhibit "F"). Mr. Hirsh testified that he did not give Mr. Sheehan the information attributed to him in paragraph 21 of the Affidavit. He stated that he was never afraid of the defendants because he had no idea that he was a "Source".

7. Mr. Sheehan now says that he has never known the name of Source No. 11 (a member of the Louisiana Guard).

8. Mr. Sheehan now says that his Source No. 12 is unknown by him.

9. Source No. 13 (Jack Terrell) has refused to confirm the veracity of the statements reported to have been made by him to Mr. Sheehan (see Deposition previously filed).

10. While Source No. 19 was alleged to have provided direct first hand information, he is now alleged to be unknown.

11. In paragraph 40 of the Affidavit, Mr. Sheehan contends that his "Sources" informed him that an ABC cameraman had discovered that he had been injured in an attack "planned by Defendant John Hull and a Costa Rican based anti-Sandinista terrorist group supplied with C-4 explosives by Defendants, Thomas Posey, John Hull and Bruce Jones." As is now clear from the "evidence" submitted to the Court, there was no such information.

12. The "facts" stated by Mr. Sheehan in paragraph 42 of the Affidavit attributed to Mr. Avirgan and Ms. Honey are untrue. Both plaintiffs revealed on deposition that they never saw the Affidavit until much later and that they "disagreed" with many of the facts alleged therein (see Transcripts previously filed).

13. In paragraph 42, footnote No. 3 on page 17, the Sheehan Affidavit states:

"In fact, General Singlaub raised money inside the United States which was directed, by him, to be deposited by contributors in a Grand Cayman bank for use in the purchasing of weapons and explosives for the Contras. Singlaub also traveled to Central America with Robert K. Brown and personally facilitated providing one John Harper to the Contras, who trained Contras in the construction of C-4 anti-personnel bombs exactly like the one which was used to bomb the La Penca press conference. In fact, Plaintiffs' Counsel has been informed by Source No. 24 (Wheaton) that Defendant Singlaub and Robert K. Brown directly provided John Harper to Defendant Amac Galil who helped Defendant Galil construct the very C-4 bomb which Galil used to blow up the May 1984 Eden Pastora press conference. Source No. 24 is a person with knowledge of the activities of Defendant Singlaub, Robert K. Brown and John Harper with the Contras."

This statement was published throughout America to defame Singlaub and link him with the La Penca bombing.

14. Mr. Gene Wheaton was interviewed extensively by Mr. Sheehan before and after he filed suit. At deposition, however, Mr. Wheaton testified:

SPENCER. I was asking you about this Affidavit. The next sentence of that affidavit states: "In fact, plaintiffs' counsel has been informed by Source Number 24 that defendant Singlaub and Robert K. Brown directly provided John Harper to defendant Amac

Galil, who helped Galil construct the very C-4 bomb which Galil used to blow up the May 1984 Eden Pastora press conference." I'd be happy to read it back to you.

WHEATON. No I heard the statement.

SPENCER. My question——

WHEATON. What's the question?

SPENCER. My question is: Did you make that statement to Mr. Sheehan?

WHEATON. No. I did not.

SPENCER. Do you know why Mr. Sheehan included that sentence in that Affidavit—which was under oath by Mr. Sheehan—attributing that fact or alleged fact to you?

WHEATON. No. I don't.

Deposition of Wheaton, (page 706).

SPENCER. Do you have any knowledge that Mr. Harper had anything to do with the La Penca bombing?

WHEATON. I have no knowledge of that whatsoever.

SPENCER. Or that General Singlaub had anything to do with the La Penca bombing?

WHEATON. I have no knowledge of that whatsoever.

SPENCER. But you are aware, are you not, of the fact that Mr. Sheehan crafted a statement attributable to you to give that implication. Are you not?

WHEATON. I don't know.

Deposition of Wheaton (page 712) (see Transcript previously filed).

15. There is no identification anywhere in the Affidavit of the identify of "David" and his third-hand narrative could not constitute admissible evidence. Mr. Sheehan had never interviewed "David" and he was not, therefore, a "Source". Mr. Sheehan failed to tell the Court and the readers that "David" has never been identified.

16. In paragraph No. 49, Mr. Sheehan attests that "both Tony Avirgan and Martha Honey spoke by telephone, with David, confirming his existence, his name and his possession of the general information set forth [in paragraph 50]." As Mr. Sheehan knew, neither Avirgan nor Honey ever confirmed David's existence or his name. Mr. Sheehan sought to give the Court, journalists and the public, the impression that "David" was a real person, who was identified and who had provided first-hand information. As he well knew, this was untrue. The real supposed conversations would never constitute evidence in a Court as that term is used in the civilized world.

17. Sources numbered 27, 28 and 29 were identified simply as "Mother" or "Father".

18. Source No. 31 is now allegedly "unknown".

19. Source No. 33 is now alleged to be "unknown".

20. The facts attributed to Source No. 34 (Barrantes) are unsubstantiated by him. (See Exhibit "G").

21. Source No. 35 is now alleged to be unknown.

22. Although serious statements and charges are attributed to Source No. 36, he is now alleged to be unknown.

23. Curiously, Mr. Sheehan now claims that Sources No. 37 and 38 provided certain information. However, Source No. 38 Col. Barrantes (who is also Source No. 34) denied the facts attributed to him. (See Exhibit "G").

24. Source No. 39 is now alleged to be unknown. But in the Affidavit, he was alleged to be an intelligence officer who was interviewed.

25. Mr. Sheehan refused (until ordered by the Court) to reveal the names of "Sources" #42, 43, 44 and 45—although attribution was a report prepared in 1985 by the plaintiffs which listed all names of those interviewed. Furthermore, many of these "Sources" have more than one Source number. For example, Eden Pastora is now alleged to be both Source #42 and Source #77.

26. Source #26 is now alleged to be Brian Barger. He is also alleged to be Source #7. Paragraphs 59 and 60, however, are contradictory to earlier attributions of facts to Source #7 (see paragaph 40 and 41). There was no justifiable reason in 1986 for Mr. Sheehan to use two "Source" numbers for the same person, except to deceive the Court and the Public into believing that more individuals were attesting to the alleged facts. The truth is that Mr. Barger's information was widely quoted (he is a journalist) before the Affidavit was filed. Still, Mr. Barger has denied various attributions made to him by Mr. Sheehan.

27. Source #47 (Paul Hoven) has denied the attributions made to him. (Exhibit "H").

28. Source #48 is alleged now to be the same person as Source #24 (Gene Wheaton). Source #48, however, was described to be a former U.S. Intelligence officer. Mr. Wheaton was not a U.S. Intelligence officer and there was no way that Mr. Sheehan could have confused that fact. Mr. Wheaton was a military warrant officer—a policeman.

29. The facts alleged in paragraph 62 of the Affidavit, attributed to Mr. Wheaton are totally at odds with Mr. Wheaton's testimony Mr. Wheaton had no first-hand knowledge. The Affidavit clearly represents that it is based on first hand knowledge. These attributions were misrepresented by Mr. Sheehan to create a "Secret Team" concept and to defame Mr. Shackley and Mr. Clines.

30. Source #49, Carl Jenkins, has rejected the factual statements attributed to him (see deposition of Carl Jenkins filed herein). Indeed, Mr. Jenkins testified by affidavit:

"Subsequent to reviewing the affidavit, I met with Mr. Sheehan in the presence of Mr. Wheaton. I expressed to Mr. Sheehan my displeasure at being used as a source for his affidavit , and I again explained and emphasized to Mr. Sheehan that I had no personal knowledge concerning the misconduct which he was alleging in the affidavit. At that time Mr. Sheehan said to me that he was not concerned with the actual state of my knowledge and that he was using the affidavit simply to keep the case in court so that the could take discovery to prove the story. He further told me that he would drop sources such as me once he had developed hard source . . ."

Mr. Jenkins, did not provide the conclusion attributed to him in paragraph 62 that the explosives used in the La Penca bombing were on the ranch of John Hull.

31. Source #50 (General Brett) never talked with Mr. Sheehan, and never confirmed the alleged facts attributed to him.

32. Source #51 is now alleged to be unknown. But Source #51 in paragraph 62 made serious allegations:

"According to Source #51, it was in Iran and Libya, while working for Wilson that Raul and Rafael Villaverde met Amac Galil, the right-wing anti-Gadhafi Libya terrorist whom the defendants actually procured to carry out the La Penca bombing."

This statement was used in numerous press interviews to connect the "Secret Team" with the bombing at La Penca. It had no factual basis.

33. Source #52, an active CIA agent, never confirmed to Mr. Sheehan the facts attributed to him in paragraph 63. They were complete falsehoods. (Exhibit "J"). Furthermore and incredibly, although Mr. Sheehan knew the legal prohibitions against such disclosure, nevertheless, proceeded to imperil this agent's life by setting up the process which revealed his CIA affiliation.

34. Source #53 an active CIA agent, never confirmed to Mr. Sheehan the facts attributed to him in paragraph 63. They were complete falsehoods. (Exhibit "K"). Furthermore and incredibly, although Mr. Sheehan knew the legal prohibitions against such disclosure, nevertheless, proceeded to imperil this agent's life by setting up a process which revealed his CIA affiliation.

35. Source #54 is alleged now to be unknown. However, through this attribution in paragraph 65, plaintiff's counsel widely distributed statements concerning defendant Nunez which were absolutely untrue:

"In early 1986, Plaintiffs' Counsel established contact with Source #54, a man actively engaged in the trafficking of cocaine with Defendant Francisco "Paco" Chanes and Defendant Dagoberto Nunez, which source communicated to Plaintiffs' Counsel detailed information confirming the participation of Defendants Chanes, Nunez, and Hull in the smuggling of cocaine into the United States through Miami and Memphis. Source #54 supplied Plaintiff's Counsel with the names and whereabouts of some half-dozen pilots who flew guns, ammunition and C-4 explosives from the United States to John Hull's ranch in Costa Rica—and who flew cocaine back into the United States from Defendant Hull's ranch . . ."

These made their way into a book, Out of Control, by Leslie Cockburn published in 1987, by Atlantic Press Monthly which completely destroyed Mr. Nunez' reputation and business.

36. Sources #55, 56 and 57 made no statements to Mr. Sheehan, which were produced herein.

37. Source #58 is now identified only as "Mike".

38. Source #61 (Lotz) is alleged to be the same person as Source #55. Source #61 did not provide the information alleged and it was not produced in this case. However, in paragraph 67, Mr. Sheehan stated:

"Plaintiffs' Counsel has also personally interviewed Source #61, a Costa Rican pilot with intimate knowledge of the cocaine smuggling operations of Defendants Hull and Nunez—and of the fact that the income from their smuggling activities is being used to finance the Contra operations of the Defendants in Costa Rica. Source #61 introduced Plaintiffs' Counsel to Source #62, a Roman Catholic Priest from Costa Rica who has personally interviewed numerous peasants in Costa Rica who have come to know with direct personal knowledge of Defendants Hull and Nunez cocaine smuggling operations—and their partnership in these operations with Defendant Francisco "Paco" Chanes in Miami."

Source #62 did not provide the information attributed to him. No such proof was produced throughout discovery and Mr. Sheehan never had it.

39. Sources #63 and 64 were never interviewed by Mr. Sheehan. He reports third-hand. Their testimony did not support the attribution.

40. Source #65 is an alleged DEA Agent who is now unknown. However, Mr. Sheehan contends that this Source stated:

"Plaintiffs' Counsel's investigators have interviewed Sources #63, #64, and #65 who

are active agents of the Federal Drug Enforcement Administration who are directly knowledgeable concerning the cocaine smuggling operation of Defendants Chanes, Vidal, Corbo, Nunez, Hull, Ochoa and Escobar and the use of a portion of the profits from this enterprise to fund their Contra operations in Costa Rica."

41. Source #66 is an alleged Florida Agent who was alleged by Mr. Sheehan to have been personally interviewed by him. He now says that it was an anonymous interview. Incredibly, through this "Source", Mr. Sheehan makes the following representation:

"Source #66, an active Florida state law enforcement intelligence officer, who is familiar with the drug smuggling—and illegal gunrunning operations of the defendants—but who has been directed to "stand clear" from his investigation of their activities."

42. Sources numbered #48, 49, 67, 68, 69, 70 and 71 are Sources for incredible allegations against the defendants—ranging from Cuba in 1959 to the assassination of John F. Kennedy to the Vietnam War to Nicaragua. None of these Sources even remotely provided any first hand evidence of those allegations against the defendants. Some of the historical facts (such as the date of the Kennedy assassination) are accurate. However, the alleged criminal acts of the defendants are not supported by the Sources or anyone else (see Affidavits attached as Exhibit "L").

43. Source #70 described as an Asian border Policeman, is now alleged to be unknown.

44. Source #71 is alleged to be Carl Jenkins, the same person as source #49. Mr. Jenkins did not provide the facts attributed to him.

45. Source #72 (Douglas Schlacter) completely disputed the allegations attributed to him (Exhibit "M").

46. Neither Source #73 (Secretary Simons) nor Source #74 (Congressman Wilson) were interviewed by Mr. Sheehan.

47. The facts contained in paragraph 71 describing action by President Reagan by Sources #49 and 50 are unsupported by said Sources.

48. Source #75 (Steven Carr) is deceased. During his life, he did not attest to the facts attributed to him and none are contained in the record.

49. Source #76 is now alleged to be unknown. However, according to Mr. Sheehan, this Source made incredible statements:

"Source #76, who can identify Felix Rodriguez as the man who, along with Luis Posada Carriles, supervised the unloading of weapons and ammunition flown in from Florida to Illopango Air Force Base in El Salvador by Defendant Thomas Posey and who then trans-shipped said equipment to Defendant John Hull's ranch in Costa Rica."

50. Incredibly, Source #77 is revealed as Eden Pastora (he is also source #42). Eden Pastora, Mr. Cruz and Mr. Solano had no facts concerning any defendant other than Mr. Hull. None evidentially supported the allegations against Mr. Hull.

CONCLUSIONS

I believe that the Affidavit was conjured because of a number of motivations. First and foremost, it was to be a fundraising tool. Therefore, Mr. Sheehan had to stretch the "story" over the facts to make it dramatic and interesting. Second, it had to give the semblance of credibility, in form, if not substance. Thus, Sources were assigned where Mr. Sheehan merely had a desire that a Source attest to a particular fact. Third, the intent was that the Court, journalists and the Public believe that Mr. Sheehan had enough proof to justify a wide ranging discovery adventure.

I have concluded, based upon a careful analysis of the Affidavit, against information revealed during discovery and the protestations for security by Mr. Sheehan of these known public figures (such as Eden Pastora) and the fact that his name and information was widely reported in 1985, that many of these Source names were simply contrived in 1987 and 1988. I have concluded that Mr. Sheehan simply assigned some convenient names to numbers after the fact to "fill in" the gaps when he was pressed for names by Court Order in 1987.

I believe that Mr. Sheehan refused to reveal the Sources after several main "Sources" (particularly Barger and Jenkins) protested to Sheehan about the accuracy of the information. Further, other historians noted to him that he had several people in the wrong time frame. See the articles in Nation and Mother Jones attached. (Exhibit "N"). He became, in my view apprehensive that he could be criticized for supplying a knowingly false statement. Consequently, he conjured the excuse that the defendants were dangerous. He conjured the legal objection (which had no legal precedent) that he was entitled to withhold the Sources as a private attorney general. This is not the first time Mr. Sheehan has engaged in the same offense. In the Karen Silkwood matter, he claimed that he had several secret Sources, which he refused to reveal. He still refuses to reveal them (see attached article from the Nation).

Finally, even when deposition and evidentiary and historical material was produced which contradicted the Affidavit, Mr. Sheehan failed and refused to correct the statements. Indeed, he and the Christic Institute continued to sell (and still continue to sell) and distribute the Affidavit making the statement that discovery was confirming the allegations. In fact, the opposite was true.

Further Affiant sayeth not.

CHRISTIC'S "FAIRY TALE" LAWSUIT CALLED "LEGAL TERRORISM"

(By Michael Hedges)

Several defendants in the Christic Institute lawsuit, dismissed by a federal judge last week in Miami, charged yesterday the suit cost them and taxpayers "millions of dollars" and denounced it as "legal terrorism."

Attorneys for the defendants accused Christic of abusing the judicial system by keeping what they described as a "fairy tale" case alive while using it to raise $60,000 a month on college campuses and among Hollywood supporters.

Some legal experts friendly to the defendants cited the lawsuit as an illustration of how the Racketeer Influenced and Corrupt Organizations Act (RICO) could be used in civil cases to "extort money from defendants" with no risk to those filing the suits.

"You file the case, and if you survive a motion to dismiss at the beginning, you are home free to fly-cast all over the world," said Theodore Klein, a member of an American Bar Association committee examining RICO.

"This case is perhaps the most egregious example of how it can be abused," said Mr. Klein, who represented three minor defendants in the case.

Several defendants said they had spent between $100,000 and $500,000 defending themselves against the charges.

Defense attorneys are moving against the Christic Institute, seeking to regain legal fees and have the plaintiffs charged with malicious prosecution. At least one attorney said he also would pursue ethical sanctions against Daniel Sheehan, an attorney for Christic, a leftist organization that calls itself an "interfaith center for law and public policy."

But the very nature of the civil RICO statute makes recovering costs difficult.

Unlike other cases, in civil RICO actions the losing side is not charged with the attorney fees of the person or group it sued.

"It was a case where Congress was so anxious to have people use the statute against white-collar criminals that they left it very loose," said Thomas Spencer, attorney for one of the defendants, former Army Maj. Gen. John Singlaub. "Instead it has become an invitation to extort money from a defendant, and if you lose, you just pay filing costs and other things that amount to pocket change."

"It was legal terrorism," said Theodore Shackley, a former CIA operations official named in the suit. "They create this thing, tie you up for two years, and use the Big Lie technique to destroy your reputation."

Gen. Singlaub said he spent nearly $500,000 fighting the suit. "I realized I had to do it," he said. "I did not want my grandchildren to remember me as someone accused of drug smuggling, assassinations and all these other evil things."

Still, the case was "all-consuming" for two years, Gen. Singlaub said, wrecking his finances and diverting him from other causes.

The case also cost the government about $2 million, said Mr. Spencer, who analyzed the court expenses absorbed by the public over two years.

The suit, which one lawyer said "more resembled a third-rate novel than a legal document," was first filed in Miami in May 1986 and amended four months later.

It charged 29 defendants with a bizarre conspiracy that linked events from the Bay of Pigs invasion of Cuba, the Vietnam War, arms sales in the Middle East and Central America, assassinations, bombings and drug smuggling by the world's major cocaine cartels.

According to the suit, all these events were run by a "secret team" of CIA and military officers, with the overall goal of ending world communism.

The specific incident that triggered the suit was a bombing of a 1984 Nicaraguan resistance press conference in the village of La Penca in Nicaragua in which several people were killed, and several others, including Tony Avirgan, a journalist, were injured.

Mr. Avirgan and his wife, Martha Honey, filed the suit, claiming the loss of camera equipment and convalescence costs from Mr. Avirgan's injuries. They retained Mr. Sheehan to handle the case.

Judge Lawrence King who heads the U.S. District Court for the Southern District of Florida, said at the first hearing that the total damages to the plaintiffs could not have amounted to more than $10,000. Several of the defendants offered to pay that amount then to avoid a protracted court case.

But the Christic Institute insisted on pushing ahead with claims for alleged damages of $24 million. It claimed testimony of 79 anonymous witnesses would substantiate its charges.

Those witnesses were cited by Mr. Klein as "a hodge-podge of dead informants, lost witnesses, character actors with first names only and assorted shadow figures who shriveled when exposed to the light."

Several people who Christic named as witnesses filed affidavits calling the statements attributed to them lies and claiming they never talked to the Christics. Others said they were coached by Mr. Sheehan, according to several defense attorneys.

Last week, Judge King wrote a 45-page opinion dismissing the suit in which he cited gaping holes in the logic of Christic's complaint and set aside nearly every piece of its evidence.

Mr. Sheehan called a press conference to charge that the judge had joined the "secret team" of conspirators. This was the Christic Institute's only comment, beyond suggesting the verdict would be appealed.

"That was true conspiratorial nut jargon," said Mr. Klein. "It relegated them to sharing lunch with people who say we didn't land on the moon."

Others said the case had become "a cash cow" for Christic, which sold copies of the complaint in the case for $5 and a 95-page affidavit detailing the alleged "secret team" activities for $10, and whose speakers lectured for fees on college campuses.

Mr. Spencer said the group collected donations from California supporters, including Jane Fonda, musician Jackson Browne and actor Mike Farrell. The defense attorneys said Christic earned $60,000 a month to support the case.

Christic did not return a reporter's call yesterday.

