HOUSE OF REPRESENTATIVES—*Monday, September 10, 1990*

The House met at 12 noon and was called to order by the Speaker pro tempore [Mr. MAZZOLI].

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
September 10, 1990.

I hereby designate the Honorable Romano L. Mazzoli to act as Speaker pro tempore today.

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

PRAYER

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

We pray for Your protection and providence, O God, in all the avenues of life. We attempt to use our own resources to be the people we ought to be and yet we still are weak and alone and fall short of the mark. On this day, O God, we pray that Your abiding and sustaining love will nurture us and make us whole and give us that quiet spirit of confidence and peace that is our earnest desire. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The gentleman from California [Mr. CAMPBELL] will lead the House in the Pledge of Allegiance.

Mr. CAMPBELL of California led the Pledge of Allegiance as follows:

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

SUNDRY MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Kalbaugh, one of his secretaries.

MESSAGE FROM THE SENATE

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

H.R. 1101. An act to extend the authorization of appropriations for the Water Resources Research Act of 1984 through the end of fiscal year 1994.

BIPARTISAN SUPPORT NEEDED FOR MIDDLE EAST CRISIS

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

Mr. HUBBARD. Mr. Speaker, political watchers are saying today that now that Congress is back in session the bipartisan support for President George Bush's handling of the Middle East crisis will begin to come apart.

My constituency's voter registration is about 91 percent Democrat and 9 percent Republican.

The great majority of my constituents supports President Bush in his efforts thus far to halt the naked aggression of the modern day Adolf Hitler, the butcher of Baghdad—Saddam Hussein.

If we've learned anything from Hitler's rise to power, it's that this kind of aggression can only be confronted in a united effort.

As elected Representatives, hopefully we will be united in the face of a grave threat in the Middle East to our economy, even to our very way of life. We need to provide Saddam Hussein with unequivocal evidence of our country's determination to do whatever is necessary to force Iraq to surrender its human and territorial prey.

As Democrats and Republicans, we should remember: The less partisanship over this crisis by Democrats and Republicans, the better the prospects for success in the dangerous days and weeks ahead in the Middle East.

We might remember Kentucky's motto—"United we stand, divided we fall."

POLLS DO NOT REFLECT CONSTITUENTS' OPINION

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

Mr. JACOBS. Mr. Speaker, I have been amazed at the disparity between the tenor of the mail I have received from my constituents, and the national polls on the Middle East involvement of the United States. To clarify to my constituents who have written these many letters, and perhaps to save some postage for the taxpayers, let me explain.

Uncle Sam is in Saudi Arabia to defend everything he does not believe in, and one thing he wants.

SUPPORT FOR PRESIDENT ON IRAQ

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

Mr. GEKAS. Mr. Speaker, "politics end at the water's edge," is a thesis of American diplomacy that we have tried to live by for many, many years. Yet I must say in the past 10, 15 years, that has been fractured a thousand times with some of the rhetoric that has come even from this floor in against the President's action, any President's action.

It is refreshing to note that what the President of the United States, the current President has done, in garnering the international moral imperative of the United Nations and all the surrounding nations to Iraq, has been an exercise that has borne the praise of the American people and of citizens around the world. I am pleased to note, then, as a refreshing change that the rhetoric also on the floor of the House has begun to moderate, and indicates and reflects the will of the American people to support their President 100 percent in this exercise in Saudi Arabia.

REQUEST TO PRESIDENT GORBACHEV: REMOVE MILITARY ADVISERS FROM IRAQ

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

Mr. LANTOS. Mr. Speaker, I would like to commend President Bush and President Gorbachev on the conclusion of a successful summit. This summit could have been far more successful had President Gorbachev done just one thing.

Summits are symbolism, and the symbolism of 156 Soviet military advisers remaining in Iraq is a very ugly symbol. The Soviet advisers do not make one iota of substantive difference, but they send a confusing and uncertain and mixed message.

Therefore, I call on Mr. Gorbachev with friendship and in good faith that he forthwith rectify this error. We want every last Soviet military adviser out of Iraq—and we want them out now.

If Mr. Gorbachev thinks about this for a minute, the future of the Soviet Union depends on the good feelings, trade, technology, and investment of the United States, Western Europe, and Japan, and not the good will of the bankrupt dictator of Iraq, Saddam Hussein. Let the Soviets get the Soviet military advisers out of Iraq. Now.

□ 1210

EMPHASIZING UNITED STATES COMMITMENT TO DEMOCRACY IN BURMA

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

Mr. ROHRABACHER. Mr. Speaker, the Burmese people languish under a vicious, brutal, and corrupt military dictatorship.

Three months ago the gangsters in Rangoon sought to appease foreign critics by permitting an election. To the surprise of everyone—and I include myself—the election was legitimate. Although the regime used intimidation and terror, 85 percent of the Burmese voters cast their ballot for the opposition.

Since the election, however, the clique that suppresses the Burmese people and pillages their country has shown no signs of budging or recognizing the results of the election. Just 4 days ago leaders of the victorious democratic opposition were jailed. This outrage has not gone unnoticed because of our commitment on the Saudi Arabian Penninsula.

We are watching you, General Ne Win, and we are watching all of you who are holding the people of Burma hostage. Now is the time for you to save yourselves by siding with the people and the cause of democracy.

That is why, today, I am introducing a sense of the Congress resolution, underscoring our absolute commitment to democracy in Burma.

DESERT SHIELD—NOT A PIGGY BANK FOR ALLIES

(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, Egypt wants America to forgive their $7 billion loan. After all, they said they sent 2,000 men to Saudi Arabia. If you have a calculator, you can figure that out. That is $3.5 million per man. That must have been a troop of bionic soldiers.

Now, Jordan does not even want a loan. Jordan just wants $4 billion in cash. What did they do? They kept the port of Aqaba open, and that kept this thing alive.

What is going to be next? Will the battle of the press conferences end up with Saddam Hussein changing Americans room and board for being held hostage over there?

This has turned into a giant piggy bank, not a desert shield, and it is time that the world starts forgiving America's debt. We keep saving their assets. The American people are sick and tired of getting screwed, and I think it is time that we tell everybody we are not going to forgive their debts. They can pay their debts just like we do.

NO APPEASEMENT IN THE MIDDLE EAST CRISIS

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

Mr. INHOFE. Mr. Speaker, after this recess I was not going to say anything today until I overheard some of my colleagues talk in a very critical vein about the way our President is handling his very strong position in the Middle East, perhaps preferring something of appeasement.

Mr. Speaker, we have not faced this kind of crisis since World War II. We have become dependent upon the Middle East for our ability not only to survive but to fight a war and defend ourselves. There is a possibility that the President will be coming to us in this body and asking for a declaration of war against Iraq, and when that time comes, I hope our decisions will not be predicated upon what is best for a political party but upon what is best for America.

I can assure the Members, Mr. Speaker, that it is not going to be a policy of appeasement. An appeaser is a guy who throws his friends to the alligators, hoping they will eat him last.

There was a poem that was written by—and I am going from memory now—Hiram Mann, and I think it is very appropriate today. This is how it goes:

"No man survives when freedom fails.
The best man rot in filthy jails,
And those who cry, 'Appease, appease'
Are hanged by those they try to please."

Mr. Speaker, I say, go get 'em, Mr. President.

FULL FINANCIAL PARTICIPATION SOUGHT IN OPERATION DESERT SHIELD

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

Mr. McMILLEN of Maryland. Mr. Speaker, I was pleased to read of reports that Saudi Arabia and Kuwait have assured the United States Government that they will provide billions to defray the cost of the United States military buildup to counter Iraqi aggression. This is a major step toward a fair burdensharing of the gulf crisis.

On August 23, 1990, I wrote the President and asked him to begin negotiations with Saudi Arabia regarding financial compensation for the United States troop presence there. Because the gulf crisis will provide the Saudis with a windfall of billions of dollars, it is only fair for them to share some of the financial burden of having troops in the region.

But the Saudis are not the only ones who should be paying. Considering that the Mideast oil we are protecting is the lifeblood of Japan and Europe, it is essential that those countries fully participate in Operation Desert Shield.

Yet, West Germany has refused to share the cost, of the buildup of United States troops in the region, while the Japanese gulf effort has been meager.

It is wrong for the President to ask the American Federal employee to take an upaid furlough from work in order to protect the economies of Western Europe and Japan. Nor should the President be forgiving the Egyptian debt at this time.

Mr. President, the United States cannot afford to return to the days of isolationism, but we can no longer act in isolation. If we are to act as the world's policeman, we need to have the help of our allies, not their indifference.

KENTUCKIANS: RISE AND BE COUNTED

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

Mr. MAZZOLI. Mr. Speaker, today I call on all Kentuckians to rise and be counted: rise and be counted, that is, for the 1990 census.

It is not too late for Kentuckians to be counted for the 1990 census.

Until the end of September, a toll free number—1-800-999-1990—can be called by those who believe they were not counted April 1 when the census was taken.

Mr. Speaker, needless to say, the stakes are high for the Commonwealth of Kentucky to have an accurate count of its population. The Commonwealth's fair share of highway, health, social, and educational funds, just to name a few programs, is dependent on an accurate census count of its people.

The Census Bureau wants an accurate count just as much as Kentucky does. The Census Bureau is as anxious

as we are that all Kentuckians be counted.

Mr. Speaker, let me again repeat the toll free number for Kentuckians to call if they think they have not been counted in the 1990 census: 1-800-999-1990.

VA READY TO BACK UP DOD

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

Mr. MONTGOMERY. Mr. Speaker, I certainly support the President's actions in Saudi Arabia. We will do everything possible to support and protect our men and women who are serving there. We must be prepared for any event that might occur.

In 1982, the Congress told the Department of Defense and the Veterans' Administration that we wanted them to develop contingency procedures for our veterans' hospital system to back up our military hospitals in case of war or other national emergencies. Though VA and DOD conduct exercises on a regular basis to make certain these procedures are in good working order, this is the first time the plan has been fully activated.

I'm pleased to report to my colleagues that our new Department of Veterans Affairs is on standby and ready to take immediate action in case hostilities break out in the Middle East.

Since the crisis began, VA's 172 hospitals have been providing DOD with a count of available hospital beds—initially on a daily basis, but now weekly—which could be used for military casualties. Eighty of the hospitals would receive patients directly from the battlefield or from a DOD facility. However, all VA hospitals are potential sites for receiving casualties.

VA is reporting that, within 24 hours, it could provide over 10,000 beds; within 72 hours, almost 14,000 beds; and within 1 month, 25,000 beds. Our military hospitals have a total of 16,000 beds.

VA medical personnel would work closely with DOD in areas such as communications; transportation; patient sorting, processing and emergency care at military installation arrival points; acute medical care; data management; and supply. VA also is responsible for maintaining a patient locator and information system, which is particularly important to families. VA works closely with Red Cross on this.

I want to emphasize that, if it were necessary for VA hospitals to begin accepting military casualties, no veteran patients would be unnecessarily displaced.

Mr. Speaker, I know we all hope and pray that these procedures will never have to be used, but at least we know that VA has planned well and can handle the job.

In a related matter, I want to report that on Wednesday, the House and Senate Veterans' Affairs Committees will hold a joint hearing on the Soldiers' and Sailors' Civil Relief Act to determine if the protection the act provides for military personnel called up because of the crisis in the Middle East is sufficient. We will also review reservists' reemployment rights.

Mr. Speaker, the Veterans' Affairs and Armed Services Committees are going to make certain that the men and women who have been called on to serve in Saudi Arabia as well as here at home receive appropriate assistance.

□ 1220

GOVERNMENT SHOULD NOT BE IN CENSORSHIP BUSINESS

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

Mr. WYDEN. Mr. Speaker, last Friday the Solicitor General urged the Supreme Court to overturn Roe versus Wade, the 1973 ruling establishing the constitutional right to free choice for women. The case that the Justice Department is using as a vehicle, Rust versus Sullivan, was filed by family planning clinics across the country to overturn misleading regulations that would restrict doctors in federally funded family programs from informing patients about a full range of options available to them.

Mr. Speaker, the Government should not be in the censorship business, and if this were the private sector our physicians would be exposed to liability problems for not fully informing their patients about the full range of choices available to them, including abortion.

The gentleman from Illinois [Mr. PORTER] and I have introduced legislation that would spell out in statute that the patients at federally funded clinics would have exactly the same rights as those who go to private clinics. Given the Solicitor General's opinion of last Friday on attempts to overturn Roe versus Wade, I hope that our colleagues on both sides of the aisle will support the legislation that the gentleman from Illinois [Mr. PORTER] and I have introduced.

THOUGHTS ABOUT OUR OPERATIONS IN SAUDIA ARABIA

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

Mr. GIBBONS. Mr. Speaker, some thoughts about our operations in Saudia Arabia. They are going well. They have been well planned. They have been well executed and our troops are psychologically prepared and equipped for this operation. There are some other things that we should focus on now.

Saddam Hussein has qualified as a war criminal under international law. He and those who surround him should be tried for those crimes.

Second, Iraq should be required when this is over to reduce the size of its military forces to those that are only necessary to defend that country.

Third, Iraq should be required to rid itself of weapons of mass destruction, such as atomic weapons, such as chemical weapons and the delivery system for those, and there should be international inspections of Iraq to make sure that that is carried out.

Let us be patient. Let us be firm. Let us help establish a new world order of peace and peace under law.

MORAL BURDEN SHARING IN SAUDI ARABIA

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

Mr. VENTO. Mr. Speaker, many questions have been raised with regard to the Desert Shield Operation in Saudi Arabia. I think it is very pertinent that we raise the questions of cost and burden sharing, but I would like to speak today about the sharing of the moral burden with regard to this operation. The United States has nearly 100,000 troops in Saudi Arabia today to prevent the type of unprovoked, premeditated attack on a sovereign nation that occurred in Kuwait. That is the reason we are there; but we should not, Mr. Speaker, slip into being the latter day mercenaries, or world policemen, in terms of what our role is there. Nor should we slip into the trap of suggesting that it is our responsibility to be there to maintain, for instance, the supply of cheap oil to this country, the so-called suggestion that somehow this is the American way of life. That is not my understanding of why we are there. If we are there so that you or I can drive our Ford or Chevrolet 15 miles to the gallon, then we ought to get out of there.

Mr. Speaker, we should, I think, expect the resolutions from the United Nations and the encouragement that we have received on a global basis, I think quite justifiably from the Soviet Union, is a new world order that makes it possible.

We should also expect from supportive notions, that share the same values that we have with regard to the territorial integrity of Kuwait to have a presence in that desert; to be there standing alongside American troops.

The United States should not be playing the Lone Ranger in Saudia Arabia. This has gone on for over a month. Surely the burden sharing and the dollars are very important to all of us as we look at the plight of our budget; but the other question is, Where are the other nation's troops? Where are the other men and countries that should be providing assistance on this issue?

The United States should not set alone on this powder keg and side into a conflict without other nations offering their own troops along with just economic burden sharing, Mr. Speaker.

GREAT LEADERSHIP FROM PRESIDENT BUSH

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

Mr. McEWEN. Mr. Speaker, I think it is appropriate that as the President returned from his meeting with the President of the Soviet Union that we express our gratitude for the excellent leadership that President Bush has given to our Nation and to the world in an unprecedented fashion over these past 30 days.

Never since 1950 has the United Nations joined together to enforce one of its resolutions, and yet we saw that through the leadership of President Bush and the cooperation of our allies we were able to have that alignment whereby the free nations of the world said to Mr. Hussein that he had to discontinue the barbarous actions in which he has engaged in Kuwait.

I believe that this would not have come about had it not been for the respect that the world has for our Nation and its leadership in President Bush.

I recall that just 2 weeks ago tomorrow China admitted that they intended to veto this resolution and Mr. Bush, through his cooperation with their leadership in sending the Kuwaiti Foreign Minister, met with them and 2 weeks ago tomorrow they said that they would not veto the resolution, but they would continue to oppose it.

Then we saw that 2 days later in the Security Council there was a unanimous vote with China voting with us, unprecedented.

Also it was unprecedented to see Egypt, to see the United Arab Emirates, to see Saudi Arabia, to see Oman, to see Bahrain, to see these other Arab nations uniting with the United States, Morocco and the others, to stand against the tyranny that is existing there in the Middle East.

Now we see Korea giving every request that we have made of them to assist in the airlift, to assist in marine fleets.

We see over $5 billion committed now from Japan.

We see our NATO allies cooperating.

The bottom line is simply in this time of international tensions our Nation is abundantly blessed to have the person in the White House at this moment who is able to accomplish this as skillfully as he has. I look forward to the presentation of the President of the United States tomorrow evening and wish him well.

PROGRAM PROJECT AND ACTIVITY INFORMATION REPORT REQUIRED BY BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 101-232)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99-177), as amended, I transmit herewith the program, project, and activity information required by section 252(a)(5) of the act.

The attachment provides information on both base and sequester amounts for each program, project, and activity in each budget account subject to the sequester.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1990.*

ANNUAL REPORT OF NATIONAL ENDOWMENT FOR THE ARTS, FISCAL YEAR 1989—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read, and, together with the accompanying papers, without objection, referred to the Committee on Education and Labor.

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended (20 U.S.C. 959(b)), I transmit herewith the Annual Report of the National Endowment for the Arts for Fiscal Year 1989.

GEORGE BUSH.

THE WHITE HOUSE, *September 10, 1990.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Such rollcall votes, if postponed, will be taken on Tuesday, September 11, 1990.

CLARIFYING AUTHORITY OF NEW MEXICO TO EXCHANGE LANDS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2597) to amend the act of June 20, 1910, to clarify in the State of New Mexico authority to exchange lands granted by the United States in trust, and to validate prior land exchanges.

The Clerk read as follows:

S. 2597

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

SECTION 1. AUTHORITY TO EXCHANGE LAND.

Section 10 of the Act of June 20, 1920 (36 Stat. 563), is amended by inserting after the ninth paragraph thereof the following new paragraph:

"The State commissioner of public lands may exchange any land granted or confirmed by this Act for any land of the United States or an agency thereof, a State agency or political subdivision, a beneficiary of lands granted or confirmed by this Act, as Indian tribe or pueblo, or a private entity when the commissioner finds, after consultation with the chief administrative officer of the affected beneficiary of lands granted or confirmed by this Act, that—

"(1) based upon appraisals of the true value thereof, the value of the land to be received by the State is equal to or greater than the land to be conveyed by the State; and

"(2) the proposed exchange is beneficial to the interests of the affected beneficiary.".

SEC. 2. EFFECTIVE DATE.

(a) FINDING.—The Congress finds that the retroactive application of the amendments made in section 1 to approve, validate, and ratify land exchanges made prior to the effective date of the amendment will not prejudice the interests of any person and will benefit the interests of the parties to such exchanges, the beneficiaries of land granted or confirmed under the Act of June 20, 1910, and the public.

(b) RETROACTIVE APPLICATION.—On the date that the Secretary of State of the State of New Mexico certifies that the people of the State of New Mexico have consented to this Act by amendment of article XXI of the constitution of the State of New Mexico, the amendment made in section 1 shall be effective as of June 20, 1910, so as to approve, validate, and ratify all exchanges made after that date of lands granted or confirmed to the State of New Mexico after that date.

SEC. 3. CONSENT TO CONSTITUTIONAL AMENDMENTS.

The consent of Congress is given to amendment to article XXI of the Constitution of the State of New Mexico to consent to the amendment made in section 1, to

become effective as of June 20, 1910, as provided in section 2.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

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

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on S. 2597, the Senate bill now under consideration.

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

There was no objection.

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

Mr. Speaker, this is a noncontroversial bill that has already passed the Senate. It is intended to resolve uncertainties that have arisen over the interpretation of those portions of the enabling act under which New Mexico was admitted to the Union that relate to the grant of public lands to New Mexico before and at the time of its statehood in 1912.

The total territorial and statehood grants to New Mexico amounted to some 13.4 million acres. Presently there are approximately 9 million surface acres and 13 million acres of minerals. There have been approximately 4 million acres of surface sold and some minor adjustments in ownership of minerals through condemnation action by the Federal Government. Annual income provided to New Mexico public schools, universities, and other beneficiary institutions is over $350 million. The surface ownership in New Mexico is approximately 45 percent private, 12 percent State trust lands, 10 percent Indian land and the balance, approximately 33 percent, Federal. The majority of the Federal land is managed by the Bureau of Land Management, the U.S. Forest Service, and the military departments.

As in other Western States, the land ownership pattern in New Mexico is an extremely complicated one that presents many problems for the United States, the State, and other landowners. As in other States, land exchanges have often been utilized to rearrange this land ownership pattern to produce a more manageable division.

Land exchanges involving New Mexico's grant lands have been carried out since statehood, but some recent rulings by courts and a recent opinion by the attorney general of New Mexico have cast doubt on the legal ability of the State, under the enabling act, to carry out such exchanges.

Earlier this year, the New Mexico Legislature passed a joint resolution and memorial asking that Congress authorize an amendment to the enabling act and authorizing a constitutional amendment to be on the ballot in the November 1990 general election. The intent of the New Mexico Legislature and S. 2597 are to set forth the terms that clarify the authority to exchange lands and to validate prior land exchanges.

S. 2597 would clarify the New Mexico public lands commissioner's authority to exchange any land granted and confirmed by the New Mexico enabling act. This authorization would include any land of the United States or an agency thereof, State agency or political subdivision, beneficiary of the lands granted or confirmed by this act, any Indian tribe or pueblo, or private entity.

This bill would also retroactively apply, so as to remove doubts about the legality of past exchanges.

Mr. Speaker, this is a noncontroversial measure, supported by the administration, as well as the New Mexico delegation, including our colleague on the Interior Committee, Mr. RICHARDSON. It deals with a technical but real problem. I urge its passage.

□ 1230

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

Mr. VENTO. I yield to the gentleman from California, the chairman of the Committee on Public Works and Transportation.

(By unanimous consent Mr. ANDERSON was allowed to speak out of order.)

TAX THE GREEDY, NOT THE NEEDY

Mr. ANDERSON. Mr. Speaker, I rise to express concern about the reports this past weekend of a proposal to increase the gas tax as part of the budget agreement. Mr. Speaker, I believe that is the wrong kind of signal to send to the American taxpayers.

We should not try to balance the budget on the backs of the middle- and low-income Americans.

A gas tax would do just that. It is regressive and unduly burdens the average American wage earner. Perhaps that is why House Resolution 41, which expresses opposition to fuels tax increases, for deficit reduction, has been cosponsored by 250 of our colleagues.

No one wants sequestration to happen, but there has to be a more equitable way of addressing the problem.

For example, why can we not eliminate some of the unfair and distorted tax preferences enjoyed by corporate fat cats?

To the budget negotiators, my message is a simple one: if you must tax, tax the greedy, not the needy.

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

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

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

Mr. Speaker, I associate myself with the remarks of the chairman of the Subcommittee on National Parks and Public Lands, Mr. VENTO.

As Chairman VENTO explained, S. 2597 is needed to clarify the State of New Mexico's authority to exchange lands granted by the United States in trust and to validate prior land exchanges.

The need for this legislation resulted from a 1988 legal opinion issued by the New Mexico attorney general that questioned the authority for future land exchanges and cast doubt on the validity of many prior exchanges. This cloud over exchanges originated from the New Mexico Enabling Act of 1910 which placed some significant restrictions of the State's ability to conduct land exchanges of school trust lands.

As has been mentioned, there is a sense of urgency in passage of S. 2597. Because this bill contains an amendment to the New Mexico Enabling Act of 1910, the amendment must also be approved by New Mexico's voters this November. The New Mexico secretary of state requires that congressional action must be approved by September 11, 1990 to qualify for being placed on the November ballot.

As a result, Chairman VENTO should be commended by everyone involved in this issue for his expeditious action particularly at a time during the session when we are already faced with an enormous legislative burden.

Finally, I would like to reiterate that S. 2597 is supported by all five members of the New Mexico congressional delegation as well as State elected officals involved in land exchanges such as the attorney general and commissioner of public lands.

I urge my colleagues to support S. 2597.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in strong support of this legislation.

I want to thank the gentleman from Minnesota [Mr. VENTO] and the ranking member, the gentleman from California [Mr. LAGOMARSINO] for their tremendous assistance in bringing this important legislation before the House. I also want to acknowledge the help of the gentleman from New Mexico [Mr. RICHARDSON] for his strong support of this bill and to our State land commissioner, Bill Humphries, for his leadership on this matter. For reasons I will explain

shortly, it is essential this legislation pass the House today.

Senate bill 2597 amends the State of New Mexico's Enabling Act to fill a void in current authority to exchange State lands.

I have introduced similar legislation in the House, H.R. 4777.

Last year the New Mexico attorney general issued an opinion that stated the land commissioner has limited authority to exchange State lands under his jurisdiction.

Specifically, the attorney general determined the land commissioner only has the constitutional authority to exchange for lands under the jurisdiction of the Department of the Interior and the U.S. Forest Service. This excludes opportunities to exchange lands with other Federal agencies, local governments, schools, and private land owners.

The attorney general indicated that any attempt to broaden the exchange authority should be made by amending the State Enabling Act. He also recommended the change be made retroactive to the beginning of statehood. This would ensure all previous exchanges made by the State land commissioner are valid.

The legislation being considered today adequately addresses all these concerns.

Let me give you an indication of the need for this expanded authority.

The New Mexico land commissioner has responsibility over lands that encompass approximately 12 percent of the land mass in the State. Much of this land is fragmented in a checkerboard pattern and involves hundreds of small parcels of land.

The need to consolidate State lands is obvious. It will improve the management of these lands and will assist other entities who, for whatever reasons, would like to exchange for State lands.

The bottom line is current authority is too restrictive to allow the land commissioner to properly carry out his responsibilities.

To remedy this void, Congress must pass this legislation allowing a change in the State's Enabling Act. The voters of New Mexico must then approve a constitutional amendment. But for New Mexicans to have a chance to vote on this measure in November, Congress must pass the legislation by September 11, 1990. Otherwise it will be another 2 years before a similar initiative can be placed on the ballot.

To my knowledge there is no opposition to this legislation. The New Mexico State Legislature is on record as supporting a broadening of the exchange authority of the land commissioner, and the entire New Mexico congressional delegation and the administration supports this legislation.

Again, I appreciate the chairman's assistance in ensuring this legislation is considered by Congress before the September 11 deadline. This is a great example of bipartisan cooperation working to address important matters.

Again, I urge my colleagues to support this legislation.

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

First of all, Mr. Speaker, let me acknowledge with gratitude the response from the gentleman from New Mexico [Mr. SKEEN] who first called this issue to my attention, and just before we recessed, and, frankly, I know that they are very anxious to get this matter accomplished because this has to go immediately to the President and be signed for it to make the November ballot. Even then, Mr. Speaker, I am certain that we are facing some risk that that may not accomplish it, and for that I would say that, if it does not happen, I regret it. I felt this was an important issue that should be heard by the subcommittee in somewhat of an unusual procedure with the cooperation of the chairman, the gentleman from Arizona [Mr. UDALL] and ranking member, as well as, of course, our colleagues on the Committee on Interior and Insular Affairs, not least of which, of course, is the gentleman from New Mexico [Mr. RICHARDSON] who serves on my subcommittee and whose statement I have here to submit for the RECORD. We were able to bring this bill up this week. I had hoped, quite frankly, when we last talked that we would be able to deal with this last week in the full House, that we would be able to bring it up in that particular manner, but, as my colleagues know, we were not in session for business, but merely for pro forma sessions last week because of the events and the status of the Senate, being out.

Mr. Speaker, the House leadership came to the conclusion that it would be well advised to try to accommodate the Members with additional time in their districts, which I am sure was put to good use. But I just want to call to my colleagues' attention that the subcommittee was meeting last week. We did have the hearing on Tuesday. We did a considerable amount of work in our subcommittee last week, but again that is the basis for putting this off to the last minute here. Simply, Mr. Speaker, I did not anticipate the events that occurred would occur last week and that we would have the time to do it.

So, with this, the House leadership did respond, and others, by putting this on the Suspension Calendar today, and I am optimistic that they will have no trouble in acting on this measure and that this will be send to the President. Hopefully we can pull him out of Andrews Air Force Base long enough to get this measure signed, but, Mr. Speaker, this is a matter which has to be acted on promptly. I think Members on the floor and in their offices should recognize that this has a profound impact on the State of New Mexico, and these lands that are impacted are important to the State.

Mr. Speaker, with that said, I would submit the statement from the gentleman from New Mexico [Mr. RICHARDSON], my colleague, a strong advocate and a hard worker on the subcommittee.

Mr. RICHARDSON. Mr. Speaker, I want to thank my good friend and colleague Chairman VENTO and the House leadership for bringing S. 2597, a bill to amend the New Mexico Enabling Act of 1910 and clarify lands granted in trust and to validate prior exchanges, to the floor for final passage. Congressional action must be completed by September 11, 1990, in order for the proposed amendment to be presented to New Mexico voters on the November 1990 general election ballot.

In 1910, Congress passed the Enabling Act that led to statehood for New Mexico. This act was consented to by the people of New Mexico and it became a part of New Mexico's Constitution. Approximately 13 million acres of land was transferred by the Federal Government to the State of New Mexico to be held in trust. These lands are managed and administered by the State Land Commissioner.

Historically, the State land office has engaged in many exchanges with the U.S. Government, primarily the Department of Interior. A wide range of exchanges have taken place including the Carlsbad Caverns exchange, the White Sands Missile Range exchange, the El Malpais exchange, and most recently the Denazin exchange. Under the enabling act, however, Congress placed strict limits on the disposal of the trust lands granted to New Mexico and Arizona. Recent court decisions in Arizona, have raised the question of whether the New Mexico Enabling Act contains authority for the State to make exchanges as described above.

In May 1987, the State land commissioner requested the State attorney general's opinion on the following question:

May the Commissioner of Public Lands exchange state trust lands for equal value lands in private fee simple ownership and for lands held by other state agencies, local governing bodies, trust land beneficiary institutions, and federal agencies other than the Department of Interior?

The Department of Interior was excepted from the question because of a 1957 statute which purports to authorize the Commissioner to exchange with the Department of Interior.

The attorney general's response in Opinion No. 88–35 (May 23, 1988) was no. (The opinion did not address exchanges made pursuant to the 1957 statute.) The opinion finds that exchanges were not permitted by the Enabling Act, and cast doubt on the validity of that statute, since legislation cannot expand constitutional powers. The attorney general advised the Commissioner that, "if land exchanges proposed by your office are to be effectuated, we believe the best way to do that would be through amendment of the Enabling Act."

As a result, the New Mexico Legislature passed both a resolution and a memorial—the resolution proposes an amendment to the

New Mexico Constitution clarifying the commissioner's authority to exchange lands and the memorial asks the U.S. Congress to consent to the amendment by amending the New Mexico Enabling Act. The New Mexico Secretary of State's Office requires that congressional action be completed by September 11, 1990, in order for the proposed amendment to be presented to the voters on the November 1990 general election ballot.

Mr. Speaker, S. 2597 would clarify that the State of New Mexico has authority to exchange State trust lands with the Federal Government, State agencies, city governments, Indian Tribes, institutions for whom the lands are held in trust, and private entities. The bill also makes the Enabling Act amendment retroactive to 1910 to assure that exchanges since 1910 are validated. I urge my colleagues support for this legislation and swift passage.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 2597.

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

A motion to reconsider was laid on the table.

□ 1240

DESIGNATING PORTIONS OF THE DELAWARE RIVER AS PART OF THE WILD AND SCENIC RIVERS SYSTEM

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3764) to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in the States of Pennsylvania and New Jersey as components of the National Wild and Scenic Rivers System, as amended.

The Clerk read as follows:

H.R. 3764

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

SECTION 1. WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding the following new paragraph at the end:

"(109) DELAWARE, PENNSYLVANIA AND NEW JERSEY.—The segment consisting of approximately 8.5 miles from the Bucks County and Northampton County border to a point just north of the Gilbert Generating Station, the segment consisting of approximately 11.5 miles from a point just south of the Gilbert Generating Station to a point just north of the Point Pleasant Pumping Station, the segment consisting of approximately 6.5 miles from a point just south of the Point Pleasant Pumping Station to the north side of the Route 202 bridge, and the segment consisting of approximately 6 miles between the southern boundary of the town of New Hope to Washington's Crossing; to be administered by the Secretary of the Interior. In preparing the comprehensive management plan for the segments designated under this paragraph the Secretary shall give priority to the acquisition of the islands in the Delaware River, undeveloped open space along the river, and a tract of approximately 250 acres in Bridgeton Township, Bucks County, Pennsylvania as generally depicted on a map entitled "Thomas McBrien Property," dated July 1990.

SEC. 2. EXISTING FACILITIES.

The designation of segments of the Delaware River made by section 1 of this Act shall not preclude or interfere with the operation or maintenance of the Gilbert Generating Station or the Point Pleasant Pumping Station as authorized under any license or permit as of the date of enactment of this Act or any replacement or modification of such facilities that has no greater impact on such segments; nor shall such designation be used in any proceeding to prevent the relicensing or repremitting of such facilities as currently authorized.

SEC. 3. STUDIES.

(a) Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276 (a)), as amended, is further amended by adding the following new paragraphs:

" DELAWARE RIVER, PENNSYLVANIA AND NEW JERSEY.—The segment from Washington's Crossing to the point where the river intersects the Trenton, New Jersey, city limits, together with the Cook's Creek, Tinicum Creek, and Tohickon Creek tributaries to the Delaware River.

(b) The Secretary of the Interior, pursuant to section 11(b)(1) of the Wild and Scenic Rivers Act, shall undertake a river conservation plan for the segment of the Delaware River from the northern city limits of Trenton, New Jersey, to the southern boundary of Bucks County, Pennsylvania.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

The SPEAKER pro tempore. (Mr. MAZZOLI). Is a second demanded?

Mr. LAGOMARSINO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

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

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

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

Mr. Speaker, this bill is sponsored by the gentleman from Pennsylvania [Mr. KOSTMAYER], and would designate four segments of the Delaware River between Pennsylvania and New Jersey as components of the National Wild and Scenic River System, and would require that additional segments of the Delaware River be studied pursuant to the Wild and Scenic River Act for future steps to protect their natural and other resources and values.

Mr. Speaker, I have, personally, visited this area with the gentleman from Pennsylvania [Mr. KOSTMAYER]. We have had hearings on this segment in the 100th Congress, and, of course, we have had hearings this Congress on his legislation that is now being presented in revised form to the House.

These river segments that would be designated are in the northern boundary of Bucks County, to Washington's Crossing. The bill would exclude from designation two areas each associated with the existing facilities, the Gilbert Generating Station, and the Point Pleasant Pumping Station.

The Delaware River is one of the few remaining free-flowing, relatively undeveloped rivers in its region. It rises in the Appalachian Plateau region of the Catskill Mountains in New York and flows over 300 miles to the Atlantic Ocean.

At the fall line at Trenton, the river enters the Atlantic coastal plain, a physiographic region where it is a steeply sloped valley, flattens out, and the river gradually expands until it reaches its broadest point at the mouth of Delaware Bay.

While there is extensive urban development from southern Bucks County, PA, through the port of Philadephia, the portions of the river dealt with in this bill are comparatively rural or suburban.

The river affords many valuable opportunities for enjoyment of relatively undisturbed landscapes and outdoor water-based recreation.

This is not, of course, the first time that the House has considered legislation dealing with the Delaware River. Some 114 miles of the Delaware River have already been designated as components of the National Wild and Scenic River System by legislation enacted in 1978.

Proposals for similar legislation affecting other portions of the river have been considered as well. In 1983, the Subcommittee on Public Lands and National Parks made a field inspection of portions of the lower Delaware for designation under the Wild and Scenic Rivers Act. In 1983 the subcommittee favorably reported to the full Committee on Interior and Insular Affairs some of the same parts of the river as the bill now before us. However, no further action was taken.

As I indicated earlier in my statement, I personally visited this site in the last Congress. We were there on a related hearing dealing with the canal legislation, the Lehigh-Delaware Canal legislation, which was signed by the President in the last Congress. I can attest, as I indicated, to the qualities of this resource, both in terms of the cultural and historic resources lo-

cated in the corridor of the Delaware River, the segments of which are designated here, and the natural conditions.

Mr. Speaker, this bill speaks to the development and concept, of course, of linear parks that have been advocated under the President's Commission on American Outdoors.

Such parks, such views, recognizing that there are parks close to urban centers, close to people, are increasingly important as we attempt to provide for recreation and protection of natural areas in urban areas. It is an appropriate role of the Park Service, and certainly under the Wild and Scenic Rivers Act, there is an opportunity and a framework in which such resources can be adequately protected.

The major reason Congress has not acted in the past was because of concerns about the effect of the bills related to portions of the Delaware River bordering Bucks County, PA, might have on the proposal to build a pumping station at Point Pleasant. The Point Pleasant station is now in operation, it has been built, as is the Gilbert Generating Station, and both are outside the river segments that would be affected by this measure.

Therefore, Mr. Speaker, I think that it is appropriate for the Congress to act on this measure. Clearly there is a debate about the appropriateness of these segments under the Wild and Scenic Rivers Act. But, as I said, I have visited the sites. I can and do, personally, attest to the qualities of them. Furthermore, under the Wild and Scenic Rivers Act, we permit a number of different designations. It could be wild and scenic, it could be recreational.

In other words, there are a number of categories and techniques that are utilized in terms of managing rivers. We leave that determination to the Park Service here, to the professionals in the Park Service, to select the appropriate type of designation.

It is my assumption that they will select recreational, because indeed some of the development in the river corridor and the natural qualities of it have been affected by those buildings and other structures.

But nevertheless, I think that that being said, the fact is though that the designations are appropriate in the context of the Wild and Scenic Rivers Act.

Far too many miles of river today are unprotected under the Wild and Scenic Rivers Act. It is principally because of the conflict that is inherent when we begin to designate areas in and around rivers. Invariably these rivers, from our earliest history, have been the place where individuals and populations have located. It is the place where industries occur. Very often these rivers are used as working rivers, carrying barges and so forth.

I think, too, that the rivers largely have been abused and misused, Mr. Speaker. So often these facilities that are located on the rivers really in the past used them as a dumping ground, to eliminate waste, even to carry the storm water or sanitary water, a nice way of saying it.

Mr. Speaker, I think there is a changing attitude and view. But nevertheless, because of these conflicts, the powerplants, the flood control structures, the natural qualities of those rivers have been adversely impacted. Today and in the past decade we have started to reclaim these rivers for the natural qualities, for the special cultural resources that they have, and attempt to reclaim them for urban populations that look for park values, look for the use of these rivers in a better way.

Mr. Speaker, I believe that this bill is really a major step. This is an intensely urban area. There are not many open spaces remaining in it.

The gentleman from Pennsylvania [Mr. KOSTMAYER], who has written this legislation, certainly deserves special credit and recognition for his leadership and his persistence in working for the protection of key parts of the Delaware River. Since his first days in Congress, Mr. Speaker, and I came to Congress with the gentleman from Pennsylvania [Mr. KOSTMAYER] some 14 years ago, he has taken on the task. He fought the powerplants, the water projects, the channelization and abuse of this river in his unyielding advocacy to try to claim this river for its natural, environmental, and cultural qualities. Obviously, there are some battles that he won, there are some that he has lost. I think today we are here as much as anything to ratify and protect the portions of that river that remain. Now, some, of course, say that the qualities do not exist.

□ 1250

Mr. Speaker, I reserve the balance of my time on this matter, and I urge my colleagues to support it.

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

Mr. Speaker, with all due respect to my friend from Pennsylvania, Mr. KOSTMAYER, I must rise in strong opposition to H.R. 3764.

Although I am also concerned about protecting the important resource values on these segments of the lower Delaware River, I believe this bill runs roughshod over existing statutes and administrative practices and sets a dangerous precedent. There are other techniques available such as a national recreation area, as was the case with the Chattahoochee River in Georgia.

There are three fundamental problems with this bill. The first is that it establishes a precedent of designating a stream under the Wild and Scenic Rivers Act which is far too developed to meet existing criteria. The second problem is that there has been very limited discussion with private landowners on how the designation will impact them.

Finally, the bill directs the Federal Government to initiate an ill-advised land acquisition program.

Oftentimes, members of the Interior Committee discuss the issue of precedence when considering legislation and especially the need to avoid dangerous precedents. The same argument holds here. Passage of this bill will be a directive to the administration to rewrite their criteria for determining how much development is acceptable along a wild, scenic, or recreational river. It is telling other members to bring forward their proposals for designating any river in their district which they would like to protect, regardless of how developed it is. Of even more concern, it is signaling the administration that greater levels of development are acceptable at existing units of the Wild and Scenic River System.

Mr. Speaker, I am inserting into the RECORD letters to Chairman UDALL by the Assistant Secretary of the Interior for Fish and Wildlife and Parks and the Executive Director of the Delaware River Basin Commission that discuss some of my concerns with this legislation in more detail.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
WASHINGTON, DC, AUGUST 2, 1990.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: H.R. 3674, a bill to designate certain segments of the lower Delaware River as components of the National Wild and Scenic Rivers System, is scheduled for consideration soon by the full Committee on Interior and Insular Affairs.

The bill as introduced would designate 32.5 miles of the lower Delaware as components of the National System. The river segments have not been formally studied. Moreover, as the National Park Service testified on May 14, the river shoreline is simply too heavily developed to qualify even for the inventory of rivers that should be studied.

An amendment proposed in the Subcommittee on National Parks and Public Lands adds a requirement that an additional six miles immediately downstream be studied for inclusion in the National System. This six mile segment includes the Interstate 95 crossing of the river north of Philadelphia and Trenton; it is paralleled on both banks by roads and by a railroad on the New Jersey bank; it contains much residential development, particularly on the New Jersey side.

We continue to oppose the bill, and we oppose the amendment. In our view these river segments contain residential, transportation, and commercial development in such concentrations as to be inappropriate as

part of the National Wild and Scenic Rivers System.

Sincerely,

CONSTANCE B. HARRIMAN,
Assistant Secretary,
Fish and Wildlife and Parks.

DELAWARE RIVER BASIN COMMISSION,
West Trenton NJ, July 27, 1990.

DEAR CHAIRMAN UDALL: This concerns the matter of H.R. 3764 now pending in Congress which relates to a section of the Delaware River for consideration under the Wild and Scenic Rivers Act. Congressman Peter H. Kostmayer introduced H.R. 3764 and, and as I understand, has offered amendments to his original bill.

First, let me state that the following views are being expressed by me as Executive Director of the Delaware River Basin Commission at the request of three of our Commissioners, representing the States of New Jersey and Pennsylvania, and the United States. I did comment informally to Mr. David Weiss of the Subcommittee on General Oversight and Investigations several months ago, at his request, on H.R. 3764 and H.R. 3765.

It was hoped that this office would have been informed, in advance of scheduled hearings. But, that did not occur.

Most of the following remarks were communicated to Mr. Weiss.

ACCURACY OF MILEAGE SEGMENTS

The River segment from the Bucks County/Northampton County point down to the Gilbert Generating Station is not 8.5 miles. It is 4.2 miles. The segment from just south of Gilbert to just upstream of the Point Pleasant intake is 14.2 miles, not 11.5 miles.

Another important water supply taking point which was neglected is that of the New Jersey Water Supply Authority's at the head of the D&R Canal. This intake serves 100 mgd to New Jersey residents and businesses. The point selected to resume designation south of the Point Pleasant intake should fall below the D&R Canal inlet.

ACKNOWLEDGING EXISTING INFRASTRUCTURE

H.R. 3764 recognizes the Gilbert Generating Station and Point Pleasant intakes, as well as the Lambertville Sewage Treatment Plant Outfall. However, it doesn't consider other existing water supply intakes of: PA American WCO at Yardley; Naval Air Propulsion Center; Yardley Ball Corp.; and James River Corp. at Milford.

Also, the bill doesn't consider wastewater outfalls of: Heritage Hills above Washington Crossing; James River Paper Corp. at Milford; Rieglesville Municipal STP; and Frenchtown Municipal STP.

In addition, there are three (3) pipeline crossings in the segment from Washington Crossing to the Bucks County/Northhampton County point on the Delaware River: Getty (Texaco); Sun Oil; and Buckeye Pipeline.

Why superimpose U.S. National Park Service jurisdiction over these facilities and the users they serve, when the Pennsylvania Department of Environmental Resources, the New Jersey Department of Environmental Protection, and the Delaware River Basin Commission already adequately perform such regulatory functions?

MAJOR ISLANDS AFFECTED

In the River stretch from Bucks County/Northhamptom point to Washington Crossing, there are thirteen (13) islands over five acres in size. Our files indicate that on the New Jersey side, there are three—two owned by the State and one five-acre island undeveloped and privately owned.

Of the ten (10) islands on the Pennsylvania side, three are in private/non-profit ownership and already developed. Two of those are zoned residential/conservation and one residential. One is owned by the State of New Jersey. Of the six remaining, three are zoned residential/agricultural, one resource protection, one conservation management and one residential-2. Why not allow the municipal, county and/or state governments to acquire any further properties they might deem important for scenic or recreational purposes, or continue to adequately handle the zoning?

CONTROLS ON FUTURE INFRASTRUCTURE

The States of Pennsylvania and New Jersey possess environmental control authorities in the areas of: waste discharge; wetland protection; stream encroachment; recreation facility management; and flood plain control.

The Delaware River Basin Commission also regulates all of the above, save recreational facility management. The DRBC must also review and approve any new water intake facility. Again, why institute another review and regulatory agency atop those that already exist? It should be pointed out that the National Park Service, the U.S. Environmental Protection Agency, and other Federal agencies have a direct voice to the DRBC through the Federal Commissioner.

It is hoped that the Committee on Interior and Insular Affairs, the Subcommittee on Parks and Public Lands, and Congress in general, will consider the above comments before acting on H.R. 3764.

I would be most happy to discuss this matter with you, Congressman Vento, and/or Congressman Kostmayer at your mutual convenience(s).

Respectfully,

GERALD M. HANSLER

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COUGHLIN].

Mr. COUGHLIN. Mr. Speaker, I am not going to oppose this legislation although I have serious reservations about it in its present form.

As my colleagues know, I have long supported the designation of free flowing and undeveloped rivers as units of the National Wild and Scenic Rivers System. These pristine resources must be preserved and protected for present and future generations. I have also consistently voted for legislation embodying these principles and will continue to do so. Given these long held beliefs, I reluctantly rise to express my serious reservations.

First, there are questions as to whether the Delaware River segments covered by H.R. 3764 meet the criteria for inclusion into the National Wild and Scenic Rivers System. The National Park Service, in fact, testified against H.R. 3764 because its study of the Delaware River corridor showed that the area is too developed to be eligible for designation. I am also familiar with the river and it is truly beautiful but it is far from what we commonly believe to be a pristine river corridor.

If blocking unwanted development is one of the purposes of the legislation—as we stated during the testimony of one county commissioner—then other devices should be explored. The National Wild and Scenic Rivers System should not be misused in this fashion.

Second, my constituents will be directly affected by the legislation through its failure to protect the continued operation of existing facilities outside the boundaries of the designated segments. Nor are protections afforded for water supply projects that have been authorized but upon which construction has not begun. Moreover, the legislation's impact on the ability to supply customers with water was extensively discussed in the testimony presented on behalf of two of my constituent water companies.

I am also aware that good faith efforts were made during the bill's markup to meet these concerns while affording the river segments protection. Despite this failure, I am confident that the discussions can continue in the Senate and that revisions in the bill's savings language can be made in the Senate.

Therefore, I will not oppose the bill's passage today but will reserve my ultimate judgment until after the Senate addresses the concerns I raised today.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. KOSTMAYER].

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

Mr. Speaker, I want to thank the gentleman from Minnesota [Mr. VENTO], chairman of the Subcommittee on National Parks and Public Lands, for his assistance not only on this matter, but on a variety of other matters with which he has assisted me and been very helpful. I also want to thank my very good friend, the gentleman from California [Mr. LAGOMARSINO] for his assistance.

Mr. Speaker, let me say very briefly that the Delaware River remains one of the few undammed rivers in the Eastern United States. We would like to keep it that way. One hundred and fourteen miles of this river, which is a little more than 300 miles long, have already been designated by the Congress as wild and scenic back in 1978. Through that designation in 1978, we were able to stop construction of the Tocks Island Dam. This segment is further downstream. It goes from a little village called Uhlerstown, PA, for 32 miles down to another little village called Washington Crossing, PA. That is where General Washington crossed the Delaware River on Christmas night, 1776, to fight the Battle of Trenton. This is an area which I think is adequately defined as wild and

scenic. I think it fits the criteria. I think it is long overdue.

I am grateful that the Congress is considering this action, and I urge its speedy adoption.

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

Mr. KOSTMAYER. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I wanted to point out that this is the area where Washington crossed the Delaware that would be designated by the gentleman's legislation. It would be designated wild and scenic. But it would be classified according to what the Park Service thought was appropriate, which may be recreational. I think it is an important point in terms of we do not normally deal with sites, that is to say, there is no historic fabric remaining there. The boat is not there. The lines in the water have long since disappeared. But I do think from that standpoint that it does show the nature of the cultural and historic resource, not necessarily that event, but others.

Mr. KOSTMAYER. Reclaiming my time, the boats are there. The men who died there are buried there. It is historic territory. It is marked by a State park on both sides of New Jersey and Pennsylvania. There is a museum there. For a long time Emanuel Leutze's famous painting "Washington Crossing the Delaware" hung there, but it is now in the Metropolitan Museum of Art in New York City.

Mr. Speaker, I rise today to ask the support of Members for my legislation to designate approximately 32 miles of the Delaware River as a component of the Wild and Scenic Rivers System.

As my good friend and colleague, Mr. VENTO, mentioned during his remarks, my efforts to protect the Delaware began in 1977, when I was a freshman. In that year, Members voted to designate approximately 114 miles of the Middle Delaware as part of the Wild and Scenic River System. Unfortunately, however, portions of the legislation that would have protected the river segments adjoining Bucks County were deleted from the final version signed by President Carter.

Since then, I have continued efforts to protect the Delaware. Mr. Speaker, in 1983 the National Parks Subcommittee approved legislation to designate as wild and scenic the portion of the Delaware that runs through Bucks County. Due to controversy over the construction of the Point Pleasant Pumping Sttion, however, further progress on the bill was stalled.

In 1988, President Reagan signed legislation that created the Delaware and Lehigh Canal National Heritage Corridor, commemorating the areas along the Pennsylvania shore of the river as part of the National Park System.

Mr. Speaker, I urge my colleagues to vote to protect the Delaware because I believe, as I did when I came here 14 years ago, that the natural, cultural, and historic resources of the river make it an invaluable resource not only for the people of southeastern Pennsylvania, but for all Americans. Designating the Delaware as wild and scenic will ensure that our Nation's citizens will be able to enjoy and cherish the solitude that this river provides in the midst of the most congested area of our country.

Clearly, the Delaware qualifies for preservation under the Wild and Scenic Act. It has outstandingly remarkable values, and provides unique recreational resources to millions of people. Further delay of Federal protection for this river would be a serious mistake. Let us move forward to save the Delaware.

In closing, Mr. Speaker, I again wish to thank Mr. VENTO, the chairman of the Parks Subcommittee, and Mr. LAGOMARSINO, the ranking member, for their help in bringing this legislation to the floor.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 3764, as amended.

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

A motion to reconsider was laid on the table.

HOTEL AND MOTEL FIRE SAFETY ACT OF 1990

Mr. ROE. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 94) to amend the Federal Fire Prevention and Control Act of 1974 to allow for the development and issuance of guidelines concerning the use and installation of automatic sprinkler systems and smoke detectors in places of public accommodation affecting commerce, and for other purposes.

The Clerk read as follows:

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hotel and Motel Fire Safety Act of 1990".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) more than 400 Americans have lost their lives in multistory hotel fires over the last 5 years;

(2) when properly installed and maintained, automatic sprinklers and smoke detectors provide the most effective safeguards against the loss of life and property from fire;

(3) automatic sprinklers and smoke detectors should supplement and not supplant other fire protection measures, including existing requirements for fire resistive walls and fire retardant furnishings;

(4) some State and local governments and the hotel industry need to act more rapidly to require the installation and use of automatic sprinkler systems in hotels; and

(5) through the United States Fire Administration and the Center for Fire Research, the Federal Government has helped to develop and promote the use of residential sprinkler systems and other means of fire prevention and control.

(b) PURPOSE.—It is the purpose of this Act to save lives and protect property by promoting fire and life safety in hotels, motels, and all places of public accommodation affecting commerce.

SEC. 3. HOTEL AND MOTEL FIRE PREVENTION AND CONTROL.

(a) IN GENERAL.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by adding at the end the following new sections:

"LISTINGS OF CERTIFIED PLACES OF PUBLIC ACCOMMODATION

"SEC. 28. (a) SUBMISSIONS BY STATES.—(1) Not later than 2 years after the date of enactment of this section, each State shall, under procedures formulated by the Director, submit to the Director a list of those places of public accommodation affecting commerce located in the State which the Governor of the State or his designee certifies meet the requirements of the guidelines described in section 29.

"(2) The Director shall formulate procedures under which each State shall periodically update the list submitted pursuant to paragraph (1).

"(b) COMPILATION AND DISTRIBUTION OF MASTER LIST.—(1) Not later than 60 days after the expiration of the 2-year period referred to in subsection (a), the Director shall compile and publish in the Federal Register a national master list of all of the places of public accommodation affecting commerce located in each State that meet the requirements of the guidelines described in section 29, and shall distribute such list to each agency of the Federal Government and take steps to make the employees of such agencies aware of its existence and contents.

"(2) The Director shall periodically update the national master list compiled pursuant to paragraph (1) to reflect changes in the State lists submitted to the Director pursuant to subsection (a), and shall periodically redistribute the updated master list to each agency of the Federal Government.

"(3) For purposes of this subsection, the term 'agency' has the meaning given to it under section 5701(1) of title 5, United States Code.

"FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION

"SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—

"(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Association Standard 74 in each guest room in each place of public accommodation affecting commerce; and

"(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R, whichever is appropriate, in each place of public accommodation affecting commerce except those places that are 3 stories or lower.

"(b) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement

or enforce any law, rule, regulation, or standard concerning fire prevention and control.

"(c) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) The term 'smoke detector' means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.

"(2) The term 'automatic sprinkler system' means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building's fire alarm system.

"DISSEMINATION OF FIRE PREVENTION AND CONTROL INFORMATION

"SEC. 30. The Director, acting through the Administrator, is authorized to take steps to encourage the States to promote the use of automatic sprinkler systems and automatic smoke detection systems, and to disseminate to the maximum extent possible information on the life safety value and use of such systems. Such steps may include, but need not be limited to, providing copies of the guidelines described in section 29 and of the master list compiled under section 28(b) to Federal agencies, State and local governments, and fire services throughout the United States, and making copies of the master list compiled under section 28(b) available upon request to interested private organizations and individuals.".

(b) DEFINITIONS.—(1) Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively, and by inserting immediately after paragraph (3) the following new paragraph:

"(4) 'Director' means the Director of the Federal Emergency Management Agency;".

(2) Section 4 of such Act (as amended by paragraph (1)) is further amended by inserting immediately after paragraph (6), as so redesignated, the following new paragraph:

"(7) 'place of public accommodation affecting commerce' means any inn, hotel, or other establishment not owned by the Federal Government that provides lodging to transient guests, except that such term does not include an establishment treated as an apartment building for purposes of any State or local law or regulation or an establishment located within a building that contains not more than 5 rooms for rent or hire and that is actually occupied as a residence by the proprietor of such establishment;".

SEC. 4. ADHERENCE TO FIRE SAFETY GUIDELINES IN ESTABLISHING RATES AND DISCOUNTS FOR LODGING EXPENSES.

(a) AMENDMENT TO TITLE 5.—Subchapter I of chapter 57 of title 5, United States Code, is amended by inserting immediately after section 5707 the following new section:

"§ 5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses

"(a) Studies or surveys conducted for the purposes of establishing per diem rates for lodging expenses under this chapter shall be limited to places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974. The provisions of this subsection shall not apply with respect to studies and surveys that are conducted in any jurisdiction that is not a State as defined in section 4 of the Federal Fire Prevention and Control Act of 1974.

"(b) The Administrator of General Services may not include in any directory which lists lodging accommodations any hotel, motel, or other place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(c) The Administrator of General Services shall include in each directory which lists lodging accommodations a description of the access and safety devices, including appropriate emergency alerting devices, which each listed place of public accommodation provides for guests who are hearing-impaired or visually or physically handicapped.

"(d) The Administrator of General Services may take any additional actions the Administrator determines appropriate to encourage employees traveling on official business to stay at places of public accommodation that meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 57 of title 5, United States Code, is amended by inserting immediately after the item relating to section 5707 the following new item:

"5707a. Adherence to fire safety guidelines in establishing rates and discounts for lodging expenses.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 60 days after the date of the publication in the Federal Register of the master list of certified places of public accommodation maintained by the Director of the Federal Emergency Management Agency pursuant to section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 5. ESTABLISHMENT OF APPROVED ACCOMMODATIONS PERCENTAGE FOR FEDERAL AGENCIES.

(a) APPROVED ACCOMMODATIONS PERCENTAGE.—

(1) IN GENERAL.—Section 5707 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) Each agency shall ensure that its approved accommodations percentage for a fiscal year shall be not less than—

"(A) 65 percent, for the first fiscal year that begins 4 years after the date of enactment of this subsection;

"(B) 75 percent, for the fiscal year that begins 5 years after the date of enactment of this subsection; and

"(C) 90 percent, for the fiscal year that begins 6 years after the date of enactment of this subsection and for each subsequent fiscal year.

"(2) In this subsection, an agency's 'approved accommodations percentage' for a fiscal year is the percentage determined by multiplying 100 by the quotient of—

"(A) the total number of nights spent by civilian employees of the agency (as described in section 5702(a)) for which payment was made under this chapter for lodging expenses incurred in any State at any approved hotel, motel, or other place of public accommodation not owned by the Federal Government; divided by

"(B) the total number of nights spent by such employees for which payment was made under this chapter for lodging expenses incurred in any State at any hotel, motel, or other place of public accommodation not owned by the Federal Government.

"(3) For purposes of this subsection, a hotel, motel, or other place of public accommodation is approved if it meets the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974.

"(4) For purposes of this subsection—

"(A) the term 'agency' does not include the government of the District of Columbia; and

"(B) the term 'State' means any State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Trust Territory of the Pacific Islands, the Virgin Islands, the Canal Zone, Guam, American Samoa, or any other territory or possession.".

(2) CONFORMING AMENDMENT.—Section 5701 of such title is amended in the matter preceding paragraph (1) by striking "For the purpose" and inserting "Except as otherwise provided in section 5707(d), for the purpose".

(b) GAO AUDIT OF AGENCY COMPLIANCE.—Not later than 6 months after the last day of the first fiscal year during which lodging expenses are subject to the requirements of section 5707(d) of title 5, United States Code, as added by subsection (a), and not later than 6 months after the last day of every fiscal year thereafter, the Comptroller General shall conduct an audit of the compliance of agencies with the requirements of section 5707(d) of title 5, United States Code (as added by subsection (a)), and shall submit a report to Congress describing the results of such audit.

SEC. 6. PROHIBITING FEDERAL FUNDING OF CONFERENCES HELD AT NON-CERTIFIED PLACES OF PUBLIC ACCOMMODATION.

(a) IN GENERAL.—No Federal funds may be used to sponsor of fund in whole or in part a meeting, convention, conference, or training seminar that is conducted in, or that otherwise uses the rooms, facilities, or services of, a place of public accommodation that does not meet the requirements of the fire prevention and control guidelines described in section 29 of the Federal Fire Prevention and Control Act of 1974 (as added by section 3(a) of this Act).

(b) WAIVER.—

(1) IN GENERAL.—The head of an agency of the Federal Government sponsoring or funding a particular meeting, convention, conference, or training seminar may waive the prohibition described in subsection (a) if the head of such agency determines that a waiver of such prohibition is necessary in the public interest in the case of such particular event.

(2) *Delegation of authority.*—The head of an agency of the Federal Government may delegate the authority provided under paragraph (1) to waive the prohibition described in subsection (a) and to determine whether such a waiver is necessary in the public interest to an officer or employee of the agency if such officer or employee is given such authority with respect to all meetings, conventions, conferences, and training seminars sponsored or funded by the agency.

(c) NOTICE REQUIREMENTS.—

(1) ADVERTISEMENTS AND APPLICATIONS.—(A) Any advertisement for or application for attendance at a meeting, convention, confer-

ence, or training seminar sponsored or funded in whole or in part by the Federal Government shall include a notice regarding the prohibition described in subsection (a).

(B) The requirement described in subparagraph (A) shall not apply in the case of an event for which a head of an agency of the Federal Government, pursuant to subsection (b), waives the prohibition described in subsection (a).

(2) PROVIDING NOTICE TO RECIPIENTS OF FUNDS.—(A) Each Executive department, Government corporation, and independent establishment providing Federal funds to non-Federal entities shall notify recipients of such funds of the prohibition described in subsection (a).

(B) In subparagraph (A), the terms "Executive department", "Government corporation", and "independent establishment" have the meanings given such terms in chapter 1 of title 5, United States Code.

(d) EFFECTIVE DATE.—The provisions of this section shall take effect on the first day of the first fiscal year that begins after the expiration of the 425-day period that begins on the date of the publication in the Federal Register of the master list referred to in section 28(b) of the Federal Fire Prevention and Control Act of 1974 (as added by section 3 of this Act).

SEC. 7. WAIVER OF FEDERAL LIABILITY.

In any action for damages resulting from a fire at a place of public accommodation, the Federal Government may not be found liable for death of or injury to any person or damage to any property because an officer or employee of the Federal Government was negligent in carrying out any requirement under this Act or the amendments made by this Act.

SEC. 8. EFFECT ON CERTAIN REQUIREMENTS.

Nothing in this Act shall be construed to encourage model building code organizations, or State or local governments, to reduce requirements for fire resistive walls or other safety features.

The SPEAKER pro tempore. Is a second demanded?

Mr. WALKER. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. ROE] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ROE].

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

Mr. Speaker, I rise in strong support of H.R. 94, the Hotel and Motel Fire Safety Act of 1990, as amended by the Senate on August 4, 1990. The bill is designed to motivate hotels and motels to install fire safety equipment by encouraging Federal employees to stay at hotels and motels that have sprinkers and smoke detectors.

The Senate passed bill that we are considering today is similar to the bill passed under suspension of the rules by the House on November 17, 1989. The Senate passed bill makes the following changes:

It alters the sprinkler exemption guidelines to allow Federal employees to be reimbursed for their stay at hotels and motels that have only smoke detectors, if the hotels are under four-stories. The House passed bill provided for sprinkler exemption if the hotels were under three-stories, had no interior corridors adjoining guest rooms, and had immediate egress from the room to the outside. The Senate modified this provision in response to concerns expressed that small businesses unable to bear significant increased costs to install sprinkler equipment would be necessarily and unreasonably impacted. I agree with the Senate that raising the exemption from under three-stories to under four-stories would not have a serious impact on fire safety. However, I do believe that among the issues that merit further consideration is the need for installation of smoke detectors in the corridors of three-story hotels that lack sprinklers and exterior egress from the rooms.

The amended bill gives States 2 years to submit a list to the U.S. Fire Administration of Hotels that meet the Federal fire safety guidelines. The House passed bill allowed States only 1 year. Since the bill does not affect Federal travel until 4 years after enactment, this change should not delay implementation.

Third, the Senate, added a provision that the bill is not to be construed by State and local governments and building code organizations to reduce requirements for other safety features, such as fire resistive construction materials. This provision recognizes the importance of other fire safety measures, and clarifies that sprinklers and smoke detectors are not the only means of fire safety in hotels.

H.R. 94 requires all federally listed hotels to install sprinklers in accordance with the applicable National Fire Protection Association [NFPA] standard. Hotels that, at the time of enactment, have sprinkler systems that were installed in accordance with an equivalent State code should also be deemed to meet this requirement. Any hotel that installs a sprinkler system after enactment must conform to the NFPA standard in effect at the time of the installation.

The Senate made no changes in the provisions that address travel of Federal employees. Specifically, the bill allows Federal agencies to phase in the requirements, while insuring that each year an increased percentage of Federal employees stay in facilities that meet the fire safety guidelines. The bill also would prohibit the General Services Administration [GSA] from listing in any directory of lodging for Federal employees the rates of any hotel or motel that does not meet the safety guidelines. GSA also would be prohibited from including noncomplying facilities in any survey conducted to determine Federal employee per diem rates. These provisions represent an agreement reached in the House by the Committee on Science, Space, and Technology and the Committee on Government Operations.

I want to extend my appreciation for the efforts of the chairman of the Committee on Government Operations, Congressman JOHN CONYERS, along with Congressman FRANK HORTON, ranking Republican member of the committee. Also, I especially want to thank Congresswoman CARDISS COLLINS, The chairman of the Subcommittee on Government Activities and Transportation, and Congressman HOWARD NIELSON, the ranking Republican member of that subcommittee for the cooperation and understanding that they extended to us as we worked on this legislation.

I want to congratulate the primary sponsors of the bill, Congressmen DOUG WALGREN and SHERWOOD BOEHLERT, for their vision in identifying this overlooked fire safety problem and for their sustained efforts to ensure passage of this legislation to increase the fire safety of public accommodations, and our current chairman of the subcommittee, the gentleman from North Carolina [Mr. VALENTINE].

The bill as amended by the Senate strikes the proper balance between the Federal Government's desire to encourage effective fire safety in hotels and motels and the authority and rights of States and local governments to establish fire and building codes.

I urge my colleagues to support H.R. 94, as amended by the Senate.

□ 1300

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

Mr. Speaker, I rise in support of the Hotel Fire Safety Act of 1989 which was introduced by the gentleman from New York [Mr. BOEHLERT], who is the Republican vice chairman of the Science Committee's Technology Panel which handles fire research and control matters.

Mr. Speaker, H.R. 94, first passed by the House last November, is a responsible approach to encourage hotels to further improve their fire prevention efforts. It uses the carrot and not a stick. In fact, the legislation does not put any new mandatory requirements on hotels. Rather, it simply induces them to install sprinklers and smoke detectors over the next 4 years before requiring an annually increasing majority of Federal employees to stay at hotels so equipped.

Agencies are guaranteed sufficient flexibility where cost and availability make this impractical. Paperwork is at

a minimum and the phase-in is gradual.

This market share coercion will hopefully have a positive and not disruptive effect on the industry. Small family businesses are protected by exempting establishments with fewer than six units. And from what I understand, a hotel could recover their upfront investment on the installation of smoke alarms and sprinkler systems through lower insurance premiums within about 5 years, with operational savings in the outyears. Therefore, it is in the long term financial best interests of the industry to increase fire safety in order to reduce its risk and potential liability.

Additionally, the bill version we are clearing today for the President's signature has been improved by the Senate in broadening the exemption for hotels to those with three floors or less. This better takes into account an ability to pay by the proprietor. The bill we had passed in the House was at a two-story level, and this raises it to three, and I think is a very responsible approach.

The administration does support the enactment of H.R. 94. With less than half of the public accommodations today protected by sprinklers, I am proud to be a cosponsor of H.R. 94, and I urge its passage by the House.

Mr. BOEHLERT. Mr. Speaker, today is a landmark day in the history of fire safety.

The legislation we are sending on to the President this morning is analogous to the creation of the Food and Drug Administration or the Consumer Product Safety Commission in this regard—it is a signal recognition of a major safety threat and of the Federal Government's responsibility to help eliminate it.

The United States has the worst rate of fire deaths and losses in the industrialized world. And the reason is as simple as it is pathetic—we don't take the simple, obvious, cost-effective steps to protect ourselves.

This was brought home to me with brutal force at a hearing several years back on the Dupont Plaza Hotel fire in Puerto Rico, which killed 97 Americans on New Year's Eve, 1986. They were all incinerated in about 10 minutes by a fire ball that ripped through the casino. If the hotel had had sprinklers, no one would even have been injured.

From the moment we heard that testimony, Mr. WALGREN and I dedicated ourselves to this bill, and it is with great satisfaction that we now see our three years of work bearing fruit.

Incidentally, Senator BRYAN, who did a brilliant job of championing this bill in the Senate, has a similar story to tell. He was the Governor of Nevada at the time of the MGM Grand fire in Las Vegas. He tells of walking through the ruins of the hotel after the fire and seeing the clear line between the undamaged, sprinklered section and the devastated remainder.

Sprinklers clearly save lives and prevent damage. And they are affordable. It's the rare hotel today that is built without sprinklers both because of concerns in the industry and ever stricter State regulation.

But the problem of existing hotels—the bulk of hotels, after all—has largely been ignored. That's where H.R. 94 comes in. Given that installing sprinklers is generally no more expensive than installing new carpet, there's no reason not to expect hotels to install this safety equipment.

The bill does not require any hotel to do anything. But it does put the purchasing power of the Federal Government to work to encourage safety improvements. The Federal Government should not be putting its employees at risk or, in effect, subsidizing unsafe properties.

This is a reasonable approach with ample precedents in both the Federal and private sector. It has been made even more reasonable—I hope not overly reasonable—by the amendments we worked out with the Senate, which exempt more hotels. While fire safety experts have their qualms about the safety of three-story properties, this bill still will have an impact on those hotels that present the greatest threat to life safety.

In any event, the bill is not a cure-all for fire safety. It encourages what we view as the bare minimum necessary to protect hotel guests. The bill, for example, acknowledges the important role of containment, but sets no standards in that area. The smoke detector requirements are less comprehensive than would be ideal; among the steps that merit further investigation is the installation of smoke detectors in the corridors of three-story hotels that lack sprinklers and exterior egress from the rooms. And the list could go on.

One question of interpretation has arisen about the bill already. The bill requires all federally listed hotels to install sprinklers in accordance with the applicable National Fire Protection Association standard. Hotels that, at the time of enactment, have sprinkler systems that were installed in accordance with an equivalent State code should be deemed to meet this requirement. Any hotel that installs a sprinkler system after enactment must conform precisely to the NFPA standard in effect at the time of the installation.

H.R. 94 will raise public awareness about fire safety and will increase the use of fire safety equipment. It is a step that is long overdue.

Mr. ROE. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. VALENTINE], the distinguished chairman of the Subcommittee on Science, Research and Technology.

Mr. VALENTINE. Mr. Speaker, I thank the chairman of our full committee for yielding this time to me.

Mr. Speaker, I rise in full support of H.R. 94, the Hotel and Motel Fire Safety Act of 1990, a bill designed to protect the American public. H.R. 94, will encourage hotels and motels to provide the traveling public with a greater measure of fire protection through the use of fire sprinklers and smoke detectors in hotels.

The bill was first introduced last Congress, as a result of a hearing held by the Subcommittee on Science, Research and Technology on the Dupont Plaza Hotel fire in San Juan, Puerto Rico, on December 31, 1986. That tragic fire claimed the lives of 97 people. Investigations of the fire by the National Institute of Standards and Technology and the U.S. Fire Administration concluded that a sprinkler system would have prevented this tragedy.

The bill requires Federal agencies, through a phase-in period, to insure that an increasing percentage of its employees stay in hotels that meet the fire safety guidelines under the bill. The guidelines provide for automatic sprinklers and smoke detectors in accordance with appropriate existing national standards in all hotels four stories and over in height.

Hotel fire safety is a necessary goal in this country. Statistics show that the United States currently has one of the worst fire records of any country in the industrialized world. Annually, about 6,000 Americans die from fires in this Nation. Data shows that 36 percent of multiple fatalities occur in our Nation's hotels. Sprinklers and smoke detectors are effective means of fire safety; and combined, provide one of the best safeguards against the dangers of fire for the traveling public.

I urge my colleagues to support H.R. 94, as amended by the Senate. This bill represents a significant step toward protecting the public from fires in hotels and motels.

Mr. ROE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. WALGREN], former chairman of the subcommittee and one of the prime authors of this legislation.