CHRISTIC MYSTICS AND THEIR DRUG-RUNNING THEORIES

AN OBSCURE WASHINGTON SO-CALLED INSTITUTE IS FILLING AMERICA'S HEAD WITH NONSENSE AND MAKING A KILLING

(By David Brock)

For the past thirty years, says the earnest, curly-haired man in the short film "The Heart of the Matter," a gang of gung-ho military and intelligence veterans, a "shadow government," a "secret team" has been conducting its own version of U.S. foreign policy. They've been "killing and maiming innocent people," selling "weapons of death," shipping "cocaine by the tons" into the U.S., "skimming millions," all as part of a "global anti-Communist war" conducted in "the back alleys of the world." The Iran-contra affair, the man is here to tell us, did not begin with Oliver North. "Evil things are done by the human family," he says, "and done in the dark." He enters a church and lights a votive candle as the organ music rises. "And we are here to expose it."

The solemn voice belongs to Daniel Sheehan, general counsel and prognosticator-in-chief of the Christic Institute, which calls itself an "interfaith center for law and public policy," meaning that through lawsuits the Washington-based group aims to effect a shift in American politics and culture. The group was founded in 1980, but even a year ago it was considered just another wacky, moribund left-wing hive, with no more of a following than, say, the Rainbow Lobby or Partners for Global Justice. The institute took its name from the writings of the Jesuit mystic Teilhard de Chardin, who wrote in the early twentieth century of a "Christic force" that unifies all beings and overpowers destructive manmade forces. That appears to be the extent of the role religion plays in the institute's doings.

That year, the obscure institute had a dozen people on staff and was raising about $500,000 a year from groups like the National Methodist Programs in New York, the J. Roderick MacArthur Foundation in Chicago, and the C.S. Fund in Los Angeles.

At the Christics' Washington office, things don't appear to have changed much from those lean times. Several staff members work and live (complete with subsidized rent) in three chaotic Capitol Hill townhouses owned by the institute, which claims to pay each staffer $15,000 a year. But this 1960s-style communalism belies the 1980s-style high-intensity marketing success the Christics are having these days. For one thing, there are a lot more of them: the staff now numbers at least sixty, including attorneys, private investigators, and public relations specialists. And then there's the cash: the Christics are bringing in almost $60,000 a week, 70 percent of it from direct-mail and other solicitations from private citizens, making the institute one of the hottest properties on the left today. (Contributions are tax-deductible.)

The Christics' influence among liberal political organizations has thus been enhanced substantially, particularly on Central American policy. The institute has recently established relationships with an impressive array of mainline groups like the Americans for Democratic Action, the National Organization for Women, the Southern Christian Leadership Conference, and church organizations like the United Methodist Board of Global Ministries, the Presbyterian Church USA, and the Union of American Hebrew Congregations. In all, eighty such groups have joined the Christics in a "Communications Alliance," agreeing to publicize Christic charges and fundraising appeals in their publications and public events. And the Christics are getting noticed in the political sphere as well: the latest Christic literature includes endorsements from Democratic presidential aspirants Richard Gephardt and Jesse Jackson. One recent morning at the institute, a Christic staffer returned from Capitol Hill announcing breathlessly that Rep. Mervyn M. Dymally, a California Democrat on the House Foreign Affairs Committee, had agreed to "help us."

The money goes to cover the costs of investigating, litigating, and promoting what has come to be known as the Secret Team theory. In May 1986, the Christics filed a massive civil rights suit against twenty-nine defendents in U.S. District Court in Miami, charging them under the Racketeering and Corrupt Organizations Act (RICO) with participating in a twenty-five year "pattern of racketeering activity" including "acts or threats of murder, kidnapping, bribery and the felonious manufacture, importation, selling and otherwise dealing in cocaine and proscribed drugs." This elaborate web of private covert activities is alleged to include the attempted assassinations of Eden Pastora Gomez, a former leader of the Nicaraguan contras, and Lewis Tambs, the U.S. ambassador to Costa Rica, as well as the selling of narcotics to buy military equipment for the contra forces.

The institute traces the genesis of the Secret Team partnership to the failed Bay of Pigs invasion and the Phoenix program of the Vietnam war through Iran in the late 1970s and, latterly, to Central America, in an attempt to show a close association between the team and official U.S. covert actions or * * * Calero, with several Miami Cuban-Americans and a few Latin American drug smugglers thrown in for good measure. In all, the defendants are said to constitute a "powerful criminal network, fanatically right-wing, financed by drug profits and closely connected to the Reagan administration." The case is expected to go to trial June 29.

The case attracted little attention until the Iran-contra affair. With its exposure of the private contra re-supply operation run by current and former U.S. officials and financed in part from arms sales to Iran, the affair moved the Christic conspiracy theory into the realm of the possible. Iran-contra was also a boon to the Christic strategy of attempting to criminalize foreign-policy differences. Since the scandal broke, Sheehan, a magnetic figure who rouses audiences with calls for a "return to the fervor of the 1960s," and his staff have tirelessly propounded their views in media appearances and in speeches to college and community groups across the country. The Los Angeles Times recently reported that Sheehan, helped by entertainment industry people like Jackson Browne and Don Henley, had raised $200,000 in the Los Angeles area in six months: "Seated on white folding chairs in the hot sun, sipping Perrier and Evian waters out of wine glasses, the crowd listened to Sheehan describe the secret team, a shadow government he calls it, and its 25 years of covert activities."

Packets distributed at such gatherings contain a suggested letter to Congress requesting investigation of Christic charges and material hawking a host of Christic wares: the Contragate affidavit, "a must!" ($10); an "education and organizing packet" ($7); the Contragate VHS video "The Heart of the Matter," "ideal for public events and meetings" ($35); and a two-hour radio cassette featuring Sheehan ($12). The Christics say that in Minneapolis alone more than 1,500 private parties have featured the video cassette and they claim to have put 100,000 Christic brochures into the hands of voters in the Iowa caucuses.

Press notices have been uniformly favorable as to the institute's ends—spelled out in its literature as "dismantlement of Contragate's secret team," an "end to the contra war," and the establishment of a U.S. foreign policy "based on law and morality"—while expressing some measure of skepticism about the veracity of Christic claims. (The sign-in book at the Christics' Washington office one recent day was filled with the names of journalists, representing organizations from the Nation to UPI.) Typical was a long and sympathetic take-out in the New York Times, under the banner headline "A liberal Group Makes Waves With Its Contra Lawsuit," which waited until the very end of the article to tell the reader: "Federal agents, United States prosecutors and spokesmen for the CIA have characterized the suit as a political fantasy. Other investigators including reporters from major news organizations, have tried without success to find proof of aspects of the case, particularly the allegations that military supplies for the contras may have been paid for with profits from drug trafficking."

The story is much the same even in the radical press. A Mother Jones reporter recently followed Sheehan to Harvard Law School to hear his table-thumping Christic pitch: "He unrolled the harrowing story of the Secret Team, and accused his law school listeners of trooping off to Wall Street at a time when the Constitution is in mortal peril. And then Sheehan closed—as he almost always does—to a standing ovation. Down the aisles went the index cards, and

back they came, dozens of them, with offers of help for Danny Sheehan. The campus crusade for Christic was swelling." But the reporter, after polling an array of left-leaning sources, concluded: "Ask these journalists, experts, Capitol Hill investigators, and former CIA agents, many of whom are sympathetic to Danny Sheehan's general critique of covert operations, and they will tell you that his gorgeous tapestry is woven of rumor and half-truth and wish fulfillment." Despite this astonishing admission, the reporter concluded: "If Danny Sheehan has the Secret Team—or whoever the hell they are—running scared, he must be doing something right."

It is, of course, precisely in this fuzzy stratus of bizarre charge followed by predictable denial and lingering doubt that the Christics' phenomenal juggernaut thrives. And it is an effective one, as journalists and their audiences not only are more predisposed than ever to take a dim view of the CIA and the American military, but also are increasingly preoccupied with events that most resemble fiction. And it seems clear that even though the Secret Team story has been deemed largely blue smoke and mirrors by all who have examined it, a portion of the public is prepared nevertheless to accept it willfully as truth, filling as it does a psychic or emotional need to make sense of Iran-contra. The point for the Christics is not to prove the case in court, but rather to advance a political cause in the media and in left-wing circles while raising funds to stay in business. "The Secret Team theory," according to Mother Jones, is "fast becoming the official explanation of the Iran-Contra events in progressive circles around the country." And that is probably only the beginning.

The Christics have clearly modeled the Secret team theory on the Karen Silkwood case, perhaps the most celebrated public-interest lawsuit in history and an engine of the anti-nuclear power movement. Silkwood, an Oklahoma plutonium plant worker, had contended that the plant where she worked was unsafe and that she had been contaminated with highly radio-active plutonium. She was killed while on her way to a meeting with a reporter to discuss these contentions. Although Sheehan exaggerates his own role in the case, Silkwood family attorneys put forth a fascinating conspiracy theory, alleging not only that Kerr-McGee, Silkwood's employer, was responsible for her contamination, but also that company agents killed Silkwood to cover up the theft of nuclear fuel from the plant. But recall: although the company settled the ten-year-old lawsuit in 1986 for $1.38 million, Kerr-McGee in no way acknowledged the Silkwood charges, which remain unproved. (Kerr-McGee attorneys said the cost of settling was less than the projected costs of continued litigation.) Similarly, the damages in the Greensboro case were awarded despite the failure of Christic attorneys to establish who was actually responsible for the killings.

In the case of Silkwood, the Christics contend that their campaign "inspired a Congressional investigation, two books, a play, several television dramas and a major motion picture. Activists were mobilized, new alliances were forged, and the Nuclear Reform Project, a national campaign to help towns and cities expand their power to prevent radiation hazards, was launched." The Silkwood campaign was helped tremendously, to be sure, by riding the crest of nationwide antinuclear hysteria following the Three Mile Island accident of March 1979. With the same fortuity, the Iran-contra revelations have propelled the Christics and their crackpot mysticism from the fringes of a gathering storm.

The notion that there is a sinister network of current or former U.S. intelligence officials trafficking in drugs and committing other nefarious deeds has been popularized in the past year or so in books and films, most notably in the hit movie Lethal Weapon, in which veterans of the CIA and U.S. Special Forces in Vietnam were cast as the villains. One scene—in which a bank president breaks down and admits his participation in a drug smuggling scheme—evokes the spirit, if not the letter, of the Christic yarn. The banker says he had worked for "Air America," a "CIA front," during the Vietnam war with a special unit called "Shadow Company." The company later reunited as private citizens after the war and began bringing heroin into the U.S., using their Southeast Asian connections. "It's all run by ex-CIA, soldiers, mercs," the banker says.

Other Christic demonologies are enjoying a certain vogue as well, as a reenergized left rises up to repeal the political and cultural legacies of Reaganism. A rivulet of books, ranging widely in coherence and tone though not in intent, has been flowing from the prestige presses, all of them positing that in the wake of the Iran-contra scandal, the CIA must be reined in once again and covert actions must be further curtailed. (This, despite the fact that the Iran-contra affair, if it shows anything, shows that bureaucratic intransigence at the CIA led William Casey and North to consider an "off-the-shelf" operation.)

The left has an obvious stake in keeping the Iran-contra affair alive, and so the view that the ten-month, $10 million-plus bipartisan investigation by Congress was somehow circumscribed is taking root, not only in the People's Daily World and the Nation, but also in respected publications like Harper's, which recently sponsored a roundtable discussion on the matter. The star participant was former CBS news producer Leslie Cockburn, a leading Christic mouthpiece. And several Christies, as those who compare them to LaRouchies dub them, were seen on a recent Bill Moyers, PBS special, "The Secret Government: The Constitution in Crisis." The Christies, from Minnesota, were interviewed at the end of the show, identified merely as people who had "organized citizens around their state to monitor the Iran-contra hearings, as a way of increasing public awareness." Christic drug smuggling charges against the Nicaraguan contras have been raised before every congressional aid vote, usually by Democratic Sen. John Kerry of Massachusetts, whose staff works closely with the institute. And as if that were not enough, Oliver Stone, who has endorsed the Christics in a public letter, is now making a movie called simply Contras.

The complex Christic tale upon which all of this rests begins at a small farm called La Penca just inside Nicaragua on May 30, 1984. Tony Avirgan, at the time a stringer for ABC News in Costa Rica, and his wife, freelance journalist Martha Honey, attended a news conference held by Eden Pastora, better known as "Commandante Zero," the leader of the rebel assault on the National Palace in Managua during Anastasio Somoza's reign. Pastora eventually split with the Sandinistas and joined the contras, but called the La Penca press conference to announce his split with the resistance. The conference was rocked by an explosion; Pastora has at different times attributed the crime to the Sandinistas, enemies within his organization, other contra factions, and the CIA. Three people were killed; Avirgan was one of the wounded. He would later claim that he suffered shrapnel wounds, burns, and a mangled hand, though Curtin Winsor, the U.S. ambassador to Costa Rica at the time, and Dr. Max Pacheco, the physician who initially treated Avirgan, have said in affidavits that Avirgan only sustained an injury to his middle finger.

After the bombing, Avirgan and Honey undertook an investigation and published their findings in a 1985 book, La Penca: Pastora, the Press and the CIA, in which they allege that the bombing, an attempt to assassinate Pastora, had been planned by the CIA, contra leader Adolfo Calero, a group of U.S. contra supporters, and anti-Castro Cuban-Americans in Miami. Sheehan has said that by early 1986, the Secret Team theory was already percolating, as stories about the private contra re-supply effort began circulating in Washington. Avirgan and Honey then hooked up with the Christics, giving them a lawsuit on which to hang their theory. The suit was filed by the Christics on behalf of Avirgan and Honey in May 1986, seeking $1.28 million in compensatory damages for Avirgan's alleged injuries, $2.56 million under a special feature of the RICO statute, and $20 million in punitive damages.

According to the Christics' affidavit, the Secret Team's point man is former CIA official Theodore Shackley, who worked for the agency in Laos in the 1960s organizing opposition to the Pathet Lao guerilla force and was later CIA station chief in Saigon. That defendants Shackley, Secord, Singlaub, and Thomas Clines, a former CIA director of clandestine operations training, were stationed in government posts in Southeast Asia at the time is self-evident. But the Christics charge that the group funded their covert efforts with kickbacks from opium warlord Vang Pao, and continued, while both in and out of government service, to operate their own private intelligence network throughout the world in the 1970s and 1980s, when they were chosen by the Reagan Administration to keep the contras going after U.S. aid was scuttled by Congress.

Many of the Christic claims about Southeast Asia emanate from retired Army Col. Bo Gritz, who repeated the story last spring to the House Task Force on International Narcotics Control, chaired by Democrat Lawrence J. Smith of Florida. Smith told UPI afterwards that Gritz was a "crazy character who has made these outrageous statements before . . . . I heard no credible evidence that would make me believe that any of this is true." In addition, thousands of man-hours were spent by U.S. auditors and inspectors general from 1965 to 1975 examining the American position in Southeast Asia, detecting no links between American officials and drug traffickers. The question of drug trafficking and CIA operations was also investigated by the Church committee of the 94th Congress, which reported: "On the basis of its examination, the Committee has concluded that CIA air proprietaries did not participate in illicit drug trafficking." Says General Singlaub: "The idea that we needed to deal in drugs to fund U.S. covert operations [in Asia] is ridiculous. All of these intelligence programs were official, funded by the U.S. government, and funded well."

Last July, James Lawrence King, chief U.S. district judge of the Southern District of Florida, confined discovery by the plaintiffs to charges made concerning the period 1982 to 1986, requiring them to prove the existence of a criminal conspiracy in relation to three specific charges—the alleged Pastora and Tambs assassination plots and drug smuggling by the Secret Team in collusion with the contras—before permitting discovery to move back to the 1970s and 1960s. In October, the judge ordered the Christics to reveal the identities of the seventy-nine anonymous sources listed in their affidavit so that the defendants could depose their accusers. (The Christics have identified an additional ninety-eight people said by them to "have knowledge" of the Secret Team operation, including Vice President George Bush and Pentagon official Richard Armitage.)

The only source said to have had firsthand knowledge of the La Penca plot is a man identified soley as David, who, the Christics claim, as befits good conspiracy theory, is now dead. In a chance meeting in a bar, the story goes, David tells a carpenter named Carlos Rojas Chinchilla that the bomb at La Penca was planted by a Libyan exile, Amac Galil, posing as a Danish journalist. David claims to be a member of the group that hired Galil, which he says includes contras and CIA agents. But when deposed in November by attorneys for both sides in the case after he surfaced in Canada, Rojas, advertised by the Christics as their star witness, broke down several times and admitted he had no * * * assault on the embassy in Costa Rica in 1983. The assassination plan was hatched in order to collect a $1 million bounty placed on Tambs's head by South American drug lord Pablo Escobar, the bounty to be used to fund a Cuban-American brigade to invade Nicaragua from the south, according to Garcia's story. His allegation was made after a federal grand jury convicted Garcia in late 1985 of illegally possessing a machine gun and silencer. Garcia claimed that Tom Posey, the head of an Alabama-based group called Civilian Materiel Assistance, which has aided the contras, had framed him to prohibit him from revealing the Tambs plot.

Consequently, the Miami division of the FBI and the U.S. Attorney's Office there conducted an exhaustive investigation of the alleged Tambs plot in early 1986, including a polygraph test of Garcia. Garcia said he had attended a Miami meeting, along with Posey, John Hull, and Bruce Jones, two Americans who owned ranches in Costa Rica, and three mercenaries, Steven Carr, Robert Thompson, and Peter Glibbery, where the Tambs plot was discussed. On May 14, 1986, Assistant U.S. Attorney Jeffrey Feldman wrote in a memo: "The evidence we have gathered does not support Garcia's claim that Tom Posey and others planned to murder Ambassador Tambs." The attorney pointed out that while Garcia had said the plot was discussed in January and February of 1985, Tambs was not the ambassador to Costa Rica until July (he was posted to Colombia at the time). All of the other people that Garcia claims attended the planning meeting fervently deny it, and one to them, Peter Glibbery, could not have possibly been in Miami at the time, Feldman determined.

But there is more, Feldman concluded that "Garcia obtained this story from Martha Honey. Honey attended Garcia's trial in December 1985 * * * In relation to another Christic source, former Civilian Materiel employee Jack Terrell, whom the Christics claim has firsthand knowledge of Adolfo Calero's involvement in the Tambs plot, Feldman reported: "Terrell has no personal knowledge of the events described. He said that he learned of the plot, the meeting, and Calero's approval of the plot from . . . a journalist named Martha Honey." At his subsequent deposition, Terrell took the Fifth Amendment, much to Sheehan's dismay. (The Christics have never explained, moreover, why the contras and their supporters would want to kill a Reagan ambassador who had been on their side.)

Both of these alleged assassination plots are said by the Christics to be part of a larger criminal conspiracy to finance the contra war from the sale of drugs smuggled from Colombia to Costa Rica and into the United States by the Secret Team. The defendants, some of whom have been involved in raising funds and buying supplies for the contras, categorically deny the drug charges. Shackley says that he was not involved in providing aid of any kind to the contras. Singlaub says that he has raised money from contributors outside the U.S. to purchase weapons on the international arms market for the contras. Secord's role has been well documented in the Iran-contra investigation. And Posey acknowledges that his organization has raised millions of dollars in non-lethal aid for the contras, but notes that the group was cleared of any illegal conduct in a Justice Department investigation.

Last July, the Christics brought their charges to a hearing of the House Select Committee on Narcotics. Before hearing their presentation, Capitol Hill sources say, Rep. Charles Rangel, a New York Democrat and leading contra critic, had scheduled a follow-up news conference to publicize the Christic charges. But Sheehan's case was so amorphous that Rangel was forced to tell 200 reporters: "None of the witnesses gave any evidence that would show that the Contra leadership was involved in the trafficking of drugs."

Some contra rebels with ties to Eden Pastora have been linked to drug trafficking, which is one of the reasons the CIA says it broke with Pastora in 1984. This is, after all, Central America. But as to the Christic charges that the current leadership of the contras and their private re-supply network are involved in the smuggling of drugs, investigators for the Democratic-controlled House Iran-contra panel have found no evidence. A memorandum by Robert A. Bermingham, an investigator for the House committee, said investigators had questioned "hundreds of persons, including U.S. government employees, leaders of the resistance, representatives of foreign governments, U.S. and foreign law enforcement officials, military personnel, private pilots and crew, and examined reams of documents." He concluded: "Despite numerous newspaper accounts to the contrary, no evidence was developed indicating that contra leadership or contra organizations were actually involved in drug trafficking. Sources of news stories indicating the contrary were of doubtful veracity. There was no information developed indicating any U.S. government agency or organization condoned drug trafficking by the contras or anyone else."