Mr. WALGREN. Mr. Speaker, I would like to recognize all those who have made essential contributions to the act which we have before us today that will go on to the President for his signature, and especially the contribution of the gentleman from New York [Mr. BOEHLERT]. The gentleman from New York and I were the chairman and ranking minority member respectively of the Science, Research and Technology Subcommittee which had responsibility for fire research at the time of the DuPont Plaza Hotel fire now some 4 years ago. I do not think there was any hearing or any incident that moved us together more deeply than the testimony that we heard about the 97 people who lost their lives in that fire, and from their families who had every expectation when they went to a facility of that kind that their family members would be protected with state-of-art fire protection equipment. That simply was not the case.

The gentleman from New York [Mr. BOEHLERT] has maintained a steadfast interest in this, along with others. I also want to particularly recognize the gentleman from Pennsylvania [Mr. WELDON] and all those involved in the

Congressional Fire Service Caucus which has given this issue a great deal of staying power.

There is no question that sprinklers save lives. As has been said, there never has been a fatality in a properly sprinklered hotel or motel. Sprinklers are gathering in their recognition across the industrial world. I noticed the other day that in Vancouver, Canada, they have now required that all new residential facilities in that community be protected by automatic fire sprinklers.

Certainly, in combination with smoke detectors, they are an absolute best possible circumstance to protect lives from fire. When people in our country travel as much as we do officially and on vacations, we deserve to know that we will have the kind of protection that we would reasonably expect.

This bill is the product of the interaction with other committees, the Government Operations Committee and the Senate as well. They have all made good contributions to a system here that should set a standard that hotels and motels, regardless of whether they are particularly covered by this legislation, will want to meet on their own and as such, I am sure that there will be many instances where hotels and motels will upgrade their fire safety protection so that all their customers will know that they are protected in their facility in a way that is as full and complete as in any other commercial hotel or motel that someone might go to.

So Mr. Speaker, I would simply like to express my appreciation to all those who have worked on this bill over these past 3 years. We hope it makes a good contribution to the safety of the public.

Mr. WELDON. Mr. Speaker, I rise today to mark a very special occasion for fire and life safety. With the passage of the Hotel-Motel Fire Safety Act, Congress has taken a great leap forward in protecting the American public.

Today we are poised to take the last steps toward enactment of legislation which will provide greater fire safety for the traveling public. And while all Americans will reap the benefits, praise is due to three of our colleagues who labored hard and long for passage of this bill. My good friend, DOUG WALGREN, began this fight during his stint as chairman of the Science Committee's Subcommittee on Science, Research and Technology. Although he has moved on to a bigger assignment on the Energy and Commerce Committee, his wisdom and dedication were critical.

I would also like to commend my friend and colleague from New York, SHERRY BOEHLERT. His tireless efforts to secure passage of legislation to promote fire safety in places of public lodging was indispensible in the fight for H.R. 94. Let me also mention the work of a Member of the other body, the gentleman from Nevada [Mr. BRYAN]. As the new chair of the Senate Commerce Committee's Subcommittee on Consumer, his leadership secured Senate passage of H.R. 94.

Like most legislation, H.R. 94 is the product of compromise. Concessions were made to ensure that this bill does not unfairly penalize hotel owners and operators. My colleagues should be commended for their willingness to compromise and their unyielding dedication to the promotion of fire and life safety.

Each year, more than 6,000 Americans lose their lives to fire. More than one-third of the multiple death fires occur in public lodging facilities. Passage of H.R. 94 will encourage the expanded use of sprinklers, a proven tool for preserving life and property.

Mr. Speaker, I urge my colleagues to join me in strong support of the final passage of H.R. 94. The life you save may be your own.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from New Jersey [Mr. ROE] that the House suspend the rules and concur in the Senate amendment to H.R. 94.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include therein extraneous matter on the Senate amendment to H.R. 94 just concurred in.

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

There was no objection.

□ 1310

JOHN F. KENNEDY CENTER ACT AMENDMENTS

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5070) to amend the John F. Kennedy Center Act to authorize appropriations for maintenance, repair, alteration, and other services necessary for the John F. Kennedy Center for the Performing Arts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5070

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

SECTION 1. MAINTENANCE, REPAIRS, AND OTHER BUILDING SERVICES.

Section 6(e) of the John F. Kennedy Center Act (20 U.S.C. 761(e)) is amended to read as follows:

"(e) MAINTENANCE, REPAIR, ALTERATION, SECURITY, INFORMATION AND OTHER SERVICES.—

"(1) PROVISION OF SERVICES.—The Secretary of the Interior, acting through the National Park Service, and the Board shall provide for maintenance, repair, and alteration of the building and security, information, interpretation, janitorial, and all other services necessary for operating the building.

"(2) AGREEMENT.—The Secretary and the Board shall enter into a cooperative agreement setting forth their respective responsibilities under paragraph (1) of this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Interior to carry out this subsection—

"(A) for fiscal year 1991, not more than—

"(i) $6,750,000 for annual maintenance, repairs, alterations, and operating services; and

"(ii) $15,000,000 for deferred maintenance, repairs, and alterations; and

"(B) for fiscal year 1992, not more than—

"(i) $9,850,000 for annual maintenance, repairs, alterations, and operating services; and

"(ii) $15,512,000 for deferred maintenance, repairs, and alterations.".

SEC. 2. AUDITS.

Section 6(f) of the John F. Kennedy Center Act (20 U.S.C. 761(f) is amended to read as follows:

"(f) AUDITS.—The General Accounting Office shall review and audit, at least every 3 years, the accounts of the John F. Kennedy Center for the Performing Arts for the purpose of—

"(1) examining expenditures made under the cooperative agreement entered into under subsection (c)(2); and

"(2) determining the continuing ability of the Center to pay its share of future expenditures under such agreement.".

SEC. 3. REPEAL OF OUTDATED PROVISIONS.

Sections 6(d), 7, and 8 of the John F. Kennedy Center Act (20 U.S.C. 761(d), 76m, and 76n) are repealed.

SEC. 4. TECHNICAL AMENDMENT.

Section (a) of the John F. Kennedy Center Act (20 U.S.C. 760(a)) is amended by striking "the Second Liberty Bond Act, as amended," each place it appears and inserting "chapter 31 of title 31, United States Code,".

The SPEAKER pro tempore (Mr. MAZZOLI). Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

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

Mr. Speaker, H.R. 5070 authorizes appropriations for the repair, maintenance, and operating services of the John F. Kennedy Center for the Performing Arts.

The Kennedy Center is our living memorial to the late President John F. Kennedy. It is living because of the ongoing public activities which bring

to mind the many programs President Kennedy initiated for the people of our country. Last year alone, 4 million Americans participated in the Center's tours education, and outreach efforts. Since 1971, when the Center opened, 66 million people have entered this memorial for tours and performances.

However, this memorial has fallen on hard times. The building has many structural and mechanical problems. Some of these problems are simply because of the age of the facility. For example, at 20 to 25 years, any building's needs major work done on its air-conditioning system. Other problems are a result of the poor design or construction of the building. Quite simply, the Carrera marble exterior was not designed for the changing Washington climate; the marble contracts too much during the winter and expands too much during the summer. Many buildings built in the United States during the same period are experiencing the same problem. The Kennedy Center is not unique in this respect. We cannot simply let the building fall apart and become a safety hazard to the public.

This building is owned by the Federal Government, and it is the responsibility of the Federal Government to maintain its property.

The bill before us today is a bare bones authorization. It authorizes $6.75 million in fiscal year 1991 for annual maintenance, repairs, alterations, and operating services such as janitorial services power, water, and sewage. It also authorizes $15 million in fiscal year 1991 to begin a 2-year project of eliminating the backlog of deferred maintenance, repairs, and alterations. These two programs are authorized in fiscal year 1992 at levels of $9.8 million and $15.5 million, respectively.

This funding is adequate to eliminate the backlog of repairs at the Center and to place the maintenance, repair, and alteration program on the same type of a normal planning cycle that other Federal buildings are on.

The Kennedy Center was opened in 1971. One of the problems that has arisen since that time concerns the responsibility for the long-term repair and alteration of the building. The John F. Kennedy Center Act did not vest this responsibility with either the Department of the Interior or the Kennedy Center Board. As a result, adequate long-term program planning for the replacement of aging building systems has not occurred. H.R. 5070 places this responsibility in the Interior Department and the Kennedy Center Board, and requires them to enter into a cooperative agreement setting forth their respective responsibilities to maintain, repair, and alter the building.

The Kennedy Center, by law, is the memorial in Washington to President Kennedy, just as the Lincoln Memorial and Jefferson Memorial were built as monuments to President Lincoln and Jefferson. The new Chairman of the John F. Kennedy Center for the Performing Arts, James Wolfensohn, has a vision of what the Kennedy Center can become to our Nation. Jim Wolfensohn, is going to build on the existing foundation to bring the Kennedy Center into the 21st century.

The funding in today's bill will help repair and maintain the building in order to help achieve that.

I urge my colleagues to support the passage of H.R. 5070.

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

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

Mr. Speaker, I want to express my support for H.R. 5070, which would authorize appropriations for the repair, maintenance, and operation of the John F. Kennedy Center for the Performing Arts for fiscal years 1991 and 1992. I am pleased to be a cosponsor of this legislation.

It has become apparent that urgent structural and mechanical repairs are needed at the Kennedy Center and can no longer be ignored. In fact, if these repairs are not completed, these problems will pose a serious safety hazard to visitors to the Center, if they do not do so already. H.R. 5070 would authorize a total of $30.5 million in fiscal years 1991 and 1992 to be appropriated to the Secretary of the Interior, acting through the National Park Service, to complete deferred maintenance and repairs.

The necessary repairs which have been identified by the Kennedy Center and the National Park Service include the continuation of the $16 million repair of the parking garage; structural and marble repairs to the roof and plaza terraces, including correcting major water leaks; repair to the plaza drive; and a replacement program for mechanical equipment which has reached the end of its useful life. In addition, $2.8 million in cyclical maintenance work which has been deferred and $1 million of disabled accessibility improvements are included in the $30.5 million authorization.

H.R. 5070 also authorizes annual operating, maintenance, and repair funding in the amount of $6,750,000 in fiscal year 1991 and $9,850,000 in fiscal year 1992. The 1992 figure reflects the continuing program of equipment repairs at the Kennedy Center.

One of the results of a hearing on this matter by the Public Buildings and Grounds Subcommittee was a recognition that responsibility for capital improvement to the Kennedy Center has never been specifically assigned. This has led to the deteriorated condition of the Kennedy Center that we now face. H.R. 5070 requires that the Secretary of the Interior, acting through the Park Service, and the Board of Trustees of the Kennedy Center negotiate a new cooperative agreement spelling out the responsibilities of each for the overall physical care and operation of the Kennedy Center. Congress would continue to control the amount of Federal funds being devoted to the Kennedy Center through the authorization and appropriations process.

I want to point out that no programing funds are included in this bill. Earlier this year, James Wolfensohn was elected as Chairman of the Board of Trustees of the Kennedy Center. I have met with Mr. Wolfensohn and am confident of his abilities in directing the future of the Kennedy Center. He has made a realistic, though difficult, assessment of current needs and has committed himself to increasing the fund-raising efforts of the Board of Trustees. I look forward to seeing the results of his service as Chairman in both the creative and financial operations of the Kennedy Center.

In addition to being a national performing arts center, the Kennedy Center has also been designated as the sole memorial to the late President Kennedy in the city of Washington. As such, we have a commitment to ensure that the physical integrity of this building, which is visited by 3.5 million people each year, is preserved. Without the funding authorized by this bill, the condition of the Kennedy Center will simply continue to deteriorate and repair costs will only increase. With a new cooperative agreement between the Park Service and the Board of Trustees of the Kennedy Center, we should not find ourselves in a position in the future where critical improvements are not made as a result of confusion over where responsibility lies.

Mr. Speaker, the $30.5 million in urgent repairs has been approved by the administration. I urge passage of H.R. 5070 today.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 5070, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on H.R. 5070, the bill just passed.

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

There was no objection.

CLAUDE PEPPER FEDERAL BUILDING

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4985) to designate the Federal building located at 51 Southwest 1st Avenue in Miami, FL, as the "Claude Pepper Federal Building."

The Clerk read as follows:

H.R. 4985

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

SECTION 1. DESIGNATION.

The Federal building located at 51 Southwest 1st Avenue in Miami, Florida, shall be known and designated as the "Claude Pepper Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Claude Pepper Federal Building."

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

□ 1320

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

Mr. Speaker, H.R. 4985 names the Federal building located at 51 Southwest 1st Avenue in Miami, FL, as the "Claude Pepper Federal Building."

When Claude Pepper died on May 30, 1989, it was the end of a long and distinguished career as a Member of the House of Representatives and the Senate that spanned over 50 years.

Claude served in the U.S. Senate from November 4, 1936, to January 3, 1951, and served as the chairman of the Committee on Patents in the 78th and 79th Congresses.

In 1962, Senator Pepper was elected to the U.S. House of Representatives. During this tenure he was chairman of the Committee on Rules from the 98th Congress to the 101st Congress; chairman of the Select Committee on Crime for the 91st through 93d Congresses; chairman of the Select Committee on Aging for the 95th Congress through the 97th Congress; and chairman of the U.S. Bipartisan Commission on Comprehensive Health Care.

Shortly before his death, President Bush awarded Senator Pepper with the Presidential Medal of Freedom in recognition of his distinguished service to the people of the United States. This is the highest possible award that can be bestowed by the President.

Claude was one of the most effective and relentless advocates of senior citizens rights and health care our country has ever known. The people of the United States recognized Claude as "Mr. Senior Citizen," "Mr. Social Security," and "Mr. Medicare." Senator Pepper was committed to protecting the dignity of older Americans.

Claude Pepper was moved by the true spirit of public service. He has left a legacy of a lifetime of dedicated public service. Few Americans have witnessed so much of America's history, have worked beside so many of its leaders, and have touched so many of its people as did Claude Pepper. The prologue in Claude's autobiography states "Providence has given me a life of personal satisfaction and fulfillment that comes only from knowing one has been able to make life a bit better for others."

Until his death, Senator Pepper continually cared about the people and their afflictions including illiteracy, adequate medical care for the sick, housing for the poor, and the sometimes lonely existence of our elderly. Above all, Claude was a friend of the American people and serves as an inspiration for the young people of the United States. Claude's goal was to provide everyone an equal chance to achieve the very best this country can offer.

In tribute to Claude Pepper's numerous contributions to the American people, it is fitting and appropriate to name this Federal building in Miami, FL as the "Claude Pepper Federal Building."

I urge my colleagues to support the passage of H.R. 4985, and I reserve the balance of my time.

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

Mr. Speaker, I want to express my support for H.R. 4985, which would name a Federal building in Miami, FL, in honor of Claude Pepper, our late friend and colleague. Claude Pepper was first elected to the Senate in 1936, and served 14 years during the difficult times of the Depression and World War II. After a 13-year absence, Senator Pepper was back in Congress, being elected to the House in 1962. He continued to serve until his death last year.

Claude Pepper had a direct connection with my State of Arkansas.

As a newly graduated law student from Harvard, Claude taught at the University of Arkansas in 1925. Former Senator Bill Fulbright was one of his students.

I had a great appreciation for Senator Pepper's great intellect and for his warmth and friendship. I was honored to serve with him as the ranking Republican while he was chairman of the Select Committee on Aging.

During his many years of service, Claude Pepper became recognized as the champion of senior citizens—but his commitment and concern extended to all Americans, and particularly to his constituents in Miami. Many of the residents of Miami, arriving as refugees from Cuba or elsewhere, knew that his door was always open and relied on his assistance. One of these former refugees is now Claude Pepper's successor and sponsor of H.R. 4985, Representative ILEANA ROS-LEHTINEN.

Therefore, it is appropriate that we honor Claude Pepper's many decades of distinguished service in the Congress by designating the Miami Federal building in which his district office was located as the "Claude Pepper Federal Building." I urge passage of H.R. 4985 by the House today.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Speaker, it was my great honor and privilege and joy when I was a senior at the University of Florida in 1934, to actively support Senator Pepper in his first race for the U.S. Senate. I had already known him before that time, and all the years that have followed, the enrichment of my life has come about because of this magnificent person who stood for integrity, courage, and compassion. A very magnificent individual, unexcelled and unequaled by most people I have ever heard of.

In the lifetime that we shared together, I saw in him a person who had the creativity and the courage and the vigor and enthusiasm for doing things that were to help people who needed help, and not himself or to put himself in great aggrandizement. He certainly was a great scholar, a very eloquent speaker, but most of all the compassion of his life is what is most outstanding to Members today, and most helpful to the country as a whole and to mankind as a whole.

I greatly appreciate this opportunity to speak in his behalf, and the naming of the building is very important.

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the distinguished ranking member of the subcommittee, the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I want to express my support for H.R. 4985, legislation to honor our late colleague Claude Pepper by designating a Federal building in Miami, FL, as the "Claude Pepper Federal Building."

Until his death last year, Claude Pepper devoted his life to public service, first in the Senate and then for 27 years as the Representative of the 18th District of Florida. As a result of his tireless efforts in the Senate and the House, he became known across the country as a defender of the elderly, but was also active in the areas of health care, civil rights, and many other issues affecting all Americans. Although Claude Pepper was a national figure, he always served his Miami constituents well and his efforts were acknowledged and appreciated by them.

Mr. Speaker, it is truly appropriate that we recognize the many accomplishments of Claude Pepper by permanently designating the Miami Federal building in his honor.

Mr. ANDERSON. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Speaker, I rise in strong support of H.R. 4985, and I congratulate my distinguished colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN] for being the primary sponsor on this bill in the committee to bringing the bill out to give recognition to a true statesman, a friend of all of ours, and the recognition that is justly deserved.

I think that one way to do it, because of Claude Pepper's not only long service, but because of something that he innately believed, and that is that government has a responsibility to people. In all of his life, Claude Pepper did everything he knew how to do to make sure that would be done. If anything, it symbolizes concern for people around this Nation of ours, the Federal edifices which represent the capability of the Federal Government to make those services available to our citizens.

So we are very proud, in fact, that the committee has seen fit, and that this Congress will enact a bill which will name the Federal building in Miami the Claude Pepper Building, a justifiable recognition for a great person.

Mr. Speaker, I rise in strong support of H.R. 4985, a bill to designate a Federal building located in Miami as the "Claude Pepper Federal Building." I wish to commend our colleague from Dade County, the successor to our colleague Claude Pepper, for introducing this bill to remember a man who was a distinguished public servant and a friend to us all.

History will record Claude Pepper as a man dedicated to public service, and there are 50 years of distinguished service which reflect it. His political values embodied of the New Deal of President Roosevelt, constantly being shaped by an ideal that government has a responsibility to take an active role in improving the lives of its citizens. In a sense, it is not right that many people will only remember Claude for his tireless work to protect Social Security and to provide for better health care for the elderly, for these are only several of the issues which reflect the cornerstone of his beliefs—that government has an obligation to take care of those who have given much and need a little help.

Claude Pepper was not a man of the past, he was a man of the future who always looked forward. This opinion was only reenforced when I visited Claude shortly before he passed away when he was talking of the work that still needed to be done that he knew he would not be part of. By naming this building in his honor, we are remembering his past and his legacy, but we are also challenging ourselves to look forward to accomplishing the work that he knew would need to be done.

□ 1330

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as she may consume to our distinguished colleague, the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, it is an honor and a privilege for me to appear before the House of Representatives today to speak about the accomplishments of a man who represents the epitome of public service, and to urge your consideration of H.R. 4985 to rename the Federal building in downtown Miami as the Claude Pepper Federal Building. My colleagues, Representatives FASCELL, LEHMAN, SMITH, BENNETT, and SHAW join me in support of this proposal.

Mr. Speaker, Claude Pepper will be remembered as one of the giants of this institution, I would like to briefly recap his remarkable career.

First elected to the Senate in 1936, Claude Pepper, became a key leading figure during the difficult times of World War II. His leadership skills played a decisive role in the enactment of legislation designed to accelerate the incorporation of the citizenry to the war effort. At the same time, Senator Pepper became an ardent advocate of FDR's New Deal programs during the difficult times of the Great Depression.

These years of economic depression had a tremendous impact on Senator Pepper's career as a public servant and in the shaping of his legislative social agenda. Because he always reminded us about his growing up in the poverty of rural Alabama, he had a unique ability to understand the frustrations and needs of those less fortunate.

Senator Pepper's return to public service in 1963, as the newly elected Representative for the 18th Congressional District of Florida, marked the return to public life after a 13-year hiatus. Senator Pepper quickly became the leading force in the House of Representatives and distinguished himself as a champion of the people.

It was during these years that Congressman Pepper had his district office in the Federal building at 51 SW., 1st Avenue, in downtown Miami. Through those doors passed countless people who were helped by Congressman Pepper and his staff.

Senator Pepper established himself as the symbol of what our country stands for: equality and justice. He had the vision and courage to stand up and fight for a better America; an America where no one was denied the opportunity to excel because of the color of his or her skin, where the elderly were properly represented and their needs listened to, and where every citizen had access to good quality health care.

Senator Pepper challenged consensus and introduced an impressive number of legislation in the area of civil rights, health care, and social programs. He established himself as the tireless defender of the poor, the elderly, and the oppressed. His humanitarian and uninterrupted service to this country for 27 years as the Representative of the 18th Congressional District of Florida brought distinction and honor to our State.

Claude Pepper's life as a legislator represents the ultimate example of what a representative democracy is all about. He was the type of Representative who was always aware and alert to the needs of his constituents. He constantly encouraged the opinions of his electorate on the difficult issues of the day.

Mr. Speaker, in Miami we have a special fondness for Congressman Pepper. Whether Democrat or Republican, we remember his long years of service and his civic mindedness. When my family and I, and thousands like us, came to the United States after fleeting communism in Cuba, Claude Pepper's office was always open to help all refugees in filling out confusing Government documents and to help us become United States citizens.

Senator Pepper helped all who sought his help, whether they had been in Miami for many decades, as he had been, or whether they were new Haitian or Nicaraguan refugees or any other resident. There will never be enough words of praise that will do justice in paying tribute to the man who lived such as an exemplary life, and who did so much for the well-being of the citizens of the State of Florida as Claude Pepper.

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

Mr. HAMMERSCHMIDT. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW], who is a cosponsor of H.R. 4985.

Mr. SHAW. Mr. Speaker, I thank the gentleman from Arkansas for yielding me this time.

So many of us who have served in this Hall have wonderful, fond memories of Claude Pepper. I had a some-

what unique relationship, though it was somewhat detached from Claude Pepper. Claude Pepper taught high school at Dothan High School in Dothan, AL. When he went to the Dothan High School, he replaced my father as a teacher as my father went on to Johns Hopkins University to study medicine.

My earliest remembrances of Claude Pepper was as I was being raised in Miami, FL, and, of course, Claude Pepper was our Senator. I remember the very difficult race that split so many people politically in the State of Florida, the Smathers-Pepper race. That was really my first remembrance of a real political race, have been raised in the State of Florida.

I am sure we all remember the many times Claude Pepper would take to the well of the House and speak. During periods of turmoil he seemed to have a way to just be able to calm the waters, and all of us have remembrances of some of the great speeches this man gave well into his eighties without a note, without hesitation, and with perfect memory and perfect organization as he spoke.

I would just like to remember one speech as we close what could not be characterized as debate but as discussion and found memories of a very much-loved colleague. I would like to close by reading from one of the speeches he gave in the last year as he served in this House.

This is what he said:

So I ask you, my colleagues, when you go home tonight and close your eyes in sleep and you ask, "What have I done today to lighten the burden upon those who suffer," at least you could say, I helped a little bit today; I voted to help those who needed help.

Mr. Speaker, these are the types of words that were always surrounding Claude Pepper as we remember him when he was our colleague. Whether we agreed with what he was voting on or agreed that the country could afford it or agreed that it was the best way to attack a problem, no one ever disagreed with the motivation of this great statesman. We are certainly far richer that he served among us here in the House of Representatives.

Mr. SMITH of Florida. Mr. Speaker, I rise in support of H.R. 4985, a bill to rename the Federal Building in Miami the Claude Pepper Federal Building.

It was with a deep sense of personal loss that I, along with U.S. Congress, the State of Florida, and indeed the entire country, mourned the passing last year of one of this century's greatest Americans, Claude Pepper. I knew Claude for 20 years, and it is impossible for me to imagine a more caring, dedicated, honest and loved man.

Claude Pepper began his 60 years of public service in 1929, as a member of the Florida State House. Claude went on to become a U.S. Senator from 1936 to 1951 and, finally a Member of Congress from 1962 until his death. Throughout his illustrious career, Senator Pepper served 10 U.S. Presidents and championed many noble causes—none as dear to his heart, however, as the plight of the elderly. This powerful commitment began not when he became older, but at the very start of his career. Sixty years ago, he sponsored a bill to permit senior citizens to fish without a license. Claude's deep compassion for all people—seniors, children, and the disadvantaged—came not from any political ambition but from a deep and abiding love and heartfelt concern.

As Senator Pepper grew older, he refused to slow down. One could find him poring over legislation, returning a constituent phone call, fighting for an issue on the House floor. As Time said of him in 1982, "he is like a vintage automobile with new parts: he keeps getting better and more powerful with age."

The Federal Building in Miami housed Claude Pepper's district office for over 20 years. It was here that he worked tirelessly to improve the lives of both the young and old, and it is here that we should pay tribute to him by renaming the Federal Building in his honor. By keeping Claude Pepper's name fresh in the minds of the people of Florida, the legacy of this wonderful human being and patriot will grow for generations to come.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and pass the bill, H.R. 4985.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

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

There was no objection.

THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING AND GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING

Mr. ANDERSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 402) designating two House of Representatives office buildings as the "Thomas P. O'Neill, Jr. House of Representatives Office Building" and the "Gerald R. Ford House of Representatives Office Building," respectively, and for other purposes.

The Clerk read as follows:

H. RES. 402

Resolved,

SECTION 1. DESIGNATIONS.

(a) THOMAS P. O'NEILL, JR. HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at C Street and New Jersey Avenue, Southeast, in the District of Columbia, and known as House of Representatives Office Building Annex No. 1, shall be known and designated as the "Thomas P. O'Neill, Jr. House of Representatives Office Building".

(b) GERALD R. FORD HOUSE OF REPRESENTATIVES OFFICE BUILDING.—The House of Representatives office building located at 3d and D Streets, Southwest, in the District of Columbia, and known as House of Representatives Office Building Annex No. 2, shall be known and designated as the "Gerald R. Ford House of Representatives Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to a building referred to in section 1 shall be deemed to be a reference to the building as designated in that section.

SEC. 33. STATUES.

The Speaker of the House of Representatives may purchase or accept as a gift to the House of Representatives, for permanent display in the appropriate building designated in section 1, a suitable statue or bust of the individual for whom the building is named. Such purchase or acceptance shall be carried out—

(1) in the case of the building referred to in section 1(a), in consultation with the majority leader of the House of Representatives; and

(2) in the case of the building referred to in section 1(b), in consultation with the minority leader of the House of Representatives.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from California [Mr. ANDERSON] will be recognized for 20 minutes, and the gentleman from Arkansas [Mr. HAMMERSCHMIDT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. ANDERSON].

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

Mr. Speaker, this legislation being brought to the House floor for consideration today would result in an important and appropriate tribute to two former Members of the House: Speaker Thomas P. (Tip) O'Neill, Jr. and President Gerald R. Ford.

In addition to naming House of Representatives office buildings after Thomas P. O'Neill and Gerald R. Ford, this resolution provides that the Speaker may purchase or accept as a gift to the House of Representatives a suitable statue or bust of Speaker O'Neill or President Ford for display subject to certain conditions.

Thomas P. (Tip) O'Neill, Jr. had a remarkable career in the U.S. Congress, spanning 34 years. He was born in Cambridge, MA, on December 9,

1912. After attending parochial schools and graduating from St. John's High School in 1931, he graduated from Boston College in 1936.

From 1936 to 1952, Tip was a member of the Massachusetts State House of Representatives.

O'Neill was elected to fill John F. Kennedy's seat in Congress, when Kennedy was elected to the Senate in 1953. He represented this district from 1953 to 1987. He served as majority whip from 1971 to 1972, and as majority leader from 1973 to 1976.

Congressman O'Neill was Speaker of the House of Representatives from 1977 through 1986. This is longer than any other Speaker in continuous service. This is a remarkable achievement from a personal as well as an institutional standpoint.

Speaker O'Neill also cared greatly about the House of Representatives as an institution, and was an effective leader of the House for 9 years.

I believe that Tip was an exemplary role model for young people and demonstrated that politics can be clean and a profession to which young Americans can aspire.

Tip O'Neill was always a firm but fair Speaker. Yet Tip O'Neill did far more as Speaker. He raised the stature of the office and in doing so raised the stature of the entire House of Representatives. At the same time, he led the effort to democratize the House.

However, Tip was more than the Speaker of the House. During the Reagan era, he was the national spokesman for the Democratic Party. In particular, he cared strongly about reducing the trade deficit and the budget deficit, limiting aid to the Contras in Nicaragua, and sanctions on South Africa.

I will always remember Tip as someone of impeccable honesty who cared about people. Tip fought to make sure that the Government was there to help people who can't protect themselves. These qualities won for him the complete respect and admiration of those of us who have been fortunate enough to have served with him in the Congress as well as the American people.

Tip retired in 1986 and now resides in Cambridge, MA.

This remarkable man devoted 50 years to public service. It is fitting to honor Tip's many contributions to the House of Representatives and the Nation, by naming the House of Representatives Office Building Annex No. 1 as the "Thomas P. O'Neill, Jr. House of Representatives Office Building."

Gerald R. Ford, House minority leader and 38th President of the United States was born on July 14, 1913, in Omaha, NE. The family later moved to Grand Rapids, MI, and Ford attended South High School there.

Gerry Ford attended the University of Michigan from 1931 to 1935, where he excelled at football and graduated with a B.A. degree in 1935.

After graduating from Yale Law School in 1941, Gerry returned to Grand Rapids and went into law practice.

World War II interrupted this career. Gerry joined the U.S. Naval Reserve in 1942 as an ensign and was discharged in 1946, as a lieutenant commander.

After the war Gerry returned to Grand Rapids and soon entered politics. In 1948, he ran for a seat in the House of Representatives and won. Gerald Ford served with distinction in Congress from 1949 through 1973.

In 1961, Gerald became the chairman of the House Republican Conference. In 1965, Ford was elected minority leader and held this position for the remainder of his time in Congress.

As a guide to his political philosophy, Gerry once described himself as a "moderate in domestic affairs, an internationalist in foreign affairs, and a conservative in fiscal policy."

In 1973, Vice President Spiro Agnew resigned. President Nixon chose Gerald Ford to be his new Vice President on December 6, 1973. Shortly afterward, President Nixon also resigned from office.

On August 9, 1974 Gerald Ford became the 38th President of the United States. His calm strength and integrity reassured the country. As President, Ford faced many challenges. The foremost was to restore the credibility of the Presidency. He did this successfully.

In domestic policy he tried to fight inflation and unemployment.

In foreign policy, Ford focused on the Nixon initiatives of detente with the Soviet Union and peace in the Middle East.

In honor of the many years of distinguished service to the House of Representatives and the American people, it is fitting that the House of Representatives office building annex No. 2 be named as the "Gerald R. Ford House of Representatives Office Building."

I urge you to give your strong support to passage of House Resolution 402.

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

Mr. Speaker, I support House Resolution 402, which would name the two House annexes, and I am proud to be a cosponsor of this resolution. Annex No. 1 would be named in honor of Tip O'Neill, who devoted 50 years of his life to public service on the State and national level. He served in the House for 34 years—the last 10 of those years as Speaker of the House. Tip had a great love and respect for this institution and it is appropriate that we remember his years of service in this way.

House Annex No. 2 would be named in honor of former President Gerald R. Ford. President Ford first came to the House in 1949. He served as the House minority leader for several years before being appointed Vice President in 1973. Shortly thereafter, of course, he became President and served admirably during a very difficult time in our Nation's history. In a more personal way I remember him as my minority leader when I first came to Congress in 1967.

The three House buildings which are currently named are named after the Member who was serving as Speaker during the time when the building was constructed. It is time that we finally give more impressive names to the two annexes, which were purchased in 1957 and 1975.

It is fitting that these House office buildings be named in honor of two distinguished former Members who served in the House together and continue their friendship to this day. Mr. Speaker, President Ford and Speaker O'Neill are certainly deserving of this honor and I would urge the House to adopt House Resolution 402 today.

Mr. Speaker, I want to yield time to our senior Republican in the House of Representatives and the dean of the Michigan delegation [Mr. BROOMFIELD]. He and the gentleman from Illinois [Mr. MICHEL] have memories of Tip and Gerry that go back as far as anyone on our side of the aisle, so it is my pleasure to yield such time as he may consume to the gentleman from Michigan [Mr. BROOMFIELD].

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

Mr. Speaker, as dean of the Michigan Republican Delegation, I am delighted to have a chance to speak on behalf of House Resolution 402. I have served with both Gerry and Tip for many years, and I can not think of two more deserving members.

I am particularly happy that we are going to honor my good friend, my former leader, and my fellow Michiganite, Gerry Ford.

I came to the House in 1957 after 8 years in the Michigan State Legislature. You might think that 8 years in another legislative body would prepare you for the U.S. House of Representatives. But as anyone in this Chamber can attest, there is nothing quite like the experience of your first few weeks in Congress.

Bob Griffin, who later became minority leader in the Senate, Chuck Chamberlain, Jack McIntosh, and I all arrived at the same time. Gerry went out of his way to help us those first few weeks, and not only acquired four new friends, but four very loyal supporters in the years ahead.

It is quite an honor to have a House building named after you. There are plenty of post offices, highways, and schools out there. But there are very few House office buildings.

There is a lot competition for the honor. There have been about 11,000 Congressmen and women since the first Congress met in 1789. Nineteen of them have served as President. Among them are John Quincy Adams, Abe Lincoln, Jack Kennedy, and George Bush. I might add that Daniel Webster, Henry Clay, John C. Calhoun, and many other great Americans have also served in the House.

Yet it is hard to think of many Members who have been so identified with the House of Representatives as Gerry Ford.

I can remember many times when political leaders back home in Michigan urged Gerry to run for the Senate or for the governorship. Each time, Gerry turned them down.

He was a man of the House, and there was only one ambition for him. He knew that the greatest political institution in America was the one that was closest to the people—and he wanted to lead that institution as Speaker.

It is one of my greatest regrets that he never did—and one of my greatest hopes that a Republican soon will.

Gerry certainly never sought the office of Vice President. But when the call came, he was too loyal to his country and his party to turn it down.

Nor did he seek the office of President. But when it was thrust in his hands, he served his Nation well. He entered the office at one of the most difficult periods in American history, and he used his straightforward honesty, his decency, and his uncommon good sense to bring the Nation together.

Nothing could be more appropriate than to name a House office building after the man who loved this body so deeply and served his country so well.

I urge my colleagues to support this resolution.

Mr. HAMMERSCHMIDT. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. PETRI], the distinguished ranking member of the subcommittee, be allowed to handle the balance of the time on this side.

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

There was no objection.

Mr. ANDERSON. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts [Mr. MOAKLEY], the chairman of the Rules Committee.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I rise in support of House Resolution 402, legislation authored by my friend and colleague from Florida, Representative CLAY SHAW, renaming House Annex I and II in honor of two of the House of Representatives' most illustrious living alumni, former Speaker Thomas P. O'Neill and former President Gerald R. Ford.

It is altogether fitting that such an honor be accorded President Ford and Speaker O'Neill, who diligently in the course of their public lives and careers, contributed so much, on almost a daily basis, to the fabric of these United States, and to the traditions of service that define membership in the House of Representatives. It is equally fortuitous that this honor be accorded these two giants at the same time, when you consider the marked similarities in terms of the origin of President Ford's and Speaker O'Neill's career, their rise to elective office, their service in the House both as members of powerful state delegations—Michigan and Massachusetts, their rise to influence within the highest echelon of leadership in their respective parties, and finally, Gerald Ford's elevation to the Presidency in 1974, and Tip O'Neill's elevation to the Speakership in 1977.