The Christic case is beginning to unravel. All of those listed by the Christics as sources for their allegations who have been deposed in the case have recanted or denied ever making statements attributed to them. (The Christics have so far identified seventy-four sources and kept five secret.) Both Glibbery and Carr, who had made allegations of drug smuggling and bomb plots, have sworn that those allegations are untrue, and, moreover, that they were made in exchange for promises by Avirgan and Honey of legal assistance from Sen. John Kerry and financial aid from Robert White, Jimmy Carter's ambassador to El Salvador. Eugene Wheaton, a former warrant officer for the U.S. Army, the end source for much of the Secret Team theory, has said in a deposition that he has no firsthand knowledge of the alleged conspiracy. Wheaton admitted that he has been receiving about $20,000 a year from the Christics in small bills since he became one of their sources.

Carl E. Jenkins, a former CIA official, is also listed in the Christic affidavit as a key source of many of their charges. In a sworn affidavit Jenkins has filed with the court in Miami, he says the Christic allegations with which he is identified are "either known by me to be false" or "I have no personal knowledge of them," Jenkins continued: "I am astounded that on the basis of his conversation with me, Sheehan would swear under oath that I supplied him with this information. . . . I did not offer Mr. Sheehan any information whatsoever." Upon learning that the Christics listed him as a source, Jenkins says, "I expressed to Mr. Sheehan my displeasure at being used as a source for his affidavit and I again explained and emphasized to Mr. Sheehan that I had no personal knowledge concerning the misconduct he was alleging in the affidavit. At that time, Mr. Sheehan said to me that he was not concerned with the actual state of my knowledge and that he was using the affidavit simply to keep the case in court so that he could take discovery to prove the story. He further told me that he would drop sources such as me once he had developed hard sources."

This raises some troubling ethical questions as to how the Christic affidavit was assembled in the first place. Some of the Christic sources, in trouble with the law, made statements that they were to believe would help them plea bargain their cases or get legal aid or financial remuneration. Some, like Terrell, got involved with the Christics for political reasons (he turned against the contras after leaving the Posey organization). Wheaton met Sheehan in the course of a personal investigation of drug smuggling, sparked by his daughter's drug problem, apparently became smitten with Sheehan, and collaborated with him in developing the theory. Others say they met with Sheehan to discuss his theories and later found allegations in the Christic affidavit attributed to them that they had never made. In the most egregious cases, Sheehan got appointments with some of his alleged sources, read them statements that he wanted to attribute to them, and included these statements in the affidavit over their objections.

As the trial date in the case nears, Sheehan finds himself in a quandary as each of his sources refuses to back up the Christic story. But he apparently believes, with the apordictic fervor of his followers, that he will stumble upon information to prove the case yet.

One question remaining is whether some hidden hand is driving Sheehan and his compatriots to fabricate such a bogus story with such single-minded intensity. General Secord believes that the initial Christic aim was to cut off the contra re-supply effort

that he had helped organize. He is also convinced that "foreign intelligence services" clued the Christics into their communications intercepts, gleaned from the Soviet spy facility at Lourdes, Cuba, enabling them to learn about the contra operation before the Iran-contra scandal broke. Former NSC aide Oliver North apparently had similar suspicions. According to a passage from the minority report of the Iran-contra committee, ". . . North appears to have suggested, in conversation, an FBI investigation [be conducted] of certain individuals based on a suspicion that a foreign government was secretly financing or supporting a lawsuit against various U.S. citizens, a matter about which it would have been legitimate for North to inquire for national security reasons and which, if true, might have constituted a fraud on the courts of the United States. North a non-lawyer, was flatly told that the FBI did not have the legal authority to investigate such a matter, and did not pursue the request," Singlaub commends the Christics' main purpose is to divert attention from drug smuggling by the Sandinistas and Fidel Castro, a charge long made by the Reagan Administration and detailed in the recent statements of Sandinistas defector Maj. Roger Bengoechnea Miranda. "It is a classic KGB technique to accuse us of precisely what they are doing," says Singlaub.

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"From Hanoi with Love." Honey has freelanced for the New York Times; they both write for the Nation. Orlando Castro, head of the Costa Rican Democratic Association, has charged that Avirgan and Honey are spies for the Sandinistas working against Costa Rica's national security and has tried to get the pair expelled from the country. This was also the belief of Tomas Castillo, the CIA station chief in San Jose, according to Iran-contra committee documents. There have been reports that Avirgan and Honey have met regularly with the Soviet ambassador in San Jose.

The Christics have other indirect ties to the Sandinistas. Sheehan, one of the institute's founders, was formerly on the staff of the Quixote Center, the group which spearheaded the "Quest for Peace"—a fundraising project that sent tens of millions in private aid to the Sandinista government. Two Catholic priests now in Managua as advisers to the government, Cesar Jerez and Wally Kasuboski, have been intimately involved in Christic activities. The Christic Institute also has been a prominent endorser of such activities as last summer's "Hands Off the Americas Festival," advertised as a "rally to support non-intervention in Central America and self-determination everywhere. In celebration of Nicaragua's new constitution, and the eighth anniversary of the revolution. Proceeds to let Nicaragua live."

Whatever the Christics ultimately are up to, the Secret Team lawsuit will remain their prime vehicle. They're now trying to delay the start of the trial to postpone an inevitable defeat in the courts. The defendants speculate that the Christics might in fact drop the case just before the trial date on the grounds that some of their sources must remain anonymous for their safety, declare victory, and continue raising funds off the Secret Team theory. On the other hand, the suit may be thrown out for lack of evidence. But the pounds of documents, bank and telephone records, and credit card receipts of the twenty-nine defendants already in the Christics' hands should be enough to keep the rumor mills of the left churning for quite some time. Legal action against the participants in the Iran-contra affair in the wake of recent indictments will also keep the Christic charges in the news. The Christics may even seek to include Oliver North and John Poindexter as defendants in the case, now that both have left U.S. government.

[From the Washington Times, June 29, 1988]

THE MALIGNING OF AN AMERICAN PATRIOT

(By Patrick Buchanan)

Last week, only hours before trial, Miami Federal Judge James Lawrence King threw out of court the $24 million damage suit the radical-left Christic Institute filed two years ago against retired Gen. John Singlaub and 28 others.

Filed on behalf of Tony Avirgan, a journalist injured in the 1984 bombing of the La Penca jungle headquarters of maverick Contra leader Eden Pastora, the Christics' suit alleged the blast was the work of a right-wing terror network which, since 1959, has engaged in assassination plots, gun running and drug trafficking.

Although only 13 of the 29 defendants filed for summary judgment, the judge threw out the entire case, ruling the Christics, even with scores of depositions, had failed to prove that Gen. Singlaub, or any other accused American, was involved in drug running or murder plots with Colombia's vicious Medellin Cartel.

The exoneration of Gen. Singlaub, a combat veteran of World War II, Korea and Vietnam, however, was not without cost, and the courtroom rout of the Christics masks a strategic success for the latest tactic of the new left.

For two years, the Christics have reaped extensive, indulgent publicity; they have raised millions, much of it from Hollywood, putting themselves on the political map as "the" activist outfit of the new left. Taking in $40,000 to $60,000 a week, their suit has become self-financing. Keeping 60 lawyers and researchers working, they have tied up Gen. Singlaub, and, through mounting legal fees, near bankrupted codefendants such as Robert Owen, the aide to Ollie North whose "crime" is to have helped the Contra cause.

In a letter on Gen. Singlaub's behalf, attorney Thomas Spencer Jr. outlines the Christics' success: "They have made life absolute hell for the general with incessant demands for filings, hearings and a thousand technical motions. The general cannot ignore this legal tyranny or its massive cost. He is required by the court to respond and . . . has had to spend thousands of hours and dollars on his defense. . . .

"While the allegations against the general are completely without foundation, the Christic lawyers have achieved their real goal. They have forced him to drop his work on behalf of the Nicaraguan Freedom Fighters and focus on his legal defense." The general estimates the cost of his defense at $260,000, of which 60 percent remains unpaid.

(According to sources close to the case, a political objective of the suit is to link Vice President George Bush to the conspiracy in the public mind, thereby crippling GOP chances in November.)

Even though the Iran-Contra panel, Democratic Rep. Charles B. Rangel's committee, and, now, a federal judge have all looked into, and dismissed, Christic's charges, Americans tend to think that where there is smoke there must be fire.

To clear his name, Gen. Singlaub intends to take the offensive, to countersue for malicious libel and defamation of character, and perhaps seek disbarment of Christic leader Danny Sheehan, the radical from the Vietnam era who brought the suit.

Excellent! Here is a cause that merits support. Gen. Singlaub, Rob Owen, Contra leader Adolfo Calero and former CIA Deputy Director Theodore Shackley are our conservative wounded, reviled as "neo fascists" and "neo Nazis" by the hard left, because they have been on the front lines in the campaign to roll back the Soviet Empire, the campaign that was once known as the Reagan Doctrine.

In his letter pleading for support, Mr. Spencer notes that, in a 35-year military career, Jack Singlaub won the Bronze Star, the Silver Star, the Croix de Guerre, the Distinguished Service Medal and the Purple Heart, fighting behind Nazi lines in France and Communist lines in Korea and Vietnam, while the Christic Institute "has a history of collaboration with and support for Communist and Marxist governments, movements and terrorists around the world."

While the Christics have proven themselves a formidable enemy, Mr. Sheehan may have bitten off a bit more than he can digest. Even in the sympathetic Mother Jones magazine, skepticism is being raised over his veracity.

"And there is a question of whether the Secret Team conspiracy (Gen. Singlaub's alleged network) exists only in Danny Sheehan's vivid imagination," writes James Straub. "Susan Morgan, British television reporter and La Penca victim currently assembling a documentary on the bombing, says that after months of investigation she has been unable to corroborate any of Christic's claims. "It's extremely frustrating," she says. Some of Mr. Sheehan's sources are "compulsive liars." Others, she adds, such as Edwin Wilson, claim to have been misquoted. Mr. Wilson thought that Danny Sheehan was "putting two and two together and getting six." Even CIA dissidents Frank Snepp and John Stockwell are described as "appalled" at the errors in Christic's filings.

"Gen. Singlaub," writes Mr. Spencer, "is one of the world's most effective anti-Communists. A large, well funded and powerful pro-Communist organization is trying to put him out of action." Well, the Christic Institute failed to put Jack Singlaub out of action. Hopefully, he will reciprocate and put them out of action.,

After all, he's been dealing with their kind his whole life.

[From the Washington Inquirer, July 1, 1988]

CHRISTIC CASE THROWN OUT OF COURT

(By Cliff Kincaid)

By dismissing the Christic Institute's two-year-old "Contragate" lawsuit just four days before it was scheduled to go to trial, federal Judge James Lawrence King was telling the world that Christic general counsel Daniel Sheehan didn't have enough evidence to present to a jury.

Working with the major media, especially CBS News, and Massachusetts Democratic Senator John Kerry's Senate subcommittee on narcotics, Sheehan had popularized the notion of a "Contra drug connection." The network evening news programs saved Sheehan some embarrassment by failing to report King's repudiation of his charges.

The suit claimed that a "secret team" of retired CIA and military officials had been smuggling arms and drugs and murdering people over a period of decades. In 1984, the suit claimed, this criminal conspiracy tried to assassinate dissident Nicaraguan Resistance leader Eden Pastora. The plaintiffs were left-wing activists Tony Avirgan, who was slightly injured when a Pastora news conference was bombed, and his wife, Martha Honey.

Although the defendants welcomed the ruling, they also believe that the justice system had been so abused that Sheehan and his associates should be forced to pay, financially and otherwise, for what they have done.

Tom Spencer, attorney for Maj. Gen. John Singlaub, says, "It's payback time." He wants Sheehan to pay Singlaub's legal costs, amounting to several hundred thousand dollars. He wants Sheehan to be disciplined and punished by the legal community. Spencer also believes there should be substantial changes in the federal racketeering statute under which the suit was brought. Spencer says that it was originally designed to enable prosecutors to go after organized crime, but was used by the Christic Institute to go after its political enemies.

Besides Singlaub, the defendants included Maj. Gen. Richard V. Secord, former CIA official Theodore Shackley, and Rob Owen, Oliver North's liaison to the Nicaraguan resistance.

Secord, who managed North's re-supply effort for the Nicaraguan resistance, has already sued one of Sheehan's "sources" for slander. He also has filed a libel suit against former CBS News producer Leslie Cockburn, who promotes Sheehan's conspiracy theories in her book, "Out of Control." Next in line is Sheehan himself. Months ago, Secord vowed, "We will definitely deal with this guy. It will be a service to the country."

Shackley, a retired prominent CIA official, has vowed to "take legal action against those who make false and malicious claims and those who found them." He says a way must be found to protect present and current government officials from this kind of "legal terrorism."

Another victim of the Christic suit, Rob Owens, helped Oliver North and the Nicaraguan resistance when Congress refused. A true humanitarian, Owen nevertheless had to defend himself against Christic charges that he was part of a criminal conspiracy.

It appears that the only "crime" of these individuals was to serve their country in the military and intelligence community, or participate in covert operations against the Communists.

Lately, Sheehan had been claiming that vice president George Bush was somehow involved with the "secret team." Aids and associates of the Vice President had been dragged into the case. One of them, retired CIA operative Felix Rodriquez, who was ordered to give a deposition, managed to have the last laugh on the Christics. He showed up in Little Havana on May 20 for his deposition with 30 cheering supporters carrying signs that said, "Investigate the Christic Institute." The Christic didn't show.

Rodriquez says they sent him a check to cover the costs of the appearance, and he promptly made it payable to the Nicaraguan resistance.

Rather than admit defeat, the Miami Herald reports that Sheehan will appeal. He claims Judge King bowed to Republican pressure to save George Bush Plaintiff Avirgan went so far as to claim that King had joined the "secret team."

[From the Washington Times, June 30, 1988]

THE LEFT IN DISNEYLAND

The Christic Institute was one of the lesser stars in the orbit of the American left until 1986, when it hit the big time with a lawsuit against 29 individuals, some of whom were connected to the Iran-Contra business. Accusing them of murder, kidnapping, bribery and drug-dealing and of constituting a sinister conspiracy that came to be known as the "Secret Team," the Washington-based foundation got lots of publicity and backing—until last week, when a federal judge in Miami threw its bizarre $24 million suit out of court. But much of the nation's liberal establishment seems to remain enamored with the fables concocted by the Christic mystics.

The centerpiece of the plot imagined by the institute was a supposed covert group of bad guys who it alleged had spent 25 years trying to wipe out communism with assassinations, to take over U.S. foreign policy and to help arm the Nicaraguan resistance through drug trafficking. The "Secret Team," the institute claimed, was a "powerful criminal network, fanatically right-wing, financed by drug profits and closely connected to the Reagan administration."

Most of the "evidence" for the grand conspiracy consisted of what attorney Theodore Klein, who represented some of the defendants, calls "a hodge-podge of dead informants, lost witnesses, character actors with first names only and assorted shadow figures who shriveled when exposed to the light." All the witnesses named by the institute recanted or denied statements attributed to them, and U.S. District Judge James Lawrence King finally dismissed the suit as being without merit.

The defendants—some of whom now face financial ruin as a result of the institute's litigation—included former CIA Deputy Director Theodore Shackley, Maj. Gen. John Singlaub, Maj. Gen. Richard Secord, Nicaraguan resistance leader Adolfo Calero and conservative activist F. Andy Messing of the National Defense Council, among others. A later affidavit filed in the case charged President Reagan, the late CIA Director William Casey and Attorney General Edwin Meese III with directing the Secret Team.

Gen. Singlaub says he has spent about $500,000 to fight the suit, and Mr. Messing says some of his group's donors fell away because of negative publicity. The taxpayer also took a drubbing, with court costs amounting to about $2 million over the past two years, and the scars on the reputations of some of the defendants may never be healed.

Aside from the damage done to innocent men, the Christic Institute's fairy tales seem to have been swallowed whole by many of its cohorts on the left. As publicity about the suit mounted, the institute gathered the donations of some leftish high rollers, including musician Jackson Browne and actress Jane Fonda, who no doubt will some day apologize. It forged relationships with such groups as Americans for Democratic Action, the National Organization for Women and the Southern Christian Leadership Conference, and its literature now sports endorsements from Jesse Jackson and Richard Gephardt.

Sen. John Kerry's staff is reported to work closely with Christic personnel in trying to prove that the Nicaraguan resistance is involved in drug smuggling. The "Secret Team" theory, as the left-wing monthly Mother Jones noted is "fast becoming the official explanation of the Iran-Contra events in progressive circles around the country."

Historian Richard Hostadter once wrote about what he called "The Paranoid Style in American Politics," referring to those political causes that throughout American history have launched crusades against imaginary dark forces conspiring against the Republic. Hofstadter saw political paranoia as being largely the property of the right wing, but it recently seems to have migrated leftward.

Conspiracy ideologies such as the Christic Institute's Secret Team theory, as Insight's David Brock has written, attempt to "criminalize foreign policy differences." The far right has used such tactics in the past to portray liberals as tools of the Trilateral Commission or other bogies, while the political left exploits such demonology to try to decredit anti-communists in and out of government.

Such radical intolerance is reprehensible in any form, and is especially dangerous when groups use nuisance suits to destroy the lives and wreck the finances of their political opponents. The judge was right to dismiss the suit and protect a framework of civility for the public discourse.

CONFERENCE REPORT ON H.R. 4800

Mr. BOLAND submitted the following conference report and statement on the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fical year ending September 30, 1989, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-817)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 10, 11, 12, 14, 16, 20, 21, 25, 27, 28, 29, 31, 34, 35, 36, 37, 38, 39, 43, 47, 48, 53, 55, 59, 61, 65, 67, 72, 74, 77, 78, 79, 82, 83, 84, 85, and 86.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 22, 26, 33, 41, 42, 49, 52, 54, 63, 66, 69, 71, and 80, and agree to the same.

Amendment numbered 2:

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$480,106,000*; and the Senate agree to the same.

Amendment numbered 7:

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$46,500,000*; and the Senate agree to the same.

Amendment numbered 8:

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$80,000,000*; and the Senate agree to the same.

Amendment numbered 9:

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,100,000*; and the Senate agree to the same.

Amendment numbered 15:

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$13,200,000*; and the Senate agree to the same.

Amendment numbered 19:

That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$716,609,000*; and the Senate agree to the same.

Amendment numbered 32:

That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$715,625,000*; and the Senate agree to the same.

Amendment numbered 40:

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows:

In lieu of the matter inserted by said amendment insert the following: *consisting of $1,275,000,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and $150,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, with all of such funds*; and the Senate agree to the same.

Amendment numbered 44:

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$941,000,000*; and the Senate agree to the same.

Amendment numbered 45:

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$941,000,000*; and the Senate agree to the same.

Amendment numbered 46:

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *; and $68,000,000 shall be for title V of the Water Quality Act of 1987, consisting of $20,000,000 for section 510, $3,000,000 for section 512, $25,000,000 for section 513, and $20,000,000 for section 515*; and the Senate agree to the same.

Amendment numbered 50:

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it: Provided further,* and the Senate agree to the same.

Amendment numbered 60:

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$1,583,000,000*; and the Senate agree to the same.

Amendment numbered 68:

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$10,542,546,000*; and the Senate agree to the same.

The committee for conference report in disagreement amendments numbered 1, 3, 6, 13, 17, 18, 23, 24, 30, 51, 56, 57, 58, 62, 64, 70, 73, 75, 76, and 81.

EDWARD P. BOLAND,
BOB TRAXLER,
LOUIS STOKES,
LINDY BOGGS,
ALAN B. MOLLOHAN,
MARTIN O. SABO,
JAMIE L. WHITTEN,
BILL GREEN,
LAWRENCE COUGHLIN,
JERRY LEWIS,
SILVIO O. CONTE,
Managers on the Part of the House.

BILL PROXMIRE,
JOHN C. STENNIS,
PATRICK J. LEAHY,
J. BENNETT JOHNSTON,
FRANK R. LAUTENBERG,
BARBARA MIKULSKI,
DANIEL K. INOUYE,
JAKE GARN,
ALFONSE M. D'AMATO,
CHUCK GRASSLEY,
PETE V. DOMENICI,
DON NICKLES,
MARK O. HATFIELD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4800) making appropriations for the Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1989, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report.

TITLE I

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

(INCLUDING RESCISSION)

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $7,538,765,000, to remain available until expended: Provided, That of the new budget authority provided herein, $89,350,788 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program (section 202 of the Act, as amended by section 2 of Public Law 100-358, approved June 29, 1988); $343,347,300 shall be for the development or acquisition cost of public housing, including major reconstruction of obsolete public housing projects, other than for Indian families; $1,646,948,200 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l); $969,570,000 shall be for assistance under section 8 of the Act for projects developed for the elderly under section 202 of the Housing Act of 1959, as amended (12 U.S.C. 1701q); $572,059,890 shall be for the section 8 existing housing certificate program (42 U.S.C. 1437f); $368,473,610 shall be for the section 8 moderate rehabilitation program (42 U.S.C. 1437f), of which $45,000,000 is to be used to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act (Public Law 100-77); up to $307,430,000 shall be for section 8 assistance for property disposition; and $1,354,937,780 shall be available for the housing voucher program under section 8(o) of the Act (42 U.S.C. 1437f(o)): Provided further, That of that portion of such budget authority under section 8(o) to be used to achieve a net increase in the number of dwelling units for assisted families, highest priority shall be given to assisting families who as a result of rental rehabilitation actions are involuntarily displaced or who are or would be displaced in consequence of increased rents (wherever the level of such rents exceeds 35 percent of the adjusted income of such families, as defined in regulations promulgated by the Department of Housing and Urban Development): Provided further, That up to $145,462,500 shall be for loan management under section 8 and that any amounts of budget authority provided herein that are used for loan management activities under section 8(b)(1) (42 U.S.C. 1437f(b)(1)) shall not be obligated for a contract term that exceeds five years, notwithstanding the specification in section 8(v) of the Act that such term shall be 180 months: Provided further, That those portions of the fees for the costs incurred in administering incremental units assisted in the certificate and housing voucher programs under sections 8(b) and 8(o), respectively, shall be established or increased in accordance with the authorization for such fees in section 8(q) of the Act: Provided further, That of the $7,538,765,000 provided herein, $355,509,000 shall be used to assist handicapped families in accordance with section 202(h)(2), (3) and (4) of the Housing Act of 1959, as amended (12 U.S.C. 1701q), and $20,000,000 shall be for assistance under the Nehemiah housing opportunity program pursuant to section 612 of the Housing and Community Development Act of 1987 (Public Law 100-242) and the immediately aforementioned $20,000,000 shall not become available for

obligation until July 1, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy change: Provided further, That amounts equal to all amounts of budget authority (and contract authority) reserved or obligated for the development or acquisition cost of public housing (excluding public housing for Indian families), for modernization of existing public housing projects (excluding such projects for Indian families), and for programs under seciton 8 of the Act (42 U.S.C. 1437f), which are recaptured during fiscal year 1989, shall be rescinded: Provided further, That notwithstanding the 20 percent limitation under section 5(j)(2) of the Act, any part of the new budget authority for the development or acquisition costs of public housing other than for Indian families may, in the discretion of the Secretary, based on applications submitted by public housing authorities, be used for new construction or major reconstruction of obsolete public housing projects other than for Indian families: Provided further, That amounts equal to recaptured amounts for housing development grants shall be made available during 1989 on the terms specified in the sixth proviso under this head in the Department of Housing and Urban Development appropriation for 1987 (section 101(g) of Public Laws 99-500 and 99-591, 100 Stat. 1783, 1783-242, and 3341, 3341-242).

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees expect the Department and the Office of Management and Budget to adhere to the 1989 program detailed in the following table. The Department is expected to continue to utilize the regular reprogramming procedure if any changes are required to the agreed upon program contained in the table.

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING, FISCAL YEAR 1989—GROSS RESERVATIONS

	Units	Cost	Term	Budget authority
New authority	NA	NA	NA	$7,538,765,000
Rescission of recaptures	NA	NA	NA	—303,500,000
Total, budget authority (net)	NA	NA	NA	7,235,265,000
Public housing:				
New construction/major reconstruction	5,000	$68,669	NA	343,347,300
Indian housing	1,243	71,851	NA	89,350,788
Amendments	NA	NA	NA	36,737,000
Lease adjustments	NA	NA	NA	22,400,000
Modernization	NA	NA	NA	1,646,948,200
Subtotal, public housing	6,243			2,138,783,288
SEC. 8				
Sec. 202:				
Regular	7,125	6,804	20	969,570,000
Handicapped[1]	2,375	7,484	20	355,509,000
Amendments	NA	NA	20	145,000,000
Subtotal, Sec. 202	9,500			1,470,079,000
Vouchers:				
Incremental	47,000	4,844	5	1,138,340,000
Opt outs/prepayments	1,500	4,844	5	36,330,000
Renewals	NA	4,844	5	38,712,780
Fees (8.2 percent—new incremental units)	NA	585	5	141,555,000
Subtotal, vouchers	48,500			1,354,937,780
Existing certificates	18,000	6,022	5	541,980,000
Public housing demolition	333	6,022	15	30,079,890
Subtotal	18,333			572,059,890
Loan management	7,500	3,879	5	145,462,500
Moderate rehabilitation:				
Regular	2,942	7,329	15	323,473,610
Homeless (SRO)	1,270	NA	NA	45,000,000
Subtotal, moderate rehabilitation	4,212			368,473,610
Property Disposition	3,157	6,493	15	307,430,000
Amendments:				
Existing housing	NA	NA	5	708,798,932
Project reserves	NA	NA	7	383,740,000
Moderate rehabilitation	NA	NA	10	46,500,000
Property disposition	NA	NA	15	22,500,000
Subtotal amendments	NA	NA		1,161,538,932
Subtotal, section 8	91,202	NA		5,379,981,712
Total, public housing and sec. 8	97,445	NA		7,518,765,000
Nehemiah grants	NA	NA		20,000,000
Total use of authority	NA	NA		7,538,765,000
Incremental units	84,955	NA	NA	

[1]Includes 950 units for the deinstitutionalized mentally ill.

Amendment No. 2: Establishes the 1989 direct loan limitation on the housing for the elderly or handicapped fund at $480,106,000, instead of $478,422,000 as proposed by the House and $537,736,000 as proposed by the Senate.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate requiring that 25 percent of the loan authority provided be used only for handicapped projects, with the mentally ill homeless handicapped receiving priority, instead of requiring adequate loan authority be used to provide for an estimated 2,000 handicapped units as proposed by the House.

The conferees agree that 950 of the 2,375 units provided for the handicapped should be reserved for the deinstitutionalized mentally ill.

Amendment No. 4: Appropriates $5,400,000 for congregate services as proposed by the House, instead of $7,000,000 as proposed by the Senate.

Amendment No. 5: Appropriates $3,500,000 for housing counseling assistance as proposed by the Senate, instead of $4,500,000 as proposed by the House. The conferees agree that within available funds, the Department will implement the new counseling provisions carried in the Housing and Community Development Act of 1987.

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate inserting language clarifying that the flexible subsidy fund is to be operated as a revolving fund and that monies in the revolving fund are available for use until expended, instead of permitting two year availability of funds and the use of excess rental receipts collected in 1989 as proposed by the House.

Amendment No. 7: Appropriates $46,500,000 for the emergency shelter grants program, instead of $65,000,000 as proposed by the House and $35,000,000 as proposed by the Senate.

Amendment No. 8: Appropriates $80,000,000 for the transitional and supportive housing demonstration program, instead of $85,000,000 as proposed by the House and $75,000,000 as proposed by the Senate.

Amendment No. 9: Appropriates $1,100,000 for the Interagency Council on the Homeless, instead of $1,200,000 as proposed by the House and $1,000,000 as proposed by the Senate.

COMMUNITY PLANNING AND DEVELOPMENT

Amendment No. 10: Transfers $200,000,000 from the Rehabilitation loan fund to Community development grants as proposed by the House, instead of $160,000,000 as proposed by the Senate. The conferees urge the Department to issue the notice of fund availability early in the fiscal year and to make funds available for rehabilitation loans expeditiously as repayments are received. The conferees support the administrative changes to the rehabilitation loan program suggested in the Senate report.

Amendment No. 11: Restores language proposed by the House and stricken by the Senate transfering $150,000,000 from the Flexible subsidy fund to Community development grants.

Amendment No. 12: Restores language proposed by the House and stricken by the Senate earmarking $5,000,000 of Community development grants for a public housing child care demonstration.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking $2,000,000 of Community development grant funds for a neighborhood development demonstration.

The conferees are in agreement that the Secretary's Discretionary Fund shall be increased by $10,000,000 above the budget request for the following special projects:

+$750,000 for the district heating and cooling program, as described in both the House and Senate reports.

+$2,885,000 to be divided proportionally for special project grants to address the serious ground subsidence problems in the Roxborough and Logan areas of Philadelphia. The conferees urge the Department to make these funds available expeditiously to be matched by equal contributions from both the city and state.

+$1,100,000 for secondary migration assistance in the Fresno, California vicinity.

+$500,000 for downtown revitalization projects in Ada, Oklahoma.

+$140,000 for handicapped accessibility improvements to the Columbia County Courthouse in Dayton, Washington.

+$1,560,000 for modification and repair of an innovative sewage treatment plant in Henderson, Nevada.

+$1,220,000 for infrastructure development for the Hawaiian Homes lands.

+$1,000,000 for a math and science high school in Oklahoma City, Oklahoma.

+$785,000 for purchase and renovation of a building for Covenant House in New York City.

+$60,000 to support expanded tenant management of the Northgate Apartments in Burlington, Vermont.

Amendment No. 14: Deletes language proposed by the Senate earmarking $4,650,000 in 1988 funds in the Secretary's discretionary fund for special projects identified in conference report language. These funds have already been released for obligation by the Administation.

Amendment No. 15: Appropriates $13,200,000 for urban homesteading, instead of $12,000,000 as proposed by the House and $14,400,000 as proposed by the Senate.

Amendment No. 16: Restores language proposed by the House and stricken by the Senate continuing the solar bank program in 1989 with recaptures and deletes lan-

guage proposed by the Senate rescinding solar bank funds recaptured in 1989.

POLICY DEVELOPMENT AND RESEARCH

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$17,200,000, of which not less than $1,200,000 shall be available for lead-based paint studies, with all funds.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Responsible action and effective leadership on lead-based paint is long overdue from HUD. To assure that critical research needs begin to be addressed, bill language has been included to require that at least $1,200,000 be made available for lead-based paint studies in 1989. The conferees place a high priority on this work and understand that, absent this bill language, HUD would have provided significantly less resources for this effort.

In addition to supporting the 18-month demonstration in HUD-owned housing, there are a number of pressing research and technical studies which need to be conducted, including the following: Development of the technical guidelines called for in amendment No. 24; reevaluation of XRF and other testing technologies; lead dust sampling methodologies and laboratory analysis techniques; air lead monitoring for worker protection; long term post-abatement monitoring; and training and certification programs to assure the safety of abatement work. In addition, the Department is directed to renegotiate its Memorandum of Understanding with the Environmental Protection Agency on lead-based paint to take greater advantage of that agency's experience and perspective in responding to serious environmental health hazards.

On May 11 the House and Senate Appropriations Committees directed HUD to reprogram funds, as the highest priority, to undertake the development of technical guidelines for lead testing and abatement. It is inexcusable that the Department still has not obligated those funds after almost three months. The Department is directed to initiate that effort and aggressively support its completion without further delay or excuses.

FAIR HOUSING AND EQUAL OPPORTUNITY

Amendment No. 18: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended, and section 561 of the Housing and Community Development Act of 1987, $10,000,000, to remain available until September 30, 1990: Provided, That not less than $5,000,000 shall be available to carry out activities pursuant to section 561 of the Housing and Community Development Act of 1987.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate. The conferees have agreed to consolidate fair housing funding in a single account to give the Department additional flexibility. Language has been included to require that at least $5,000,000 is used for the fair housing insitiatives program in 1989. The conferees urge HUD to provide additional resources for fair housing initiatives, if such funds will strengthen the overall fair housing program.

MANAGEMENT AND ADMINISTRATION

Amendment No. 19: Appropriates $716,609,000 for salaries and expenses, instead of $719,371,000 as proposed by the House and $709,763,000 as proposed by the Senate.

The Committee of Conference is in agreement with the following changes from the budget estimate:

+$11,438,000 for 301 staff years to support the recommended program levels.

+$2,000,000 for 50 staff years to continue rebuilding the public housing programs.

−$520,000 and 13 staff years in the Office of Policy Development and Research.

+$1,000,000 for the Housing Assistance Council.

+$8,500,000 for 250 staff yearsto support the anticipated FHA workload. The Department is to allocate a substantial portion of the additional staff to those field offices with the heaviest property disposition and loan management workloads.

−$3,000,000 from the $19,754,000 increase requested for the Working Capital Fund. This savings results from slippage in the date for converting the Department's ADP applications system to the HUD integrated information processing system.

The following table reflects the 1989 staffing agreed to by the conferees:

STAFF YEAR SUMMARY

	1989			
	Agency request	House recommendation	Senate recommendation	Conference agreement
Housing:				
Washington	544	544	544	544
Field	5,517	5,780	5,667	5,780
Public and Indian housing:				
Washington	141	141	141	141
Field	972	1,224	1,174	1,224
Government National Mortgage Association: Washington	56	56	56	56
Community planning and development:				
Washington	245	269	248	258
Field	776	873	809	829
Policy development and research: Washington	145	132	140	132
Fair housing and equal opportunity:				
Washington	130	130	130	130
Field	468	468	468	468
Departmental management: Washington	138	138	138	138
Office of General Counsel:				
Washington	227	227	228	227
Field legal services: Field	268	268	268	268
Office of Inspector General: Washington/Field	495	495	495	495
Administration and staff services: Washington	1,164	1,164	1,116	1,164
Working capital fund: Washington	236	236	284	236
Field direction and operational support; Field	533	533	533	533
Field administration: Field	858	878	877	878
Total	12,913	13,556	13,316	13,501

Amendment No. 20: Transfers $381,528,000 from the various funds of the Federal Housing Administration as proposed by the House, instead of $371,920,000 as proposed by the Senate.

Amendment No. 21: Restores lanaguage proposed by the House and stricken by the Senate requiring a minimum staffing level of 1,365 for public and Indian housing programs.

ADMINISTRATIVE PROVISIONS

Amendment No. 22: Inserts center heading.

Amendment No. 23: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate amending the Housing and Community Development Act of 1974 to limit the amount a city may receive in each urban development action grant round to $10,000,000 unless each city and urban county which submitted a fundable application has been awarded a grant.

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

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

None of the funds provided in this Act or heretofore provided may be used to implement or enforce the regulations promulgated by the Department of Housing and Urban Development on June 6, 1988, with respect to the testing and abatement of lead-based paint in public housing until the Secretary develops comprehensive technical guidelines on reliable testing protocols, safe and effective abatement techniques, cleanup methods, and acceptable post-abatement lead dust levels.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees share the widespread frustration over the Department's failure to provide effective leadership on lead-based paint in housing. Over the past decade, only token efforts have been made to address lead problems in housing, while adverse health effects have been documented at lower and lower concentrations. Clearly, it is time to aggressively begin addressing the vast task of abating lead in housing. The conferees strongly endorse the 18-month demonstration to identify definitively the best approaches and have earmarked $1,200,000 of research funds to support that effort and the associated research and technical studies.

However, the Department's recently promulgated regulations mandating immediate full scale testing and abatement of lead-based paint in public housing raise serious concerns. Many lead-based paint abatement experts are convinced that the vast majority of current work employs improper techniques and is of poor quality. There is also strong evidence that poorly conducted abatement significantly *increases* lead dust levels, presenting greater health risks to residents and workers.

The conferees understand the authorizing committees are reviewing a number of issues related to lead-based paint and may be considering additional legislation. In the meantime, the conferees believe the development of technical guidelines is essential prior to undertaking widespread testing and abatement programs. It is expected that useful guidelines can be developed within six months through the process already being initiated with the National Institute of Building Sciences.

These guidelines are to be based on a consensus of the best technical judgments of experts in public health, housing and public housing, environmental science, and the abatement industry. At a minimum, techni-

cal guidelines should identify and prescribe reliable testing methods and protocols for lead in paint and dust, safe and effective techniques for abating various types of surfaces and surface conditions, safeguards to protect workers and building residents, cleanup and disposal methods, and standards to assure that post-abatement lead dust levels are safe. It is essential that these guidelines be comprehensive and of sufficient detail to provide practical assistance to the field practitioner. The conferees intend to follow this effort closely to assure that meaningful guidelines are developed as expeditiously as possible.

Amendment No. 25: Deletes language inserted by the Senate expressing the intention of the Senate to make new appropriations for the urban development action grant program if additional funds become available.

TITLE II

INDEPENDENT AGENCIES

American Battle Monuments Commission

Amendment No. 26: Inserts language proposed by the Senate requiring that $829,000 of the appropriation be deposited in the Foreign Currency Fluctuations account, instead of extending the availability of $829,000 of the appropriated funds for use in defraying the costs of foreign currency fluctuations as proposed by the House.

Competitiveness Policy Council

Amendment No. 27: Deletes language inserted by the Senate appropriating $1,000,000 for the Competitiveness Policy Council subject to authorization.

Consumer Product Safety Commission

Amendment No. 28: Appropriates $34,500,000 for the Consumer Product Safety Commission as proposed by the House, instead of $34,667,000 as proposed by the Senate.

Environmental Protection Agency

Amendment No. 29: Appropriates $804,000,000 for salaries and expenses as proposed by the House, instead of $802,000,000 as proposed by the Senate. The conferees agree to the following changes from the budget request:

−$1,700,000 from travel, contracting and consultant services.

+$2,000,000 and five FTE for Title III support. These resources are to be evenly divided between 1) emergency planning activities and 2) assuring the quality of the section 313 data base, developing tools to assist communities in analyzing data, and enforcing reporting requirements.

+$1,700,000 and 30 FTE for waste minimization and pollution prevention. The conferees are in agreement that EPA must begin providing leadership to the states and industry for reducing the generation of wastes through an aggressive, multi-media program of research, outreach and technical assistance. These resources are intended to be the nucleus of such a program, to be allocated equally to the research office, the program offices, and regional technology transfer staffs.

+$600,000 and 10 FTE for the Great Lakes program office.

+$600,000 and 10 FTE for stratospheric ozone and global climate change, to be evenly divided between the air and policy offices.

+$500,000 and 10 FTE for radon contractor proficiency programs and to establish regional pilot training centers.

+$300,000 and five FTE to develop radiation criteria, standards, and guidelines.

The conferees understand that under an existing Memorandum of Understanding with the Department of Housing and Urban Development, EPA has ceded to HUD virtually all responsibility for lead-based paint. Without a doubt, lead is indisputably one of the most serious environmental health problems—with lead dust from paint being the primary source of exposures to children with elevated blood levels. Yet, little attention or resources have been devoted to this problem by EPA. The conferees believe that EPA must exercise its broader responsibilities under the Toxic Substances Control Act relating to lead-based paint testing and abatement standards, cleanup methods, and acceptable post-abatement lead dust levels. The Agency's extensive experience with the similar problem of asbestos in buildings should be brought to bear. The conferees direct EPA and HUD to renegotiate the Memorandum of Understanding on lead in buildings to provide for a more appropriate and effective division of responsibilities. The Department and EPA should advise the Appropriations Committees of the new division of responsibilities by April 1, 1989.

Amendment No. 30: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$202,500,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees are in agreement on the following changes from the budget request:

−$3,000,000 from stratospheric ozone research. Additional funds have been added in the abatement, control, and compliance account for higher priority policy studies related to ozone depletion.

−$250,000 as a general reduction.

+$2,500,000 for the Center for Environmental Management to continue priority research, education and policy activities.

+$2,000,000 to be matched on a 50–50 basis by private contributions for jointly funded asbestos research. The conferees intend that this research be conducted under the auspices of the Health Effects Institute to assure the quality of science and objectivity of peer review. This research is intended to determine actual airborne exposure levels prevalent in buildings, to characterize peak exposure episodes and their significance, and to evaluate the effectiveness of asbestos management and abatement strategies in a scientifically meaningful manner. The conferees believe it is important that the sponsorship of and participation in this effort encompass the full range of private interests, including current and former product manufacturers, realtors, developers, building owners and managers, mortgage bankers, the insurance industry, labor organizations, and environmental groups. Before funds are obligated for research, a plan shall be submitted to the Appropriations Committees describing the framework for an open consultative process, the organizational, staffing, and peer review structures, the general workplan for research, and arrangements for non-Federal cost sharing. This effort shall in no way be construed to limit or alter EPA's authority or obligation to proceed with rulemakings and to issue rules as necessary.

+$2,000,000 for waste minimization and pollution prevention research. A multi-year plan addressing the critical research elements to support an Agency-wide, multi-media pollution prevention initiative should be submitted by May 1, 1989.

+$1,000,000 for global warming research.

+$450,000 for completion of the Kanawha Valley health effects study.

+$300,000 for desert ecological studies in the great basin.

+$500,000 for a cumulus clouds acid rain study at the University of North Dakota.