In their own way and with their own style, both President Ford and Speaker O'Neill left an indelible stamp on the institution of the House. They opened up access to the seniority system, and limited the often tyrannical rule of institutional chairmen. They worked hand in hand to advance election law reform, stood firm in countering executive excess with a sure footed legislative response and restored honor, trust, and caring, to an institution often lacking in public relations counsel. Speaker O'Neill and President Ford stand for many of the identical characteristics we would hope to find in our national leaders—integrity, honor, intelligence, persistence and imagination. Their elective careers, their lives before the glare of the camera, and their post elective lives, all bespeak the same tradition of service, accessibility and delivery of results.

It is rare, I think, that living and thriving individuals receive the honor of having buildings named after them in their lifetime. Naming House Annex I and House Annex II after the former President and former Speaker are entirely appropriate and fitting. Annex I and Annex II house hundreds of committee staff, offices of the House and the page residence. What better way to commemorate the careers to these two statesmen and public servants than by renaming these facilities in their honor? In the tradition of Russell, Dirksen and Hart, in the footsteps of Rayburn, Longworth, and Cannon, Gerry Ford and Tip O'Neill, will hopefully now be a permanent part of Capitol Hill's geography.

I urge the committee's favorable consideration of House Resolution 402.

□ 1350

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. HENRY], President Ford's worthy successor from Grand Rapids.

Mr. HENRY. Mr. Speaker, how fitting it is that we honor our former President, and a truly distinguished former Member of this body in the manner proposed.

The building we are soon to call the Gerald R. Ford House of Representatives Office Building is a most appropriate place. For it is an unpretentious place where hundreds of House staff members get the job done. And getting the job done is what Gerald Ford's time in Washington was all about.

Gerald Ford served in the House of Representatives from 1949 to 1973. In 1965 he became Republican leader. He was known throughout his tenure as a solid voice of moderation.

When our Nation needed a leader to bring us through the crisis of Watergate, we could have done no better than Gerald Ford. As Vice President, and then as our Chief Executive, he helped to hold us together as we started the healing process.

Mr. Speaker, it is with great pride that I mention that my district, Michigan's Fifth District, is still frequently called the Gerald Ford District. You cannot visit the Grand Rapids area without realizing how its most distinguished son has touched the people there.

Gerald Ford once described himself as "a moderate in domestic affairs, an internationalist in foreign affairs, and a conservative in fiscal policy." Not a bad formula.

If I may, let me add to that description: "A good person who, throughout his life, has given exceedingly of himself to his country."

Mr. Speaker, if only we could have more Gerald Fords.

Mr. PETRI. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW], a sponsor of the resolution.

Mr. SHAW. Mr. Speaker, today I am pleased to rise in strong support of House Resolution 402, a resolution that would honor two of the most distinguished living alumni of the House: Former House minority leader and President Gerald R. Ford and former Speaker Thomas P. (Tip) O'Neill, Jr. This resolution renames the blandly named House Annex 1 and House Annex 2 to the Thomas P. O'Neill, Jr. House of Representatives Office Building, and the Gerald R. Ford House of Representatives Office Building," respectively. I am proud to

have introduced this measure, which enjoys the overwhelming bipartisan support of this body.

Additionally, I would like to thank Chairman Bosco and Congressman PETRI of the Public Buildings and Grounds Subcommittee, and Chairman ANDERSON and Congressman HAMMERSCHMIDT of the Public Works and Transportation Committee, for their support of this legislation, and their invaluable assistance in seeing this resolution to the House floor.

I would also like to thank Chairman MOAKLEY and Speaker FOLEY, without whom this resolution would not have been possible. Lastly, I would like to thank the 151 cosponsors of this measure.

Mr. Speaker, both Speaker O'Neill and President Ford served this House, their constituents, and the Nation, with honor and distinction. Their accomplishments are well-known and have been well-documented.

Gerry Ford started his career in public service with his election to the House of Representatives in 1948. Over time, he worked his way up the Republican party ladder in the House, eventually becoming minority leader in 1965. President Ford served in this position until his appointment to the Vice-Presidency in 1973. Later, of course, he assumed the Presidency following the resignation of Richard Nixon. Most historians would agree that one of President Ford's greatest achievements while President was his healing role after the national trauma surrounding the Watergate scandal. America will forever be indebted to him for his leadership through that grave crisis.

Tip O'Neill began his career in politics with his election in 1936 to the Massachusetts House of Representatives. There, He distinguished himself by becoming the first Democratic Speaker of the Massachusetts House in its history. Later, Tip O'Neill used his position as Speaker of the Massachusetts House to win John F. Kennedy's seat in the U.S. House of Representatives. Like Gerry Ford, Tip O'Neill worked his way up the Democratic party ladder, becoming majority whip in 1971, majority leader in 1973, and Speaker of the House in 1977. Tip O'Neill served as Speaker of the House until his retirement in 1986.

Although President Ford and Speaker O'Neill were often combatants in the political arena, their long friendship, based on trust and mutual respect for one another's beliefs, is almost legendary. And, of course, their shared love for the game of golf is legendary. Their friendship was so strong that even through they both could be scathingly critical of each other's policies, never once, in all their years of disagreeing on the issues, did their attacks become personal.

For example, Tip has written:

Democrats and Republicans can be friends, that, to me, is the special greatness of our political system. There's no rancor or hatred—only the energetic clash of conflicting ideas. Your views may be different from mine, but we can still respect each other and work together, which is what the Congress is all about.

In a similar vein, Speaker O'Neill once stated that he agreed with former Congressman Clarence Long of Maryland, who said that while Ford voted wrong most of the time, at least he was decently wrong.

I am sure President Ford felt the same way about Tip O'Neill's voting

Although I sat across the aisle from Tip O'Neill during his tenure as Speaker, I have long admired his dedication to God, family, party, and country. His political convictions in his 50 years of public office never wavered, whether his views were in vogue at the time or not. Tip O'Neill never made excuses or apologies for his brand of politics.

In my view, Tip O'Neill was, above all, a fair and reasonable man. Many in this House could count on Tip as a friend, while still opposing him on an issue. The saying, "People can disagree without being disagreeable," is but one way to sum up Speaker O'Neill's style of leadership. Certainly, his impact on this body and this Nation will be felt for many years to come.

In closing, I would like to read a passage about Gerry Ford from Tip O'Neill's excellent memoirs, "Man of the House". He writes:

God has been good to America especially during difficult times. At the time of the Civil War, He gave us Abraham Lincoln. And at the time of Watergate, He give us Gerald Ford—the right man at the right time who was able to put our Nation back together again. Nothing like Watergate had ever happened before in our history, but we came out of it strong and free, and the transition from Nixon's administration to Fords' was a thing of awe and dignity.

Such was the nature of their relationship. Mr. Speaker, the naming of two House of Representatives office buildings after these two great Americans is but one way the House, and the American people, can thank them for their decades of public service. For that reason, I urge my colleagues to pass House Resolution 402.

□ 1400

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

Mr. Speaker, House Resolution 402 would rename House Annex I and House Annex II in honor of two former Members of this House—former President Gerald Ford and former House Speaker Thomas P. O'Neill, Jr.

President Ford and Speaker O'Neill served together in this House for many years and are deserving of this honor. President Ford began his congressional career in 1949, eventually being elected House minority leader. In 1973, President Nixon selected Gerry Ford to serve as his Vice President, which then led to his assuming the Presidency in 1974. During his time in office, President Ford's values and character saw the country through troubled times.

Likewise, Speaker O'Neill's accomplishments and 50 years of public service are worthy of being permanently honored here on Capitol Hill. His dedication and respect for this institution were obvious to all of us who served with him, as was his ability as a raconteur.

Mr. Speaker, along with former Speaker Carl Albert, President Ford and Speaker O'Neill are perhaps the most respected and accomplished former Member of this body living today. It is appropriate that we acknowledge their service to the House and to the country by designating two House office buildings in their honor.

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

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

The SPEAKER pro tempore. (Mr. MAZZOLI]. The question is on the motion offered by the gentleman from California [Mr. ANDERSON] that the House suspend the rules and agree to the resolution, House Resolution 402.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ANDERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the resolution just agreed to.

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

There was no objection.

WHITE HOUSE CONFERENCE ON SMALL BUSINESS AUTHORIZATION ACT

Mr. SKELTON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4773) to authorize the President to call and conduct a National White House Conference on Small Business, as amended.

The Clerk read as follows:

H.R. 4773

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "White House Conference on Small Business Authorization Act".

AUTHORIZATION OF CONFERENCE

SEC. 2. (a) The President shall call and conduct a National White House Conference on Small Business (hereinafter referred to as the "National Conference") not earlier than January 1, 1994, and not later than April 1, 1994, to carry out the purposes described in section 3 of this Act. The National Conference shall be preceded by State conferences, with at least one such conferences being held in each State, and with at least two conferences being held in any State with a population of ten million or more. The State conferences shall be held not earlier than December 1, 1992, and at their conclusion shall be followed by regional meetings of delegates in at least six cities prior to the National Conference.

(b) Participants in the National Conference and other interested individuals and organizations, are authorized to conduct activities at the State and regional level prior to the date of the National Conference, and shall direct such activities toward the consideration of the purposes of the National Conference.

(c) The National Conference shall be conducted under the general supervision and direction of the White House Conference on Small Business Commission (hereinafter referred to as the "Commission") established in section 5 of this Act.

PURPOSE OF CONFERENCE

SEC. 3. The purpose of the National Conference shall be to increase public awareness of the essential contribution of small business; to identify the problems of small business; to examine the status of minorities and women as small business owners; to assist small business in carrying out its role as the Nation's job creator; to assemble small businesses (particularly those who are not actively involved in small business or trade organizations) to develop such specific and comprehensive recommendations for executive and legislative action as may be appropriate for maintaining and encouraging the economic viability of small business and, thereby, the Nation; and to review the status of recommendations adopted at the 1986 White Conference on Small Business.

CONFERENCE PARTICIPANTS

SEC. 4. (a) In order to carry out the purposes specified in section 3 of this Act, the National Conference shall bring together individuals concerned with issues relating to small business: *Provided,* That no owner, officer or employee of a small business concern may be denied admission to any State conference, nor may any fee or charge be imposed on any such owner, officer, or employee except an amount to cover the cost of any meal provided plus a registration fee of not to exceed $10. The Commission may not impose any fees or charges except as specified in this subsection and may not accept any gifts of money from any source. Amounts collected as fees and charges shall be used solely to pay the cost of meals provided and to defray the expense of meeting rooms. The Commission shall—

(1) keep a record of all receipts and disbursements as directed by the Administrator of the Small Business Administration;

(2) open and maintain an account in an institution whose accounts are insured by an instrumentality of the United States, into which amount all receipts shall be deposited and from which all payments shall be disbursed; and

(3) provide such periodic financial reports to the Small Business Administration as the Administrator may request.

(b) Delegates, including alternates, to the National Conference shall be elected by participants at the State conferences: *Provided,* That each Governor and each chief executive official of the political subdivisions enumerated in section 4(a) of the Small Business Act may appoint one delegate and one alternate: *Provided further,* That each Member of the United States House of Representatives, including each Delegate, and each Member of the United States Senate may appoint one delegate and one alternate: and *Provided further,* That the President may appoint one hundred delegates and alternates. Only owners, employees or corporate officers of small businesses shall be eligible for appointment or election pursuant to this subsection, and delegates may be elected only at the conference for the State in which he or she resides.

COMMISSION

SEC. 5. (a) There is hereby established a White House Conference on Small Business Commission. The President shall select and appoint eleven individuals. The commissioners shall be responsible for the overall preparation for and conduct of the National Conference, including the issuance of the report specified in section 7 of this Act.

(b) At least seven of the individuals appointed shall be small business owners, employees or corporate officers of a small business. Other members may include representatives of businesses (other than small), associations, or educational institutions.

(c) Not more than six of the Commissioners shall be of the same political party. No member shall be an officer or employee of the Federal Government, in either the executive branch or the Congress.

(d) Commissioners shall be appointed for a term which shall expire on the date the report is submitted, except if the status of any such appointee changes so that he or she would have been ineligible for appointment, such individual may continue as a Commissioner for not longer than a thirty-day period beginning on the date such individual becomes ineligible.

(e) A vacancy shall be filled in the manner in which the original appointment was made.

(f) Commissioners shall serve without pay, except they shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in carrying out their functions in the same manner as persons employed intermittently in the Federal Government are allowed expenses under section 5703 of title 5, United States Code.

(g) Six Commissioners shall constitute a quorum for the transaction of business. Meetings shall be at the call of the Chairperson who shall be designated by the President.

(h) The Commission shall have an executive director who shall be appointed by the Chairperson, and such other staff as it deems appropriate. The executive director and other personnel may be appointed without regard to section 531(b) of title 5, United States Code, and without regard to the provisions of such title governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no individual so appointed may receive pay in excess of the annual rate of basic pay payable for GS-18 of the General Schedule.

(i) The Commission may procure temporary and intermittent services under section 3109(b) of title 5 of the United States Code but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay payable for GS-18 of the General Schedule.

(j) Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist in carrying out of the National Conference without regard to section 3341 of title 5 of the United States Code. Except as otherwise prohibited by law, the Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties under this Act. Upon the request of the Chairperson, the head of such department or agency shall promptly furnish such information to the Commission.

(k) The Administrator of the General Service Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

PLANNING AND ADMINISTRATION OF CONFERENCE

SEC. 6. (a) In order to facilitate the carrying out of the provisions of this Act, the Administrator of the Small Business Administration—

(1) shall provide such assistance as may be necessary for the organization and conduct of conferences at the State and regional levels as authorized under section 2 of this Act;

(2) is authorized to enter into contracts with public agencies, private organizations, business entities and academic institutions to carry out the provisions of this Act: *Provided,* That the Administrator shall coordinate any such contracting in advance with the Commission if it has met and organized; and

(3) shall prescribe such financial controls and accounting procedures for the handling of income received by the Commission as fees and charges and the payment by the Commission of authorized meal and meeting room expenses.

(b) The Chief Counsel for Advocacy shall assist in carrying out the provisions of this Act by preparing and providing background materials for use by participants in the National Conference, as well as by participants in State and regional conferences.

(c) The White House Conference on Small Business Commission shall conduct appropriate outreach efforts to obtain the participation, at both state conferences and at the National Conference, of individuals who are not actively involved in small business or trade organizations.

(d) EXPENSES.—Each delegate to the National Conference shall pay his or her expenses of attending the Conference. However, prior to the National Conference, any delegate may seek reimbursement from the Conference upon written application establishing that his or her anticipated expenses would constitute a financial burden.

(1) The Commission shall adopt rules, guidelines, and procedures to implement this provision. No delegate shall be reimbursed for any expense except transportation, meals and lodging and shall not be reimbursed at more than the rates provided to employees of the Federal Government who travel to Washington, DC, on official business during the time when the National Conference is held.

(2) At the beginning of each State conference, all attendees shall be advised of this provision and any rules or procedures adopted by the Commission to implement it.

(3) A separate accounting for these reimbursed expenses shall be provided to the Small Business Administration.

REPORTS REQUIRED

SEC. 7. (a) Not more than four months from the date on which the National Conference is convened, a final report of the National Conference shall be submitted to the President and the Congress. The report shall include the findings and recommendations of the delegates as well as proposals for any legislative action necessary to implement their recommendations. The report shall be available to the public.

(b) At the same time, the Commission shall—

(1) provide a final financial report to the Small Business Administration and shall deliver to the Agency all of its financial books and records; and

(2) deposit in the Treasury of the United States, for crediting as miscellaneous receipts, any monies collected as fees and charges pursuant to the authority of this Act which remain unexpended.

FOLLOWUP ACTIONS

SEC. 8. The Small Business Administration shall report to the Congress annually during the three-year period following the submission of the final report of the National Conference on the status and implementation of the findings and recommendations.

AVAILABILITY OF FUNDS

SEC. 9. (a) There are hereby authorized to be appropriated for fiscal year 1992, or any year thereafter, not to exceed $5,000,000 to carry out the provisions of this Act, and such sums shall remain available until expended. New spending authority or authority to enter contracts as provided in this Act shall be effective only to such extent and in such amounts as are provided in advance in appropriations Acts.

(b) No funds appropriated to the Small Business Administration shall be made available to carry out the provisions of this Act other than funds appropriated specifically for the purpose of conducting the National Conference. Any funds remaining unexpended at the termination of the National Conference, including submission of the report pursuant to section 7, shall be returned to the Treasury of the United States and credited as miscellaneous receipts.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Missouri [Mr. SKELTON] will be recognized for 20 minutes, and the gentleman from Florida [Mr. IRELAND] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Missouri [Mr. SKELTON].

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

Mr. Speaker, I rise in strong support of H.R. 4773, the White House Conference on Small Business Authorization Act.

This legislation would authorize and direct the President to convene a National White House Conference on Small Business in Washington early in 1994. The Washington conference would be preceded by State and regional conferences at which delegates would be selected and then briefed as to the issues that they had selected for consideration at the national conference.

This would be the third White House Conference on Small Business. I had the honor to participate in the White House Conference on Small Business in 1980. Back then I was a panel member on efforts to assist small businesses enter the field of international trade. At that conference a number of very difficult issues were handled. Among the recommendations which resulted in legislation being enacted by the Congress were the Small Business Innovation and Research Act [SBIR] which was authored by our Committee chairman, Representative JOHN J. LAFALCE. Also, the Equal Access to Justice Act, which was authored by the committee's ranking minority member, JOE MCDADE. In addition, the conference supported the subsequently passed Regulatory Flexibility Act and the Prompt Payment Act. I believe that Congress considered or took action on a majority of the recommendations that came from the 1980 conference.

The participants take these conferences very seriously. They build coalitions, they argue and persuade, they make presentations before their peers that are every bit as structured and impressive as we see here in the House. This is because they know that they are having an impact. Their recommendations are not only sent to every Member of Congress, they are taken by some of us as marching orders, a referendum, if you will on which issues really are supported by small business. I know also that my colleague from Florida who will speak to this bill in a moment has been among the strongest supporters of the White House conference and an active participant in the planning and the conduct of past conferences.

I attended the conference when it was held again in 1986. This conference occurred during very difficult times for the small business community. The Office of Management and the Budget was proposing to abolish the Small Business Administration, but the delegates very vociferously rejected this proposal and strongly recommended that the SBA be continued as an independent agency. In fact, they felt so strongly about the continuation of the SBA that most of the discussion at the conference was not about continuing the agency, but whether it should be elevated even further and made part of the President's Cabinet.

In addition, I am very pleased to note that among the recommendations was to provide equal access to credit by women entrepreneurs, legislation which was enacted by Congress 2 years ago.

Congress is still wrestling with other issues debated by the delegates, including matters concerning product liability, mandated benefits and deficit reduction.

I believe the interest shown by the small business community in these conferences is extraordinary. Delegates must volunteer their time to participate in this process and pay their own expenses. Clearly they are willing to do this as it is little short of amazing that of the delegates elected at the prior conferences, sometimes up to a year in advance of the date of the national conference, almost 90 percent have carried through on their commitment and have attended the Washington conference.

I am confident that this level of interest and commitment continues today and that particularly with the planning time provided by this bill, the 1994 conference can be the best in history.

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

□ 1410

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

Mr. Speaker, America's 19 million small business owners—whose determination, hard work, and community involvement are essential to the success of our free-enterprise system—deserve a strong voice in government policies. For that reason, I rise today to join the distinguished gentleman from Missouri in support of H.R. 4773, the White House Conference on Small Business Authorization Act.

Small business men and women make significant contributions to our economy. It is their creativity, innovation, and entrepreneurial spirit that generate more than 57 percent of all new jobs in the United States.

As demonstrated by previous conferences in 1980 and 1986, a White House Conference on Small Business can provide needed insight and understanding about small business and entrepreneurial development—insight that must be factored into Federal policy if we are to remain competitive as a nation.

The 1980 and 1986 conference served to rally thousands of owners and managers of small businesses and make them an integral part of the democratic process. It is time to draw these dedicated men and women into the Federal legislative process once again.

Our rapidly evolving work force, as well as moves in the European Community and in Eastern Europe toward a more global economy, will require our Nation's small businesses to make some major adjustments in the way they do business in the not-so-distant future. Job training, employee needs, and rapidly changing technologies are already challenging entrepreneurs to

rethink their ways of doing business. A White House Conference on Small Business can help to raise awareness about what lies ahead, and can provide a pro-active plan for dealing with these changes.

America's small business owners are productive, creative, and willing to take risks and overcome obstacles in their quest for a piece of the American Dream. They have built their businesses and successes over the years through personal sacrifice and sweat equity—and made them thrive in spite of Federal and State policymakers who at times were swayed into thinking that big business and big labor represented America and its future.

A new White House Conference on Small Business will help to remind those of us in Congress what small businesses mean to our local communities and our country.

Mr. Speaker, we must develop a wider appreciation of the innovation, the competitive strength and the quality of life that smaller firms bring to our economy if we are to insure the long-term strength and growth of this country.

We must once again call attention to the fact that the future of small business is dependent on the business climate created by fiscal policies and regulatory and legislative mandates from Washington.

And we must address not only the problems confronting business and our Nation as a whole, but also the particular problems of small business.

Quite simply, we must have another White House Conference on Small Business. For if we fail to pay attention to the effects of government activities on smaller firms, our shortsighted economic policies will make our Nation less productive, less innovative, less competitive and unable to maintain our status as the leader of the free world.

I have challenged the small business community to use this forum not to plead for special treatment, but instead to offer pro-active strategies for dealing with the issues we face as a nation—strategies that will complement free-market initiatives rather than competing with them. I am confident that our Nation's small business men and women will rise to that challenge.

Mr. Speaker, I urge my colleagues to strongly support this legislation.

Mr. McDADE. Mr. Speaker, I rise in strong support of the bill before us today and recommend it to our colleagues as a measure deserving of their support.

H.R. 4773 would authorize the President to convene a National White House Conference on Small Business in Washington, DC in 1994. This National Conference would be the third of its kind, building on the success of two precedings gatherings convened in 1980 and 1986. Preparatory to the National Conference, and in keeping with previous practice, each State would hold its own conference to examine issues of concern to small business owners and to elect delegates to the National Conference. These State meetings would then be followed by regional conferences at which delegates would explore issues they had identified for discussion and consideration at the National Conference.

The Nation's small businesses represent the most dynamic and productive force in our economy today. These firms brought about the economic miracle of the 1980's during which 18 million new jobs were created. Today, small enterprises create 2 out of every 3 jobs, employ 6 out of every 10 American workers, generate nearly 40 percent of our gross national product, and contribute an estimated 55 percent of all innovations. It is estimated that in the next 25 years the U.S. economy will need to create 43 million new jobs and 75 percent of these will have to come from small businesses.

If small firms are to continue to be America's partner in growth, they must have a voice in shaping those policies and laws that will not only affect them but that will also help them develop and grow. Periodic State and national conferences provide an opportunity for small businesses to gather and participate in a forum where issues can be examined, policies reviewed, and legislative recommendations for new policies and reforms put forth. Previous conferences have been helpful in yielding useful information and revealing insights into the problems and concerns of small businesses. This knowledge has proved of great use to the Congress and the administration which have acted to implement many of the recommendations suggested by previous conference participants. Yet, as one vexing problem is resolved, a new and often more perplexing one arises that requires corrective action. The continuing emergence of new challenges and opportunities makes the periodic convening of conferences imperative.

Mr. Speaker, I urge my colleagues to support the Nation's small business men and women and approve this measure.

Mr. OWENS of Utah. Mr. Speaker, just 4 short years ago, talk around the Beltway was that the administration wanted to eliminate the Small Business Administration, because critics of the SBA claimed it duplicated much of the work done by the Commerce Department. Mr. Speaker, last year the SBA provided more than $3 billion in loans to small businesses struggling to make the American dream come true.

More than $2.6 billion were in general business loans—$13 million went to handicapped assistance. The Economic Opportunity Loan Program for businesses in low income/high unemployment areas received over $50 million. Veterans programs received more than $17 million. Certified development companies, licensed by the SBA, received $364 million. The Small Business Investment Program, which provides money for venture or risk investment, was funded with more than $50 million. The 301D program for minority investment received $36 million and the 8A program to help minority businesses with procurement of Federal contracts was funded for almost $1 million more. Disaster loan assistance accounted for an additional $146 million. Without the SBA last year, thousands of small businesses probably would have failed and thousands more entrepreneurs would never have been able to make their ideas and innovations come to life.

Mr. Speaker, I mention these statistics for two reasons. First, small businesses are the backbone of the American economy. Without vigorous support from this body for the small businessmen and women, willing to harness the challenge and take the risk of making their ideas reality, then the future on this Nation's economy is very much in jeopardy.

I also note the accomplishments of the SBA because in 1986 there was a White House Conference on Small Business. Aside from many progressive recommendations that originated from it, one of the most important results was that the conference is credited with helping save the SBA. Despite proposals by the Administration, delegates at the conference overwhelmingly supported saving the SBA, and along with the backing of Congress, the agency's future was solidified.

Before this house today is H.R. 4773, which authorizes the President to conduct a White House Conference on Small Business in 1994. As it has done in the past, this conference would provide small businesses with a critical forum to voice concerns and opinions to policy makers in Washington. As many of us know, public officials are bombarded with more information and more issues than can logically be focused on. This is an opportunity for Washington to stand still for a moment and listen to the folks who are on the front lines of bolstering the American economy. I strongly recommend that my colleagues pass this bill.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Missouri [Mr. SKELTON] that the House suspend the rules and pass the bill, H.R. 4773, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4773, the bill just passed.

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

There was no objection.

CABLE TELEVISION CONSUMER PROTECTION AND COMPETITION ACT OF 1990

Mr. MARKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5267) to amend the Communications Act of 1934 to provide increased consumer protection and to promote increased competition in the cable television and related markets, and for other purposes, as amended.

The Clerk read as follows:

H.R. 5267

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

SECTION 1. SHORT TITLE

This Act may be cited as the "Cable Television Consumer Protection and Competition Act of 1990".

SEC. 2. FINDINGS.

Section 601 of the Communications Act of 1934 (47 U.S.C. 521) is amended—

(1) by striking the heading of such section and inserting the following:

"PURPOSES; FINDINGS";

(2) by inserting "(a) PURPOSES.—" after "SEC. 601."; and

(3) by adding at the end thereof the following new subsection:

"(b) FINDINGS.—The Congress finds and declares the following:

"(1) Fair competition in the delivery of television programming should foster the greatest possible choice of programming and should result in lower prices for consumers.

"(2) Between the passage of the Cable Communications Policy Act of 1984 and July 1990, rates for cable television services have been deregulated in 96 percent of all franchises. A minority of cable operators have abused their deregulated status and their market power and have unreasonably raised cable subscriber rates.

"(3) In order to protect consumers, it is necessary for the Congress to establish a means for the Federal Communications Commission to identify such cable operators and, in those individual cases, to prevent them from imposing rates upon consumers that are unreasonable or abusive.

"(4) There is a substantial governmental and first amendment interest in promoting a diversity of views provided through multiple technology media.

"(5) The Federal Government has a compelling interest in making all nonduplicative local public television services available on cable systems because—

"(A) public television provides educational and informational programming to the Nation's citizens, thereby advancing the Government's compelling interest in educating its citizens;

"(B) public television is a local community institution, supported through local tax dollars and voluntary citizen contributions in excess of $10,800,000,000 between 1972 and 1990 that provides public service programming that is responsive to the needs and interests of the local community;

"(C) the Federal Government, in recognition of public television's integral role in serving the educational and informational needs of local communities, has invested more than $3,000,000,000 in public broadcasting between 1969 and 1990; and

"(D) absent carriage requirements there is a substantial likelihood that citizens, who have supported local public television services, will be deprived of those services.

"(6) The Federal Government also has a compelling interest in having cable systems carry the signals of local commercial television stations because the carriage of such signals—

"(A) promotes localism and provides a significant source of news, public affairs, and educational programming;

"(B) is necessary to serve the goals contained in section 307(b) of this Act of providing a fair, efficient, and equitable distribution of broadcast services; and

"(C) will enhance the access to such signals by Americans living in areas where the quality of reception of broadcast stations is poor.

"(7) Broadcast television programming is supported by revenues generated from advertising. Such programming is otherwise free to those who own television sets and do not require cable transmission to receive broadcast signals. There is a substantial governmental interest in promoting the continued availability of such free television programming, especially for viewers who are unable to afford other means of receiving programming.

"(8) Because television broadcasters and cable television operators compete directly for the television viewing audience, for programming material, and for advertising revenue, in order to ensure that such competition is fair and operates to the benefit of consumers, the Federal interest requires that local broadcast stations be made available on cable systems as a separate and distinct purchase option for subscribers.

"(9) Most subscribers to cable television systems do not or cannot maintain antennas to receive broadcast television services, do not have input selector switches to convert from a cable to antenna reception system, or cannot otherwise receive broadcast television services. A Government mandate for a substantial societal investment in alternative distribution systems for cable subscribers, such as the 'A/B' input selector antenna system, is not an enduring or feasible method of distribution and is not in the public interest.

"(10) Cable systems should be encouraged to carry low power television stations licensed to the communities served by those systems where the low power station creates and broadcasts, as a substantial part of its programming day, local programming.

"(11) Secure carriage and channel positioning on cable television systems are the most effective means through which off-air broadcast television can access cable subscribers. In the absence of rules mandating carriage and channel positioning of broadcast television stations, some cable system operators have denied carriage or repositioned the carriage of some television stations.

"(12) Cable television systems and broadcast television stations increasingly compete for television advertising revenues and audience. A cable system has a direct financial interest in promoting those channels on which it sells advertising or owns programming. As a result, there is an economic incentive for cable systems to deny carriage to local broadcast signals, or to reposition broadcast signals to disadvantageous channel positions, or both. Absent reimposition of must carry and channel positioning requirements, such activity could occur, thereby threatening diversity, economic competition, and the Federal television broadcast allocation structure in local markets across the country.

"(13) Cable systems provide the most effective access to television households that subscribe to cable. As a result of the cable operators provision of this access and the operator's economic incentives described in paragraph (12), negotiations between cable operators and local broadcast stations have not been an effective mechanism for securing carriage and channel positioning.

"(14) The public interest will be served by the development of competition in the marketplace for video programming and by encouraging new multichannel video programming distribution technologies. Prohibiting video program vendors in which a multichannel video system operator has an attributable interest from unreasonably refusing to deal with other multichannel video system operators with respect to provision of video programming is necessary to help establish a competitive marketplace.

"(15) It is necessary and appropriate to promote competition between cable operators and other multichannel video system operators by facilitating access of such other multichannel video system operators to video programming, subject to exclusive contractual arrangements between programmers and cable operators that do not have the effect of significantly impeding competition.".

SEC. 3. REQUIREMENTS FOR THE PROVISION AND REGULATION OF BASIC SERVICE TIER.

(a) AMENDMENT.—Section 623 of the Communications Act of 1934 is amended to read as follows:

"REGULATION OF RATES

"SEC. 623. (a) IN GENERAL; LIMITATIONS.—No Federal agency or State may regulate the rates for the provision of cable service except to the extent provided under this section. Any franchising authority may regulate the rates for the provision of cable service, or any other communications service provided over a cable system to cable subscribers, but only to the extent provided under this section.

"(b) ESTABLISHMENT OF BASIC SERVICE TIER RATE LIMITATIONS.—

"(1) COMMISSION REGULATIONS.—Within 120 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, by regulation, establish the following:

"(A) BASIC SERVICE TIER RATES.—A formula to establish the maximum price of the basic service tier, which formula—

"(i) shall take into account only—

"(I) the number of signals required to be carried on the basic service tier pursuant to paragraph (2);

"(II) the direct costs of obtaining, transmitting, and otherwise providing such signals, and changes in such costs;

"(III) such portion of the joint and common costs of the cable operator as is determined, in accordance with regulations prescribed by the Commission, to be properly allocable to obtaining, transmitting, and otherwise providing such signals, and changes in such costs; and

"(IV) a reasonable profit (as defined by the Commission) on the provision of the basic service tier; and

"(ii) shall not take into account—

"(I) any additional video programming services carried on the basic service tier pursuant to paragraph (4);

"(II) any costs of obtaining, transmitting, marketing, or otherwise providing any such additional video programming services or any other signal not required to be carried on the basic service tier pursuant to paragraph (2);

"(III) any amount assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers or any fee, tax, or assessment of general applicability which is applied in an unduly discriminatory manner against cable operators or cable subscribers; or

"(IV) any amount required to satisfy franchise requirements to support public, educational, or governmental channels or the use of such channels.

"(B) EQUIPMENT.—A formula to establish the price for installation and lease of the equipment necessary for subscribers to receive the basic service tier, including a converter box and a remote control.

"(C) CONVERTER BOXES AND REMOTES.—Standards concerning the availability for lease or purchase and pricing of converter boxes and remote controls.

"(D) COSTS OF FRANCHISE REQUIREMENTS.—(i) A formula to identify and allocate costs attributable to satisfying franchise requirements to support public, educational, and governmental channels or the use of such channels or any other services required under the franchise, and (ii) procedures by which the cable operator will recover from subscribers—

"(I) the costs described in clause (i) of this subparagraph, and

"(II) the costs of any amounts assessed as a franchise fee, tax, or charge of any kind imposed by any State or local authority on the transactions between cable operators and cable subscribers and any fee, tax, or assessment of general applicability which is applied in an unduly discriminatory manner against cable operators or cable subscribers.

"(E) IMPLEMENTATION AND ENFORCEMENT.—Additional standards, guidelines, and procedures concerning the implementation and enforcement of the regulations prescribed by the Commission under this subsection, which shall include—

"(i) procedures by which cable operators may implement and franchising authorities may oversee the administration of the formulas, standards, guidelines, and procedures established by the Commission under this subsection; and

"(ii) standards and procedures to prevent unreasonable charges for changes in the subscriber's selection of services or equipment subject to regulation under this section, which standards shall require that charges for changing the service tier selected shall not exceed nominal amounts when the system's configuration permits changes in service tier selection to be effected solely by coded entry on a computer terminal or by other similarly simple method.

"(F) EFFECTIVE DATES.—An effective date or dates for compliance with the formulas, standards, guidelines, and procedures established under this subsection.

"(2) COMPONENTS OF BASIC TIER SUBJECT TO RATE REGULATION.—Each cable operator of a cable system shall provide its subscribers a separately available basic service tier to which the rates prescribed under paragraph (1) shall apply and to which subscription is required for access to all other tiers of service. Such basic service tier shall, except as provided in paragraphs (3), (4), (5), and (6), consist only of the following:

"(A) All signals carried in fulfillment of the requirements of sections 614 and 615.

"(B) Any public, educational, and governmental access programming required by the franchise of the cable system to be provided to subscribers.

"(3) SMALL SYSTEM EXCEPTION.—The requirements of this subsection shall not apply to any cable system with 12 or fewer usable activated channels that has 300 or fewer subscribers, so long as such system does not delete any signal of a broadcast television station from carriage by that system.

"(4) ADDITIONS TO BASIC TIER PROHIBITED.—(A) No cable operator may add any video programming to the basic tier that is not a signal or programming required to be included in such tier pursuant to paragraph (2). Any obligation imposed by a franchise that is inconsistent with this paragraph is preempted and may not be enforced. A contract or other agreement that requires carriage on the basic service tier, or that establishes a rate for carriage (as part of the basic service tier), of a signal or programming that is not required to be included in such tier pursuant to paragraph (2) may not be enforced by a video programming vendor (as such term is defined in section 705A(g) of this Act) unless such contract or agreement is applied to require carriage of such signal or programming on the next most widely subscribed level of service.

"(B) Subparagraph (A) of this paragraph and paragraph (2) shall not prohibit a cable operator from carrying on the basic tier nationally distributed public and government affairs cable networks that are provided by nonprofit organizations that are exempt from Federal income tax, that do not carry advertising, and that were so distributed on or before January 1, 1990.

"(5) RATE REGULATION AGREEMENTS.—The provisions of this subsection (and the regulations thereunder) shall not apply to the cable system of a cable operator who has, before July 1, 1990, entered into an agreement with a franchising authority that authorizes the franchising authority to regulate the rates of such cable system for basic cable service where such system was not subject to effective competition pursuant to the rules of the Commission in effect on July 1, 1990.

"(6) TREATMENT OF EXISTING BROADCAST TIERS.—

"(A) CONTINUED CARRIAGE PERMITTED.—In the case of any cable operator that offered to subscribers a tier of programming as of January 1, 1990, consisting of not more than—

"(i) the signals of any broadcast television station carried on the system;

"(ii) any public, educational, or governmental access or local origination programming; and

"(iii) any nationally distributed public and government affairs cable network provided by a nonprofit organization exempt from Federal income tax, and that does not carry advertising,

the provisions of paragraphs (2) and (4) of this subsection shall not prohibit such operator from continuing to provide such tier.

"(B) RATE FORMULA ADJUSTMENT; RETIERING.—Any cable operator providing a tier of programming described in subparagraph (A) may—

"(i) continue to provide such tier to subscribers, subject to a formula for a maximum price established by the Commission, which formula shall comply with the requirements of paragraph (1), except that the Commission shall take into account additional costs described in subclauses (II) and (III) of paragraph (1)(A)(i) with respect to the signal of any broadcast television station not required by paragraph (2) to be offered on the basic service tier; or

"(ii) delete such programming from the tier described in subparagraph (A) as may be necessary to comply with the requirements of this subsection.

"(c) REGULATION OF UNREASONABLE OR ABUSIVE RATES.—

"(1) COMMISSION REGULATIONS.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, by regulation, establish the following:

"(A) criteria prescribed in accordance with paragraph (2) for identifying, in individual cases, rates for cable programming services that are unreasonable or abusive;

"(B) fair and expeditious procedures for the receipt, consideration, and resolution of complaints from any franchising authority or other relevant State or local government entity alleging that a rate for cable programming services charged by a cable operator violates the criteria prescribed under subparagraph (A), which procedures shall set forth the minimum showing that shall be required for a complaint to establish a prima facie case that the rate in question is unreasonable or abusive; and

"(C) the procedures to be used to reduce rates for cable programming services that are determined by the Commission to be unreasonable or abusive.

"(2) FACTORS TO BE CONSIDERED.—In establishing the criteria for determining in individual cases whether rates for cable programming services are unreasonable or abusive under paragraph (1)(A), the Commission shall consider, among other factors—

"(A) rates for similarly situated cable systems offering comparable cable programming services, taking into account similarities in facilities, regulatory and governmental costs, the number of subscribers, and other relevant factors;

"(B) the history of the rates for cable programming services of the system;

"(C) the rates, as a whole, for all the cable programming, equipment, and services provided by the system;

"(D) capital and operating costs of the cable system; and

"(E) the quality and costs of the customer service provided by the cable system.

"(3) LIMITATION ON COMPLAINTS CONCERNING EXISTING RATES.—On and after 180 days after the effective date of the regulations prescribed by the Commission under paragraph (1), the procedures established under subparagraph (B) of such paragraph shall be available only with respect to complaints filed within a reasonable period of time following a change in rates that is initiated after that effective date.

"(d) DISCRIMINATION; SERVICES FOR THE HEARING IMPAIRED.—Nothing in this title shall be construed as prohibiting any Federal agency, State, or a franchising authority from—

"(1) prohibiting discrimination among customers of basic cable service, or

"(2) requiring and regulating the installation or rental of equipment which facilitates the reception of basic cable service by hearing impaired individuals.

"(e) REVIEW OF FINANCIAL INFORMATION.—

"(1) COLLECTION OF INFORMATION.—The Commission shall, by regulation, require cable operators to file, within 60 days after the effective date of the regulations prescribed under subsection (c)(1) and annually thereafter, such financial information as may be needed for purposes of administering and enforcing this section.

"(2) CONGRESSIONAL REPORT.—The Commission shall submit to each House of the Congress, by January 1, 1994, a report on the financial condition, profitability, rates, and

performance of the cable industry and making such recommendations as the Commission considers appropriate in light of such information.

"(f) PREVENTION OF EVASIONS.—Within 120 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, by regulation, establish standards, guidelines, and procedures to prevent evasions of the rates, services, and other requirements of subsections (a), (b), (c), (d), and (e) of this section.

"(g) DEFINITION.—As used in this section, the term 'cable programming service' means any video programming provided over a cable system, regardless of service tier, other than video programming required to be carried under subsection (b)(2) and video programming offered on a per channel or per program basis.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) of this section shall take effect 120 days after the date of enactment of this Act.

SEC. 4. CARRIAGE OF NONCOMMERCIAL TELEVISION STATIONS.

Part II of title VI of the Communications Act of 1934 is amended by adding at the end thereof the following new section:

"CARRIAGE OF NONCOMMERCIAL TELEVISION STATIONS

"SEC. 614. (a) CABLE OPERATOR OBLIGATIONS.—For the purposes of providing a basic service tier pursuant to section 623, each cable operator shall carry, on the cable system of that operator, the signals of qualified noncommercial television stations in accordance with the provisions of this section.

"(b) REQUIREMENTS TO CARRY QUALIFIED STATIONS.—

"(1) GENERAL REQUIREMENT TO CARRY EACH QUALIFIED STATION.—Subject to paragraph (2) of this subsection and subsection (e), each cable operator shall carry, on the cable system of that operator, each qualified local noncommercial television station requesting carriage.

"(2) EXCEPTIONS TO GENERAL REQUIREMENT.—

"(A) SYSTEMS WITH 12 OR FEWER CHANNELS.—Notwithstanding any other provision of this subsection, a cable operator of a cable system with 12 or fewer usable activated channels shall carry on that system only one qualified local noncommercial television station, but such operator shall comply with subsection (c) and may, in its discretion, carry on that system other qualified noncommercial television stations.

"(B) SYSTEMS WITH 13 TO 36 CHANNELS.—Subject to subsection (c), a cable operator of a cable system with 13 to 36 usable activated channels—

"(i) shall carry on that system at least 1 qualified local noncommercial television station but shall not be required to carry more than 3 such stations; and

"(ii) may, in its discretion, carry on that system additional such stations.

"(C) DUPLICATION OF AFFILIATES OF STATE PUBLIC TELEVISION NETWORKS NOT REQUIRED.—The operator of a cable system described in this paragraph which carries a qualified local noncommercial station affiliated with a State public television network shall not be required to carry any additional qualified local noncommercial television station affiliated with the same network if the programming of such additional station substantially duplicates the programming of the qualified local noncommercial television station receiving carriage.

"(D) DISTANT STATIONS.—In the case of any cable system with 36 or fewer activated channels which operates beyond the presence of any qualified local noncommercial television station—

"(i) the cable operator of such system shall carry on that system one signal of a qualified noncommercial television station;

"(ii) the selection for carriage of such a station shall be at the election of the cable operator; and

"(iii) in order to satisfy the requirements for carriage specified in this subsection, a cable operator of such system shall not be required to remove any other programming service actually provided to subscribers on January 1, 1990, except that such cable operator shall use the first channel available to satisfy the requirements of this subparagraph.

"(3) CONSEQUENCES OF INCREASE IN NUMBER OF CHANNELS.—A cable operator of a system described in paragraph (2)(B) of this subsection which increases the usable activated channel capacity of the cable system to more than 36 channels on or after January 1, 1990, shall, in accordance with the other provisions of this section, carry on that system each qualified local noncommercial television station requesting carriage, subject to subsection (e).

"(c) CONTINUED CARRIAGE OF EXISTING STATIONS; WAIVER.—Notwithstanding any other provision of this section, all cable operators shall continue to provide carriage to all qualified local noncommercial television stations carried on their systems as of January 1, 1990. The requirements of this subsection may be waived upon the written consent of the cable operator and any such station.

"(d) USE OF PUBLIC, EDUCATIONAL, AND GOVERNMENTAL CHANNELS.—A cable operator required to add the signals of qualified local noncommercial television stations to a cable system under this section may, with the approval of the franchising authority, do so by placing such additional stations on public, educational, or governmental channels not in use for their designated purposes.

"(e) DUPLICATION NOT REQUIRED ON SYSTEMS CARRYING 3 QUALIFIED STATIONS.—A cable operator of a cable system with a capacity of more than 36 usable activated channels which is required to carry three qualified local noncommercial television stations shall not be required to carry additional such stations if the programming of such additional stations substantially duplicates the programming broadcast by another qualified local noncommercial television station requesting carriage. For purposes of this subsection and subsection (b)(2)(C), substantial duplication shall be defined by the Commission by regulation in a manner that promotes access to distinctive noncommercial educational television services.

"(f) STATIONS CARRIED PROHIBITED FROM ASSERTING NONDUPLICATION RIGHTS.—A qualified local noncommercial television station carried by a cable operator shall not assert any network nonduplication rights it may have pursuant to section 76.92 of title 47, Code of Federal Regulations, as in effect on January 1, 1990, to require the deletion of programs aired on other qualified local noncommercial television stations carried by that operator.

"(g) CARRIAGE STANDARDS.—

"(1) CARRIAGE OF ENTIRE SIGNAL.—A cable operator shall carry in its entirety, on the cable system of that operator, the primary video and accompanying audio transmission of each qualified local noncommercial television station carried on the cable system (unless otherwise agreed upon by the cable operator and the station), and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes. Retransmission of other material in the vertical blanking interval or on subcarriers shall be within the discretion of the cable operator.

"(2) SIGNAL STRENGTH, BANDWIDTH, AND QUALITY.—A cable operator shall provide each qualified local noncommercial television station carried in accordance with this section with bandwidth and technical capacity equivalent to that provided to commercial television broadcast stations carried on the cable system and shall carry the signal of each qualified local noncommercial educational television station without material degradation.

"(3) CHANNEL ASSIGNMENTS.—A qualified local noncommercial television station may be repositioned to a different channel in accordance with the requirements of section 623, but shall not be repositioned to a different channel by a cable operator unless the cable operator, at least 30 days in advance of such repositioning, has provided written notice to the station and all subscribers of the cable system. For purposes of this paragraph, repositioning includes assignment of a qualified local noncommercial television station to a cable system channel number different from the cable system channel number to which the station was assigned as of January 1, 1990.

"(4) SIGNAL QUALITY RESPONSIBILITIES OF STATION.—Notwithstanding any other provisions of this section, a cable operator shall not be required to carry any qualified local noncommercial television station which does not deliver to the cable system's principal headend a signal of good quality, as may be defined by the Commission by regulation.

"(h) PAYMENTS FOR CARRIAGE.—

"(1) GENERAL PROHIBITION ON PAYMENT FOR CARRIAGE; SIGNAL QUALITY COSTS PERMITTED.—A cable operator shall not request or accept monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local noncommercial television station carried in fulfillment of the requirements of this section, except that such a station may be required to bear the cost associated with delivering a good quality signal to the headend of the cable system.

"(2) PAYMENT OF COPYRIGHT CHARGES FOR CARRIAGE OF DISTANT SIGNALS.—Notwithstanding any other provisions of this section, a cable operator shall not be required to add a qualified local noncommercial television station not already carried under the provisions of subsection (c), where such station would be considered as a distant signal for copyright purposes, unless such station reimburses the operator for the incremental copyright costs assessed against such operator as a result of such carriage.

"(i) LISTING OF STATIONS PURSUANT TO REQUIREMENTS.—A cable operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

"(j) REMEDIES.—

"(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a qualified local noncommercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the

cable operator is obligated to carry the signal of such station. The cable operator shall, within 30 days thereafter, respond in writing to such notice and either commence to carry the signal of such station or state its reasons for believing that it is not obligated to carry such signal. A broadcast station that is denied carriage of a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data, views, and arguments to establish that there has been no failure to meet its obligations under this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall state with particularity the basis for such findings and order the cable operator to take such remedial action as is necessary to meet the requirements of this section. If the Commission determines that the cable operator has fully met such obligations, it shall dismiss the complaint.

"(k) DEFINITIONS.—As used in this section—

"(1) QUALIFIED NONCOMMERCIAL TELEVISION STATION.—The term 'qualified noncommercial television station'—

"(A) means any television broadcast station which—

"(i)(I) under the regulations of the Commission in effect on January 1, 1990, is licensed by the Commission as a noncommercial educational television broadcast station and is owned and operated by a public agency, nonprofit foundation, corporation, or association; or

"(II) is owned or operated by a municipality and transmits only noncommercial programs for educational purposes; and

"(ii) has as its licensee an entity which has been qualified by the Corporation for Public Broadcasting, or any successor organization thereto, to receive a community service grant, or any successor grant thereto, on the basis of the formula set forth in section 396(k)(6)(B) of this Act; and

"(B) includes any translator, as defined in section 74.701(a) of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulation thereto, which operates with five watts or higher power and which rebroadcasts the signal of a station described in subparagraph (A) or this subparagraph.

"(2) QUALIFIED LOCAL NONCOMMERCIAL TELEVISION STATION.—The term 'qualified local noncommercial television station' means a qualified noncommercial television station—

"(A) which is licensed to a principal community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system; or

"(B) whose grade B service contour, as defined in section 73.683(a) of such title (as in effect on January 1, 1990), or any successor regulations thereto, encompasses the principal headend of the cable system.".

SEC. 5. CARRIAGE OF QUALIFIED LOCAL TELEVISION SIGNALS.

(a) AMENDMENT.—Part II of title VI of the Communications Act of 1934 is further amended by inserting after section 614 (as added by section 4 of this Act) the following new section:

"CARRIAGE OF QUALIFIED LOCAL TELEVISION STATIONS

"SEC. 615. (a) CARRIAGE OBLIGATIONS.—For the purposes of providing a basic service tier pursuant to the provisions of section 623, each cable operator shall carry, on the cable system of that operator, the signals of qualified local television stations as provided by section 614 and the following provisions of this section:

"(1) MAXIMUM NUMBER OF SIGNALS REQUIRED.—A cable operator of a cable system with more than 12 usable activated channels shall carry the signals of qualified local television stations up to the maximum number determined by the following table:

Number of usable activated channels	Maximum number of signals required to be carried
13 to 20	5
21 to 29	7
30 to 33	8
34 to 37	9
38 to 41	10
42 to 45	11
46 to 49	12
50 to 53	13
54 to 57	14
58 to 61	15
62 to 65	16
66 to 69	17
70 to 73	18
74 to 77	19
78 to 81	20
82 to 85	21
86 to 89	22
90 to 93	23
94 to 97	24
98 to 101	25
102 to 105	26
106 to 109	27
110 to 113	28
114 to 117	29
118 to 121	30
122 to 125	31
Above 125	25% of channel capacity

Carriage of additional broadcast television stations on such system shall be at the discretion of such operator. Beginning five years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, cable systems with 12 or fewer usable activated channels shall be required to carry up to a maximum of three qualified local television stations, except that if such a system has 300 or fewer subscribers, such system shall not be subject to any requirements under this section so long as such system does not delete any signal of a broadcast television station from carriage by that system.

"(2) SELECTION OF SIGNALS.—Whenever the number of qualified local television stations for any cable system exceeds the maximum number of signals the system is required to carry under paragraph (1), the cable operator shall have complete discretion in selecting which such stations' signals shall be carried on its cable system, except that—

"(A) in fulfilling the requirements of paragraph (1)—

"(i) a cable system of 53 or fewer usable activated channels may count only one qualified local noncommercial television station carried pursuant to section 614;

"(ii) a cable system of 54 or more usable activated channels may count only two qualified local noncommercial television stations carried pursuant to section 614; and

"(iii) additional qualified local noncommercial television stations carried pursuant to section 614 may not be counted; and

"(B) if the cable operator elects to carry an affiliate of a broadcast network (as such term is defined by the Commission), such cable operator shall carry the affiliate of such broadcast network whose city of license reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulation thereto, is closest to the principal headend of the cable system.

"(3) CONTENT TO BE CARRIED.—(A) A cable operator shall carry in its entirety, on the cable system of that operator, the primary video and accompanying audio transmission of each of the qualified local commercial television stations carried on the cable system (unless otherwise agreed upon by the cable operator and the station), and, to the extent technically feasible, program-related material carried in the vertical blanking interval, or on subcarriers, that may be necessary for receipt of programming by handicapped persons or for educational or language purposes, including use of separate audio program channels, or that relates to or enhances the primary video and audio signal (such as closed-captioning or multichannel sound). Retransmission of other material in the vertical blanking interval or other enhancements of the primary video and audio signal (including teletext and other subscription and advertiser-supported information or service, and material carried on subcarriers) shall be left to the discretion of the cable operator. Where appropriate and feasible, operators may strip signal enhancements, such as ghost-canceling, from the broadcast signal and employ such enhancements at the system headend. The Commission may study technological enhancements contained in broadcast signals and adjust cable system obligations consistent with this paragraph as necessary.

"(B) A cable operator is required to carry the entirety of the program schedule of such a station unless carriage of specific programming is prohibited pursuant to section 76.67 or subpart F of part 76 of title 47 of the Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto.

"(4) SIGNAL QUALITY.—

"(A) NONDEGRADATION; TECHNICAL SPECIFICATIONS.—The signals of qualified local commercial television stations that a cable operator carries shall be carried without material degradation. The Commission shall adopt carriage standards, as necessary, to ensure that, to the extent technically feasible, the quality of signal processing and carriage provided by a cable system for the carriage of qualified local commercial television stations will be no less than that provided by the system for carriage of any other comparable type of retransmitted signal.

"(B) ADVANCED TELEVISION.—At any time that the Commission prescribes modifications of the standards for television broadcast signals, the Commission shall—

"(i) initiate a proceeding to consider technical standards applicable to cable carriage of broadcast signals; or

"(ii) consider submission to the Congress of suggestions for legislative changes necessary to ensure cable carriage of the new broadcast standard.

"(5) DUPLICATION NOT REQUIRED.—Notwithstanding paragraph (1), a cable operator shall not be required to carry the signal of any qualified local commercial television station that substantially duplicates the signal of another qualified local commercial station or to carry the signals of more than one qualified commercial television station affiliated with a particular broadcast network entity (as such term is defined by the Commission). If a cable operator elects to carry a signal which substantially duplicates the signal of another qualified local commercial television station carried on the cable system, or to carry the signals of more than one qualified local commercial television station affiliated with a particular broadcast network entity, all such signals shall be counted toward the number of signals the operator is required to carry under paragraph (1).

"(6) CHANNEL POSITIONING.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), each signal of a qualified local commercial television station carried in fulfillment of the requirements of this subsection shall be carried on the cable system, at the option of the licensee of the station, on one of the following channels:

"(i) The channel on which that signal was carried on June 26, 1990.

"(ii) The channel corresponding to the station's broadcast channel number, as assigned by the Commission, unless that channel on the cable system was occupied by another qualified local commercial television station on June 26, 1990, that does not wish to relinquish that channel position.

"(iii) A channel mutually agreed upon by the broadcast station and the cable operator.

"(B) EXCEPTION.—A cable operator may make a single election to carry all the signals of qualified local commercial television stations carried in fulfillment of the requirements of this section on channel numbers 2 through 13, inclusive. The channel position of any qualified local commercial television station carried on channels 2 through 13, inclusive, on June 26, 1990, shall not be changed without the consent of the station.

"(7) IDENTIFICATION OF SIGNALS CARRIED.—A cable operator shall identify, upon request by any person, those signals carried in fulfillment of the requirements of this section.

"(8) NOTIFICATION.—A cable operator shall provide written notice to a qualified local commercial television station at least 30 days prior to either deleting from carriage or repositioning that qualified local commercial television station. No deletion or repositioning of a qualified local commercial television station shall occur during a period in which major television rating services measure the size of audiences of local commercial television stations. The notification provisions of this paragraph shall not be used to undermine or evade the channel positioning or carriage requirements imposed upon cable operators under this section.

"(9) COMPENSATION FOR CARRIAGE PROHIBITED.—A cable operator shall not accept or request monetary payment or other valuable consideration in exchange for carriage of the signal of any qualified local commercial television station carried in fulfillment of the requirements of this section, or in exchange for carriage on the channel of carriage as of June 26, 1990, or the channel corresponding to the station's broadcast channel number, except that—

"(A) any such station may be required to bear the costs associated with delivering to the headend of the cable system a signal of the quality defined in subsection (c)(2)(A)(ii) of this section; and

"(B) a cable operator may continue to accept monetary payment or other valuable consideration in exchange for carriage or channel positioning of the signal of any qualified local commercial television station carried in fulfillment of the requirements of this section, through, but not beyond, the date of expiration of an agreement thereon between a cable operator and a qualified local commercial television station entered into prior to June 26, 1990.

"(b) REMEDIES.—

"(1) COMPLAINTS BY BROADCAST STATIONS.—Whenever a qualified local commercial television station believes that a cable operator has failed to meet its obligations under this section, such station shall notify the operator, in writing, of the alleged failure and identify its reasons for believing that the cable operator is obligated to carry the signal of such station or has otherwise failed to comply with the channel positioning or repositioning requirements of this section. The cable operator shall, within 30 days thereafter, respond in writing to such notice and either commence to carry the signal of such station or state its reasons for believing that it is not obligated to carry such signal or is in compliance with the channel positioning or repositioning requirements of this section. A broadcast station that is denied carriage or channel positioning or repositioning by a cable operator may obtain review of such denial by filing a complaint with the Commission. Such complaint shall allege the manner in which such cable operator has failed to meet its obligations and the basis for such allegations.

"(2) OPPORTUNITY TO RESPOND.—The Commission shall afford such cable operator an opportunity to present data, views, and arguments to establish that there has been no failure to meet its obligations under this section.

"(3) REMEDIAL ACTIONS; DISMISSAL.—Within 120 days after the date a complaint is filed, the Commission shall determine whether the cable operator has met its obligations under this section. If the Commission determines that the cable operator has failed to meet such obligations, the Commission shall state with particularity the basis for such findings and order the cable operator to reposition such station or, in the case of an obligation to carry a station, to commence carriage of the station within a reasonable period, as specified by the Commission, and shall continue such carriage for at least 12 months. If the Commission determines that the cable operator has fully met such obligations, it shall dismiss the complaint.

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED LOCAL TELEVISION STATION.—The term 'qualified local television station' means any qualified local commercial television station, and any qualified noncommercial educational television station as defined in section 614.

"(2) QUALIFIED LOCAL COMMERCIAL TELEVISION STATIONS.—(A) The term 'qualified local commercial television station' means any full service commercial television station licensed and operating on a channel regularly assigned to its community by the Commission (except where such station would be considered a distant signal under section 111 of title 17, United States Code) and that, with respect to a particular cable system—

"(i) is licensed to a community whose reference point, as defined in section 76.53 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto, is within 50 miles of the principal headend of the cable system;

"(ii) delivers to the principal headend of the cable system a signal of good technical quality that is either a signal level of -45 dBm for UHF signals or -49 dBm for VHF signals at the input terminals of the video processing equipment, or a baseband video signal; and

"(iii) meets the television viewership standards specified in paragraph (3) of this subsection.

"(B) The term 'qualified local commercial television station' shall not include low-power television stations, television translator stations, and other passive repeaters which operate pursuant to part 74 of title 47, Code of Federal Regulations (as in effect on January 1, 1990), or any successor regulations thereto.

"(3) VIEWERSHIP STANDARD.—

"(A) MINIMUM VIEWERSHIP REQUIRED.—Except as provided in subparagraphs (C) and (D), the viewership standard that must be achieved by a qualified local commercial television station, as determined in accordance with subsection (d) of this section, is an average share of total viewing hours of at least 2 percent and a net weekly circulation of at least 5 percent.

"(B) LOSS OF VIEWERSHIP.—Once a commercial station has demonstrated that, on the basis of a full one-year television survey season, it meets the viewership standard specified in subparagraph (A) of this paragraph, it will be deemed to have met such standard until such time as the cable system operator demonstrates, using the methodology specified in subsection (d) of this section, that the station no longer meets such standard.

"(C) NEW STATIONS.—If a station commenced operations, as defined in subsection (d)(3), after December 11, 1987, and otherwise meets the requirements of paragraph (2) of this subsection, it shall be a qualified local commercial television station for one year after the date the station commenced operations or the date the carriage obligations imposed in this section become effective, whichever is later, regardless of whether the station achieves the viewership standard in subparagraph (A) of this paragraph. For purposes of this subparagraph, a station shall be deemed to have initially commenced operations as of the date it initially commences operations under program test authority. A station which changes station operations, upgrades facilities, transfers or assigns its license, or recommences its operations after operations have ceased shall not be deemed to have initially commenced operations.

"(D) SPECIAL FORMAT AND MINORITY STATIONS.—The viewership standard in subparagraph (A) of this section shall not apply with respect to carriage of a special format or minority station (as defined in subparagraph (E)) that otherwise meets the requirements of paragraph (2) of this subsection, but in no case shall this subparagraph require a cable operator to delete from carriage any signal carried on the system of that operator on July 26, 1990. Nothing in this section shall be construed to require a cable operator to delete from carriage the signal of any such special format or minori-

ty station that was carried on the system of that operator on July 26, 1990.

"(E) DEFINITIONS OF SPECIAL FORMAT AND MINORITY STATIONS.—For purposes of subparagraph (E)—

"(i) a 'special format station' is a station that provides, as a substantial portion of its program schedule, specialized format programming (including programming in foreign languages, programming directed at minority groups, or programming which is not otherwise provided to the subscribers served by the cable system by other commercial television stations); and

"(ii) a 'minority station' is a station that is over 50 percent minority-owned, as the term 'minority' is defined in section 309(i)(3)(C)(ii) of this Act.

"(d) SURVEY OF BROADCAST AUDIENCE.—Compliance with the viewership standard specified in subsection (c)(3) shall be demonstrated on the basis of an independent professional survey of noncable homes. Such survey shall cover 4 separate, consecutive 4-week periods, including one in each of April through June, July through September, October through December and January through March, pursuant to the methodology used to compile Appendix B of the Memorandum Opinion and Order on Reconsideration of Cable Television, Federal Communications Commission Report and Order (in C.T. Docket 72-530; 36 FCC 2d 326 (1972)), except that such methodology shall be modified, as necessary, to encompass all households or all cable homes when a station chooses to rely on viewing in such households and cable subscribership reaches 70 percent of the homes in the county.

"(e) INPUT SELECTOR SWITCH RULES ABOLISHED.—No cable operator shall be required—

"(1) to provide or make available any input selector switch as defined in section 76.5(mm) of title 47, Code of Federal Regulations, or any comparable device, or

"(2) to provide information to subscribers about input selector switches or comparable devices.

"(f) EFFECTIVE DATE.—The provisions of this section shall take effect on the effective date of regulations promulgated by the Commission pursuant to section 623(b) of this Act as amended by the Cable Television Consumer Protection and Competition Act of 1990.".

(b) CONFORMING AMENDMENTS.—Section 602 of the Communications Act of 1934 is amended—

(1) by redesignating paragraphs (13), (14), (15), and (16) as paragraphs (14), (15), (16), and (18), respectively; and

(2) by inserting after paragraph (12) the following new paragraph:

"(13) the term 'principal head- end' means a single location at which is located the cable system equipment used to receive and process the signals of local television broadcast stations for redistribution to subscribers. Where more than one location meets this definition, the cable operator shall designate to the Commission a single location as the principal headend for purposes of section 614 and 615. No designation of the location of the cable system's principal headend shall be made in a manner which will undermine or evade the signal carriage obligations imposed upon cable operators under this Act;";

(3) by striking "and" at the end of paragraph (16) (as redesignated); and

(4) by inserting after such paragraph (16) the following new paragraph:

"(17) the term 'usable activated channels'—

"(A) means channels engineered at the headend of the cable system for the provision of services generally available to residential subscribers of the cable system, regardless of whether such services actually are provided; and

"(B) includes any channel designated for public, educational, or governmental use but excluding channels whose use for the distribution of broadcast signals would conflict with technical and safety regulations as defined by the Commission; and".

SEC. 6. CONSUMER PROTECTION AND CUSTOMER SERVICE.

Section 632 of the Communications Act of 1934 (47 U.S.C. 552) is amended to read as follows:

"CONSUMER PROTECTION AND CUSTOMER SERVICE

"SEC. 632. (a) FRANCHISING AUTHORITY ENFORCEMENT.—A franchising authority may require, as part of a franchise (including a modification, renewal, or transfer thereof), provisions for enforcement of—

"(1) customer service requirements of the cable operator; and

"(2) construction schedules and other construction-related requirements, including construction-related performance requirements, of the cable operator.

"(b) COMMISSION STANDARDS.—The Commission shall, within 180 days of enactment of the Cable Television Consumer Protection and Competition Act of 1990, establish standards by which cable operators may fulfill their customer service requirements. Such standards shall include, at a minimum, requirements governing—

"(1) cable system office hours and telephone availability;

"(2) installations, outages, and service calls; and

"(3) communications between the cable operator and the customer (including standards governing bills and refunds).

"(c) AVAILABILITY OF TECHNOLOGY; PROCEEDING REQUIRED.—The Federal Communications Commission shall—

"(1) within 60 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, initiate a proceeding to determine—

"(A) whether equipment standards are necessary to permit the commercial availability, from cable operators or retail vendors that are not affiliated with cable systems, of converter boxes and remote controls compatible with cable systems; and

"(B) the feasibility of including converter and addressability technology for cable systems and other multichannel video systems in television receivers shipped in interstate commerce or imported from any foreign country into the United States for sale or resale to the public, taking into account (i) the impact on domestic manufacturers of including such technology in such television receivers, and (ii) the need for cable operators and other multichannel video systems to protect their signals against unauthorized reception; and

"(2) prescribe any standards determined to be necessary under paragraph (1).

"(d) CONSUMER PROTECTION LAWS AND CUSTOMER SERVICE AGREEMENTS.—

"(1) CONSUMER PROTECTION LAWS.—Nothing in this title shall be construed to prohibit any State or any franchising authority from enacting or enforcing any consumer protection law, to the extent not inconsistent with this title.

"(2) CUSTOMER SERVICE REQUIREMENT AGREEMENTS.—Nothing in this section shall be construed to preclude a franchising authority and a cable operator from agreeing to customer service requirements that exceed the standards established by the Commission under subsection (b).".

SEC. 7. TECHNICAL STANDARDS.

Section 624(e) of the Communications Act of 1934 (47 U.S.C. 544(e)) is amended to read as follows:

"(e) Within one year after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall prescribe regulations which establish minimum technical standards relating to cable systems' technical operation and signal quality. The Commission periodically shall update such standards to reflect improvements in technology. A franchising authority may require as part of a franchise (including a modification, renewal, or transfer thereof) provisions for the enforcement of the standards prescribed under this subsection. A franchising authority may apply to the Commission for a waiver to impose standards that are more stringent than the standards prescribed by the Commission under this subsection.".

SEC. 8. COMPETITION AND TECHNOLOGICAL DEVELOPMENT.

(a) PROHIBITION ON UNREASONABLE REFUSALS TO DEAL WITH MULTICHANNEL VIDEO SYSTEM OPERATORS.—Title VII of the Communications Act of 1934 is amended by inserting after section 705 (47 U.S.C. 605) the following new section:

"PROGRAMMING ACCESS TO PROMOTE COMPETITION AND CONTINUING TECHNOLOGICAL DEVELOPMENT

"SEC. 705A. (a) UNREASONABLE REFUSALS TO DEAL PROHIBITED.—Within 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall, in order to promote competition and diversity in the multichannel video programming market and continuing development of communications technologies, prescribe regulations to prohibit any video programming vendor—

"(1) in which a multichannel video system operator has an attributable interest, and

"(2) that licenses video programming for national or multistate regional distribution,

from unreasonably refusing to deal with any multichannel video system operator with respect to the provision of video programming in accordance with such regulations. Entering into or abiding by the terms of an exclusive contract that does not have the effect of significantly impeding competition shall not be considered an unreasonable refusal to deal. Nothing contained in this subsection shall require any person who licenses video programming for national or multistate regional distribution to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

"(b) REMEDIES FOR VIOLATIONS.—Any multichannel video system operator aggrieved by conduct that it alleges constitutes a violation of the regulations prescribed under this section may commence an adjudicatory proceeding at the Commission. Upon completion of such proceeding, the Commission shall have the power to order appropriate remedies, including, if necessary, the power to establish price, terms, and conditions of sale of programming to the aggrieved multichannel video system operator.

"(c) PROCEDURES.—The Commission shall prescribe regulations to implement this section. The Commission's regulations shall—

"(1) provide for an expedited review of any complaints made pursuant to this section;

"(2) establish procedures for the Commission to collect such data as the Commission requires to carry out this section with respect to exclusive contracts or other practices and their effects on competitors, competition, or the video programming distribution market or on the development of new video distribution technologies; and

"(3) provide for penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

"(d) SUNSET.—The regulations prescribed under subsection (a)(1) of this section shall cease to be effective 9 years after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, or on such earlier date as the Commission determines that a competitive national market for the delivery of video programming exists. Such regulations shall cease to be effective for any local market on such earlier date as the Commission determines that a competitive market for the delivery of such programming exists in such local market.

"(e) REPORTS.—The Commission shall, beginning not later than 18 months after promulgation of the regulations required by subsection (a), annually report to Congress on the status of competition in the market for the delivery of video programming.

"(f) EXEMPTIONS FOR PRIOR CONTRACTS.—Nothing in this section shall affect any contract (or the renewal or extension of any contract) that grants exclusive distribution rights to any person with respect to video programming and that was entered into on or before June 1, 1990.

"(g) DEFINITIONS.—

"(1) The term 'multichannel video system operator' includes an operator of any cable system, multichannel multipoint distribution service, direct broadcast satellite distribution service, television receive-only satellite distribution service, or other comparable system for the distribution of video programming.

"(2) The term 'video programming vendor'—

"(A) means any person who licenses video programming for distribution by any multichannel video system operator;

"(B) includes satellite delivered programming networks and other programming networks and services;

"(C) does not include a network or service distributing video programming intended for broadcast by a television station affiliated with a broadcasting network; and

"(D) does not include a network or service distributing video programming that is carried as a secondary transmission of a signal broadcast by a television station.

"(3) The terms 'cable system' and 'video programming' have the meanings provided by section 602 of this Act.".

(b) REGULATION OF CARRIAGE AGREEMENTS.—

(1) REGULATIONS.—Within one year after the date of enactment of this Act, the Commission shall establish regulations governing program carriage agreements and related practices between cable operators and video programming vendors. Such regulations shall—

(A) include provisions designed to prevent a cable operator or other multichannel video system operator from requiring a financial interest in a program service as a condition for carriage on one or more of such operator's systems;

(B) include provisions designed to prohibit a cable operator or other multichannel video system operator from coercing a video programming vendor to provide exclusive rights against other multichannel video system operators as a condition of carriage on a system;

(C) contain provisions designed to prevent a multichannel video system operator from engaging in conduct the effect of which is to unreasonably restrain the ability of an unaffiliated video programming vendor to compete fairly by discriminating in video programming distribution on the basis of affiliation or nonaffiliation in the selection, terms, or conditions for carriage of video programming vendors;

(D) provide for expedited review of any complaints made by a video programming vendor pursuant to this section;

(E) provide for appropriate penalties and remedies for violations of this subsection, including carriage; and

(F) provide penalties to be assessed against any person filing a frivolous complaint pursuant to this section.

(2) DEFINITIONS.—As used in this subsection, the terms "video programming vendor" and "multichannel video system operator" have the meanings provided by section 705A(g) of the Communications Act of 1934 (as added by subsection (a) of this section).

SEC. 9. MARKETING OF CERTAIN SATELLITE COMMUNICATIONS.

(a) FINDINGS.—The Congress finds that—

(1) many satellite-delivered programming services have unnecessarily restricted options for consumers wishing to choose between competing television programming distributors;

(2) presently 3,000,000 Americans own C-band home satellite television systems and the number is growing at a rate of 350,000 to 400,000 each year;

(3) there is disparity in wholesale pricing between programming services offered to cable operators and to satellite programming distributors;

(4) independent, noncable third-party packaging of C-band direct broadcast satellite delivered programming will encourage the availability of programming to C-band direct broadcast home satellite television systems; and

(5) in order to promote the development of direct-to-home satellite service, Congress must act to ensure that video programming vendors provide access on fair and nondiscriminatory terms.