The conferees understand that recent scientific findings by research organizations and universities in the southeast indicate that current ozone control strategies do not adequately account for regional differences including climate, topography, and natural sources of emissions. A more thorough understanding of such regional differences would result in better ozone control strategies and improved clean air attainment. Therefore, the conferees direct the Agency to provide adequate research funds to increase the scientific understanding of regional differences in ozone conditions and attainment, particularly as they affect the southeast.

Amendment No. 31: Deletes language inserted by the Senate earmarking $2,800,000 of 1988 funds for the Center for Environmental Management. These funds have already been released for obligation by the Administration.

Amendment No. 32: Appropriates $715,625,000 for abatement, control, and compliance, instead of $727,500,000 as proposed by the House and $708,750,000 as proposed by the Senate. The conferees agree to the following changes from the budget request:

−$13,650,000 from pesticide storage and disposal.

+$47,500,000 for asbestos in schools.

+$7,500,000 for the national, competitive clean lakes program.

+$5,000,000 for the ten special lake and waterway projects authorized by section 315(b) of the Water Quality Act of 1987.

+$6,000,000 for stratospheric ozone depletion studies. A detailed funding plan is requested for all EPA stratospheric ozone studies by March 1, 1989.

+$5,000,000 for global climate change studies. By June 1, 1989 EPA should submit a workplan and report describing its various global warming research and policy studies, summaries of other Federal agencies' research activities, and the mechanisms for assuring coordination.

+$4,000,000 for incentive grants to state environmental agencies for developing integrated technical assistance and training programs to expand multi-media waste minimization activities.

+$3,000,000 for the Great Lakes program. These funds are intended to support the bilateral agreement with Canada and complete the full outfitting of the research vessel.

+$3,000,000 for drinking water technical assistance as described in the Senate report.

+$5,000,000 for water quality state grants.

+$1,000,000 for underground injection control state grants.

+$6,500,000 for air state grants, including the following set-asides: (1) $1,000,000 to cover one-third of the cost of the cooperative San Joaquin Valley ozone modelling effort, to be matched equally with funds spent or to be spent by the State/local governments and by private sources. The conferees believe that Federal support is justified in completing this jointly funded project and recognize that a three-year effort will be required; (2) $700,000 for

EPA's air pollution institute for training state personnel; (3) $300,000 for high altitude vehicle testing as described in the Senate report; (4) $250,000 for El Paso/Juarez air monitoring as described in the House report; and (5) $250,000 to support state efforts in evaluating and addressing the most severe multi-state ozone nonattainment and visibility problems.

+$2,000,000 to accelerate the pesticide/groundwater study.

+$2,000,000 for expanded emissions factor testing.

+$1,000,000 for wastewater treatment operator training.

+$1,000,000 for controlling sources of pollution to the Spokane aquifer.

+$1,000,000 for academic training. In addition to the traditional academic training activities, the conferees urge EPA to consider funding university programs designed to retrain geologists as hydrogeologists.

+$975,000 for revising regulations on high level and transuranic radioactive wastes.

+$900,000 for regional radon training centers.

+$600,000 for ensuring the proficiency of radon contractors.

+$750,000 for toxic studies in Chesapeake Bay.

+$700,000 for the National Academy of Sciences study on global climate change.

+$500,000 for a task force study and report on sugar cane processing mills on the Hilo-Hamakua coast of Hawaii. While the bill language in amendment No. 36 requiring this study has been deleted, the conferees direct that up to $500,000 be provided for the task force and report described in the Senate language. This study shall evaluate all pertinent factors, including the effects of modifying the limitation on total suspended solids on public health, the marine environment, non-water quality environmental impacts, energy requirements, the economic capability of the owner or operator, the engineering aspects of various types of control techniques and process changes, and the relationship between the costs and benefits of effluent reductions.

+$250,000 for continuing the study of the health and safety effects of pesticides on farmworkers.

+$100,000 for pesticide enforcement state grants, as specified in the Senate report.

Amendment No. 33: Limits administrative expenses for asbestos in schools to $2,500,000 as proposed by the Senate, instead of $1,500,000 as proposed by the House. Of that amount, $100,000 shall be provided as a grant for training minority contractors and workers and $400,000 shall be provided as grants to joint labor-management trust funds organized pursuant to section 302(c) of the National Labor Relations Act for training workers in asbestos abatement and disposal under an EPA approved training program.

Amendment No. 34: Deletes language inserted by the Senate earmarking $500,000 for asbestos worker training through joint labor-management trust funds. While the conferees have agreed to delete this bill language, the conference report directs the Agency to provide $400,000 to joint labor-management trust funds for asbestos worker training as described in the Senate language.

Amendment No. 35: Deletes language inserted by the Senate earmarking $16,000,000 and $700,000 of 1988 funds for Boston Harbor and Spokane aquifer, respectively. These funds have already been released for obligation by the Administration.

Amendment No. 36: Deletes language inserted by the Senate earmarking $500,000 for a task force and report on sugar cane processing mills on the Hilo-Hamakua coast of Hawaii. The conference report provides up to $500,000 for this purpose and directs that the task force report be submitted as called for by the Senate language.

Amendment No. 37: Deletes language inserted by the Senate requiring EPA to submit a report to Congress examining the direct economic and environmental impacts of regulations reducing ozone depleting substances. The conferees direct EPA to prepare and submit the report called for in the Senate language and believe this should be coordinated with the Federal Trade Commission.

Amendment No. 38: Deletes language inserted by the Senate making general reductions in EPA's Salaries and expenses, Research and development, and Abatement, control, and compliance accounts and earmarking $25,000,000 for nonpoint source control state grants and $5,000,000 for wellhead protection state grants. In view of the disruption such general reductions would cause all other EPA programs, the conferees cannot justify funding the nonpoint source and wellhead protection programs in this manner.

Amendment No. 39: Appropriates $1,425,000,000 for the Hazardous Substance Trust Fund as proposed by the House, instead of $1,525,000,000 as proposed by the Senate. The conferees agree to the following changes for the budget request:

−$204,000,000 to be taken as a general reduction at the Administrator's discretion.

+$3,300,000 and 60 FTE for enforcement to be allocated based on the House report.

+$15,000,000 for emergency removals.

+$1,200,000 and 20 FTE for regional contract management.

+$500,000 for mediation, arbitration, internal appeal and other dispute resolution activities.

+$1,500,000 for the Gulf Coast Hazardous Waste Research Center.

+$6,000,000 for the National Institute of Environmental Health Sciences' basic research grants.

+$1,500,000 and 25 FTE for the Agency for Toxic Substances and Disease Registry.

Amendment No. 40: Inserts language proposed by the Senate appropriating $1,286,000,000 from the Hazardous Substance Superfund and $239,000,000 from the General Fund, amended to appropriate $1,275,000,000 from the Hazardous Substance Superfund and $150,000,000 from the General Fund.

Amendment No. 41: Deletes language proposed by the House and stricken by the Senate requiring EPA regional administrators, prior to obligating funds for remedial investigation feasibility studies (RIFS), to certify that appropriate interim measures are being taken and that all RIFS elements are relevant to cleanup decisions. While these requirements have been dropped from bill language, the conferees agree that regional administrators must assume greater responsibilities and play a more substantive role in Superfund site decisions.

First, Superfund decisions must be based on reducing risks to human health and the environment—not just proceeding rigidly through the various steps of the engineering process. Before RIFSs are undertaken, the regional administrator must assure that appropriate emergency removals and interim measures have been taken to stabilize sites, control risks, and limit long term cleanup costs. An additional $15,000,000 has been added to assure that resources are available to meet these needs.

Second, regional administrators must take responsibility for policy level oversight of Superfund enforcement and contracting decisions. The resources available for Superfund—both now and in the future—are finite and must compete with other priorities. It is clear that unless fundamental changes in approach are made, Superfund cannot meet its objectives. The resources available must be used to achieve maximum environmental benefits, including leveraging significantly more privately funded RIFSs and cleanups through a more aggressive enforcement program. The agency is directed to submit a report to the Appropriations Committees by December 31, 1988, on management changes which will create meaningful incentives for regional administrators to leverage resources to maximize total cleanups.

Finally, the focus of the program must be redirected from *studying* sites to *cleaning up* sites. The program's heavy reliance on contractors creates a substantial risk of resources being wasted. The conferees note that in less than three years, both the cost and time required to complete RIFSs have almost doubled. Regional administrators must be held accountable for controlling costs and assuring the relevance of all RIFS work.

Amendment No. 42: Deletes language proposed by the House and stricken by the Senate prohibiting the expenditure of funds for natural resource damage claims. These claims were made ineligible for funding by the SARA amendments.

Amendment No. 43: Appropriates $1,950,000,000 for construction grants as proposed by the House, instead of $2,100,000,000 as proposed by the Senate.

Amendment No. 44: Earmarks $941,000,000 for title II construction grants, instead of $934,000,000 as proposed by the House and $1,050,000,000 as proposed by the Senate.

Amendment No. 45: Earmarks $941,000,000 for title VI revolving funds, instead of $934,000,000 as proposed by the House and $1,050,000,000 as proposed by the Senate.

Amendment No. 46: Earmarks $68,000,000 for four special projects authorized by title V of the Water Quality Act of 1987, instead of $82,000,000 as proposed by the House and zero as proposed by the Senate. Bill language has been included to earmark funds for the following projects:

$25,000,000 for Boston Harbor (section 513).

$20,000,000 for Tijuana sewage (section 510). The conferees understand that the full Federal cost of an operational defensive system is estimated to be $27,000,000. However, the schedule for completing certain design work makes it unlikely that full construction funding would be required much before the beginning of fiscal year 1990. The conferees recognize the special nature of this international problem and expect to provide the remaining $7,000,000 next year.

$20,000,000 for Des Moines, Iowa (section 515).

$3,000,000 for Oakwood/Redhook (section 512).

Amendment No. 47: Makes change in center heading.

Amendment No. 48: Deletes language proposed by the Senate providing that up to $30,000,000 in fees may be collected by EPA for deposit in a special fund in the Treasury

to remain available until expended to carry out activities for which the fees were collected.

EXECUTIVE OFFICE OF THE PRESIDENT

Amendment No. 49: Appropriates $850,000 for the Council on Environmental Quality as proposed by the Senate, instead of $870,000 as proposed by the House.

Amendment No. 50: Restores language proposed by the House and stricken by the Senate requiring that the Office of Science and Technology Policy reimburse other agencies for all personnel compensation costs of individuals detailed to it, amended to require that OSTP reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

FEDERAL EMERGENCY MANAGEMENT AGENCY

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$100,000,000*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The disaster relief funding level is ultimately a function of the number, frequency and magnitude of disasters occurring during any given year. Any unusual increase in the number or intensity of disasters could necessitate additional resources. In recent years, the disaster activity level has been below the historical average. The reduction of $100,000,000 below the budget estimate assumes a lower-than-average level of disasters in fiscal year 1989.

Amendment No. 52: Appropriates $137,274,000 for salaries and expenses as proposed by the Senate, instead of $137,494,000 as proposed by the House.

The Committee of Conference is in agreement with the following changes from the budget estimate:

+$704,000 for 16 FTE in the Disaster Relief Administration. This increase is to be allocated only to the regional offices.

+$660,000 for 15 FTE in the radiological emergency preparedness program. This increase is to be allocated only to the regional offices.

+$176,000 for 4 FTE in the U.S. Fire Administration.

+$132,000 for 3 FTE in the acquisition management program.

Amendment No. 53: Deletes language proposed by the Senate requiring that FEMA, during fiscal year 1989, maintain 140 full-time permanent duty-stationed employees at Emmitsburg.

The conferees have agreed to delete the Senate amendment requiring a statutory floor on employment at FEMA's Emmitsburg facility. At the same time, the conferees are deeply distressed that FEMA has failed to make even a good faith effort to reach the 140 FTE level which the Director personally agreed to reach at Emmitsburg by March 31, 1988. Therefore, the conferees direct the Director to fully comply with the Senate language upon enactment of the conference agreement. In addition, unless FEMA complies with the 140 FTE level by the time its fiscal year 1990 budget is submitted to the Committees on Appropriations, the conferees will seriously consider relocating the agency's entire Office of Training to Emmitsburg.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

The emergency management planning and assistance paragraph is not in conference because both Houses recommended the same appropriation amount—$282,438,000. However, the assumptions in the House and Senate reports are not completely identical.

The Committee of Conference agrees to the following changes from the budget estimate:

+$1,134,000 for student travel stipends, including $312,000 for the Emergency Management Institute and $822,000 for the National Fire Academy. The funds requested for student travel stipends in the civil defense training and education program were not reduced and FEMA is not to require additional cost sharing for these students.

+$1,000,000 for the radiological emergency preparedness program.

+$445,000 for the earthquake program.

+$65,000 for the hurricane program.

+$3,000,000 for the U.S. Fire Administrations' fire prevention and arson control program.

+$2,000,000 for emergency management assistance grants.

−$300,000 from the $600,000 increase requested for the civil defense research program.

−$1,450,000 from the $2,900,000 increase requested for the civil defense population protection program.

−$2,000,000 from the $4,542,000 increase requested for the radiological defense program. The reduction is to be taken in activities other than grants to states for radiological defense officers.

−$800,000 from the $3,315,000 increase requested for the civil defense training and education program.

−$3,450,000 from the $4,798,000 increase requested for the telecommunications and warning program.

The conferees are aware of the need for a mobile emergency command post in the City of New Orleans. The fact that the Republican National Convention will be held in New Orleans at the height of the hurricane season makes it particularly urgent that these funds be dispersed immediately. In addition, New Orleans is one of the most vulnerable metropolitan areas in the nation to natural and man-made hazards. Hurricanes coming in from the Gulf of Mexico are particularly threatening to the New Orleans area which is largely below sea level. The port of New Orleans is the nation's largest and more hazardous materials are transported through the area than through any other metropolitan area in the nation. The agency is directed to make available $150,000 from within the emergency management planning and assistance appropriation for a matching grant to the City of New Orleans/State of Louisiana. These funds are for acquisition and equipping of a mobile emergency command post.

The conferees have deleted the $5,000,000 added by the Senate for Title III training grants because of restrictions on the budget allocation. However, favorable consideration will be given a proposal to reprogram $5,000,000 from civil defense funding to title III training grants in fiscal year 1989. The Agency is urged to remove restrictions on personal services and percentage of state training courses pursuant to authorizing legislation.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

The conferees agree that the Office of Consumer Affairs shall provide at least $300,000 for publication distribution costs as proposed by the Senate, instead of $350,000 as proposed by the House.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Amendment No. 54: Makes a technical change in the title of the research and development paragraph.

Amendment No. 55: Appropriates $4,191,700,000 for research and development as proposed by the House, instead of $3,552,800,000 as proposed by the Senate.

The conferees agree that if the administrator elects to exercise the option of transferring up to $30,000,000 of funding from the construction of facilities account, it is to be allocated relative to amounts provided in the House bill in the following priority order:

1. +$10,000,000 for planetary programs.
2. + *up to* $10,000,000 for the "scatterometer" instrument.
3. +$5,000,000 for the total ozone mapping spectrometer (TOMS) instead of $5,000,000 provided from within available funds as recommended by the House.
4. +$5,000,000 for space telescope operations.
5. +$2,000,000 for life sciences.
6. +$2,700,000 for the AdaNET software project.

The conferees direct that an operating plan reflecting these and other changes to the fiscal year 1989 budget be submitted to the Committees on Appropriations within 30 days of enactment of this bill.

The conferees did not include any funding for a National Technology Transfer Center in West Virginia. However, the conferees direct the Office of Commerical Programs to conduct a definition/design study of the five year master plan for the establishment of a national repository for federal research and development (technology transfer), which would be located in West Virginia, and to transmit the definition/design study along with five year cost estimates and a proposal for cost-sharing, to the Committees on Appropriations of the House of Representatives and the Senate by February 1, 1989.

The committee of conference is agreed that the $1,000,000 earmarked by the Senate for curriculum development activities for grades K-9 should be provided through competitive awards made under additional funding provided to the National Science Foundation's science and engineering education account.

The conferees also agree that $1,000,000 shall be available for distribution at the agency's discretion for studies associated with global climate change.

Finally, the conferees agree that no funds are made available for the administration of a joint US/USSR Mars Mission Commission.

Amendment No. 56: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: , *of which $900,000,000 is for the space station program only: Provided, That $515,000,000 of the $900,000,000 for the space station program shall not become available for obligation until May 15, 1989, and pursuant to section 202(b) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987, this action is a necessary (but secondary) result of a significant policy*

change: Provided further, That the aforementioned $515,000,000 shall become available unless the President submits a special message after February 1, 1989, notifying the Congress that such funds will not be made available for the space station program

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

In connection with space station funding, the conferees direct NASA to continue work on solar dynamic power and satellite servicing to the extent practical within the limited funds available.

Amendment No. 57: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum proposed by said amendment, insert the following: *$4,364,200,000: Provided, That, notwithstanding any provision of this or any other Act, not to exceed $100,000,000 may be transferred to the National Aeronautics and Space Administration in fiscal year 1989 from any funds appropriated to the Department of Defense and such funds may only be transferred to the "Space flight, control and data communications" appropriation for space shuttle operations: Provided further, That the transfer limitation in the immediately preceding proviso shall not apply to funds transferred for advanced launch systems or under existing reimbursement arrangements: Provided further, That the funds appropriated under this heading are, together with funds permitted to be transferred hereunder*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees agree that within the funds made available in this account, $5,000,000 shall be allocated for a TITAN III expendable launch vehicle for the Mars Observer Mission and $20,000,000 shall be allocated for a TITAN IV expendable launch vehicle for a planetary backup launch.

Amendment No. 58: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: *: Provided further, That in addition to sums otherwise provided by this paragraph, an additional $20,000,000, to remain available until expended: Provided further, That up to $30,000,000 of the funds provided by this paragraph may be transferred to and merged with sums appropriated for "Research and development" and/or "Research and program management".*

SCIENCE, SPACE, AND TECHNOLOGY EDUCATION TRUST FUND

There is appropriated, by transfer from funds appropriated in this Act for "Construction of facilities", the sum of $15,000,000 to the "Science, Space, and Technology Education Trust Fund" which is hereby established in the Treasury of the United States: Provided, That the Secretary shall invest such funds in the United States Treasury special issue securities, that such interest shall be credited to the Trust Fund on a quarterly basis, and that such interest shall be available for the purpose of making grants for programs directed at improving science, space, and technology education in the United States: Provided further, That the Administrator of the National Aeronautics and Space Administration, after consultation with the Director of the National Science Foundation, shall review applications made for such grants and determine the distribution of such available funds on a competitive basis: Provided further, That such grants shall be made available to any awardee only to the extent that said awardee provides matching funds from non-Federal sources to carry out the program for which grants from this Trust Fund are made: Provided further, That of the funds made available by this Trust Fund, $250,000 shall be disbursed each calendar quarter for a ten-year period to the Challenger Center for Space Science Education: Provided further, That the Administrator of the National Aeronautics and Space Administration shall submit to the Congress an annual report on the grants made pursuant to this paragraph.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to delete the language permitting the transfer of $27,000,000 for construction of an advanced solid rocket motor facility to the space flight, control and data communications account without prejudice.

The committee of conference has included bill language providing the Administrator of NASA with the option of transferring up to $30,000,000 from the construction of facilities account to the research and development and/or research and program management account. The use and relative priority of such funds is described above under the research and development account.

Amendment No. 59: Appropriates $1,855,000,000 for research and program management as proposed by the House, instead of $1,870,000,000 as proposed by the Senate. The conferees agree that the reduction of 100 positions in NASA headquarters, which is specified by office and activity in the report accompanying the House bill, may be taken at the agency's discretion.

NATIONAL SCIENCE FOUNDATION

Amendment No. 60: Appropriates $1,583,000,000 for research and related activities, instead of $1,578,000,000 as proposed by the House and $1,593,000,000 as proposed by the Senate.

The conferees agree that the specific projects, programs and activities enumerated in the House and Senate reports shall be implemented by the Foundation.

Amendment No. 61: Restores language proposed by the House and stricken by the Senate providing that $900,000 shall be available only for the International Institute for Applied Systems Analysis.

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *: Provided further, That notwithstanding the preceding proviso, none of the funds appropriated in this Act may be used to pay the salary of any individual functioning as a federal employee, or any other individual, through a grant or grants at a rate in excess of $95,000 per year.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees have agreed to include bill language prohibiting the use of appropriated funds to pay any grantee or assignee from a non-federal entity at a rate in excess of $95,000 per year.

Amendment No. 63: Appropriates $131,000,000 for United States Antarctic program activities as proposed by the Senate, instead of $136,000,000 as proposed by the House.