(b) AMENDMENTS.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) is amended—

(1) by striking subsection (f) as added by section 204 of the Satellite Home Viewer Act of 1988;

(2) by striking "subsection (d)" each place it appears in subsections (d)(6) and (e)(3)(A) and inserting "subsection (f)";

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively;

(4) by inserting after subsection (b) the following new subsection:

"(c)(1) Any person who encrypts any satellite delivered programming shall—

"(A) make such programming available for private viewing by home satellite antenna users;

"(B) when making such programming available through any other person for distribution through any medium, establish reasonable and nondiscriminatory financial, character, technical, and service criteria and requirements under which noncable distributors shall qualify to distribute such programming for private viewing by home satellite antenna users; and

"(C) when making such programming available through any other person for distribution through any medium, establish by the effective date of this subparagraph or January 1, 1991, whichever is later, price, terms, and conditions for the wholesale distribution of such programming which do not discriminate between the distribution of such programming to distributors for cable television subscribers and distributors to home satellite antenna users, nor among different distributors to home satellite antenna users, except that this subparagraph shall not prohibit rate differentials which are—

"(i) attributable to actual and reasonable differences in the costs of the creation, sale, delivery, or transmission of such programming as between different delivery media;

"(ii) attributable to reasonable volume discounts; or

"(iii) attributable to bona fide agreements for the distribution of such programming which were in effect prior to the enactment date of this subparagraph.

"(2) Where a person who encrypts satellite delivered programming has established a separate subsidiary for distribution to satellite antenna users, such person shall not be required to establish or license any entity on the same terms and conditions as such separate subsidiary; except that for purposes of any claim of discrimination under this section, a party aggrieved may, as evidence of discrimination, compare the prices, terms, and conditions established by the person who encrypts.

"(3) Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to authorize or license any distributor for a secondary satellite retransmission of such programming, but, if any person who encrypts satellite delivered programming authorizes or licenses such a distributor, such person shall, consistent with the provisions of paragraph (1)(B) and (1)(C), establish criteria to qualify to distribute such programming through such secondary satellite retransmissions, and further establish nondiscriminatory price, terms, and conditions for such distribution. Nothing contained in this subsection shall require any person who encrypts satellite delivered programming to make such programming available in any geographic area beyond which such programming has been authorized or licensed for distribution.

"(4) Any person aggrieved by any violation of paragraph (1)(A) of this subsection may bring a civil action in a United States district court or in any other court of competent jurisdiction. Such court may grant temporary and final injunctions or other equitable relief on such terms as it may deem reasonable and appropriate to prevent or restrain such violations.

"(5) Any person aggrieved by any violation of paragraph (1)(B), (1)(C), or (2) of this subsection may bring a civil action in the United States district court or other court of competent jurisdiction. Such court may grant temporary and final injunctions on such terms as it may deem reasonable and appropriate to prevent or restrain such violations; and (i) direct the recovery of damages to a prevailing plaintiff, including actual damages, or statutory damages for all violations in a sum of not more than $500,000, as the court considers just; and (ii) direct the recovery of full costs, including reasonable attorney's fees, to a prevailing party.

"(6) As used in this subsection—

"(A) the term 'satellite delivered programming' means video programming transmitted by a domestic C-band direct broadcast communications satellite intended for reception by cable television systems or home satellite antenna users and does not include any satellite communication of any broadcaster or broadcast network;

"(B) the term 'home satellite antenna users' means individuals who own or operate C-band direct broadcast satellite television receive-only equipment for the reception of satellite delivered programming for viewing in such individual's single family dwelling unit; and

"(C) the term 'person who encrypts' means the party who holds the rights to the satellite delivered programming or who establishes the prices, terms, and conditions for the wholesale distribution thereof.

"(7) This subsection shall cease to be effective 7 years after the date of enactment of this subsection."; and

(5) in subsection (h) (as redesignated) by striking ", based on the information gathered from the inquiry required by subsection (f),".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) of this section shall take effect 90 days after the date of enactment of this Act.

SEC. 10. C-BAND SATELLITE REGULATION.

(a) FINDINGS.—The Congress finds that—

(1) under existing technical regulations of the Federal Communications Commission, the development of the C-band home satellite television market is likely to be adversely affected in the future by interference caused by adjacent satellites;

(2) current home dishes, which are commonly 8 to 10 feet in diameter, might receive interference from new satellites that the Commission has authorized and assigned to orbital slots but which have not yet been constructed or launched; and

(3) future C-band home dishes, which might be as small as 4 feet in diameter and still receive good picture quality from higher power C-band satellites than are used today, may be unable to reject interference from adjacent satellites spaced as close as 2 degrees.

(b) TECHNICAL REGULATION OF C-BAND SATELLITES.—Section 303 of the Communications Act of 1934 (47 U.S.C. 303) is amended by adding at the end thereof the following new subsection:

"(u) Have authority to make such rules and regulations as may be necessary to assure that satellite Earth stations receiving signals in the 3700-4200 MHz band used for private viewing pursuant to section 705 are not unduly restricted from being used for the reception of television programming services, including regulations to assure that such receivers are protected from interference caused by unwanted satellite emissions.".

(c) BARRIERS TO USE OF SMALLER SATELLITE DISH RECEIVERS.—Section 705 of the Communications Act of 1934 is amended by adding at the end thereof the following new subsection:

"(i)(1) The Federal Communications Commission shall, within 45 days after the date of enactment of this subsection, initiate a combined inquiry and rulemaking proceeding for the purpose of—

"(A) determining the technical feasibility of using smaller C-band home dish receivers than are commonly used on such date of enactment,

"(B) determining the extent to which existing rules and regulations of the Commission in effect on such date act as a barrier to the use of smaller dish receivers,

"(C) determining the extent to which local zoning, construction, or other regulations have acted as barriers to the successful development of the C-band satellite television delivery service,

"(D) determining the extent to which smaller dish sizes might overcome such local barriers, and

"(E) evaluating the impact that any proposed regulation changes would have on the users, operators, or licensees of existing or authorized fixed satellite services (FSS) satellites, taking into account any Act, treaty, or convention binding on the United States which the Commission is authorized to administer.

"(2) If the Commission finds—

"(A) that any of its policies, rules, or regulations relating to two degree satellite spacing requirements act as barriers to the use of smaller C-band home satellite dishes,

"(B) that such dishes would be technically feasible but for the Commission's policies, rules, or regu- lations,

"(C) that modification of the such policies, rules, or regulations would be in the interest of current and future C-band home satellite dish users, and

"(D) that, considering the Commission's evaluation pursuant to paragraph (1)(E) of this subsection, such modifications would nevertheless be in the public interest,

the Commission it shall initiate a rulemaking to remove such barriers and complete such rulemaking within 360 days of the initiation of the inquiry.".

SEC. 11. EQUAL EMPLOYMENT OPPORTUNITY.

(a) FINDINGS.—The Congress finds and declares that—

(1) despite the existence of present legislation governing equal employment opportunity, females and minorities are not employed in significant numbers in positions of management authority in the cable television and broadcast industries;

(2) increased numbers of females and minorities in positions of management authority in the cable television and broadcast industries advances the Nation's policy favoring diversity in the expression of views in the electronic media; and

(3) rigorous enforcement of equal employment opportunity rules and regulations is required in order to effectively deter racial and gender discrimination.

(b) STANDARDS.—Section 634(d)(1) of the Communication Act of 1934 (47 U.S.C. 554(d)(1)) is amended to read as follows:

"(d)(1) Not later than 270 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, of this section, and after notice and opportunity for hearing, the Commission shall prescribe revisions in the rules under this section in order to implement the amendments made to this section by such Act. Such revisions shall be designed to promote equality of employment opportunities for females and minorities in each of the job categories itemized in paragraph (3) of this subsection.".

(c) CONTENTS OF ANNUAL STATISTICAL REPORTS.—Section 634(d)(3) of the Communications Act of 1934 (47 U.S.C. 554(d)(3)) is amended to read as follows:

"(3)(A) Such rules also shall require an entity specified in subsection (a) with more than 5 full-time employees to file with the Commission an annual statistical report identifying by race, sex, and job title the number of employees in each of the following full-time and part-time job categories:

"(i) Corporate officers.
"(ii) General Manager.
"(iii) Chief Technician.
"(iv) Comptroller.
"(v) General Sales Manager.
"(vi) Production Manager.
"(vii) Managers.
"(viii) Professionals.
"(ix) Technicians.
"(x) Sales.
"(xi) Office and Clerical.
"(xii) Skilled Craftspersons.
"(xiii) Semiskilled Operatives.
"(xiv) Unskilled Laborers.
"(xv) Service Workers.

"(B) The report required by subparagraph (A) shall be made on separate forms, provided by the Commission, for full-time and part-time employees. The Commission's rules shall sufficiently define job categories (i) through (vi) of such subparagraph so as to ensure that only employees who are principal decisionmakers and that have supervisory authority are reported for such categories. The Commission shall adopt rules that define job categories (vii) through (xv) in a manner that is consistent with the Commission policies in effect on June 1, 1990. The Commission shall prescribe the method by which entities shall be required to compute and report the number of minorities and women in job categories (i) through (x) and the number of minorities and women in job categories (i) through (xv) in proportion to the total number of qualified minorities and women in the relevant labor market. The report shall include information on hiring, promotion, and recruitment practices necessary for the Commission to evaluate the efforts of entities to comply with the provisions of paragraph (2) of this subsection. The report shall be available for public inspection at the entity's central location and at every location where 5 or more full-time employees are regularly assigned to work. Nothing in this subsection shall be construed as prohibiting the Commission from collecting or continuing to collect statistical or other employment information in a manner that it deems appropriate to carry out this section.".

(d) PENALTIES.—Section 634(f)(2) of such Act is amended by striking "$200" and inserting "$500".

(e) APPLICATION OF REQUIREMENTS.—Section 634(h)(1) of such Act is further amended by inserting before the period the following: "and any multichannel video system operator (as that term is defined in section 705A(g) of this Act)".

(f) STUDY AND REPORT REQUIRED.—Not later than 240 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, the Commission shall submit to the Congress a report pursuant to a proceeding to review and obtain public comment on the effect and operation of its procedures, regulations, policies, standards, and guidelines concerning equal employment opportunity in the broadcasting industry. In conducting such review, the Commission shall consider the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting equality of employment opportunity and promotion opportunity, and particularly the effectiveness of such procedures, regulations, policies, standards, and guidelines in promoting the congressional policy favoring increased employment opportunity for women and minorities in positions of management authority. In conducting such proceeding the Commission also shall review the effectiveness of penalties and remedies

for violation of existing regulations and policies concerning equality of employment opportunity in the broadcasting industry. The Commission shall forward to the Congress such legislative recommendations to improve equal employment opportunity in the broadcasting industry as it deems necessary.

SEC. 12. HOME WIRING.

Section 624 of the Communications Act of 1934 (17 U.S.C. 544) is amended by adding at the end the following new subsection:

"(g) Within 120 days after the date of enactment of this subsection, the Commission shall prescribe rules and regulations concerning the disposition, after a subscriber to a cable system terminates service, of any cable installed by the cable operator within the premises of such subscriber.".

SEC. 13. SALES OF CABLE SYSTEMS.

Part II of title VI of the Communications Act of 1934 is further amended by adding at the end thereof the following new section:

"SALES OF CABLE SYSTEMS

"SEC. 616. (a) 3-YEAR HOLDING PERIOD REQUIRED.—Except as provided in this section, no cable operator may sell or otherwise transfer ownership in a cable system within a 36-month period following either the acquisition or initial construction of such system by such operator.

"(b) TREATMENT OF MULTIPLE TRANSFERS.—In the case of a sale of multiple systems, if the terms of the sale require the buyer to subsequently transfer ownership of one or more such systems to one or more third parties, such transfers shall be considered a part of the initial transaction.

"(c) EXCEPTIONS.—Subsection (a) of this section shall not apply to—

"(1) any transfer of ownership interest in any cable system which is not subject to Federal income tax liability,

"(2) any sale required by operation of any law or any act of any Federal agency, any State or political subdivision thereof, or any franchising authority, or

"(3) any sale, assignment, or transfer, to one or more purchasers, assignees, or transferees controlled by, controlling, or under common control with, the seller, assignor, or transferror.

"(d) WAIVER AUTHORITY.—The Commission may, consistent with the public interest, waive the requirement of subsection (a), except that, if the franchise requires franchise authority approval of a transfer, the Commission shall not waive such requirements unless the franchise authority has approved the transfer.

"(e) LIMITATION ON DURATION OF FRANCHISING AUTHORITY POWER TO DISAPPROVE TRANSFERS.—In the case of any sale or transfer of ownership of any cable system after the 36-month period following acquisition of such system, a franchising authority shall, if the franchise requires franchising authority approval of a sale or transfer, have 120 days to act upon any request for approval of such sale or transfer that contains or is accompanied by such information as is required in accordance with Commission regulations. If the franchising authority fails to render a final decision on the request within 120 days, such request shall be deemed granted unless the requesting party and the franchising authority agree to an extension of time.".

SEC. 14. CABLE CHANNELS FOR COMMERCIAL USE.

(a) RATES, TERMS, AND CONDITIONS.—Section 612(c) of the Communications Act of 1934 (47 U.S.C. 532(c)) is amended—

(1) by striking "consistent with the purpose of this section" in paragraph (1) and inserting "consistent with regulations prescribed by the Commission under paragraph (4)"; and

(2) by adding at the end thereof the following new paragraph:

"(4) The Commission shall, not later than 180 days after the date of enactment of the Cable Television Consumer Protection and Competition Act of 1990, by regulation establish—

"(A) a formula to determine the maximum rates which a cable operator may establish under paragraph (1) of this subsection;

"(B) standards concerning the terms and conditions which may be so established; and

"(C) standards concerning methods for collection and billing for commercial use of channel capacity made available under this section.".

(b) ACCESS FOR MINORITY PROGRAMMING SOURCES.—Section 612 of such Act is further amended by adding at the end thereof the following new subsection:

"(i)(1) Notwithstanding the provisions of subsections (b) and (c), a cable operator required by this section to designate channel capacity for commercial use may use any such channel capacity for the provision of programming from a qualified minority programming source, whether or not such source is affiliated with the cable operator. The channel capacity used to provide programming from a qualified minority programming source pursuant to this subsection may not exceed 33 percent of the channel capacity designated pursuant to this section. No programming provided over a cable system on July 1, 1990, may qualify as minority programming on that cable system under this subsection.

"(2) For purposes of this subsection, the term 'qualified minority programming source' means a programming source which devotes significantly all of its programming to coverage of minority viewpoints, or to programming directed at members of minority groups, and which is over 50 percent minority-owned, as the term 'minority' is defined in section 309(i)(3)(C)(ii) of this Act.".

SEC. 15. CABLE FOREIGN OWNERSHIP RESTRICTIONS.

(a) FINDINGS.—The Congress finds that—

(1) restrictions on alien or foreign ownership of broadcasting and common carriers first were enacted by Congress in the Radio Act of 1912;

(2) cable television service currently is available to more than 80 percent of American households, more than 59 percent of American households subscribe to such services, and the majority of viewers rely on cable as the conduit through which they receive terrestrial broadcast signals;

(3) many Americans receive a significant portion of their daily news, information, and entertainment programming from cable television systems, and such systems should not be controlled by foreign entities; and

(4) the policy justifications underlying restrictions on alien ownership of broadcast or common carrier licenses have equal application to alien ownership of cable television systems, direct broadcast satellite systems, and multipoint distribution services.

(b) AMENDMENT TO COMMUNICATIONS ACT.—Section 310(b) of the Communications Act of 1934 (47 U.S.C. 310(b)) is amended—

(1) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D);

(2) by inserting "(1)" after "(b)"; and

(3) by adding at the end thereof the following new paragraphs:

"(2)(A) No cable system (as such term is defined in section 602) in the United States shall be owned or otherwise controlled by any alien, representative, or corporation described in subparagraph (A), (B), (C), or (D) of paragraph (1) of this subsection.

"(B) Subparagraph (A) of this paragraph shall not be applied—

"(i) to require any such alien, representative, or corporation to sell or dispose of any ownership interest held or contracted for on or before June 1, 1990, or acquired in accordance with clause (ii); or

"(ii) to prohibit any such alien, representative, or corporation that owns, has contracted on or before June 1, 1990, to acquire ownership, or otherwise control, any cable system from acquiring ownership or control of additional cable systems if the total number of households passed by all the cable systems that such alien, representative, or corporation would, as a result of such acquisition, own or control does not exceed 2,000,000.

"(3)(A) For purposes of paragraph (1) of this subsection, a license or authorization for any of the following services shall be deemed to be a broadcast station license:

"(i) cable auxiliary relay services;

"(ii) multipoint distribution services;

"(iii) direct broadcast satellite services; and

"(iv) other services the licensed facilities of which may be substantially devoted toward providing programming or other information services within the editorial control of the licensee.

"(B) Subparagraph (A) of this paragraph shall not be applied to any cable operator to the extent that such operator is eligible for the exemptions contained in subparagraph (B) of paragraph (2).".

SEC. 16. THEFT OF CABLE SERVICE.

Section 633(b) of the Communications Act of 1934 (47 U.S.C. 533(b)) is amended—

(1) in paragraph (2)—

(A) by striking "$25,000" and inserting "$50,000";

(B) by striking "1 year" and inserting "2 years";

(C) by striking "$50,000" and inserting "$100,000"; and

(D) by striking "2 years" and inserting "5 years"; and

(2) by adding at the end thereof the following new paragraph:

"(3) For purposes of all penalties and remedies established for violations of subsection (a)(1), the prohibited activity established herein as it applies to each such device shall be deemed a separate violation.".

SEC. 17. STUDIES.

(a) STUDY OF VIDEO PROGRAMMING DIVERSITY AND COMPETITION.—

(1) COMMISSION STUDY.—The Commission shall conduct a review and study to determine whether it is necessary or appropriate in the public interest to prohibit or constrain acts and practices that may unreasonably restrict diversity and competition in the market for video programming. In conducting such review and study, the Commission shall consider the necessity and appropriateness of—

(A) imposing limitations on the degree to which multichannel video programming distributors may engage in the creation or production of such programming; and

(B) imposing limitations on the proportion of the market, at any stage in the distribution of video programming, which may be controlled by any multichannel video programming distributor or other person engaged in such distribution.

(2) REPORT.—Within one year after the date of enactment of this Act, the Commission shall submit a report on the review and study required by paragraph (1) to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. Thereafter, the Commission shall continue to monitor (and summarize in the Commission's annual reports) the status of diversity and competition in the marketplace for video programming.

(3) PROCEEDING REQUIRED TO REVIEW DBS RESPONSIBILITIES.—The Federal Communications Commission shall, within 180 days after the date of enactment of this Act, initiate a rulemaking proceeding to impose, with respect to any direct broadcast satellite system that is not regulated as a common carrier under title II of the Communications Act of 1934, public interest or other requirements on direct broadcast satellite systems providing video programming. Any regulations prescribed pursuant to such rulemaking shall, at a minimum, apply the access to broadcast time requirement of section 312(a)(7) of the Communications Act of 1934 and the use of facilities requirements of section 315 of such Act to direct broadcast satellite systems providing video programming. Such proceeding also shall examine the opportunities that the establishment of such systems provide for the principle of localism under such Act, and the methods by which such principle may be served through technological and other developments in, or regulation of, such systems.

(4) PUBLIC SERVICE USE REQUIREMENTS.—(A) The Federal Communications Commission shall require, as a condition of any initial authorization, or renewal thereof, for a direct broadcast satellite service providing video programming, that the provider of such service reserve not less than 4 percent or more than 7 percent of the channel capacity of such service exclusively for noncommercial public service uses. A provider of such service may use any unused channel capacity designated pursuant to this paragraph until the use of such channel capacity is obtained, pursuant to a written agreement, for public service use. As used in this paragraph, the term "public service uses" includes—

(i) programming produced by public telecommunications entities, including programming furnished to such entities by independent production services;

(ii) programming produced by public or private educational institutions or entities for educational, instructional, or cultural purposes; and

(iii) programming produced by any entity to serve the disparate needs of specific communities of interest, including linguistically distinct groups, minority and ethnic groups, and other groups.

(B) There is established a study panel which shall be comprised of a representative of the Corporation for Public Broadcasting, the National Telecommunications and Information Administration, and the Office of Technology Assessment selected by the head of each such entity. Such study panel shall within 2 years after the date of enactment of this Act, submit a report to the Congress containing recommendations on—

(i) methods and strategies for promoting the development of programming for transmission over the public use channels reserved pursuant to subparagraph (A);

(ii) methods and criteria for selecting programming for such channels that avoids conflicts of interest and the exercise of editorial control by the direct broadcast satellite service provider; and

(iii) identifying existing and potential sources of funding for administrative and production costs for such public use programming.

(5) DEFINITION.—As used herein, the term "'direct broadcast satellite systems" includes (A) satellite systems licensed under Part 100 of the Federal Communications Commission's rules, and (B) high power Kuband fixed service satellite systems providing video service directly to the home and licensed under Part 25 of the Federal Communications Commission's rules.

(b) STUDY OF PROGRAMMING MARKET.—On or before January 1, 1995, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report concerning the effects of exclusive licensing arrangements for video programming on competition between classes of multichannel video system operators. The Commission shall evaluate whether grantors or holders of exclusive licensing arrangements for video programming discriminate against classes of multichannel video system operators in a manner that deprives the public of access to diverse sources of programming. Such report shall include such recommendations for legislation as the Commission deems appropriate.

(c) STUDY OF THE FUTURE OF THE UNITED STATES VIDEO MARKETPLACE.—

(1) STUDY REQUIRED.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the Congress a report regarding the status, direction, and future of the video marketplace in the United States. Such report shall identify and address the principal financial, competitive, consumer, and other factors that are influencing, and will continue to influence, the development of the video marketplace for the remainder of this century. The Commission shall conduct such study in conjunction with an inquiry that elicits the views of the participants in the video marketplace and interested members of the public.

(2) SUBJECTS OF STUDY.—Among the issues to be reported upon, and upon which the Commission shall, if necessary, make recommendations for legislation, are the following—

(A) the promotion of full and fair competition among all participants in the video marketplace, including particularly the roles of terrestrial broadcasting, cable television, and other multichannel video services;

(B) the preservation of local news, public affairs, and other types of public service programming for the video audience;

(C) the availability of universal service with a broad range of news, sports, and entertainment programming (both local and national); and

(D) the extent to which interlocking relationships among participants in the video marketplace may affect the nature, quality, or competitiveness of such participants in the video marketplace.

(d) PROCEEDING WITH RESPECT TO AREAS RECEIVING POOR OVER-THE-AIR SIGNALS.—The Federal Communications Commission shall initiate an inquiry and rulemaking to examine the feasibility of providing access to network and independent broadcasting station signals to persons who subscribe to direct broadcast satellite service and are unable to receive such signals (of grade B quality) over the air from a local licensee, or from a cable system. In undertaking such rulemaking, the Commission shall take into consideration pertinent economic and technological factors, including the following:

(1) the extent to which individuals in rural, underserved areas are unable to receive broadcast television transmission; and

(2) potential ways in which operators of satellite-delivered programming services or the manufacturers or distributors of receiving equipment might enhance the ability of such persons to receive and readily access additional video distribution, including without limitation, an electronic switching capability as a minimum feature on satellite television receiving equipment.

(e) STUDY OF LOW-POWER TELEVISION.—

(1) STUDY REQUIRED.—Within 12 months after enactment of this Act, the Federal Communications Commission shall prepare and submit to the Congress a report on whether, and under what conditions, low power television stations (as defined in section 74.701(f) of title 47, Code of Federal Regulations, or any successor regulations thereto) which provide local origination programming should be entitled to carriage on cable systems whose service area encompasses the service area to which a low power television station is licensed.

(2) PUBLIC COMMENT; FACTORS FOR CONSIDERATION.—In preparing its report, the Commission shall provide an opportunity for public comment and take into account—

(A) whether and how many low power television stations provide local program services which serve the public interest, convenience and necessity;

(B) the status of low power television as a secondary service;

(C) the impact of carriage of low power television stations on the availability of channels for future communications needs;

(D) the burden on cable systems of carriage of low power television stations, the propriety of imposing such a burden, and any technical considerations relating to providing carriage limited only to the low power television station's community of license; and

(E) the extent of the burden presently imposed upon low power television stations as a result of charges for carriage imposed on stations by cable systems.

SEC. 18. EFFECTIVE DATE.

Except where otherwise expressly provided, the provisions of this Act and the amendments made thereby shall take effect 60 days after the enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

Mr. RINALDO. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MARKEY] will be recognized for 20 minutes, and the gentleman from New Jersey [Mr. RINALDO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. MARKEY].

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

Mr. Speaker, I rise in support of this piece of legislation which is the product of a bipartisan effort undertaken

over the last 2 years in the Telecommunications and Finance Subcommittee, and the Committee on Energy and Commerce, at the insistence of the consuming public, cities and towns, and of competitors in this marketplace.

Over the last 2 years, in a long series of hearings, we have been able to elicit, I think, the concepts, the ideas that will substantially protect consumers and at the same time advance competition in this very important area of American life.

Mr. Speaker, let me begin by telling the Members that this landmark piece of legislation makes strides for American consumers in several important ways. First, in section 3, the bill creates a cost-based regulated tier of over-the-air broadcast channels and public educational and governmental access channels. Second, in section 3, the bill provides a regime for preventing unreasonable or abusive rates for the range of advertiser-supported channels and empowers affected local and State agencies to file complaints with the FCC to enforce the rate strictures, and, third, in sections 8 and 9, the bill contains specific provisions to promote competition in the marketplace for video services.

For example, in section 8(a), it facilitates companies that compete with cable operators to gain access to programming, and in section 8(b), it prevents certain types of discrimination and other practices by cable operators against programmers.

Significantly, this provision establishes new FCC remedies for conduct that violates standards which have been carefully crafted to deal with particular sorts of problems and circumstances in the video marketplace. These standards are not a replication of existing antitrust standards.

The legislation includes several other consumer safeguard measures. It guarantees national regulatory standards for the cost of the equipment that consumers need to receive cable programming. It enables both Federal and local authorities to establish meaningful customer service standards. It contains long awaited must-carry and channel positioning language needed to preserve our Nation's unique heritage of high-quality and ubiquitous over-the-air broadcasting.

It calls for an FCC evaluation of EEO performance in the broadcast industry, and it mandates several important studies of the nature and direction of present and likely future developments in the video marketplace with a view toward anticipating critical issues as we are moving toward the 21st century.

□ 1420

There are two matters that I would like to clarify. First, the portion of the committee's report on section 8(a) of the bill inadvertently does not accurately reflect language agreed to by Mr. RINALDO and me at the subcommittee's markup. The language should state that,

> It would be significant if a pattern developed whereby cable operators obtained or a video program vendor granted exclusivity foreclosing one or more other technologies from effectively competing with cable.

The second clarification concerns the portion of the report on section 8(b) of the bill with respect to how the committee intends the term "coercing" to be construed. I wish to make clear that the committee does not intend for the statutory provisions to interfere with fair but hard bargaining between multichannel video system operators and video programming vendors.

This legislation is the product of the combined efforts of many members of the Committee on Energy and Commerce and the Subcommittee on Telecommunications and Finance.

In particular, I would like to thank the chairman of the full committee, JOHN DINGELL, for his wise and active involvement and support in the drafting of this legislation. He made a commitment to legislating in this area, feeling that it was critical to protect consumers and to advance competition, and I think this bill accomplishes the goals which he laid out for our committee.

In addition, as usual, I want to thank the ranking member of the subcommittee, Mr. MATT RINALDO. He and I have worked cooperatively over the last year in trying to frame these issues and ensure that they could be worked out in a bipartisan fashion, and the product out here on the floor more than anything reflects the leadership of the gentleman from New Jersey in ensuring that we could deal with these issues in a nonideologically, pragmatic way, and it is a tribute to him that we have this bill to present to the floor today, because without his ability and a commitment to working in this type of fashion this issue could have been highly contentious and fractious, and could have consumed an entire week of the House's attention because of the nature of the issues involved.

In addition, I also want to commend my colleagues, including the gentleman from Louisiana [Mr. TAUZIN], the gentleman from Tennessee [Mr. COOPER], the gentleman from Virginia [Mr. BOUCHER], the gentleman from Oklahoma [Mr. SYNAR], the gentleman from Ohio [Mr. ECKART], the gentleman from Washington [Mr. SWIFT], the gentleman from Texas [Mr. BRYANT], the gentleman from New Mexico [Mr. RICHARDSON], the gentlewoman from Illinois [Mrs. COLLINS], the gentleman from Kansas [Mr. SLATTERY], the gentleman from California [Mr. WAXMAN], and the gentleman from Pennsylvania [Mr. WALGREN] for their leadership on these important public policy issues. I could spend 5 minutes on each one of these Members in eye-watering detail explaining the major contributions which they have made to the crafting of this legislation. But just let me let it go with the fact that without them we would not be here today, and I would just like to compliment each and every one of them and their staffs.

Finally, this legislation would not have been possible without the significant contributions of the National Cable Television Association, the Consumer Federation of America, the National Association of Broadcasters, the Community Antenna Television Association, the National League of Cities, the National Conference of Mayors, the National Association of Public Television Stations, the Association of Independent Television Stations, the Motion Picture Association of America, the Satellite Broadcasting Communications Association, and numerous public interest groups. The willingness of these parties to discuss deal fairly, and compromise paved the way for meaningful progress on this legislation.

H.R. 5267 addresses real problems in a surgical and balanced manner. It will provide strong protection for consumers, ignite vigorous competition in the video marketplace, and promote the public interest in securing diversity in video programming under fair and effective conditions. I urge my colleagues to give their full support to this bill. And I will do all within my power to secure President Bush's signature on this critical bill before the year's end.

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

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

Mr. Speaker, sensible cable legislation is something that few people thought would come out of the House this year. But today we're going to beat the odds.

The Energy and Commerce Committee has developed a well-crafted, bipartisan bill which will solve the most pressing problems with the cable industry faced by cable subscribers and cable competitors. This bill was approved unanimously both in subcommittee and in the full committee.

The bill before the House today will correct the problems with rates and customer service that have been the target of numerous consumer complaints, with solutions that will provide immediate benefits to consumers and competitors.

Let me say a few words about why Chairman DINGELL, Chairman MARKEY, and I joined together to write this bill, and why it's so necessary.

Some people call this bill reregulatory. Others say that it doesn't go far enough because it doesn't substitute competition for regulation.

Both of those arguments are completely wrong.

This bill provides important and necessary adjustments to the existing regulatory structure of the Cable Act. The bill will significantly change the way the cable industry is regulated in order to benefit consumers.

The legislation imposes comprehensive must-carry rules to require cable carriage of local broadcast stations. This provision, which Members have overwhelmingly supported for years, reflects agreements among the broadcasting and cable industries.

The bill reimposes rate regulation of a broadcast basic tier, which is similar to the regulatory situation that existed before the Cable Act. The bill also gives the FCC authority to go after bad actors that charge unreasonable or excessive rates for basic cable services.

This regulatory regime will ensure that consumers who want nothing more than broadcast stations will get them at a reasonable price. It also removes the ability of cable operators to piggyback the sales of their services by forcing consumers to buy them in order to receive popular local broadcast TV stations. This fact alone should reduce rates and provide consumers a greater choice to pay only for the services they want, and not be forced to pay for lots of channels they don't want, to get the ones they do.

Finally, we have given the FCC more authority than they had even before the Cable Act to crack down on unreasonable cable rates and to ensure that cable systems provide friendly, courteous customer service without usurping the role local governments play in regulating the cable industry.

This bill also is an important victory for all cable competitors, whether those competitors are large DBS partnerships or local wireless cable systems.

Competition won't develop naturally without fair access to programming in a free marketplace. That's why this bill gives cable competitors the ability to bargain in a free program market through limited regulation targeted specifically to remove any unfair leverage which cable operators have over programmers.

These provisions will make it possible for programmers to bargain with whatever video outlets they choose. It also will preserve programmers' ability to make exclusive distribution arrangements with any particular distributor—or refuse to make any exclusive distribution arrangements if they choose.

It is regulation designed to remove market imbalances and make sure a free programming market can develop.

Most Members, particularly republican Members, prefer competitive solutions to regulatory ones. In fact, we are solving problems in a manner that benefits competitors as much as possible—whether it's broadcasters, wireless cable, C-band satellites, or DBS

While it may justifiably be argued that a purely competitive solution may be preferable in the long run, that won't help cable subscribers in the short run. So the committee's work is designed to solve the short-term problems with the cable industry in a manner that has the greatest long-term benefits for consumers and competition.

The legislation before the House today is a pragmatic, practical, doable approach, which I support wholeheartedly, and urge Members on both sides of the aisle to do the same.

I want to thank the full committee chairman, Mr. DINGELL, and the subcommittee chairman, Mr. MARKEY, for the bipartisan spirit in which they have worked with me, and with the minority, on this legislation. It has been a difficult process sometimes. But the result is good legislation which we all can recommend to the House both as effective protection for cable subscribers and an effect spur to cable competition.

□ 1430

In closing, let me just say a word or two about the gentleman from Massachusetts [Mr. MARKEY], because I want to acknowledge his willingness, his hard work, his dedication, and his desire to make this legislation truly reflect a consensus among all committee members.

That was an extremely difficult task, and I want him to know how much we in the minority appreciate the bipartisan spirit in which we joined in order to enact a very, very difficult bill.

So once again, Mr. Speaker, this is legislation that I hope everyone will support.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from Massachusetts [Mr. MARKEY] has 12 minutes remaining.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. TAUZIN] who, throughout the course of the entire deliberation focusing upon the satellite issue, that is, the assurance that there would be new competition entered into the marketplace, but also on the whole question of could we bring together all of the various parties who were seemingly at irreconcilable loggerheads on this issue, Mr. TAUZIN dedicated himself to the reconciliation of those issues and in fact played a major role in insuring this piece of legislation would move forward.

Mr. TAUZIN. Mr. Speaker, I want to thank the chairman. I particularly want to thank the chairman of our subcommittee, the gentleman from Massachusetts [Mr. MARKEY] for the incredible work he has done in bringing these forces together to resolve some very, very difficult issues.

As peaceful as this debate may seem, let me assure the Members of this body there are some awfully controversial issues settled here today, and because of the incredibly successful strategy of the chairman working with the minority, Mr. RINALDO and several others, we were able to bring those awfully controversial issues to the surface.

The chairman's strategy was to force each side to look at the other's point of view and to try to reconcile them. As a result, we brought forth a bill that is good for the consumers and at the same time will foster, I think, an invigorated area of competition in the services for the industry and for America.

The bill is not so heavily weighed on one side or the other as to be identified as a reregulation bill. It contains elements of regulation to insure that the worst practices of the bad violators in the cable industry, who are raising rates inordinately and who are affecting the tiers of programs in a way that cause consumers to complain vigorously, so vigorously, to Congress, are dealth with.

It also assures the basic cable tier, people who do not want all of these exotic programs on cable that cable has so marvelously brought to the American marketplace, but simply want the must carry signals and the news services. This bill provides for that for Americans.

Finally, this really addresses the issue of competition. More than anything else, I think this area, this cable industry area, video service area is begging for vigorous competition. In no other place can the consumer eventually find the full satisfaction of protection in the marketplace than when there is more than one store to shop in.

When services in video are delivered not simply by wire but through the air, through the advances in satellite technology and eventually the new KU-band satellites that will deliver services on a dish no bigger than the size of a table napkin.

When those things are possible under this bill, the full-blown effects of competition will be realized, and I think the consumers in America will greatly benefit. Competition will continue to yield new programming formats, new program ideas, new menus for America to choose from, and yet prices and terms will be much more acceptable to the American consumer as a result of this compromise bill.

I particularly want to commend all the work done, and I particularly want to commend all the staff, the minority staff working with the majority staff, and the staffs of JOHN DINGELL's full committee who worked so diligently with us to bring people together so that they might come to compromise.

One final thought, AL GORE and I have been working for a long time on a thing called the Satellite Viewer's Protection Rights Act, an act designed in fact to yield competition to this area of the marketplace to make sure the consumers who are dissatisfied with their cable have another way to go, who could in fact receive the same menu of programming, at fair pricing, on a satellite dish that they may have in their homes.

As that technology improves, more Americans are going to have that option. This bill, in fact, incorporates all the provisions of the bill that Senator GORE and I pushed for so many years, to guarantee that menu availability to Americans and that choice for Americans.

Again I want to commend the chairman, the staff and all those who played a part in fashioning this compromise. It is a solid bill, it is good for the consumer. At the same time, it is not so oppressive in the marketplace as to discourage ingenuity, inventiveness, which has been the hallmark of the cable industry.

The cable industry has done great things for this country in terms of bringing new programs for us. We want to make sure that that continues.

This bill does that, and at the same time it affords new consumers protections that the industry sorely needed.

Again I want to commend the chairman for this bill, and I urge Members of the House to adopt it.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. ECKART], who played a vital role in helping to construct this coalition which makes it possible for us to present this historic piece of legislation to the House today.

Mr. ECKART. Mr. Speaker, I thank my chairman. I congratulate both the Chair and the ranking Republican for the work that the committee and subcommittee have done to bring this piece of legislation here today. There is no doubt in any of our minds, as we have stated in other circumstances and at other times,. that if we had written this bill ourselves, it would not have looked like this.

The simple fact of the matter remains, however, that the Nation has enjoyed the tremendous benefits and opportunities in the entertainment arena from the burgeoning cable television industry.

But with their expansion and opportunities came more difficulties in some respects for consumers. The ultimate effect of the legislation adopted some years ago was that you had an unregulated monopoly. With that, quality of service freqently goes down while prices go up.

As my colleagues from Louisiana state so eloquently before me, the opportunity now to correct the errors of a run-amok deregulation is now presented to this Congress. That is what this bill does. It restores opportunities to local government to have a say in the cable television process. It gives them the rights and will set the standards nationally by which local governments can be involved in the mechanism by which they grant franchises and in forcing those franchisees to live up to the terms of their agreements.

Most importantly, as we go through the interrugnum between some regulation and new technologies that my colleague from Louisiana referred to, it is an opportunity for real competition to take place. No, not just the simple competition of direct over-the-air broadcasts, but the kind of direct competition from satellite, so-called wireless cable, and opportunities for folks in rural communities to know that they too can share in the wealth of entertainment that exists in the marketplace.

There have indeed been many opportunities that consumers have enjoyed from the cable industry. We know that in our own House, the Discovery Channel is a wonderful opportunity for my son, and indeed his mom and dad, to learn more about the world. But we also have seen prices rise. We have seen the quality of service decline.

This legislation restores the abilities of local government and the rights of consumers to be a more willing and meaningful partner in the cable television process. This bill should be adopted.

Mr. RINALDO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. SCHULZE].

Mr. SCHULZE. Mr. Speaker, I want to commend my colleagues on the Energy and Commerce Committee who have worked long and hard on this legislation. However, I am very concerned with language in the bill regarding the so-called must carry provisions.

I am troubled by the special treatment afforded to one company under an amendment adopted in committee which creates a specialty format station status. The amendment was designed to grant special status for minority oriented and foreign language broadcast stations, which I applaud.

As drafted, the amendment appears to grant special treatment to one particular company, the Home Shopping Network, granting them the same must carry status as minority oriented and foreign language stations.

In legislation titled the Cable Television Consumer Protection and Competition Act, we in Congress should not establish a special exemption for one company to the disadvantage of its competitors. Legislation that bestows must carry rights on only one of the three major competitors in the televised home shopping field, while denying equal rights to the other two competitors, is grossly inequitable and not in the public interest.

I believe this discriminatory situation in the televised home shopping industry must be corrected in conference with the Senate and I would be happy to work with my colleagues to correct this inequity.

□ 1430

Mr. RINALDO. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. SCHAEFER].

Mr. SCHAEFER. Mr. Speaker, at the outset, I would like to commend Chairman DINGELL and Mr. LENT of the full committee and Chairman MARKEY and Mr. RINALDO of the subcommittee for taking a tempered and responsible approach to this rhetorically charged issue.

Mr. Speaker, the legislation before us has a noble intent. In the name of the American consumer, we are taking aim at those in the cable industry which have taken advantage of deregulation by charging unreasonable rates and providing poor customer service. Each of us, from the ratepayer to the vast majority of responsible cable operators, heartily supports ridding the industry of these so-called bad actors.

But before congratulating ourselves, we should first understand the full extent of our actions. For the penalties of reregulation imposed by this legislation go beyond the renegades of the cable industry. Over the district work period, I had the opportunity to meet with a number of representatives from cable systems in and around my district, like Columbine Cablevision in Fort Collins, CO, which offers 36 channels of programming for less than 50 cents per day, like United Artists Cable in Englewood which has wired 225 schools in the Denver area at no cost, and Jones Intercable in Englewood which already more than complies with the aggressive customer service standards contained in the legislation. They too, despite their actions, will be subject to reregulation under this bill.

As the GAO reported, an examination of the industry as a whole shows that responsible cable operators like those I mentioned are by far the norm. Consider that last year the average customer's cable bill rose $1.42. Broken down further, this means the typical subscriber paid 2 cents more per channel than he or she did at the beginning of 1989. Yet many quote the GAO report as documenting the need for reregulation.

I will not oppose the legislation today despite my fears that it exceeds the justified level of fine tuning which the Cable Act requires. I agree that

cable is now a mature industry which must exercise its freedoms responsibly. But it is clearly not in the public interest to reshackle this important source of information and entertainment with government regulation, discouraging reinvestment and responsiveness. Nothing less than the intent of the original Cable Act—to provide greater quality and diversity of television programming—is at stake.

Again, I commend the respective chairmen and ranking minority members for using restraint when the rhetoric surrounding this issue demanded otherwise. I look forward to working with them in ensuring that should legislation continue to proceed through the Congress, that our actions be governed by a similar sense of reason, And I urge my colleagues to remember that in our efforts to remove the few bad apples from the cable industry that we not do so at the expense of the entire tree.

Again, I certainly want to commend the chairmen, particularly the gentleman from Massachusetts [Mr. MARKEY] and the gentleman from New Jersey [Mr. RINALDO], for working so hard on this very difficult subject that so many people were so far apart on at the beginning. I look forward to working with the gentlemen so this legislation can continue on through the process. I would like to thank them for all their efforts.

Mr. MARKEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I would like to commend the chairman, the gentleman from Massachusetts [Mr. MARKEY] and other members of his subcommittee, as well as the full committee, for reporting this bill to the House floor today.

Mr. Speaker, I would like to engage in a colloquy with the chairman, my good friend from Massachusetts [Mr. MARKEY], if he would be willing to do so.

Mr. MARKEY. If the gentleman will yield, I would be more than glad to.

Mr. FORD of Tennessee. Mr. Speaker, I am concerned that the nondiscrimination provisions in H.R. 5267 may not guarantee access to cable for all programmers, and that this lack of access will result in higher prices for cable consumers. Nonetheless, I am willing to support this bill, but will this issue be revisited if discrimination in programming persists after this legislation is enacted and signed into law?

Mr. MARKEY. Mr. Speaker, if the gentleman will yield, I thank him for engaging in this colloquy, because as the gentleman knows, our bill allows exclusive arrangements between cable companies and programmers as long as they do not significantly impede competition. I believe this provision will help encourage competition, but the subcommittee will continue to monitor the competition in the video marketplace. If the situation merits, we will certainly reexamine the issue.

Mr. FORD of Tennessee. I have one more concern dealing with entry of the telephone companies into the cable market. As I understand it, there is no telephone provision in H.R. 5267, but you will be holding hearings next year to examine this issue. I want to encourage you to hold these hearings as soon as possible, and I want to compliment you on your work once again, and the committee's work for reporting this bill to the House floor.

Mr. MARKEY. Mr. Speaker, I thank the gentleman for his concern. It is going to be a very high priority in the next session. We will do it as part of a unified debate that looks at information services from top to bottom that the telephone industry may engage in, and it is our full intention to revisit that issue next year.

Mr. RINALDO. Mr. Speaker, I would like to engage in a colloquy with the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY].

Mr. Speaker, section 5 of the bill dealing with carriage of qualified local television stations provides new FCC remedies. It is my understanding that these new remedies are not intended in any way to deprive Federal or State enforcement authorities, consumers, or other private parties of any rights or remedies which they may otherwise have under Federal or State laws safeguarding competition or consumer interests.

Mr. MARKEY. Mr. Speaker, if the gentleman will yield, the gentleman's understanding is correct.

FCC remedies created under section 5 of the bill are not intended in any way to limit any rights or remedies otherwise available under Federal or State laws safeguarding competition or consumer interests.

Mr. RINALDO. Mr. Speaker, I yield such time as he may consume, for purposes of colloquy with the chairman of the subcommittee, to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, I want to thank the distinguished ranking member, the gentleman from New Jersey [Mr. RINALDO], for yielding, and for the cooperation of him and his staff.

I now ask the distinguished chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY] to please join in a colloquy. Since the beginning of the year when the syndex rule went into effect, I have sought to resolve this problem through various methods, considering a unique syndex problem adversely affecting a single region of Western Wisconsin. I introduced legislation, H.R. 4448, that I intended to offer as an amendment to the bill now before Members, until it became clear this bill was going to come up under the rule and calendar under which it is being considered.

The FCC rules were not intended to result in blackout or disconnection of the most local instate network broadcasts. One of the primary objectives of these communities' initial franchising requirements was to ensure that local broadcasts would be carried to the greatest extent possible over their cable systems.

Yet the law has resulted in the Prescott-to-Hudson corridor in Wisconsin losing broadcast channels with a strictly Wisconsin identity. Furthermore, the 4,000 homes hooked up to cable in these communities represent only 0.3 percent of the total households in the Twin Cities market. Granting a waiver of the new syndex rule would clearly not pose an economic hardship to the three Minneapolis broadcasters.

Mr. Speaker, I have tried unsuccessfully in the past to resolve this matter with the FCC. Therefore, I would appreciate your personal attention in this matter by requesting the FCC to study this particular case and report back with recommendations to a solution within 30 days. In addition, I ask the committee to carefully consider an amendment I expect to be offered in the Senate, similar to my legislation, that would resolve this unique situation.

Mr. VISCLOSKY. Mr. Speaker, if the gentleman will yield.

I share the concerns of the distinguished Member from Wisconsin.

Indiana's First Congressional District is adjacent to the greater Chicago metropolitan area. Due to the region's close proximity to Chicago, all major television stations are Chicago-based. Understandably, these stations provide predominantly Chicago and Illinois related news. Because very little information is broadcast about Indiana events, northwest Indiana residents have found themselves in an information void.

The advent of cable television had changed this situation for many northwest Indiana residents. When three South Bend stations were made available, via cable, they provided desperately needed news about Indiana.

However, the FCC syndex and network nonduplication rules have forced our cable providers to discontinue these Indiana stations. Once again, residents of northwest Indiana are without easy access to information that affects their everyday lives as residents of Indiana.

□ 1450

Mr. Speaker, I say to the chairman of the subcommittee, the gentleman from Massachusetts [Mr. MARKEY] that I do look forward to working with

him and with my colleague, the gentleman from Wisconsin [Mr. GUNDERSON], in addressing this important issue.

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

Mr. GUNDERSON. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I appreciate the remarks of the gentleman from Wisconsin [Mr. GUNDERSON] and the gentleman from Indiana [Mr. VISCLOSKY], and I want to assure them that the committee will make the request to the FCC, and that the committee will give full consideration to the anticipated Senate amendment.

Mr. GUNDERSON. Mr. Speaker, I appreciate the remarks of the chairman of the subcommittee.

Mr. RINALDO. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, it has never ceased to amaze me that State governments gave cable franchises away without requiring anything in return for it, making instant millionaires out of cable operators.

But what amazed me even more was that Congress chose in 1984 to take what were clearly already regional monopolies and deregulate them, allowing them to change service and increase prices at will. And they clearly have done that since that time.

With deregulation, millionaires became multimillionaires, with cable consumers paying the bill. In fact, the Wall Street Journal noted that cable rates may currently be twice what they would be if operators faced true competition, meaning that cable customers may be overcharged $6 billion each year. But even if it were $1 billion, it would be $1 billion too much.

I would like to thank the chairman of the subcommittee, ED MARKEY, and also the ranking member, MATT RINALDO, for the fine work they have done in beginning to undo the mistake of 1984. I think this bill is a good step in the right direction. It provides for some regulation and encourages some competition as well.

It is my hope that in the years to come we will not need to further regulate, with the advent of more effective competition from satellite dishes, wireless cable and other services. The real impact of the bill will depend, however, on how the FCC implements it.

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

Mr. SHAYS. I yield to the chairman of the subcommittee.

Mr. MARKEY. Mr. Speaker, I just wanted to comment that our committee is enormously indebted to the gentleman from Connecticut. He was amongst the earliest and most tireless workers on this subject. He testified twice before our subcommittee on the subject, and without question he has been one of the consciences of cable in this country over the last several years.

Mr. Speaker, I just wanted to publicly note that and compliment the gentleman for his good work.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for his graciousness.

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

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

Mr. SWIFT. Mr. Speaker, it is an old, old story in politics to say that when you are up to your waist in alligators, it is hard to remember that the original purpose was to drain the swamp.

This bill deals with a lot of important "alligators," and it does it well. I would like to commend both the chairman of the subcommittee and the ranking member of the subcommittee for making that possible and for drafting a bill which we can bring to the floor on suspension, which certainly tells all those listening, including those in the other body, that the House is very serious about doing something about cable legislation. But I would also like to note that there is contained in this—and this arrived with the cooperation of the chairman and of the ranking member—a swamp-draining provision as well.

Broadcasters under our system have a responsibility to serve the public. The question is, What will people using DBS have? We managed to let cable into the communications field without that responsibility, and this bill contains a provision which says that if you are going to go into the direct broadcast satellite business, you have, like terrestrial broadcasters, a responsibility to serve the public. It sets a percentage of the capacity that is devoted to that purpose.

This, I think, is terribly important. If in fact the communities of America are to be served with special interest programming, as well as that which will respond rather readily to the polls and to the measurements that are made of viewer listening, there has to be some programming that is not driven by those polls. This bill provides that, and I want to thank the chairman and the ranking member for enabling this provision to be possible.

Mr. Speaker, I urge all my colleagues to support this legislation as important both in terms of what it does with the alligators and what it does with regard to draining the swamp.

The SPEAKER pro tempore (Mr. MAZZOLI). The gentleman from New Jersey [Mr. RINALDO] has 4 minutes remaining, and the gentleman from Massachusetts [Mr. MARKEY] has 2 minutes remaining.

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

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Speaker, I want to commend my chairman, the gentleman from Massachusetts [Mr. MARKEY], who has once again wrestled to the ground four or five gorillas at once and forged the competing interests and goals of this institution into a very workable and useful bill, clearly the best bill that could have been put together under the circumstances, the Cable Television Consumer Protection and Competition Act, which is now on the floor.

I also want to say a strong word of thanks to the gentleman from New Jersey [Mr. RINALDO], the ranking minority member, for his leadership as well, which has been constructive from beginning to end. I am particularly gratified to both of them for having allowed a resolution in this bill of the must carry and channeling position provisions which I have spent some time working on over the last several years. That, I think, is a very constructive part of this bill, and I commend it to the Members as they examine how to vote.

I have been a vocal critic, as many here have, of some of the ways in which the cable industry has used its monopoly power to control 45 million cable subscribers' access to over-the-air broadcast, and today in order to rectify the situation we are about to pass out of the House a sound and workable carriage requirement within this bill that would enable all local over-the-air broadcast signals to be carried on cable's basic tier and to be carried in a channel position the same as that used over the air.

I am pleased that the competing organizations of various broadcast groups were able to get together on this and to make it a part of the bill. I think this is a significant contribution to the public interest.

I would also like to comment that I have a continued interest in developing additional broadcast networks as an economic base for local stations. This public interest position may be a bit at odds with this bill's basic tier provisions with respect to emerging network coverage. I would, however, express my interest in enabling cable viewers in every corner of our Nation to receive both existing and emerging broadcast network programming in the most economic manner as part of the basic tier offerings.

Mr. Speaker, I hope we can continue to pursue this in committee and perhaps in the conference committee as well.

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the gentleman from Illinois [Mr. BRUCE], a member of the committee.

Mr. BRUCE. Mr. Speaker, I thank the ranking member for yielding this 1 minute to me.

Mr. Speaker, I want to express my appreciation to you, Mr. MARKEY, to the full committee chairman, and to the ranking members of your panels for bringing this legislation to the floor. Your efforts to move this bill quickly through the committee process while facing disagreements on a number of issues are admirable.

If the Federal Communications Commission vigorously enforces all of the provisions of this legislation, particularly those governing prior rate abuses and restricting retiering of prices to avoid compliance with this act, it will be successful in protecting consumers from the most abusive cable rates. However, the Energy and Commerce Committee must maintain its longstanding record of vigorous oversight to ensure that the FCC follows the will of the Congress.

I retain concerns that we are not doing enough to spur competition in the cable industry, and appreciate the commitment from Mr. MARKEY that his subcommittee will consider those concerns next year. I also appreciate the efforts of Mr. COOPER, Mr. TAUZIN, Mr. BOUCHER, Mr. MADIGAN, and a number of others who have worked to ensure that the Cable Television Consumers Protection and Competition Act lives up to its name. I look forward to working in the committee next year to improve competition for the cable industry.

□ 1500

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the gentleman from Maryland [Mr. MCMILLEN], a member of the committee.

Mr. MCMILLEN of Maryland. Mr. Speaker, today I rise in support of H.R. 5267. The Cable Television Consumer Protection and Competition Act of 1990 would charge the Federal Communications Commission [FCC] with ensuring fair competition, reasonable cable subscriber rates, and the promotion of a diversity of views on our Nation's cable systems.

These are all laudable goals. Goals which I support. Therefore, I support H.R. 5267 although I am concerned that the bill does not address several important matters.

One of these is the issue of developing a fiber optics network to the home. Both the Japanese and the West Germans plan to have implemented a door-to-door fiber optics system by the middle of this decade. I continue to believe that if we are to compete effectively with the rest of the world, a door-to-door fiber optics network is a necessity.

With the passage of H.R. 5267 we achieved a necessary short-term solution to the problems of the cable industry. However, we need to address the long-term problems of developing an efficient door-to-door fiber optics system.

Mr. Speaker, I want to commend you for your efforts in moving cable legislation forward. It has been a difficult process, but as always you have handled the assignment in a fair and a professional manner. I urge support for passage of H.R. 5267.

Mr. RINALDO. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. MARKEY], the chairman of the subcommittee.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding this time to me.

In concluding this debate, what I would like to do is to say that as good a job as the JOHN BRYANTS, the TERRY BRUCES, the AL SWIFTS, and the TOM MCMILLENS did on this job, it was matched by the quality of the staff work on this legislation.

I would like at this time to thank David Leach from the full committee, and Terry Haines from the minority for their work, Steve Cope who is legislative counsel for his patience and for his expertise in draftsmanship; but also individual staff members, Scott Cooper from the office of the gentleman from Washington [Mr. SWIFT]; Dan Tate, from the office of the gentleman from Louisiana [Mr. TAUZIN]; David Zesiger, from the office of the gentleman from Ohio [Mr. ECKART]; Larry Clinten, from the office of the gentleman from Virginia [Mr. BOUCHER]; Sara Matthews, from the office of the gentlewoman from Illinois [Mrs. COLLINS]; Kim Koontz, from the office of the gentleman from Oklahoma [Mr. SYNAR]; Howard Bauleke, from the office of the gentleman from Kansas [Mr. SLATTERY]; Dirk Forrester, from the office of the gentleman from Tennessee [Mr. COOPER]; Barbara Crapa, from the office of the gentleman from Texas [Mr. BRYANT]; Pablo Collins, from the office of the gentleman from New Mexico [Mr. RICHARDSON]; and my own staff led by Staff Director Herb Brown, excellent work; Lisa Gurskey; Gerry Salemme; Sara Morris; John Kinney; Mark Risch; and especially Larry Irving, who is our chief for the mass media counsel, who has worked on this bill tirelessly for the last 1½ years. This legislation is as much a tribute to him as it is to any Member of the House of Representatives.

Mr. Speaker, with the thanks I have as usual to the gentleman for his good work, I will conclude.

Mr. RINALDO. Mr. Speaker, I yield myself the final minute.

Mr. Speaker, I want to take this opportunity once again to thank the gentleman from Massachusetts [Mr. MARKEY] in particular, and also to commend the staff, but because we spoke about bipartisanship earlier when we spoke about a consensus, when we spoke about working together, I think that is epitomized not only in the work of all the Members who were mentioned here today on both sides of the aisle, but also on the staffs of both the majority and the minority.

I want to join Chairman MARKEY in commending the staff who worked so well together under the direction of Herb Brown on the majority side, and Margaret Durbin on our side. They did a yeoman's job. They cooperated. They discussed some very, very tough problems and were able to work them out.

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

Mr. RINALDO. I yield to the gentleman from Massachusetts.

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

I just would like to note, because it was an oversight but not an insignificant one, which is that Jack Clough, who is staff director for the full committee under the gentleman from Michigan [Mr. DINGELL], was absolutely instrumental at each critical juncture in insuring that this package could be put together, and I think it should be noted publicly.

Mr. RINALDO. Mr. Speaker, let me just say that I completely agree with the gentleman, because without that kind of cooperation we would not have the bill here today.

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

Mr. WELDON. Mr. Speaker, I would like to commend my colleagues, Chairman DINGELL, Chairman MARKEY, Mr. LENT, Mr. RINALDO, Mr. TAUZIN, and the others who have worked so hard to develop a piece of legislation that has as its goal a better environment for cable consumers.

I must point out a particular problem in this bill that I assume is an unintended consequence of fashioning the bill's must carry provisions. During the markup, an amendment was adopted that created a specialty format station status. This provision enabled certain types of broadcast stations to be exempted from the bill's viewership test in order to qualify for must carry status. The amendment, which was not a part of my colleague, Mr. TAUZIN's, successful effort to forge a broadcaster/cable operator compromise, was designed to bestow a special status on minority oriented and foreign language format stations. The goal is to promote diversity in programming.

However, as drafted, the amendment allows the Home Shopping Network [HSN] to receive the same special status accorded to minority oriented and foreign language stations. HSN is one of several satellite delivered cable shopping channels. However, it is the only cable shopping service that has also purchased broadcast licenses and has affiliation agreements with other broadcasters.

The fact that HSN goes out and buys up or signs up broadcasters in order to place their service in front of more people should not give them a special must carry status over

their competition. To give HSN the potential to receive must carry status while prohibiting competing shopping channels from being placed on the must carry tier is unfair not only to the other televised home shopping services, but to thousands of customers who rely on these services.

To give HSN a preferred status is incomprehensible. It will discourage diversity and localism by creating an incentive for struggling broadcasters to sell out to shopping services rather than offer diverse and local programming to the public. Further, it could force other shopping services to start buying up licenses.

In a time when the spectrum is so scarce that Congress has before it proposals to take spectrums reserved for government and military use and to make it available for commercial use, we should not, as a matter of policy, encourage the creation of a spectrum supermarket at the expense of diversity and localism.

Again, I commend the extraordinary efforts of my colleagues and hope that this must carry problem can be corrected.

Mr. LENT. Mr. Speaker, when President Reagan signed the 1984 Cable Act, Congress thought it had solved the problems which plagued the cable industry. We hoped we had encouraged real choices in programming and real competition to traditional television.

Those hopes came true faster and to a greater extent than we expected. Cable television has been one of the major growth industries of the 1980's. A great number of cable networks quickly became staples of the American TV diet, from CNN to MTV to ESPN—even to C–SPAN. Cable penetration jumped drastically: today, nearly 60 percent of American TV households are cable subscribers, and 85 percent can get cable if they want it.

Unfortunately, the Cable Act also has helped prove the law of unintended consequences. New problems sprang up in the wake of the new freedom granted to cable operators.

Within a few years after the Cable Act passed, the new kid on the block began to show some teeth. A few cable operators dropped some local TV stations. Other cable companies withheld programming from would-be competitors. Customer service quality has been uneven at best, and poor in many places.

In my district on Long island, the sole cable system simply refused to carry popular programming, including local pro sports teams, whether or not subscribers were willing to pay to see it. This decision blacked out coverage of New York Knicks basketball and New York Ranger hockey games, just as each team reached the playoffs. Hundreds of thousands of loyal fans could not watch their favorite teams because one man, operating a virtual monopoly, decided he did not want to make the games available.

I know how difficult it has been for many cable systems to keep up with the industry's explosive growth. But new market freedoms also carry responsibilities with them. The fact is that the cable industry hasn't shouldered those responsibilities as well as they should have.

In the worst cases, the industry's behavior provides classic examples of greed run amuck. On Long Island, everyone involved—the cable network, the cable system, and the teams—wrestled over profits.

All of them completely forgot about their obligation to the consumers who pay for the cable system, for the programming, and for the ticket when they go to the ball park.

The arguments in Long Island and elsewhere about cable began over programming costs and subscriber rates. These disputes quickly became consumer protection issues that started locally and ended up as a serious focus of congressional concern.

The simple question is whether every cable subscriber deserves access to a wide variety of programming, at reasonable rates, and with quick and courteous service. Our answer comes today in the legislation before the House.

This legislation is a serious effort to balance the scales and correct the unforeseen problems with the cable industry that have cropped up on a number of fronts. The bill will protect consumers from excessive rates and poor service, and enables competitors to compete for programming in a free market.

I strongly favor competitive solutions to market abuses in every industry. Adding regulatory burdens onto any industry should only be contemplated when there is no way that a competitive solution would immediately fix a problem, and only to the most limited extent possible. Whether or not cable systems are a natural monopoly, right now they are, in fact, the only outlet for multichannel programming available to the vast majority of Americans.

It looks like that will change in the near future. At last, full-fledged competition to cable will be coming from DBS, wireless cable, and a variety of other sources.

This legislation takes serious steps to make sure that all cable competitors can flourish to the greatest extent possible. But those new competitive systems won't be a true choice for most Americans for a few years. So the likelihood of increased competition to cable some time in the future will not solve any of our constituents' problems today. That is why the House is considering this legislation, and that is why I support it.

As long as cable retains its present monopoly status, limited regulation is the only solution to anticompetitive situations like the problems experienced by my constituents in Long Island.

We need to solve our constituents' immediate problems with limited regulatory reforms that ensure quality cable service, and not blindly rely on what may or may not happen in the next decade.

Our constituents do not want us to wait any longer to solve these problems, and I don't think we should. For that reason, I urge my colleagues to support H.R. 5267 as approved unanimously by the House Energy and Commerce Committee.

In closing, I want to thank the chairman of the full committee, the gentleman from Michigan [Mr. DINGELL] and the Telecommunications Subcommittee chairman, the gentleman from Massachusetts [Mr. MARKEY] for their willingness to make this legislation truly reflect a consensus among all committee members. I particularly want to commend the ranking Republican member of the Telecommunications Subcommittee, the gentleman from New Jersey [Mr. RINALDO], for the important role he played in making sure this bill accomplishes its goals without overregulating the cable industry. The result is a bipartisan bill which applies limited regulatory solutions to better achieve a free and competitive video marketplace.

I urge all members to support H.R. 5267.

Mr. MCGRATH. Mr. Speaker, I rise today in strong support of H.R. 5267, the Cable Television Consumer Protection and Competition Act.

Since the cable television industry was deregulated in 1984, subscription rates, along with consumer complaints, have skyrocketed. Once advertised as a minimal fee, cable rates now rival electric and gas bills as monthly payments for home dwellers. Subscribers in my district now pay $19.95 a month for basic cable service.

H.R. 5267 is a bill designed to restore reasonable statutes to the cable television industry. The bill requires cable systems to offer a low-cost tier of local broadcast, public television and cable-access channels, with the Federal Communications Commission [FCC] to decide on maximum rates for such a tier. The legislation also allows State and local authorities to challenge cable rates deemed unreasonable or abusive by the FCC for programming like ESPN or MTV.

Cable customers have been held hostage by the industry long enough. I was hopeful that the Congress would pass a bill that would also allow for competition; however, this legislation is an important first step in ensuring better service for cable television consumers. I urge my colleagues to support H.R. 5267 and help bring stability back to cable television.

Mr. SLATTERY. Mr. Speaker, I rise in support of H.R. 5267, the Cable Television Consumer Protection Competition Act of 1990.

This legislation would require the Federal Communications Commission to cap prices for a basic tier of cable programming, which would include local broadcasts and public access channels.

The FCC also would be required to regulate renegade cable operators that excessively raise rates for other programming. Complaints about abusive rate increases would have to be filed by State or local governments.

To discourage monopolistic practices in the industry, the legislation would prohibit cable programmers with financial ties to cable operators from unreasonably refusing to deal with competitors, such as the home satellite dish industry, wireless cable and direct satellite broadcasts. This provision would remain in effect for 9 years, or until the FCC determined that the cable market was competitive.

Cable companies would be allowed to enter into exclusive agreements with video programmers as long as doing so would not significantly impede competition.

I believe that all of these provisions will protect the interests of cable consumers in those communities which have suffered as the result of cable deregulation. This measure strikes an appropriate balance between the need to maintain regulation in areas of the marketplace where competition does not exist and

the importance of preserving free market incentives for the development of new programming and delivery services.

Unfortunately, the Energy and Commerce Committee did not vote on a proposal to allow telephone companies to enter the cable television business by carrying affiliated video programming over fiber optic telephone lines.

I believe that with strong and effective regulation, small, non-Bell telephone companies could bring additional competition to the video programming marketplace by providing a video dial tone for programmers and a small amount of affiliated programming. I oppose allowing telephone company entry into the local broadcasting business.

This legislation also includes an amendment I authored mandating an FCC study of whether low-power television stations should be granted mandatory carriage by local cable systems.

Low-power television stations that originate programming often provide the only local television service to small communities and to minority, ethnic and specialized interest groups.

People who have nowhere else to turn for television programming direct toward their own local concerns should not be denied access to low-power stations that address those concerns because cable TV systems refuse to carry the signals. I recognize that these low-power stations should not be carried on cable systems beyond their broadcast service areas. We should encourage the development of these low-power stations.

I would have liked to see this legislation include limited carriage requirements for low-power stations that have made a significant commitment to local programming and to meeting public service requirements imposed upon full power broadcasters. It is unfortunate that the bill before us today, on the other hand, allows mandatory carriage for certain Home Shopping channels that do not meet the generally applicable viewership standards for carriage.

My amendment directs the FCC to examine whether and how many low-power television stations provide local programming that serves the public interest and meets local needs.

The FCC would examine the status of low-power TV as a secondary service and the impact of low-power carriage on the availability of channels for future communications needs.

The FCC also would examine the burden that carriage would place on cable systems, technical issues related to carriage, and the burden presently imposed by carriage fees upon low-power stations that are carried by cable systems.

Mr. Speaker, I am concerned that as we move into a new century with pervasive new communications technologies, we will lose sight of our historic commitment to localism in communications. I believe that low-power television has a role to play in both serving the interests of minority communities in larger cities and providing local news and information in small towns across America.

Mr. MADIGAN. Mr. Speaker, I am disappointed that we have not solved the problem we set out attempting to address in consideration of H.R. 5267. Although cable systems in this legislation will be reregulated to some extent, reining in the bad actors in the cable industry, we have done very little, if anything, to introduce new competition in the delivery of video programming to many parts of the United States, especially small towns and rural areas. Reregulation without competition only solves one side of the cable equation—rates will either stay the same, or, most probably, increase. Beyond that, the key competitive element of encouraging telephone companies to provide fiber optic highways, or other modern broadband technology, to carry information services of all types sooner, rather than later, is greatly lacking in the current legislation.

As a result of the colloquy between the subcommittee chairman and the gentleman from Virginia [Mr. BOUCHER], I note that Chairmen DINGELL and MARKEY have stated that they will make the issue of telephone company entry into video programming a legislative priority for the subcommittee in the 102d Congress. It is still the intent, though, of this Member and many of the members of the committee to examine the following legislative remedies to this important question in the near future:

First, telephone companies should be able to provide video carriage, gateways, packaging, billing, and collection in their telephone service areas and the Federal Communications Commission [FCC] should allow a telephone company to own or originate video programming if the FCC finds that programming is not available for transport;

Second, cross-subsidies, a concern as a result of the entry of local exchange carriers [LEC's] into the cable programming marketplace should be strictly prohibited. Video services and marketing should be provided through a separate subsidiary of the telephone company. Violation of the cross-subsidy prohibition should force the immediate divestiture of the telephone company's video subsidiary;

Third, a Federal-State joint board should establish rules and regulations to ensure proper cost allocation between video and telephone services;

Fourth, telephone companies should not buyout existing cable systems;

Fifth, within a specified time after the passage of such legislation, telephone company video subsidiaries should be able to offer their own programming under the following conditions:

Fiber optic technology, or other state-of-the-art modern broadband technology, should be installed to the curb of all telephone company subscribers within the telephone company video service franchise area;

Telephone companies should provide video gateways for all unaffiliated programmers under the same terms and conditions available to affiliated programmers; and

Telephone company-affiliated programming should be limited to an amount of capacity equal to that made available to unaffiliated programmers.

Mr. Speaker, these and other issues germane to this debate, such as the rural area exemption, must be thoroughly reviewed in order to adequately legislate in this important telecommunications area. H.R. 5267 certainly does not go far enough and I predict we will need to revisit the whole issue of telephone company/cable competition in the near future.

Mr. WAXMAN. Mr. Speaker, I support H.R. 5267, the Cable Television Consumer Protection and Competition Act, and congratulate Chairman MARKEY and Chairman DINGELL for moving this significant legislation. I would like to highlight an area of concern, however, that is addressed in the Senate cable bill, S. 1880, but not in H.R. 5267. I urge the House conferees to consider the Senate language on this important issue.

Under the Cable Communications Policy Act of 1984, Congress vested in local governments the power to grant cable franchises in their jurisdictions. Since that time, individuals who have been denied cable franchises or who object to the terms and conditions of the franchises issued to them have brought lawsuits against Los Angeles and a number of other cities and municipalities. The plaintiffs in these suits have claimed that the cities' actions have violated their constitutional rights under the first and 14th amendments. While I do not take a position on the constitutional questions that have been raised, I am concerned that the plaintiffs have sought large monetary damages from local governments in these cases.

In California, the cities of Sacramento, Palo Alto, and Santa Cruz have faced lawsuits with damage claims worth millions of dollars, which they have settled for substantial sums of taxpayers' funds. Los Angeles is currently facing two suits seeking large damage awards.

When Congress passed the 1984 Cable Act, it did not intend to expose local governments to monetary damages for denying cable franchises. We are now faced with an anomalous situation, however, in which cities and municipalities are being threatened with such claims even though they have strictly adhered to cable laws and regulations.

I believe it is crucial for Congress to protect local governments from monetary claims, while permitting the courts to resolve the important constitutional issues in these suits. Large damage awards will only drain resources from our cities and encourage others to bring similar suits against other local governments. While this problem has been limited to a small number of cities to date, it has the potential of affecting thousands of local governments across the country.

I urge the conferees to pay close attention to the financial difficulties this problem has created for our cities and to adopt the provision in the Senate bill which would exempt them from liability as long as they have adhered to the provisions of the 1984 Cable Act.

Mr. RITTER. Mr. Speaker, H.R. 5267 is a compromise piece of legislation. This legislation is a compromise between the majority and minority, as well as a compromise between the cable and broadcast industries. I thank Chairman MARKEY and ranking member Mr. RINALDO for their dedication in bringing this bill to the floor today.

As with every good compromise, no party is completely satisfied. This bill opens up some possibilities of competition by allowing program suppliers and alternative delivery systems, such as wireless cable and direct broad-

cast satellite [DBS], to bargain freely and fairly for program carriage. Furthermore, program services that are vertically integrated with cable operators are forbidden from unreasonably refusing to deal with an unaffiliated cable operator for a 9-year period. Combined with the current antitrust laws, these provisions will allow for some future competition to cable from wireless cable and DBS.