Amendment No. 64: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That no funds in this Act shall be used to acquire or lease a research vessel with ice-breaking capability built by a shipyard located in a foreign country if such a vessel of U.S. origin can be obtained at a cost no more than 50 percentum above that of the least expensive technically acceptable foreign vessel bid: Provided further, That, in determining the cost of such a vessel, such cost be increased by the amount of any subsidies or financing provided by a foreign government (or instrumentality thereof) to such vessel's construction: Provided further, That a new competitive solicitation for such vessel shall be conducted: Provided further, That if the vessel contracted for pursuant to the foregoing is not available for the 1989-1990 austral summer Antarctic season, a vessel of any origin may be leased for a period of not to exceed 120 days for that season and each season thereafter until delivery of the new vessel: Provided further, That the preceding four provisos shall not apply to appropriated funds used for the lease of the vessel POLAR DUKE*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conferees encourage the issuance of a new request for proposal that is similar to the initial offering and, in so doing, the Foundation is directed to take steps to insure that specifications in the request for proposal are well understood by all potential bidders.

Amendment No. 65: Appropriates $171,000,000 for science education activities as proposed by the House, instead of $156,000,000 as proposed by the Senate.

The commitee of conference is agreed that $1,000,000 of the funds added above the budget request shall be used specifically for a program of curriculum development activities for grades K-9 and should be provided through competitive awards made under this activity.

NEIGHBORHOOD REINVESTMENT CORPORATION

Amendment No. 66: Appropriates $19,494,000 for payment to the Neighborhood Reinvestment Corporation as proposed by the Senate, instead of $19,094,000 as proposed by the House.

SELECTIVE SERVICE SYSTEM

Amendment No. 67: Appropriates $26,313,000 for salaries and expenses as proposed by the House, instead of $26,113,00 as proposed by the Senate.

VETERANS ADMINISTRATION

Amendment No. 68: Appropriates $10,542,546,000 for medical care, instead of $10,567,546,000 as proposed by the House and $10,445,171,000 as proposed by the Senate.

The conference agreement reflects the following additions to the original budget request:

+$82,625,000 for 1,782 FTE to maintain the current hospital staffing level of 194,140.

+$35,000,000 for an additional 580 FTE, including $23,000,000 for 300 FTE for the treatment of patients with AIDS. The balance of the increase of $12,000,000 is for 280 FTE for facility activations.

The VA's current resource allocation system does not cover fully the cost of treating patients with AIDS. Because of this, VA hospitals—especially those treating the largest number of patients with AIDS—have been operating under great financial strains. According to information supplied by the Veterans Administraiton, treatment for approximately 50 percent of the cumulative AIDS caseload is provided by 16 of the 172 medical centers. Those 16 medical centers are at the following locations: New York, West Los Angeles (Wadsworth Division), Bronx, San Francisco, Houston, Miami, Brooklyn, East Orange, San Juan, Washington, DC, Long Beach, Tampa, Atlanta, Dallas, San Diego, and New Orleans. The VA is to distribute the $23,000,000 and 300 FTE only to those 16 medical centers. The current staffing allocation of 33,794 FTE for those 16 medical centers is not to be reduced. Further, the distribution of these additional resources should be by an acceptable methodology.

+$45,000,000 for special pay rates for nurses and other scarce medical specialties.

+$5,000,000 for tuition assistance payments for nursing and other associated health care occupations.

+$42,375,000 to fully fund a two percent pay increase in 1989.

+$5,000,000 for treatment of post-traumatic stress disorder (PTSD). The additional funds are to be used at the discretion of the VA to increase resources for the 13 existing inpatient PTSD treatment programs or to support the establishment of new programs that best meet the needs of veterans suffering from PTSD.

The Veterans Administration may utilize up to $3,000,000 of existing resources for mobile clinics for furnishing health care in areas where veterans live at least 100 miles from the nearest VA facility.

This amount of funding is specifically intended to support 194,720 full-time equivalent employees (FTEEs) with the understanding that, in accordance with established Congressional practice, any additional pay costs necessary to support that FTEE level will be borne by the VA, using funds made available by this measure, funds made available by enactment of supplemental appropriations, or through absorption of the cost, or some combination thereof.

Amendment No. 69: Provides $13,252,000 for community-based residential treatment programs for chronically mentally ill veterans as proposed by the Senate, instead of $5,000,000 as proposed by the House.

Amendment No. 70: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment, amended to read as follows: *: Provided further, That, during fiscal year 1989, jurisdictional average employment shall not exceed 38,000 for administrative support: Provided further, That, notwithstanding any other provision in this Act, a supplemental budget request may be transmitted to maintain the personnel level mandated by this Act*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 71: Appropriates $47,909,000 for medical administration and miscellaneous operating expenses as proposed by the Senate, instead of $48,909,000 as proposed by the House.

The conferees agree with the following changes from the budget estimate:

+$1,000,000 to the $7,137,000 requested for the health professional scholarship program.

−$1,000,000 general reduction to be applied at the VA's discretion to activities other than the health professional scholarship program.

This amount of funding is specifically intended to support not more than 595 full-time equivalent employees with the understanding that, in accordance with established Congressional practice, any additional pay costs necessary to support that FTEE level will be borne by the VA using funds made available by this measure, funds made available through the enactment of supplemental appropriations, or through absorption of the cost, or some combination thereof.

Amendment No. 72: Appropriates $774,316,000 for general operating expenses as proposed by the House, instead of $781,236,000 as proposed by the Senate.

The Committee of Conference is in agreement with the following changes from the original budget estimate:

+$17,500,000 for 590 FTE to maintain the 1988 field staffing level of 12,415 for the Department of Veterans Benefits

+$460,000 for 11 FTE to restore the Board of Veterans Appeals staffing to the 1988 level of 427.

−$8,400,000 requested for State approving agencies. Legislation has shifted funding for this activity to the readjustment benefits account.

−$6,560,000 from the $220,693,000 requested for general administration.

Amendment No. 73: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing clear statutory authority for maintenance guarantee service costs associated with warranted equipment provided under each project.

Amendment No. 74: Appropriates $363,040,000 for construction, major projects as proposed by the House, instead of $359,155,000 as proposed by the Senate.

The conferees agree to the following changes from the budget estimate:

+$7,500,000 for a 120-bed nursing home care unit at Saginaw.

+$4,670,000 for a 60-bed nursing home care unit at Wilkes-Barre.

+$6,815,000 for a 120-bed nursing home care unit at Mountain Home.

+$14,700,000 for a 120-bed nursing home care unit/parking garage structure project at New Orleans. An increase of $17,000,000 is included in the parking garage revolving fund for the parking garage component of the project.

+$14,000,000 for design of a clinical addition, renovate building 2 and spinal cord injury center project at Dallas.

−$6,600,000 requested to relocate the regional office to agency-owned grounds at Montgomery, Alabama.

−$37,800,000 from the budget request of $42,000,000 for the clinical improvements and patient privacy project at Nashville. This reduction is taken without prejudice and is a partial offset to the increased funding recommended for other medical facility projects. The conferees agree that construction funds for the Nashville project will be provided in next year's appropriations bill.

−$6,000,000 from the budget request of $22,600,000 for the advanced planning fund. The VA is directed to use $3,000,000 of the $16,600,000 appropriated for the advanced planning fund to begin advanced planning and required environmental impact studies associated with constructing a new medical center in Hawaii.

−$4,000,000 from the $15,450,000 requested for the design fund.

+$5,000,000 for an air-conditioning project at Madison.

−$3,000,000 from the working reserve.

Amendment No. 75: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *Provided further, That the Veterans Administration shall, from funds previously appropriated for the replacement and modernization of the hospital at Allen Park, Michigan, immediately proceed with the planning, site acquisition, site preparation, and design of a new hospital in downtown Detroit, Michigan, which contains not less than 503 hospital beds*

The managers of the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 76: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate providing clear statutory authority for maintenance and guarantee period service costs associated with warranted equipment provided under each project.

Amendment No. 77: Establishes a limitation on the expenses of the Office of Facilities at not more than $41,731,000 as proposed by the House, instead of $42,731,000 as proposed by the Senate.

Amendment No. 78: Appropriates $26,000,000 for the parking garage revolving fund as proposed by the House, instead of $9,000,000 as proposed by the Senate.

TITLE IV

GENERAL PROVISIONS

Amendment No. 79: Deletes language inserted by the Senate exempting travel performed to provide technical assistance for the Emergency Planning and Community Right to Know Act of 1986 from the general limitation on travel expenses.

Amendment No. 80: Deletes language proposed by the House and stricken by the Senate prohibiting the expenditure of funds in any workplace that is not free of illegal use or possession of controlled substances. The conferees understand that this matter will be addressed on a government-wide basis in another appropriations measure.

Amendment No. 81: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate requiring that all 1989 pay raises shall be absorbed within the levels appropriated in this Act.

Amendment No. 82: Deletes language inserted by the Senate reducing all agencies' appropriations to limit expenditures to 85 percent of the fiscal year 1987 level for management consulting services and to 95 percent for research, engineering, and technical consulting services. The conferees have ageeed to delete this bill language without prejudice. The conferees are concerned about reported abuses in this area of Federal activity and expect the Department

and agencies funded through this Act to assiduously monitor and control these expenditures.

Amendment No. 83: Deletes language proposed by the Senate directing EPA to submit to the Congress a plan for the Agency to participate in the activities of the Pacific Northwest Hazardous Substance Research, Development, and Demonstration Center. While the Senate bill language has been deleted, the conferees are in agreement that it would be useful for EPA to explore with the Pacific Northwest Center possible areas of collaboration and coordination which would be of mutual benefit. As indicated in the Senate language, this review should consider direct participation in research, in-kind personnel exchange, interagency program coordination, and other measures to maximize the benefit of the Center to the public. A report should be submitted to the Congress by March 1, 1989.

Amendment No. 84: Deletes language inserted by the Senate directing EPA to report to the Congress within six months on the feasibility of using treated effluent waters from the Carson River Basin to improve the Lahontan Valley wetlands. While the conferees have agreed to drop the Senate bill language, the Agency is directed to reprogram funds as necessary to conduct the study and submit the report to the Congress no later than six months after enactment of this Act.

Amendment No. 85: Deletes language inserted by the Senate expressing the sense of the Senate that the President should call upon world leaders to begin negotiations on an international convention on the greenhouse effect. The conferees are concerned by the mounting evidence of global warming and have provided additional funds for research and policy studies to address this problem. The conferees hope that the next President will take a leadership role in seeking international coordination in addressing the range of issues related to both global climate change and strastospheric ozone depletion.

Amendment No. 86: Deletes language inserted by the Senate expressing the sense of the Senate that the HUD-Independent Agencies Subcommittee allocation be increased to permit development and production of the space station for deployment in the mid-1990's and to support other priority programs in the Department of Housing and Urban Development, the Veterans Administration, the Environmental Protection Agency, and the National Science Foundation.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1989 recommended by the Committee of Conference, with comparisons to the fiscal year 1988 amount, the 1989 budget estimates, and the House and Senate bills for 1989 follow:

New budget (obligational) authority, fiscal year 1988	$57,359,891,000
Budget estimates of new (obligational) authority, fiscal year 1989	58,666,772,000
House bill, fiscal year 1989	59,709,920,000
Senate bill, fiscal year 1989	59,077,033,000
Conference agreement, fiscal year 1989	59,386,045,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1988	+2,026,154,000
Budget estimates of new (obligational) authority, fiscal year 1989	+719,273,000
House bill, fiscal year 1989	−323,875,000
Senate bill, fiscal year 1989	+309,012,000

EDWARD P. BOLAND,
BOB TRAXLER,
LOUIS STOKES,
LINDY BOGGS,
ALAN B. MOLLOHAN,
MARTIN O. SABO,
JAMIE L. WHITTEN,
BILL GREEN,
LAWRENCE COUGHLIN,
JERRY LEWIS,
SILVIO O. CONTE,
Managers on the Part of the House.

BILL PROXMIRE,
JOHN C. STENNIS,
PATRICK J. LEAHY,
J. BENNETT JOHNSTON,
FRANK R. LAUTENBERG,
BARBARA A. MIKULSKI,
DANIEL K. INOUYE,
JAKE GARN,
ALFONSE M. D'AMATO,
CHUCK GRASSLEY,
PETE V. DOMENICI,
DON NICKLES,
MARK O. HATFIELD,
Managers on the Part of the Senate.

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. DORNAN of California) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. QUILLEN, for 60 minutes, on September 20.

Mr. MCEWEN, for 60 minutes, today.

Mr. PORTER, for 60 minutes, on September 7.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. BOLAND, for 5 minutes, today.

Mr. LANTOS, for 5 minutes, today

Mr. ANNUNZIO, for 5 minutes, today.

Mr. COELHO, for 60 minutes, on August 4.

Mrs. LLOYD, for 60 minutes, on September 20.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. ALEXANDER to include extraneous matter following his remarks on H.R. 4352 in the Committee of the Whole today.

(The following Members (at the request of Mr. DORNAN of California) and to include extraneous material:)

Mr. GILMAN in two instances.

Mr. COUGHLIN.

Mr. BADHAM.

Mr. HANSEN in two instances.

Mr. MCDADE.

Mr. PORTER.

Mr. DANNEMEYER in two instances.

Mr. HEFLEY.

Mr. HAMMERSCHMIDT.

Mr. LAGOMARSINO.

Mr. WELDON.

Mr. LIGHTFOOT.

Mr. FISH.

Mr. SOLOMON.

Mr. SCHAEFER.

Mr. GRADISON in two instances.

Mr. ROTH.

Mr. STANGELAND.

Mr. DORNAN of California.

Mr. GALLO.

Mr. FIELDS.

Mr. DAVIS of Michigan.

Mr. DONALD E. LUKENS.

Mr. HORTON.

Mr. CRANE in two instances.

(The following Members (at the request of Mr. FRANK) to revise and extend their remarks and include extraneous material:)

Mr. COELHO.

Mr. DARDEN.

Mr. MORRISON of Connecticut.

Mr. YATES.

Mrs. BOXER.

Mr. HOYER.

Mr. HAMILTON in two instances.

Mr. FLORIO in two instances.

Mr. MILLER of California.

Mr. LEHMAN of California.

Mr. STARK.

Mr. DORGAN of North Dakota.

Mr. FUSTER.

Mr. VENTO.

Mr. DINGELL.

Mr. BROOKS.

Mr. LEHMAN of Florida.

Mr. WAXMAN.

Mr. STOKES.

Mr. TORRICELLI.

Mrs. BYRON.

Ms. SLAUGHTER of New York.

Ms. PELOSI.

Mr. WALGREN.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2629. An act to amend the Alaska National Interest Lands Conservation Act of 1980 to clarify the conveyance and ownership of submerged lands by Alaska Natives, Native corporations and the State of Alaska.

BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, a bill and a joint resolution of the House of the following title:

H.R. 3811. An act to designate the Federal building located at 50 Spring Street, Southwest, Atlanta, GA, as the "Martin Luther King, Jr. Federal Building;" and

H.J. Res. 475. Joint resolution to designate October 1988 as "Polish American Heritage Month."

ADJOURNMENT

Mr. DORNAN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 43 minutes p.m.) the House adjourned until tomorrow, Thursday, August 4, 1988, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and an amended report of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the first and second quarters of calendar year 1988 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

AMENDED REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Howard Coble, MC	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia		[6]181.00		[3]12.49		[4]241.28		434.77
Committee total					507.00		67.99		353.64		928.63

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [3] Ground transportation, prorated share. [4] Miscellaneous expenses, New Zealand and Australia, prorated share. [5] No per diem paid in Antarctica; meals and lodging provided by National Science Foundation. [6] Congressman Coble returned $326 to the State Department, Washington, DC; total allowance, Australia equals $507. Transportation for Codel Hutto provided by military aircraft.

WALTER B. JONES, Chairman, July 6, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON MERCHANT MARINE AND FISHERIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Howard Coble, MC	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.49		[4]241.28		760.77
Lee Crockett	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.49		[4]241.28		760.77
Rebecca Feemster	1/6	1/8	New Zealand	490.24	32600		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.49		[4]241.28		760.77
Gene F. Hammel	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.49		[4]241.28		760.77
Earl Hutto, MC	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.40		493.90
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.54		[4]241.22		760.76
William O. Lipinski, MC	1/6	1/10	New Zealand	980.48	652.00		[3]55.50		[4]112.36		819.86
	1/10	1/14	Australia	966.68	676.00		[3]12.49		[4]241.28		929.77
Kurt Oxley	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.49		[4]241.28		760.77
George Pence	1/6	1/10	New Zealand	980.48	652.00		[3]55.50		[4]112.36		819.86
	1/10	1/14	Australia	966.68	676.00		[3]12.49		[4]241.28		929.77
Owen Pickett, MC	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.49		[4]241.28		760.77
Norman Shumway, MC	1/6	1/8	New Zealand	490.24	326.00		[3]55.50		[4]112.36		493.86
	1/8	1/10	Antarctica								[5]
	1/11	1/14	Australia	725.01	507.00		[3]12.49		[4]241.28		760.77
W.J. (Billy) Tauzin, MC	1/6	1/10	New Zealand	980.48	652.00		[3]55.50		[4]112.36		819.86
	1/10	1/14	Australia	966.68	676.00		[3]12.49		[4]241.28		929.77
Jeanne Timmons	1/6	1/10	New Zealand	980.48	652.00		[3]55.50		[4]112.36		819.86
	1/10	1/14	Australia	966.68	676.00		[3]12.49		[4]241.28		929.77
Committee total					11,976.00		815.93		4,243.66		17,035.59

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [3] Ground transportation, prorated share. [4] Miscellaneous expenses, New Zealand & Australia, prorated share. [5] No per diem paid in Artarctica; meals and lodging provided by National Science Foundation. Transportation for Codel Hutto provided by U.S. military.

WALTER B. JONES, Chairman, June 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
D. Dreier	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
C. Duncan	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
C. Hayes	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
D. Hiatt	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
J. LaFalce	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
S. Lubick	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chine		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
K. Mfume	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
D. Terry	1/4	1/6	Brazil		308.00						308.00
	1/6	1/8	Argentina		405.00						405.00
	1/8	1/9	Chile		139.00		24.86		77.48		241.34
Military transportation							3,606.87				3,606.87
Committee total					6,816.00		29,053.84		619.84		36,489.68

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN J. LaFALCE, Chairman, May 30, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. E de la Garza	4/6	4/7	Belgium	13,766	394.00						394.00
Codel	4/7	4/10	Italy	396,546	316.98						316.98
Commercial transportation							4,497.00				4,497.00
Hon. Charles Stenholm	4/5	4/7	Belgium	20,650	591.00						591.00
	4/7	4/10	Italy	396,546	316.98						316.98
Commercial transportation							2,192.00				2,192.00
A. Mario Castillo	4/5	4/10	Italy	981,228	784.35						784.35
Commercial transportation							3,265.00				3,265.00
Timothy Galvin	4/5	4/7	Belgium	20,650	591.00						591.00
	4/7	4/10	Italy	396,546	316.98						316.98
Commercial transportation							2,192.00				2,192.00
Daniel Waggoner	4/5	4/7	Belgium	20,650	591.00						591.00
	4/7	4/10	Italy	396,546	316.98						316.98
Commercial transportation							2,192.00				2,192.00
Codel de la Garza other expenses:											
Representation function (Italy)									1,998.48		1,998.48
Transport of documents									70.00		70.00
Hon. E de la Garza	4/28	4/29	Mexico		150.00						150.00
Commercial transportation							1,493.00				1,493.00
Committee total					4,369.27		15,831.00		2,068.48		22,268.75

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. current is used, enter amount expended.

E de la GARZA, Chairman, July 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Les Aucoin	3/31	4/11	United Kingdom		2,300.00		5,740.50				8,040.50
Hon. Norman Dicks	5/25	5/26	Switzerland		210.00						210.00
	5/26	5/31	France		992.00		2,201.00				3,193.00
Hon. John Murtha	4/22	4/24	Dubai		147.58						147.58
Military transportation							6,610.00				6,610.00
Hon. Alan Mollohan	4/22	4/24	Dubai		147.58						147.58

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Military transportation							6,610.00				6,610.00
Hon. Charles Wilson	5/27	6/10	Switzerland		840.00						840.00
	6/1	6/10	Pakistan		731.50						731.50
	6/10	6/13	Egypt		264.00						264.00
	6/13	6/14	England		251.00		3,900.00				4,151.00
Mark W. Murray	6/20	6/22	Jamaica		364.00		1,049.00				1,413.00
John Plahsal	4/22	4/24	Dubai		147.58						147.58
Military transportation							6,610.00				6,610.00
William Schuerch	6/20	6/22	Jamaica		364.00		1,049.00				1,413.00
Committee total					6,759.24		33,769.50				40,528.74
Appropriations, surveys and investigations staff:											
Paul T. Grishkat	4/17	4/29	Germany		1,150.25		2,123.00		71.50		3,344.74
William P. Haynes	4/18	4/27	Germany		774.75		2,123.00		52.45		2,950.20
Susan E. Lloyd	4/18	4/27	Germany		774.75		2,123.00		14.70		2,912.45
Robert J. O'Brien	4/17	4/29	Germany		1,150.25		2,123.00		54.00		3,327.25
Steven R. Pletcher	4/18	4/27	Germany		774.75		2,123.00		5.40		2,903.15
Robert J. Reitwiesner	4/18	4/27	Germany		762.25		2,123.00		57.20		2,942.45
A.M. Statham	4/17	4/29	Germany		1,257.25		2,123.00		54.00		3,434.25
Joseph M. Stehr	4/17	4/29	Germany		1,161.25		2,123.00		37.65		3,321.90
R.W. Vandergrift	4/18	4/20	Germany		237.25		3,981.00		18.00		4,236.25
Thomas F. Ward	4/17	4/29	Germany		1,257.25		2,401.00		28.00		3,686.25
Vernon Westbrook	4/17	4/29	Germany		1,161.25		2,401.00		67.98		3,630.23
Committee total					10,461.25		25,767.00		460.88		36,689.13

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE WHITTER, Chairman, July 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. George Wortley	4/26	5/2	Manila, Philippines		536.00		[3]1,844.00				2,380.00
Robert Browne	4/25	5/1	Manila, Philippines		670.00		[3]2,302.05				2,972.05
Steve Horblitt	5/22	5/27	Port Au Prince, Haiti		680		[3]473.00				1,153.00
Walter Fauntroy	5/29	6/4	Abidjan, Cote D'Ivoire		825.00		[3]2,881.00				3,706.88
Robert Browne	5/29	6/4	Abidjan, Cote D'Ivoire		825.00		[3]2,928.88				3,753.88
John Balder	5/29	6/4	Abidjan, Cote D'Ivoire		825.00		[3]2,928.88				3,753.88
Committee total					4,361.00		13,358.69				17,719.69

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Commercial.

FERNAND J. ST GERMAIN, Chairman, July 21, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE BUDGET, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Peter M. Storm	5/30	6/3	Ivory Coast		875.00						875.00
	6/3	6/7	France		1,044.00				[3]15.44		1,059.44
Commercial transportation							3,307.88				3,307.88
Committee total					1,919.00		3,307.88		15.44		5,242.32

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Local transportation.

WILLIAM H. GRAY III, Chairman, July 23, 1988.

REPORT OF EXPENTITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND LABOR, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Representative Charles Hayes	6/12	6/16	Switzerland	902.15	630.00		[3]4,429.00				5,059.00
Carole Stringer	6/10	6/18	Switzerland	2,105.00	1,470.00		[3]2,293.00				3,763.00
Dorothy Strunk	6/10	6/17	Switzerland	1,803	1,260.00		[3]2,293.00				3,553.00
Committee total					3,360.00		9,015.00				12,375.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Local transportation costs not available from State Department.

AUGUSTUS F. HAWKINS, Chairman, July 31, 1988.

REPORTS OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
H. Berman	5/26	6/2	Israel								
Commercial transportation							1,656.50				1,656.50
R.K. Boyer	4/1	4/6	Korea		970.00		100.90		26.41		1,097.31
	4/6	4/10	Hong Kong		848.00						848.00
Commercial transportation							4,593.00				4,593.00
T.W. Bruce	4/19	4/20	Brazil		137.00						137.00
	4/20	4/21	Brazil		125.00						125.00
	4/21	4/22	Venezuela		125.00						125.00
	4/22	4/23	Mexico		125.00						125.00
Commercial transportation							3,299.00				3,299.00
S. Dawson	4/2	4/10	Austria		1,424.00						1,424.00
Commercial transportation							2,299.00				2,299.00
T.E. (Jake) Dunman	5/23	5/26	Haiti		544.00						544.00
Commercial transportation							827.00				827.00
Total					4,298.00		12,775.40		26.41		17,099.81
M. Dymally	4/21	4/24	Trinidad		522.50				257.70		780.20
	4/24	4/25	Barbados		170.00						170.00
	4/25	4/25	St. Lucia		107.00						107.00
Commercial transportation							1,365.14				1,365.14
M.F. Finley			Haiti		[3]429.00		150.00				579.00
Commercial transportation							827.00				827.00
B. Ford	4/1	4/6	Korea		970.00		100.90		26.41		1,097.31
	4/6	4/10	Hong Kong		848.00						848.00
Commercial transportation							4,593.00				4,593.00
L. Heyes	4/19	4/20	Brazil		125.00						125.00
	4/20	4/21	Brazil		125.00						125.00
	4/21	4/22	Venezuela		125.00						125.00
	4/22	4/23	Mexico		125.00						125.00
Commercial transportation							3,299.00				3,299.00
Total					3,546.50		10,335.04		284.11		14,165.65
R.M. Jenkins	4/1	4/6	Korea		970.00		100.90		26.41		1,097.31
	4/6	4/10	Hong Kong		848.00						848.00
Commercial transportation						4,593.00					4,593.00
C.A. Kojm	4/4	4/10	Egypt		813.50						813.50
Commercial transportation							4,129.00				4,129.00
R.S. Oliver	5/30	5/31	Spain		141.00				61.85		202.85
Commercial transportation						111.00					111.00
W. Owens	4/3	4/5	Greece		[3]196.00						196.00
	4/5	4/7	Egypt		[3]65.00						65.00
	4/7	4/9	Bahrain		[3]302.00						302.00
	4/9	4/11	Jordan		[3]250.86		344.51				595.37
	4/11	4/13	Israel		320.00						320.00
Commercial transportation							3,087.00				3,087.00
Total					3,906.36		12,365.41		88.26		16,360.03
K. Peel	4/19	4/21	Brazil		283.00						283.00
	4/21	4/22	Venezuela		125.00						125.00
	4/22	4/23	Mexico		125.00						125.00
Commercial transportation							3,299.00				3,299.00
S. Roth	4/3	4/4	Jordan		278.00		26.20		17.54		321.74
	4/5	4/11	Israel		1,050.00						1,050.00
Commercial transportation							3,487.00				3,487.00
S.J. Solarz	4/3	4/4	Jordan		278.00		26.20		17.54		321.74
	4/5	4/11	Israel		1,050.00						1,050.00
Commercial transportation							3,487.00				3,487.00
M. Tavlarides	6/6	6/9	Switzerland		630.00						630.00
Commercial transportation							4,089.00				4,089.00
M. Van Dusen	4/4	4/10	Egypt		813.50						813.50
Commercial transportation							4,129.00				4,129.00
Total					4,632.50		18,543.40		35.08		23,210.98
T.G. Verstandig	4/1	4/6	Korea		970.00		100.90		26.41		1,097.31
	4/6	4/10	Hong Kong		848.00						848.00
Commercial transportation						4,593.00					4,593.00
L. Watson	5/22	5/27	Haiti		680.00		150.00				830.00
Commercial transportation							1,140.00				1,140.00
H. Weinberg	4/4	4/10	Egypt		813.50						813.50
Commercial transportation							4,129.00				4,129.00
Total					3,311.50		10,112.90		26.41		13,450.81
Grand total for 2d quarter											84,287.28

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Represents refunds of unused per diem.

DANTE B. FASCELL, Chairman, July 29, 198.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. HOUSE OF REPRESENTATIVES, EXPANDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Barbara Vucanovich, MC	4/5	4/9	Marshall Islands		66.09		1,811.72		10.00		1,887.81
Committee total					66.09		1,811.72		10.00		1,887.81

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MORRIS K. UDALL, Chairman, July 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON POST OFFICE AND CIVIL SERVICE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Robert Garcia	4/13	4/17	Spain	82,880	746.00					82,880	746.00
Commercial transportation							3,763.000				3,763.00
Thomas Joyce	4/12	4/17	Spain	103,434	931.00					103,434	931.00
Commercial transportation							1,086.00				1,086.00
Melvenia Gueye	4/21	4/26	Antigua, Trinidad, and Guyana	2,516.85	700.00					2,516.85	700.00
Commercial transportation							1,195.00				1,195.00
Committee total					2,377.00		6,044.00				8,421.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

WILLIAM D. FORD, Chairman, July 5, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Salvatore J. D'Amico [3]	4/12	4/13	Hong Kong		424.00		[4] 10.55				434.55
Committee total					424.00		10.55				434.55

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] There will be more data on future reports as it is received.
[4] For local transportation.

GLENN M. ANDERSON, Member, July 14, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Harold P. Hanson	3/31	4/12	China								
	4/12	4/13	Hong Kong	1,655.10	212.00	82.50	10.55			1,737.60	222.55
Commercial air							2,228.59				2,228.59
George S. Kopp	3/31	4/12	China								
	4/12	4/15	Hong Kong	4,965.30	636.00	82.50	10.55			5,047.80	646.55
Commercial air							2,422.20				2,422.20
Robert E. Palmer	3/31	4/12	China								
	4/12	4/14	Hong Kong	3,310.20	424.00	82.50	10.55			3,392.70	434.55
Commercial air							2,247.00				2,247.00

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Billie Gay Larson	3/31	4/12	China								
	4/12	4/15	Hong Kong	4,965.30	636.00	82.50	10.55			5,047.80	646.55
Commercial air							2,422.20				2,422.20
Barbara Bruin	3/31	4/12	China								
	4/12	4/14	Hong Kong	3,310.20	424.00	82.50	10.55			3,392.70	434.55
Commercial air							1,384.41				1,384.41
Charles E. Cooke	4/16	4/18	France	2,797.44	496.00					2,797.44	496.00
	4/18	4/20	Switzerland	577.50	420.00					577.50	420.00
	4/20	4/24	Austria	9,512.58	812.00					9,512.58	812.00
Commercial air							1,383.91				1,383.91
Todd R. Schultz	4/16	4/18	France	2,797.44	496.00					2,797.44	496.00
	4/18	4/20	Switzerland	577.50	420.00					577.50	420.00
	4/20	4/24	Austria	9,512.58	812.00					9,512.58	812.00
Commercial air							1,383.91				1,383.91
David J. Goldston	5/27	5/30	Portugal	67,544	486.00					67,554	486.00
Commercial air							2,195.00				2,195.00
Robert E. Palmer	6/28	7/2	Ecuador	315,125	625.00					315,125	625.00
Commercial air						1,637.00				1,637.00	
Committee total					6,899.00		17,356.97				24,255.97

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT A. ROE, Chairman, July 28, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Dan Rostenkowski	4/1	4/3	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							7,114.44				7,114.44
Hon. Sam Gibbons	6/5	6/7	France		318.00						
Military transportation							1,456.97				1,456.97
Hon. Fortney Stark	4/4	4/12	Italy	2,287,830	1,854.00		4,307.00				6,161.00
Hon. Don Pease	6/13	6/15	Switzerland	601.15	420.00		785.00				1,205.00
Hon. Michael Andrews	4/1	4/3	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,.093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							7,114.44				7,114.44
Hon. Bill Archer	4/1	4/3	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							7,114.44				7,114.44
Hon. Guy Vander Jagt	4/2	4/4	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							3,928.09				3,928.09
Hon. Dick Schulze	4/1	4/3	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							7,114.44				7,114.44
Thelma Askey	4/1	4/3	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							7,114.44				7,114.44
Virginia Fletcher	4/1	4/3	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							7,114.44				7,114.44
Charles Mellody	4/1	4/3	Turkey		462.00						462.00
	4/4	4/6	West Germany	876.15	531.00						531.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							7,114.44				7,114.44
Rufus Yerxa	4/5	4/6	West Germany	650.44	390.00						390.00
	4/7	4/10	Italy	1,093.95	884.00		114.91				998.91
	4/11		Switzerland	289.59	210.00						210.00
Military transportation							2,998.20				2,998.20
Commercial transportation							293.00				293.00
Committee total					20,772.00		64,603.53				85,375.53

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAN ROSTENKOWSKI, Chairman, July 26, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Samuel G. Wise	4/18	4/29	Austria		918.00		[3]534.50				1,452.50
	4/29	5/1	Norway		635.00	15,530	[4]1,331.33				1,966.33
	5/1	5/11	Austria		765.00		[3]534.50				1,299.50
	5/22	6/22	Austria		2,330.96		[4]1,028.00				3,358.96
Catherine H. Cosman	4/17	4/24	Soviet Union		1,281.00		[4]1,978.00		21.00		3,280.00
	4/24	4/25	France		198.00						198.00
Mary Sue Hafner	5/26	5/29	Portugal		486.00		[4]2,241.00				2,907.00
Mary Sue Hafner	4/2	4/6	England		972.00		[3]1,131.50		406.70		2,510.20
							[5]306.36				306.36
Jesse L. Jacobs	4/2	4/6	England		972.00		[3]1,131.50		374.70		2,478.20
							[5]306.36				306.36
Jane S. Fisher	4/3	4/6	England		729.00		[3]1,131.50		374.70		2,235.20
							[5]306.36				306.36
R. Spencer Oliver	4/3	4/6	England		729.00		[3]1,131.50		398.70		2,259.20
							[5]306.36				306.36
Erika B. Schlager	4/3	4/6	England		729.00		[3]1,131.50		374.70		2,235.20
							[5]306.36				306.36
Steny H. Hoyer	4/4	4/6	England		486.00		[6]3,480.40		374.70		3,855.10
							[5]306.36				306.36
Donald Ritter	4/4	4/6	England		486.00		[6]3,480.40		374.70		3,855.10
							[5]306.36				306.36
Michael J. Ochs	4/4	4/9	Poland		870.00		[3]1,103.15				1,973.15
						37,000	[7]93.19				93.19
							[5]157.42				157.42
Steny H. Hoyer	4/6	4/9	Poland		522.00	37,000	[7]93.19				615.19
							[5]157.42				157.42
Donald Ritter	4/6	4/9	Poland		522.00	37,000	[7]93.19				615.19
							[5]157.42				157.42
Mary Sue Hafner	4/6	4/9	Poland		522.00	37,000	[7]93.19				615.19
							[5]157.42				157.42
Jesse L. Jacobs	4/6	4/9	Poland		522.00	37,000	[7]93.19				615.19
							[5]157.42				157.42
Jane S. Fisher	4/6	4/9	Poland		522.00	37,000	[7]93.19				615.19
							[5]157.42				157.42
R. Spencer Oliver	4/6	4/9	Poland		522.00	37,000	[7]93.19				615.19
							[5]157.42				157.42
Erika B. Schlager	4/6	4/9	Poland		522.00		[7]93.19				615.19
							[5]157.42				157.42
Steny H. Hoyer	4/9	4/10	Germany		194.00		[8]4,319.07		21.36		4,534.43
Donald Ritter	4/9	4/10	Germany		194.00		[8]4,319.07		21.36		4,534.43
Mary Sue Hafner	4/9	4/10	Germany		194.00		[9]1,174.65		21.36		1,390.01
Jesse L. Jacobs	4/9	4/10	Germany		194.00		[9]1,174.65		21.36		1,390.01
Jane S. Fisher	4/9	4/10	Germany		194.00		[9]1,174.65		21.36		1,390.01
R. Spencer Oliver	4/9	4/10	Germany		194.00		[9]1,174.65		21.36		1,390.01
Erika B. Schlager	4/9	4/10	Germany		194.00		[9]1,174.65		21.36		1,390.01
Michael J. Ochs	4/9	4/10	Germany		194.00		[9]1,146.30		21.36		1,361.66
Commission total					17,792.96		41,175.77		2,870.78		62,019.61

[1] Per diem constitutes lodging and meals. [2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended. [3]One way commercial. [4]Round trip commercial. [5]Military in theater. [6]Military one way. [7]Commerical in country. [8]Bus and military air. [9]Bus and commercial air.

STENY H. HOYER, Chairman, June 30, 1988.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 1988

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Louis Stokes	4/2	4/10	Asia		1,188.00						1,188.00
Military aircraft							16,117.56				16,117.56
Delegation expenses							15.41		479.54		494.95
Hon. Bill Richardson	4/2	4/10	Asia		1,188.00						1,188.00
Military aircraft							16,117.56				16,117.56
Hon. Bud Shuster	4/2	4/10	Asia		1,188.00						1,188.00
Military aircraft							16,117.56				16,117.56
Mr. Martin C. Faga, staff	4/2	4/10	Asia		1,188.00						1,188.00
Military aircraft							16,117.56				16,117.56
Mr. Duane P. Andrews, staff	4/2	4/10	Asia		1,188.00						1,188.00
Military aircraft							16,117.56				16,117.56
Mr. Calvin R. Humphrey, staff	4/2	4/10	Asia		1,188.00						1,188.00
Military aircraft							16,117.56				16,117.56
Mr. Bernard Raimo, Jr., staff	4/3	4/10	Europe		1,182.00		2,179.00				3,361.00
Mr. Bernard R. Toon II, staff	4/3	4/10	Europe		1,182.00		2,179.00				3,361.00
Committee total					9,492.00		101,078.77		479.56		111,050.31

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

LOUIS STOKES, Chairman, July 26, 1988.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4118. A letter from the Secretary of Health and Human Services, transmitting a report on the scientific and clinical status of organ transplantation, pursuant to Public Law 98-507, section 201; to the Committee on Energy and Commerce.

4119. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions by James E. Goodby, of New Hampshire, Ambassador Extraordinary and Plenipotentiary-designate to Greece, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

4120. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the annual report of the Commission's compliance with the Government in the Sunshine Act for calendar year 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

4121. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a quarterly report on the number of waivers granted from certain inadmissibility requirements for refugees, pursuant to 8 U.S.C. 1157(c)(3); to the Committee on the Judiciary.

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. ROSTENKOWSKI: Committee on Ways and Means. H.R. 1580. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; with an amendment (Rept. 100-642, Pt. 5). Ordered to be printed.

Mr. PEPPER: Committee on Rules. H.R. 4338. A bill to amend the Marine Protection, Research, and Sanctuaries Act of 1972 to impose special fees on the ocean disposal of sewage sludge, and for other purposes (Rept. 100-747, Pt. 2). Ordered to be printed.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4658. A bill to provide for more effective Coast Guard enforcement of laws relating to drug abuse; with an amendment (Rept. 100-814, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4850. A bill to amend the Public Health Service Act with respect to research programs relating to acquired immune deficiency syndrome; with an amendment (Rept. 100-815). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 5090. A bill to implement the United States-Canada Free-Trade Agreement (Rept. 100-816, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 5090. A bill to implement the United States-Canada Free-Trade Agreement (Rept. 100-816, Pt. 2). Ordered to be printed.

Mr. BOLAND: Committee of Conference. Conference report on H.R. 4800. (Rept. 100-817). Ordered to be printed.

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. ORTIZ (for himself, Mr. FIELDS, Mr. TAUZIN, Mr. HUTTO, and Mr. CALLAHAN):

H.R. 5141. A bill to delay temporarily certain regulations relating to sea turtle conservation; to the Committee on Merchant Marine and Fisheries.

By Mr. WAXMAN:

H.R. 5142. A bill to amend the Public Health Service Act to establish grant programs, and confidentiality protections, relating to counseling and testing with respect to acquired immune deficiency syndrome, to amend such act with respect to research programs relating to such syndrome, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BLILEY (for himself, Mr. DELLUMS, Mr. FAUNTROY, Mr. PARRIS, Mr. MAZZOLI, Mr. GRAY of Pennsylvania, Mr. DYMALLY, Mr. WHEAT, Mr. MORRISON of Connecticut, Mr. COMBEST, and Mrs. MARTIN of Illinois):

H.R. 5143. A bill to waive the period of congressional review for certain District of Columbia acts authorizing the issuance of revenue bonds; to the Committee on the District of Columbia.

By Mr. GEJDENSON (for himself, Mr. BEILENSON, Mr. BATES, Mr. STARK, Mr. BROWN of California, Mr. DWYER of New Jersey, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. ROBINSON, Mr. GARCIA, Mr. ATKINS, Mr. FOGLIETTA, and Mr. OWENS of New York):

H.R. 5144. A bill to require that light trucks and multipurpose vehicles shall be subject to certain Federal motor vehicle safety standards which are applicable to passenger motor vehicles; to the Committee on Energy and Commerce.

By Mr. GRADISON (for himself and Mrs. KENNELLY):

H.R. 5145. A bill to amend the Internal Revenue Code of 1986 with respect to the treatment of long-term care insurance, and for other purposes; to the Committee on Ways and Means.

By Mr. KENNEDY (for himself and Mr. RIDGE):

H.R. 5146. A bill to direct the Administrator of Veterans' Affairs to conduct a pilot program for the provision of assistive monkeys to quadriplegic veterans; to the Committee on Veterans' Affairs.

By Mr. MURPHY:

H.R. 5147. A bill to amend the Tariff Schedules of the United States to clarify the scope of item 806.30 thereof; to the Committee on Ways and Means.

By Mrs. SAIKI:

H.R. 5148. A bill to provide for compensation with respect to former members of the Armed Forces of the United States for each day spent avoiding capture by hostile forces or as underground fighters while unattached to any regular unit of the Armed Forces during World War II; to the Committee on the Judiciary.

H.R. 5149. A bill to amend title XVI of the Social Security Act to provide that support and maintenance furnished in kind in the form of room or rent to any individual by an immediate family member shall be disregarded in determining the amount of the individual's benefits thereunder; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mr. WAXMAN, and Mr. WYDEN):

H.R. 5150. A bill to amend the Public Health Service Act to revise the authority for the regulation of clinical laboratories, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SCHULZE (for himself, Mr. ARCHER, Mr. MCGRATH, Mr. MATSUI, and Mr. CHANDLER):

H.R. 5151. A bill to amend the Internal Revenue Code of 1986 to provide that contracts for residential construction which are completed in less than 12 months shall be exempt from the requirement to use the percentage of completion method; to the Committee on Ways and Means.

By Mr. STANGELAND:

H.R. 5152. A bill to restrict the Army Corps of Engineers' authority to increase releases from the headwaters reservoirs of the Upper Mississippi River; to the Committee on Public Works and Transportation.

By Mr. TAUZIN (for himself, Mr. HUCKABY, Mr. HAYES of Louisiana, Mrs. BOGGS, and Mr. MCCRERY):

H.R. 5153. A bill to designate the Veterans' Administration Medical Center in Alexandria, LA, as the "Gillis Long Veterans' Administration Medical Center"; to the Committee on Veterans' Affairs.

By Mr. TORRICELLI (for himself, Mr. JACOBS, Mr. BIAGGI, Mr. DIOGUARDI, Mr. EDWARDS of California, Mr. GRAY of Illinois, Mr. BERMAN, Mr. RODINO, Mr. ST GERMAIN, Mr. SOLARZ, Mr. ROSE, Mr. AKAKA, Mr. FEIGHAN, Mr. MRAZEK, Mr. CONYERS, Mr. HYDE, Ms. KAPTUR, Mr. FLORIO, Mr. HAWKINS, Mr. TALLON, Mr. MANTON, Mr. CLAY, Mr. GALLO, Mr. DOWNEY of New York, Mr. WISE, Mrs. BOXER, Mr. PEASE, Mr. GUARINI, Mr. ROE, Mr. SCHUMER, Mr. RUSSO, Mr. ANDERSON, Mr. GILMAN, Mr. SCHEUER, Mr. STARK, Mr. GREGG, Mr. MINETA, Mr. DELLUMS, Ms. SNOWE, Mr. WORTLEY, Mr. DORNAN of California, Mr. KOSTMAYER, Mr. MARTINEZ, Mr. TRAFICANT, Mr. RINALDO, Mr. SHAYS, Miss SCHNEIDER, Mr. ACKERMAN, Mr. SMITH of New Hampshire, Mr. DYSON, Mr. DYMALLY, and Mr. FLAKE):

H.R. 5154. A bill to promote the dissemination of biomedical information through modern methods of science and technology and to prevent the duplication of experiments on live animals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WAXMAN (for himself and Mr. MADIGAN):

H.R. 5155. A bill to amend the Protection and Advocacy for Mentally Ill Individuals Act of 1986 to reauthorize appropriations for activities under such act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. APPLEGATE:

H.J. Res. 630. Joint resolution designating April 16 through 22, 1989, as "National Ceramic Tile Industry Recognition Week"; to the Committee on Post Office and Civil Service.

By Mr. KENNEDY:

H.J. Res. 631. Joint resolution to designate the first Sunday in October 1988 as "Na-

tional Children's Day"; to the Committee on Post Office and Civil Service.

By Mr. DE LA GARZA (for himself, Mr. HALL of Texas, Mr. KOLBE, Mr. ORTIZ, Mr. HUNTER, Mr. SKEEN, Mr. COLEMAN of Texas, Mr. BUSTAMANTE, Mr. CHAPMAN, Mr. LELAND, Mr. STENHOLM, Mr. WILSON, Mr. BRYANT, and Mr. UDALL):

H. Con. Res. 344. Concurrent resolution commending the International Boundary and Water Commission for its efforts during the past 100 years to improve the social and economic welfare of the United States and Mexico and to improve good relations between our two countries; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress that federally funded school lunches should provide optional meatless meals; to the Committee on Education and Labor.

By Mr. SCHEUER (for himself and Mr. NEAL):

H. Con. Res. 346. Concurrent resolution expressing the sense of the Congress regarding the Pacific Forum; to the Committee on Foreign Affairs.

By Mr. RODINO:

H. Res.511. Resolution appointing managers on the part of the House in the matter of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida; considered and agreed to.

H. Res. 512. Resolution providing that a message be sent to the Senate informing the Senate of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida; considered and agreed to.

H. Res. 513. Resolution providing certain authorities to the managers on the part of the House in the matter of the impeachment of Alcee L. Hastings, judge of the U.S. District Court for the Southern District of Florida; considered and agreed to.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. PORTER, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. MICA, Mr. LANTOS, Mr. SMITH of Florida, Mr. BERMAN, Mr. WEISS, Mr. ACKERMAN, Mr. FUSTER, Mr. BILBRAY, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Ms. SNOWE, Mr. SOLOMON, Mr. BEREUTER, Mr. SMITH of New Jersey, Mrs. MEYERS of Kansas, and Mr. MILLER of Washington):

H. Res. 514. Resolution in support of a peaceful, negotiated settlement to the Cyprus dispute; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 243: Mr. ECKART.
H.R. 297: Mr. ECKART.
H.R. 347: Mr. ECKART.
H.R. 570: Mr. BOULTER.
H.R. 631: Mr. ECKART.
H.R. 700: Mr. MCEWEN.
H.R. 722: Mr. YATRON.
H.R. 920: Mrs. COLLINS and Mr. BATES.
H.R. 1028: Mr. GALLEGLY, Mr. BUNNING, Mr. HERGER, and Mr. HORTON.
H.R. 1381: Mr. ECKART.
H.R. 1716: Mr. WALGREN, Mr. JONTZ, Mr. LEACH of Iowa, Mr. OWENS of Utah, Mr. AUCOIN, Mr. MCCLOSKEY, Mrs. LLOYD, Mr. VENTO, Ms. KAPTUR, Mr. WAXMAN, Mr. HAYES of Illinois, Mr. WEISS, and Mr. WOLPE.
H.R. 1726: Mr. ECKART.
H.R. 1918: Mr. LANTOS, Mr. HAWKINS, Mr. RAHALL, Mr. EDWARDS of Oklahoma, Mrs. BENTLEY, Mr. BIAGGI, Mr. DE LUGO, Mr. GARCIA, Mr. BATES, Mr. OWENS of New York, Mr. HUGHES, and Mr. DONALD E. LUKENS.
H.R. 1990: Mr. MOLLOHAN.
H.R. 2219: Mr. ECKART.
H.R. 2246: Mr. ECKART.
H.R. 2632: Mr. BOSCO.
H.R. 2776: Mr. MCEWEN, Mrs. BENTLEY, and Mr. SMITH of Texas.
H.R. 2793: Mr. CALLAHAN.
H.R. 3174: Mr. RICHARDSON and Mr. CLEMENT.
H.R. 3250: Mr. LOWERY of California.
H.R. 3304: Mr. OBERSTAR.
H.R. 3314: Mr. JEFFORDS, Mr. MOLLOHAN, and Mr. HALL of Texas.
H.R. 3501: Mr. HOLLOWAY and Mr. BAKER.
H.R. 3565: Mr. LOWRY of Washington.
H.R. 3628: Mr. SKAGGS.
H.R. 3726: Mr. RANGEL.
H.R. 3760: Mr. HYDE, Mr. HASTERT, Mr. CRANE, Mr. GEKAS, Mr. SMITH of New Hampshire, and Mr. SOLOMON.
H.R. 3814: Mr. SOLOMON.
H.R. 3824: Mr. BATES.
H.R. 3834: Mr. RICHARDSON.
H.R. 4077: Mr. ECKART and Mr. ATKINS.
H.R. 4199: Mr. MACKAY.
H.R. 4221: Mr. ESPY and Mr. FEIGHAN.
H.R. 4292: Mr. HAYES of Louisiana.
H.R. 4359: Mr. EVANS, Mr. GOODLING, and Mr. ATKINS.
H.R. 4384: Mr. RANGEL, Ms. KAPTUR, Mr. ECKART, and Mr. STALLINGS.
H.R. 4432: Mr. DE LUGO.
H.R. 4437: Mr. RANGEL and Mr. JONTZ.
H.R. 4502: Mr. SMITH of New Hampshire and Mr. HENRY.
H.R. 4511: Mr. HERGER.
H.R. 4531: Mr. DEWINE.
H.R. 4534: Mr. PACKARD.
H.R. 4552: Mr. JACOBS.
H.R. 4649: Mr. PANETTA and Mr. BERMAN.
H.R. 4661: Mr. ATKINS.
H.R. 4708: Mr. ATKINS and Mr. BRENNAN.
H.R. 4718: Mr. MCCLOSKEY.
H.R. 4758: Mr. TAUZIN.
H.R. 4759: Mr. UPTON and Mr. PURSELL.
H.R. 4767: Mr. FROST.
H.R. 4831: Mr. BOULTER.
H.R. 4856: Mr. BERMAN, Mr. STARK, Mr. RINALDO. Mr. MOAKLEY, and Mr. PENNY.
H.R. 4866: Mr. WORTLEY.
H.R. 4870: Mr. ANDERSON and Mr. MCCRERY.
H.R. 4894: Mr. SCHULZE.
H.R. 4900: Mr. ATKINS, Mr. NEAL, Ms. KAPTUR, Mr. FAUNTROY, Mr. DWYER of New Jersey, Mrs. MEYERS of Kansas, Mr. OWENS of New York, Mr. OWENS of Utah, Mr. RANGEL, Mr. WALGREN, Mr. LANCASTER, Mr. HUGHES, Mr. HOCHBRUECKNER, Mr. KOLTER, and Mr. WEISS.
H.R. 4918: Mr. BUECHNER.
H.R. 4921: Ms. KAPTUR and Mr. BATES.
H.R. 4951: Mr. FAUNTROY.
H.R. 4956: Mr. COELHO, Mr. HUGHES, Mr. BERMAN, Mr. LANCASTER, and Mr. TOWNS.
H.R. 4979: Mr. FRANK, Mr. RANGEL, Mr. DE LUGO, Mr. GARCIA, Ms. OAKAR, and Mr. MARTINEZ.
H.R. 4987: Mr. QUILLEN.
H.R. 5009: Mr. SAXTON.
H.R. 5010: Mr. ST GERMAIN and Mr. STAGGERS.
H.R. 5017: Mr. BUSTAMANTE.
H.R. 5036: Mr. LIPINSKI, Mrs. COLLINS, Mr. BONIOR of Michigan, Mr. ATKINS, and Mr. LANCASTER.
H.R. 5066: Mr. KOLBE.
H.J. Res. 152: Mr. WATKINS, Mr. SOLARZ, Mr. BLAZ, and Mr. HOLLOWAY.
H.J. Res. 320: Mr. ATKINS.
H.J. Res. 330: Mr. EDWARDS of California, Mr. STANGELAND, Mr. KOLTER, Mr. THOMAS A. LUKEN, and Mr. FORD of Tennessee.
H.J. Res. 441: Mr. BUNNING, Mr. BATES, Mr. COLEMAN of Missouri, Mr. FUSTER, Mr. SABO, Mr. SCHEUER, Mr. BRYANT, Mr. SCHAEFER, Mr. FIELDS, Mr. GRAY of Illinois, Mr. FROST, Mr. BEVILL, Mr. SUNDQUIST, Mr. HATCHER, Mr. MARTINEZ, Mr. STARK, Mr. YOUNG of Florida, Mr. CALLAHAN, Mr. DAVIS of Michigan, Mr. DIXON, Mr. HASTERT, Mr. DWYER of New Jersey, Mr. MINETA, Mr. STOKES, Mr. KLECZKA, Mr. GARCIA, Ms. PELOSI, Mr. KILDEE, Mr. HUCKABY, Mr. COLEMAN of Texas, Mr. RANGEL, Mr. SMITH of Iowa, Mr. MOODY, Mr. MAVROULES, Mr. CLARKE, Ms. OAKAR, Mrs. KENNELLY, Mr. MURTHA, Mr. OBEY, Ms. SLAUGHTER of New York, Mr. DYSON, Mr. LEATH of Texas, Mr. WILSON, Mr. GONZALEZ, MR. RAHALL, Mr. BROWN of California, and Mr. ROBERT F. SMITH.
H.J. Res. 454: Mr. TRAXLER, Mr. STUMP, and Mr. WOLF.
H.J. Res. 489: Mr. MCEWEN, Mr. BOLAND, Mr. HYDE, Mr. FORD of Tennessee, Mr. HOLLOWAY, Mr. IRELAND, Mr. MICHEL, Mr. MARTIN of New York, Mr. DWYER of New Jersey, Mr. DENNY SMITH, Mr. BOULTER, Mr. WOLPE, Mr. LEWIS, of Florida, Mr. HUGHES, Mr. SMITH, of New Hampshire, and Mr. DIXON.
H.J. Res. 509: Mr. ROBERT F. SMITH.
H.J. Res. 516: Mr. UPTON.
H.J. Res. 518: Mr. MCGRATH, Mr. WEISS, Ms. SLAUGHTER of New York, Mr. BLILEY, and Mr. LANCASTER.
H.J. Res. 522: Mr. BROOMFIELD, Mr. BURTON of Indiana, Mr. HAMILTON, Mr. ANDERSON, Mr. NIELSON of Utah, Mr. TALLON, Mr. DORNAN of California, Mr. ROWLAND of Georgia, Mr. HENRY, Mr. BEVILL, Mrs. SAIKI, Mr. ESPY, Mr. CHAPMAN, Mr. CAMPBELL, Mrs. BENTLEY, Mr. BLILEY, Mr. MARTIN of New York, Mr. LAFALCE, Mr. MATSUI, Mr. CLAY, Mr. HARRIS, Mr. BOLAND, Mr. WORTLEY, Mr. MONTGOMERY, Mr. HORTON, Mr. NEAL, Mr. OWENS of New York, Mr. FRENZEL, Mr. WOLF, Mr. DE LA GARZA, Mr. CONTE, Mr. ENGLISH, Mr. QUILLEN, Mr. LAGOMARSINO, Mr. BUNNING, Mr. MCCLOSKEY, Mr. RINALDO, Mr. MOORHEAD, Mr. FAZIO, Ms. KAPTUR, Mr. GALLEGLY, Mr. FLIPPO, Mrs. LLOYD, Mr. SPRATT, Mrs. COLLINS, Mr. AKAKA, Mr. GRAY of Illinois, Mr. CHANDLER, Mr. DE LUGO, Mr. FIELDS, Mr. FUSTER, Mr. GARCIA, Mr. HUTTO, Mr. HYDE, Mr. KOLTER, Mr. LIVINGSTON, Mr. MCDADE, Mr. MCHUGH, Mr. MACK, Mr. MURPHY, Mr. NICHOLS, Mr. ORTIZ, Mr. ROE, Mr. SKELTON, Mr. SMITH of New Jersey, Mr. SPENCE, Mr. SUNIA, Mr. TRAXLER, Mr. VALENTINE, Mr. WILSON, Mr. WYDEN, Mr. WEBER, Mr. SCHUMER, Mr. OWENS of Utah, Mr. BRYANT, Mr. RICHARDSON, Mr. RUSSO, Mr. FROST, Mr. HAMMERSCHMIDT, Mr. COATS, Mr. HATCHER, Mr. BUSTAMANTE, Mr. DOWDY of Mississippi, Mr. KOSTMAYER, Mr. MFUME, Mr. MCGRATH, Mr. VOLKMER, Mr. STANGELAND, Mr. CONYERS, Mr. JACOBS, Mr. TRAFICANT, Mr. WHITTAKER, Mr. YOUNG of Alaska, Mr. TOWNS, Ms. OAKAR, Mr. HUGHES, Mr. DEWINE, Mrs. BYRON, Mr. DAUB, Mr. HEFNER, Mr. KASICH, Mr. DWYER of New Jersey, Mr. ANNUNZIO, Mr. FAUNTROY, Mr. BOUCHER, Mr. RANGEL, Mr. PANETTA, Mr. YATRON, Mr. PACKARD, Mr. WAXMAN, Mr. ROWLAND of Connecticut, and Mr. LUNGREN.
H.J. Res. 529: Mr. LENT.
H.J. Res. 564: Mr. OWENS of Utah, Mr. DEWINE, Mrs. MORELLA, Mr. RODINO, Mr.

BARTON of Texas, Mr. SCHEUER, and Mr. DWYER of New Jersey.

H.J. Res. 590: Mr. BUSTAMANTE, Mr. ECKART, and Mr. HUGHES.

H.J. Res. 591: Mr. CAMPBELL, Mr. MOORHEAD, Mr. LUNGREN, Mr. GOODLING, Mr. COOPER, Mr. ALEXANDER, Mr. MINETA, and Mr. WELDON.

H.J. Res. 592: Mr. DEWINE, Mr. DWYER of New Jersey, Mr. ESPY, Mr. FASCELL, Mr. FUSTER, Mr. HEFNER, Mr. HORTON, Mr. JONES of North Carolina, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. LUJAN, Mr. MARKEY, Mr. MARTIN of New York, Mr. MCHUGH, Mrs. MEYERS of Kansas, Mr. MILLER of Ohio, Mr. MILLER of California, Ms. OAKAR, Mr. PACKARD, Ms. PELOSI, Mr. RICHARDSON, Mr. RITTER, Mr. SAXTON, Mr. SCHUMER, Mr. SUNDQUIST, Mr. UPTON, Mr. ACKERMAN, Mr. ANDERSON, Mrs. BENTLEY, Mr. BLILEY, Mr. BOSCO, Mr. BOULTER, Mr. BURTON of Indiana, Mrs. BYRON, Mr. CHANDLER, Mr. CHAPMAN, Mr. CHAPPELL, Mr. COLEMAN of Missouri, Mr. COOPER, Mr. CROCKETT, Mr. DANNEMEYER, Mr. DAVIS of Illinois, Mr. DE LUGO, Mr. DONNELLY, Mr. ERDREICH, Mr. BARNARD, and Mr. FROST.

H.J. Res. 603: Mr. MCDADE, Mr. BORSKI, Mr. BLAZ, Mr. LAGOMARSINO, Mr. LEVINE of California, Mr. DE LA GARZA, Mr. HALL of Ohio, Mr. DICKS, Mr. ERDREICH, Mr. MACK, Mr. TALLON, Mr. MCHUGH, Mr. DORNAN of California, Mr. SCHUMER, Mr. BLILEY, Mr. FOGLIETTA, and Mr. HEFNER.

H.J. Res. 609: Mr. ANNUNZIO, Mr. ATKINS, Mr. BEVILL, Mr. BRENNAN, Mr. CARPER, Mr. DAVIS of Michigan, Mr. ERDREICH, Mr. HASTERT, Mr. KLECZKA, Mrs. LLOYD, Mr. RITTER, Mr. SAWYER, and Mr. SMITH of New Hampshire.

H.J. Res. 610: Mr. LANCASTER, Mr. MINETA, and Mr. PRICE of North Carolina.

H.J. Res. 611: Mr. DEFAZIO, Mr. MCCLOSKEY, Mr. RANGEL, Mr. BADHAM, and Mr. LEVIN of Michigan.

H.J. Res. 625: Mr. DREIER of California, Mr. BADHAM, Mr. SWINDALL, Mr. DEWINE, Mr. LUNGREN, Mr. QUILLEN, and Mr. MCCANDLESS.

H. Con. Res. 277: Mr. FLORIO, Mr. DOWNEY of New York, Mr. LEVINE of California, and Mr. SHAYS.

H. Con. Res. 281: Mr. SWINDALL and Mr. SMITH of New Hampshire.

H. Con. Res. 295: Mr. GALLEGLY, Mr. DERRICK, and Mr. SMITH of Texas.

H. Con. Res. 297: Mr. ATKINS, Mr. WEISS, Mr. RUSSO, and Mr. BATES.

H. Con. Res. 323: Mr. DONNELLY.

H. Res. 471: Mr. KILDEE, Ms. PELOSI, and Mr. CLINGER.

H. Res. 487: Mr. FIELDS, Mr. DEFAZIO, Mr. ATKINS, Mr. BOULTER, Mrs. PATTERSON, Mr. ENGLISH, Mr. BARTON of Texas, and Mr. JONTZ.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 316: Mr. ROGERS.