However, the bill fails to allow competition in video services from the local telephone company. Telephone companies would be a natural competitor to cable companies. Allowing local telephone companies into cable would allow for greater investment in the telecommunications infrastructure that is so essential to our economic competitiveness in the information age. We will see the issue of cable/telco cross ownership again in the near future, but as for this bill, it is silent on the issue.

Compromises were also made in the bill relating to technical standards. The bill now requires the FCC to maintain national technical standards, instead of allowing local franchising authorities with little or no technical expertise to dictate unreasonable technical standards. Also, a compromise was reached on financial disclosures for cable companies. Instead of a broad, unreasonable requirement, the FCC is authorized to request only the financial information needed to carry out the provisions of this bill.

I do have some reservations regarding the must-carry section of the bill. While most of this section was the product of protracted negotiations between the National Association of Broadcasters [NAB] and the National Cable Television Association [NCTA], it appears that the one group of stations who would benefit most from cable carriage was left out of the picture. Under this bill, local UHF stations in secondary markets, such as WFMZ-TV in Allentown, PA, will not be able to obtain cable carriage in the lowest priced tier. WFMZ is the only local no-commercial television station in the Lehigh Valley, the third largest population center in the State. WFMZ has to compete with television stations from Philadelphia and New York City and is the only television station that provides local news and programming to the Lehigh Valley. Due to the mountainous terrain and the relatively low power of the station, it is difficult for WFMZ to be received outside of the Lehigh Valley. This is the type of station the must-carry rules need to help, but these marginal stations are losing out. The must-carry language we passed would do more for home shopping stations than it would for struggling local UHF programmers. Soon, the local independent UHF station may completely disappear from the scene. I strongly encourage that when this bill comes to conference, that the interests of the struggling independent UHF stations be taken into consideration.

I also have some reservations about the basic rate regulation. Under the bill, every cable system will have to provide a basic broadcast tier. Those systems who do not already have a basic tier will have to retier. Retiering will cost more than systems are able to recover in the cost of the basic service, forcing operators to increase the prices of the satellite-delivered tier. There is evidence that where a basic broadcast tier is available, only a small percentage of subscribers actually opt for that tier. The cost of implementing this tier for a small minority of consumers will be balanced on the vast majority of those consumers that receive satellite-delivered cable television. Furthermore, the way the FCC is required to develop a formula for basic service looks similar to the traditional rate of return regulation for telephone companies. Rate of return regulation is currently on its way out, in favor of a more economically efficient form of regulation. In the conference with the Senate on this bill, we need to take a good look at the rate reregulation portions of this bill and determine if we are really helping or hurting consumers.

Again, I thank Chairman MARKEY and ranking member Mr. RINALDO, as well as both the majority and minority staffs for their excellent work and unending dedication in bringing this bill to the floor today. Thank you Mr. Speaker, and I yield back the rest of my time.

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

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. MARKEY] that the House suspend the rules and pass the bill, H.R. 5267, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 5267, the bill just passed.

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

There was no objection.

PROVIDING FOR TEMPORARY EXTENSION OF CERTAIN PROGRAMS RELATING TO HOUSING AND COMMUNITY DEVELOPMENT

Mr. GONZALEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5558) to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes.

The Clerk read as follows:

H.R. 5558

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

SECTION 1. EMERGENCY LOW INCOME HOUSING PRESERVATION ACT OF 1987.

Section 203(a) of the Emergency Low Income Housing Preservation Act of 1987 (12 U.S.C. 1715ll note) is amended by striking "September 30, 1990" and inserting "October 31, 1990".

SEC. 2. INTERAGENCY COUNCIL ON THE HOMELESS.

Section 209 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11319) is amended by striking "October 1, 1990" and inserting "October 31, 1990".

SEC. 3. FHA MORTGAGE LIMIT.

Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended by striking "during fiscal year 1990" and inserting "until October 31, 1990".

The SPEAKER pro tempore. Is a second demanded?

Mr. WYLIE. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. WYLIE] will be recognized for 20 minutes.

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

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

Mr. Speaker, this bill, H.R. 5558, before the House today would extend for 1 month three housing related requirements or programs that are set to expire at the end of the fiscal year. This short term extension is necessary to ensure that these requirements and programs do not lapse before Congress can reauthorize or otherwise resolve these issues before adjournment.

The first extension would extend the plan of action requirements under the Emergency Low Income Housing Preservation Act of 1987, commonly referred to as the moratorium provisions. The 1987 act put into place a temporary program to provide for the prepayment of mortgages on certain low-income rental housing. The 1987 program was to last until Congress could consider and address the issue in detail. During the consideration of H.R. 1180, the House dealt with this issue and I have confidence that the conference committee on S. 556, the 1991 housing authorization bill, will adopt a permanent program to cover the prepayment of these mortgages. This simple extension is needed to prevent the lapse of the temporary program until a permanent solution can be enacted.

The second extension is for the Interagency Council for the Homeless under the McKinney Act. This extension is necessary because if the Council is not extended it will have to be disbanded before Congress can reauthorize it in the general McKinney Act.

Finally, this bill would extend the current FHA limit of $124,500 for an additional month. This limit which was adopted for only fiscal year 1990 last year would be made permanent

under S. 556 as adopted by the House. This extension would allow the conference committee to act on the level before it lapses thereby avoiding disruption of the lending limits.

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

Mr. Speaker, I rise in support of H.R. 5558 and am pleased to join the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, the gentleman from Texas [Mr. GONZALEZ] as a cosponsor.

The chairman has mentioned the three provisions which would extend until October 31, 1990, and I will not be repetitive there, but this involves the Emergency Low Income Preservation Act of 1987, the Interagency Council on the Homeless, and the increase in the FHA loan limit. Although all three items are addressed in the comprehensive housing authorization bills recently passed by the House and Senate, time constraints made it virtually impossible to enact final authorization legislation before the end of September. Because current law with regard to all three provisions is due to expire on September 30, 1990, it is essential that this bill be passed as temporary extensions of the three programs, until permanent legislation can be enacted.

The Emergency Low Income Preservation Act refers to the prepayment moratorium in title II of the 1987 Housing Act, which prohibited the prepayment of mortgages on privately owned, Government-assisted housing. In 1987 Congress took temporary action to prevent a large-scale loss—up to 360,000 units—of affordable, low-income housing units. The House-passed omnibus housing bill, H.R. 1180, contains the Barnard-Bartlett compromise as a permanent solution to the prepayment issue. The Senate-passed bill, S. 566, basically makes the prepayment moratorium permanent. This is a contentious issue which will take time to resolve. The point the prepayment moratorium contained in the 1987 Housing Act is due to expire on September 30, 1990, if we do not do something. We need to pass a temporary extender until a permanent solution can be agreed upon in conference.

Another section of this bill deals with the Interagency Council on the Homeless. The Interagency Council on the Homeless was established by the McKinney Act in July 1987. The Council provides Federal leadership and coordination for activities which assist homeless individuals and families. Although the Council membership is composed of various department and agency heads—chaired by Secretary Kemp of HUD—the Council receives a small, annual authorization for Washington, DC, staff and 10 regional coordinators. The provision authorizing the Council is due to expire on September 30, 1990. Again, this temporary extension is necessary until the McKinney Act is reauthorized.

In last year's appropriations bill, the FHA loan limit was raised from $101,250 to $124,875 for fiscal year 1990 only. This bill would temporarily maintain this increase, pending enactment of an authorization bill to permanently authorize the higher loan limit.

The administration supports this legislation and I urge all Members to support the bill.

Mr. GONZALEZ. Mr. Speaker, before yielding time to the gentleman from Massachusetts [Mr. FRANK], I do want to have the record reflect that if anyone has taken the leadership on what we call this prepayment issue, those Members who recall the general debate on the housing reauthorization bill, it sounds as if it is something that is almost impersonal, but it involves hundreds of thousands of low and moderate income renters, and the legislation would not be possible were it not for the efforts of the gentleman from Massachusetts [Mr. FRANK]. And I believe there have been others on the committee over on the minority side; we have had very active participation by not only the ranking minority leader, the gentleman from Ohio [Mr. WYLIE], but the gentleman from Texas [Mr. BARTLETT].

□ 1510

Mr. Speaker, on this point I do think we ought to reflect and give credit where credit is due to those that have taken the leadership in this very, very critical issue, and the gentleman from Massachusetts [Mr. FRANK], I think, was the member I would put at the head of the list.

So, Mr. Speaker, I yield up to 18½ minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I thank the gentleman from Texas [Mr. GONZALEZ], my chairman, but, unlike the precedessor committee, I do not think we will be taking all or our time. But I want to thank him for his very gracious words and his leadership, and I want to acknowledge the speed with which he and the ranking minority member, the gentleman from Ohio [Mr. WYLIE], acted in allowing us to have this extension come to the floor.

The point, as has been made clear: We have a deadline with which we set ourselves because we were not trying to delay. We were making a good-faith effort to meet the deadline. We will come very close, I believe, but, in case we do not quite meet it and send the bill to the President that I hope he is going to sign and that 10 days may lapse, we want to make very important assets, namely subsidized tenancies. So, extending the deadline on this moratorium from September 30 to October 30 is very important.

As the chairman, the gentleman from Texas [Mr. GONZALEZ], has pointed out, we have been working very hard on this bill. We have not yet got the complete agreement, but I must say that I think, if my colleagues look at where we are today, we are closer to agreement. We will go to a conference with the other body. There will be not unanimity, but I believe we are within clsoe reach of an agreement. I think we will come out with something that will resolve most of the problems.

For many of us it is absolutely essential, given the scarcity of affordable housing in the country today, that we act so that we do not lose any units, and that means two things.

First of all, Mr. Speaker, we have to prevent vulnerable people from being evicted, people who moved into these buildings knowing that they were federally subsidized, who have lived up to their obligations of tenancies, who have paid their rent. They have a right to be protected in their homes.

In addition, Mr. Speaker, we have to make sure that the tenancies themselves remain. These subsidized units are a very scarce resource, and we cannot allow various economic forces to deprive us of the units we already have.

It will cost us some money, but, if my colleagues assume that providing subsidized housing is one of the relevant functions of this Government, it is very clear that protecting the existing subsidized units is by far the cheapest per unit way to maintain a given number of subsidized units. If we would have to rebuild these, or build them anew, it would cost a great deal more.

So, I look forward to working under the leadership of the gentleman from Texas [Mr. GONZALEZ] in our conference. I believe we are going to come out with a housing bill which will do this Congress proud. Obviously, because of the budget, we are not going to be able to fund it at the levels many of us would like to see right now, but we are, I believe, going to be able to do the right thing substantively.

Mr. Speaker, getting this passed is important so that we can legislate with some deliberation and know that whatever we come out with in conference does not come after the horse has been stolen. This locks the barn door, and we do not always do this in Congress. This locks the barn door before there can be any loss of a horse, and for that I appreciate the leadership of the gentleman from Texas, and I appreciate the willingness of the gentleman from Ohio [Mr. WYLIE] to allow us to move so rapidly so we could do that, and I am delighted to give my chairman a present of at least 16 minutes, which I am sure he can use, and I hope someday I will be rewarded for that.

Mr. WYLIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTLETT] who has worked very, very hard on this issue and certainly has been a leader as far as prepayment is concerned.

Mr. BARTLETT. Mr. Speaker, I thank the gentleman from Ohio [Mr. WYLIE] for his generous yielding of time.

I do support this legislation, I want to say at the outset, of a 30-day extension for three items of Federal law that would otherwise expire on September 30. I support it with, I will confess, some level of modest misgiving, but nevertheless I support it in large part because of the fair play that has been exhibited by the gentleman from Texas [Mr. GONZALEZ], the chairman of the Committee on Banking, Finance and Urban Affairs. Because of his leadership on this issue as we in the House developed a consensus legislation, bipartisan legislation, not unanimous, but we did, in fact, grapple with the issues of preservation, and, in that spirit of fair play, I look forward to going to conference with the chairman, Mr. GONZALEZ, my colleague from Texas, and with the gentleman from Ohio [Mr. WYLIE], the ranking member.

Mr. Speaker, this legislation, as has been said, extends for 30 days, and 30 days only, three elements of current law. The first is what is current law is generally called a mortorium, or a so-called mortorium, that prohibits individual property owners who own their own property from paying their mortgage at the conclusion of the 20-year term of the mortgage.

Now I want to suggest for starters that that is a bad law. It is a law that is wrong on its face, and it leads to the disruption of the lives of countless thousands, indeed tens of thousands, of individuals, both property owners and tenants, and a 30-day extension of that bad law under ordinary circumstances would be then acceptable. But these are not ordinary circumstances, and so, with that caveat, I would support this modest, temporary 30-day extension.

I also support the extension of 30 days of the authorization of the homeless council. The world, I would note, would not come to an end if we do not extend the authorization of the homeless council for an additional 30 days, but it would be somewhat disruptive to those who serve on that council.

Then also included in this is an extension of the $124,875 cap on FHA mortgage insurance which does need to be extended, and it needs to be extended so that the marketplace can rely on a certain mortgage cap of FHA that does not change every 30 days because that would be quite costly to home buyers.

Mr. Speaker, I might want to go back just a little bit to the basis of the preservation law that was passed by the House.

First, I want to note that the House, with the leadership of the gentleman from Texas [Mr. GONZALEZ] and the assistance from those on both sides of the aisle, adopted a bipartisan approach. We adopted that approach in the committee in a rather substantial, overwhelming vote for that approach. It was not unanimous, and there are those who dissented, and then we adopted it on the House floor even though a number of individuals expressed their misgivings about it. Not a single amendment was offered that would change that bipartisan approach, and thus we do to conference on the House side with what is very close to a united front on the House side.

Mr. Speaker, I want to note that the Senate did not do that. The Senate side not consider the preservation issues at all. The Senate instead simply took what is a bad law, a law that denies rights to both property owners and to tenants of a temporary so-called moratorium and extended that so-called moratorium permanently.

Now the Senate bill is a bit more complicated than that, but, by boiling it all down, what the Senate provision provides is one that is not acceptable to a majority of the House as a whole or the House conference. The Senate bill provides for permanentizing the so-called moratorium. Since the Senate made no attempt, or not the kind of attempt that we made in the House, to deal with the problem, it does seem to me that the House provision will and should prevail in the conference.

Let me walk through a couple of the items of the House bill, of the bipartisan compromise that was adopted in the House bill.

We, first, provide, unlike the moratorium, we provide that tenants will be protected in every single case. We suggest in the House bill that every tenant who is income eligible for section 8 or for vouchers will be guaranteed the receipt of that voucher or certificate, and HUD will guarantee that that certificate or voucher is usable in that marketplace. Indeed we place that certificate at a value of 110 percent of the fair market value. We guarantee that HUD has to conduct a survey and guarantee that every tenant who is income eligible will receive that certificate for that marketplace. And should there be areas in which that certificate is not usable, then, in addition to the 2½ years of notification we place on every other marketplace, we would impose an additional 3 years of notification for that individual tenant so that high type rental markets, low vacancy markets, would be able to have a total of 5½ years to adjust to those additional certificates.

□ 1520

So the moratorium does not protect any tenants at all. The House-passed preservation package preserves the ability of tenants to live in subsidized housing, those tenants already in these 221's, 236's, and 231(d)(3)'s.

Second, the House provision treats project-based assistance, project-based units with expiring certificates, identically to the federally insured projects of 236's and 221-3's identically. They are the same units, same apartment complexes. They are operated and owned and built side by side with the project-based certificates.

The Senate provision would have one standard for project-based units, and a wholly different standard from Federal FHA insurance. In fact, the title projects would have a much tougher standard with regard to expiring certificates. So the House-passed bill treats both essentially the same.

Third, we would set in the House bill to respect property rights, the rights of people who own real property in the United States, including multifamily projects.

We first protect tenants, but we also understand a fundamental on the House side. The fundamental is these apartment complexes are not owned by the Federal Government; they are not owned by the taxpayers; they are not owned by local governments; they are not owned by HUD; they are not owned by public housing authorities. They are owned by individuals who bought them, built them, and paid for them, and in exchange for a 20-year mortgage, agreed by contract to a minimum of 20 years' worth of rent control.

It is at that point that the House understands the situation much better than the other body, in that the House understands that those private property owners own those units and should have some say over the conduct of their private property within the contracts. The contract clearly says that these are 40-year amortization schedules for rent, but they have a 20-year balloon, at which time a private property owner can pay those mortgages, if they choose.

Last, the House provision provides for dramatically improved, dramatic incentives, for these private property owners to continue to use this property in a safe and habitable form for low-income tenants. The Senate provision or an extension of the moratorium does nothing of the sort. Indeed, an extension of the moratorium would almost drive unsafe conditions, unhabitable conditions, in increasing numbers, into these projects.

The House provision, for example, requires an annual inspection by HUD to certify that these projects are livable. The House provision creates monetary incentives to keep these projects in the low-income pool for an additional 20 years, and an additional 10 years beyond that. The Senate provision, or an extension of the moratorium, does nothing of the sort.

We had testimony, Mr. Speaker, in the Housing Subcommittee that was very clear on one point. While we had disagreement on all sides from various witnesses, we had one bit of testimony that was agreed to by everyone who testified. That is the moratorium causes many of these properties to deteriorate physically, because property repairs are made from the stream of income from the property, and if the Congress erroneously, and I believe wrongly, were to continue the moratorium of limiting that income stream, the fact is that these properties are and will in a precipitous manner deteriorate in a rather dramatic form.

I would suggest what we are doing here is correct, if temporary. It is only correct because it is only temporary. It only continues through October 31. I am prepared to support this temporary extension, but not a day longer than this temporary extension. It will not be necessary. I am prepared to support a housing bill that comes back and in fact includes this provision.

I am also prepared to oppose a housing bill that would come back that were to deny tenants with the right of these incentives and this notice in the preservation package of the House. I believe that we will have a housing bill. I hope that we will have a housing bill. If we should fail to achieve a housing bill, the only solution at that point would be for the House to adopt a freestanding bill for preservation.

Mr. Speaker, I want to make it clear that no further extension of this so-called moratorium is acceptable. It is not acceptable to me, and I do not believe it would be acceptable to a majority of Members.

So the House conferees have our job set out for us. I look forward to working with the chairman of the committee, the gentleman from Texas [Mr. GONZALEZ], and the ranking member, the gentleman from Ohio [Mr. WYLIE].

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

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

Mr. Speaker, I think the main thing that remains to be said is for the record we should recognize the tremendous work and contribution, indefatigable, if I would use any word to describe his actions, of the gentleman from Massachusetts [Mr. KENNEDY], a member of the committee and subcommittee, who has been very active together with the gentleman from Massachusetts [Mr. FRANK] on this prepayment issue.

Mr. Speaker, on the noncommittee member level is the gentleman from Illinois [Mr. YATES]. Even though the gentleman is not a member of the committee, he has been in constant communication, in fact almost as if he were a member, and has contributed greatly to our success in the House deliberations on this prepayment issue.

Mr. Speaker, I also recognize the respective staffs, the majority as well as the minority, Mr. DeStefano, the staff director of the subcommittee, and the counsel, Ms. Fisher; and on the minority side I would recognize Mr. Tony Cole, and, above all, Mr. Joseph Ventrone, who have always been great forces in shaping this legislation.

Mr. Speaker, I will close by asking that Members unanimously pass out this extender.

Mr. VENTO. Mr. Speaker, I rise in support of this bill that will protect some key housing programs so that the soon to be named conference committee can work out the various differences on S. 566, the Housing and Community Development Act of 1990. Removing this rapidy approaching deadline from the horizon should allow the conferees to craft a solution to the prepayment crisis without unreasonable, unnecessary pressure.

I would hope that it will also give the conferees a chance to examine the deficiencies of the House-passed measure while maintaining as much of the assisted housing for low-income families as possible. Future Congresses hopefully will not have to wrestle with another prepayment crisis for many years if the Congress designs a long-term solution. Notwithstanding the rights of owners, their right to profit or their need to pull out equity in a specific time frame, a more stringent process for limiting prepayment would be preferable in the final measure. A conference compromise based on the Senate-passed bill could be a better response to hundreds of thousands of people and their families who are faced with losing their homes.

Qualified residents have housing as a result of Federal policies and subsidies and we as Members of Congress have a responsibility to maintain and preserve such housing. We cannot afford to add to the ranks of the homeless or the inadequately housed! Our efforts must focus on maximizing our Federal dollars for this purpose. In Minnesota alone, some 39 projects have been labeled "at risk," directly jeopardizing over 5,200 units. In total, over 11,000 units in 99 developments in my State could be affected by this legislation. I have met with concerned tenants from several locations in the Twin Cities area including the Maryland Park complex on the eastside of St. Paul and Bor-Son Towers in Minneapolis, MN. They are worried that they won't have a place to live or raise their families, to instill a sense of community, or to make a home. Whether it is in drafting language to protect acquisitions in progress or language to protect transactions yet to come, the overwhelming needs of tenants, such as these residents, must be appropriately balanced with the contractual rights of the owners. That is the goal of the upcoming conference and today's legislation should assist us in achieving this goal.

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

The SPEAKER pro tempore (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ] that the House suspend the rules and pass the bill, H.R. 5558.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the bill just passed.

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

There was no objection.

IMPOSITION OF PENALTIES FOR INDUCING THE COAST GUARD TO RENDER AID UNDER FALSE PRETENSES

Mr. STUDDS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4632) to amend title 14, United States Code, to impose penalties for inducing the Coast Guard to render aid under false pretenses, to impose liability for costs incurred by the Coast Guard in rendering that aid, and to authorize appropriations for use for acquiring direction finding equipment for the Coast Guard, as amended.

The Clerk read as follows:

H.R. 4632

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

SECTION 1. PENALTIES AND LIABILITY FOR MAKING A FALSE DISTRESS REPORT.

Section 88 of title 14, United States Code, is amended by adding at the end the following new subsection:

"(c) An individual who knowingly and willfully communicates a false distress message to the Coast Guard or causes the Coast Guard to attempt to save lives and property when no help is needed is—

"(1) guilty of a class D felony;

"(2) subject to a civil penalty of not more than $5,000; and

"(3) liable for all costs the Coast Guard incurs as a result of the individual's action.".

SEC. 2. AUTHORIZATION FOR ACQUIRING DIRECTION FINDING EQUIPMENT.

There is authorized to be appropriated to the Secretary of the department in which the Coast Guard is operating not more than $2,000,000 for fiscal year 1991 and not more than $2,000,000 for fiscal year 1992 for ac-

quiring direction finding and transmitter identification equipment to improve land-based and mobile Coast Guard search and rescue capabilities.

The SPEAKER pro tempore. Is a second demanded?

Mr. DAVIS. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes, and the gentleman from Michigan [Mr. DAVIS] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. STUDDS].

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

Mr. Speaker, I rise in strong support of H.R. 4632, a bill that I introduced several months ago in response to a tragedy that occurred in my district.

Last March 25, two Coast Guard units in southeastern Massachusetts received a weak "May Day" from the fishing vessel *Sol E Mar.* Because the Coast Guard does not have up to date technology, it was not possible to pinpoint the source of the call. And when the "May Day" was followed immediately by another call, this one obviously phony, the Coast Guard concluded that both calls were fake, and no search and rescue resources were sent.

The two New Bedford fishermen who had radioed desperately for help, William Hokanson and his son William, Jr., died in that tragedy. We will never know whether their lives could have been saved.

What we do know is that false distress calls are a serious and growing problem for the Coast Guard. They waste resources; they needlessly endanger Coast Guard personnel; and they make it less likely that the Coast Guard will respond successfully when human lives are truly in danger.

We also know that the Coast Guard's ability to locate the source of distress calls is limited by World War II vintage communications equipment. Better direction-finding equipment could mean the difference between life and death in a real emergency; and between jail and freedom for the perpetrator of a hoax call.

Mr. Speaker, H.R. 4632 authorizes the Coast Guard to purchase state-of-the-art communications equipment and increases the penalty for making a false distress call. Under this bill, if you make a hoax call to the Coast Guard, and the Coast Guard sends out a helicopter or a patrol boat in response, you will be liable for every penny of the Coast Guard's increased operating expenses resulting from that call. The message is clear: if you're tempted to play games with the Coast Guard—don't because if you do, you'll be paying for it for the rest of your life.

Before closing, I want to mention two related issues. First, our hearings on this legislation convinced us of the need to reserve channel 16, the international distress channel, for emergency calls only. Today, that channel is so overloaded with routine, nonessential conversations that mariners in distress have no guarantee their calls will be heard. We have asked the FCC to take action on this matter, and we have been assured that it will.

Second, and this is news to no one, the Coast Guard needs more money. On Cape Cod, watchstanders are given so many other duties, and they are required to monitor so many radio speakers, they need superhuman energy, superhuman endurance, superhuman hearing, and a superhuman ability to tell when someone is speaking the truth. The men and women of the Coast Guard cannot be forced to cut back any more. They have reached their limit. They need our help. And people will die needlessly if that help is not forthcoming.

Finally, I want to express my deepest thanks to the chairman of the subcommittee on Coast Guard and Navigation, Mr. TAUZIN, for bringing his subcommittee to Woods Hole for a hearing on this bill, and for his support in bringing this measure to the floor today. There is not a Member of this body who is more knowledgeable or more powerful an advocate for the Coast Guard than the gentleman from Louisiana.

In that same spirit, I would also like to thank the chairman of our full committee, Mr. JONES of North Carolina; our ranking minority member, Mr. DAVIS; and Adm. William Kime, Commandant of the Coast Guard, for their help and support on this bill. And I urge its passage this afternoon.

□ 1530

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

Mr. Speaker, I rise in support of H.R. 4632, authored by my colleague Mr. STUDDS, chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment.

Unfortunately, the case of the *Sol E. Mar* Mr. STUDDS related to you, is no longer the only instance where lives have been needlessly endangered by the games being played by thoughtless individuals. This summer the life of a youth may have been lost on the Great Lakes because all available Coast Guard resources in the area were responding to a vessel's radioed call for help. That call was a hoax. And when the young man slipped off the end of a pier, there were no Coast Guard crews or vessels to aid in his rescue. The "vessel in distress" was never located, and later only the youth's body was recovered.

This is not just a regional problem, but one that has spread until it is national in scope, and it is a sad commentary on today's society. The momentary excitement of placing a prank call and creating a disturbance on the water has become more important than consideration for the persons whose lives it may impact. The Coast Guard must respond to those calls under the assumption that they are true emergencies, regardless of the weather and water conditions. They selflessly place their lives in jeopardy every time a boat or aircraft goes out on a search and rescue mission and it is difficult to imagine the guilt they must feel when they learn that a life has been needlessly lost while they were responding to a practical joke.

Since simple consideration for others is not sufficient cause to prevent someone from placing a hoax call, then stronger measures are demanded to make the perpetrators aware of the consequences of their actions. This bill will do that.

I strongly urge my colleagues to rise in support of H.R. 4632.

Mr. TAUZIN. Mr. Speaker, I rise to urge adoption of H.R. 4632, a bill which increases penalties for inducing the Coast Guard to render aid under false pretenses, and to hold the perpetrators liable for whatever costs are incurred as a result. The bill also authorizes the Coast Guard to acquire additional direction finding equipment.

The U.S. Coast Guard continually monitors and responds to calls from mariners on channel 16, which is the international distress frequently reserved for emergency calls.

When a distress call is received, the Coast Guard is obligated to respond. Occasionally, hoax calls are received which send the Coast Guard on an expensive, demoralizing and time consuming wild goose chase. Depending on the resources needed, a search and rescue case can cost tens or hundreds of thousands of dollars.

The bill under consideration today will curb the practice of hoax calls from vessels, land based radios or telephones.

Because of the significance of the problem, the Coast Guard and Navigation Subcommittee held a hearing on H.R. 4632, and marked up the bill within 2 months of it introduction. I am delighted that the subcommittee was able to move so swiftly on the bill and send it forward for what I hope will be approval by the House.

I applaud my friend and colleague, GERRY STUDDS, for introducting H.R. 4632, and for his outstanding efforts in bringing this matter to the attention of the Federal Communications Commission, the U.S. Coast Guard, and the House of Representatives.

Mr. Speaker, this is a significant bill which will aid the Coast Guard in its ability to assist mariners in need while penalizing those who would frivolously endanger the lives of seamen with bizarre false distress calls.

I strongly urge the passage of H.R. 4632.

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

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

The SPEAKER pro tempore. (Mr. MAZZOLI). The question is on the motion offered by the gentleman from Massachusetts [Mr. STUDDS] that the House suspend the rules and pass the bill, H.R. 4632, as amended.

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. STUDDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4632, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 4739, NATIONAL DEFENSE AUTHORIZATION ACT, FOR FISCAL YEAR 1991

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 457 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 457

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. 4739) to authorize appropriations for fiscal year 1991 for military functions of the Department of Defense and to prescribe military personnel levels for fiscal year 1991, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill are hereby waived. After general debate, which shall be confined to the bill and which shall not exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, 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 recommended by the Committee on Armed Services now printed in the bill as an original bill for the purpose of amendment under the five-minute rule, said substitute shall be considered as having been read, and all points of order against said substitute are hereby waived. No amendment to said substitute shall be in order except those specified by this resolution, the amendments designated in the report of the Committee on Rules accompanying this resolution, or by subsequent order of the House. Said amendments shall be considered in the order and manner specified and shall be considered as having been read when offered. Each amendment may only be offered by the Member designated for such amendment in the report of the Committee on Rules, or this resolution, or his designee. Debate on each amendment made in order by this resolution, unless otherwise specified, shall not exceed ten minutes, to be equally divided and controlled between the proponent and an opponent. During consideration of the bill, pro forma amendments for the purpose of debate shall be in order only if offered by the chairman or ranking minority member of the Committee on Armed Services, who may yield blocks of time. Any period of general debate specified in this resolution shall be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. No amendment shall be subject to amendment except as specified in this resolution or in the report of the Committee on Rules, nor be subject to demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are hereby waived.

SEC. 2. It shall be in order to begin consideration of amendments as follows:

(A)(1) Upon the conclusion of general debate on the bill, it shall be in order to consider amendments en bloc, to be offered by Representative Aspin of Wisconsin, and all points of order against the amendments en bloc are hereby waived. Said amendments en bloc shall be debatable for not to exceed forty minutes.

(2) Following disposition of the amendments en bloc, it shall be in order to debate the subject of the appropriate levels of funding for the Strategic Defense Initiative for a period not to exceed one hour. It shall then be in order to consider the amendments printed in the report of the Committee on Rules relating to that subject in the following order: (A) by Representative Dornan of California; (B) by Representative Dellums of California; (C) by Representative Kyl of Arizona; and (D) by Representative Bennett of Florida. If more than one of said amendments is adopted, only the last amendment which is adopted shall be considered as finally adopted and reported back to the House.

(3) Following disposition of said amendments, it shall be in order to debate the subject of the Strategic Defense Initiative for a period not to exceed thirty minutes. It shall then be in order to consider the amendment printed in the report of the Committee on Rules relating to that subject offered by Representative Spratt of South Carolina.

(4) Following disposition of said amendment, it shall be in order to debate the subject of an acquisition work force for not to exceed one hour. It shall then be in order to consider the amendments printed in the report of the Committee on Rules relating to that subject in the following order: (A) by Representative Mavroules of Massachusetts; and (B) an amendment thereto offered by Representative Gilman of New York.

(5) Following disposition of said amendments, it shall then be in order to debate the subject of homeporting for not to exceed thirty minutes. It shall then be in order to consider the amendments printed in report of the Committee on Rules relating to that subject in the following order: (A) an amendment offered by Representative Bennett of Florida; and (B) a substitute amendment thereto offered by Representative Molinari of New York.

(6) Following disposition of said amendments, it shall then be in order to debate the subject of defense burdensharing for not to exceed thirty minutes. It shall then be in order to consider the following amendments printed in the report of the Committee on Rules relating to that subject in the following order: (A) amendments en bloc by Representative Martin of New York; (B) by Representative Bonior of Michigan; and (C) by Representative Mrazek of New York.

(B) It shall be in order for the chairman of the Committee on Armed Services, after giving at least one hour notice, and after consultation with the ranking minority member of that committee, to request the Chair to recognize for the consideration of amendment groups in an order other than that prescribed by this resolution.

SEC. 3. No further amendments shall be in order except as subsequently ordered by the House.

□ 1540

The SPEAKER pro tempore. (Mr. MAZZOLI). The gentleman from Texas [Mr. FROST] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York [Mr. SOLOMON] for the purpose of debate only, pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 457 is the initial rule for the consideration of H.R. 4739, the National Defense Authorization Act for fiscal year 1991. The Rules Committee will meet again later this week to grant another rule providing for the further consideration of the bill.

Mr. Speaker, House Resolution 457 provides 2 hours of general debate to be equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee. All points of order against consideration of the bill are waived. The rule makes in order the committee substitute now printed in the bill as the original bill for the purpose of amendment, and all points of order against the substitute are waived.

Mr. Speaker, only the amendments specified in the rule or printed in the report accompanying the rule will be in order during the initial consideration of the bill. House Resolution 457 waives all points of order against the amendments made in order by the rule. All the amendments are to be considered only in the order and manner specified.

The amendments are debatable for the time designated, to be equally divided between the proponent of the amendment and an opponent. The amendments are not subject to amendment, except as specified, nor are they subject to a demand for a division of the question in the House or in the Committee of the Whole.

House Resolution 457 structures the first days of the debate on the National Defense Authorization Act as follows: First, 2 hours of general debate; second, the amendments en bloc by Representative ASPIN of Wisconsin,

debatable for 40 minutes; third, SDI funding levels as follows: 1 hour of debate on appropriate levels of funding for the strategic defense initiative, equally divided and controlled by the chairman and ranking minority member of the Armed Services Committee, followed by consideration of four amendments on the subject, printed in the report, to be offered by Representative DORNAN of California, Representative DELLUMS of California, Representative KYL of Arizona, and Representative BENNETT of Florida under the king-of-the-hill procedure. If more than one of the amendments is adopted, only the last one adopted will be considered as finally adopted. Each amendment is debatable for 10 minutes; fourth, SDI policy as follows: 30 minutes of debate on the strategic defense initiative followed by consideration of the amendment by Representative SPRATT of South Carolina, debatable for 10 minutes; fifth, acquisition work force: 1 hour of general debate followed by consideration of two amendments on the subject, printed in the report, by Representative MAVROULES of Massachusetts and an amendment to the Mavroules amendment by Representative GILMAN of New York, each debatable for 10 minutes; sixth, homeporting: 30 minutes of general debate followed by consideration of two amendments on the subject, printed in the report, by Representative BENNETT of Florida and an amendment to the Bennett amendment by Representative MOLINARI of New York, each debatable for 10 minutes; and seventh, defense burdensharing: 30 minutes of general debate followed by consideration of three amendments on the subject, printed in the report, by Representative MARTIN of New York, Representative BONIOR of Michigan, and Representative MRAZEK of New York, debatable for 10 minutes each.

The rule further states that debate may be extended through pro forma amendments but only if offered by the chairman or ranking minority member of Armed Services, who may then yield blocks of time.

In addition, Chairman ASPIN may request the Chair to consider issue clusters of amendments including the Aspin amendments en bloc, in a different order than prescribed in the rule, but only after giving 1 hour notice and after consulting with the ranking minority member.

No other amendments will be in order except as specified by subsequent rule.

Mr. Speaker, the world has changed since this bill was reported. The gulf crisis will no doubt prompt us to rethink defense policy and to reconsider many defense issues, large and small. There is no reason, however, to postpone the debate. House Resolution 457 is a fair rule that permits the House to begin to consider H.R. 4739. I urge adoption of the rule.

Mr. SOLOMON. Mr. Speaker, I yield my self such time as I might consume.

Mr. Speaker, I join with the gentleman from Texas in urging the Members to support this rule. House Resolution 457 will provide for the initial phase of consideration of H.R. 4739, the Defense Department authorization bill for fiscal year 1991.

Mr. Speaker, you and the other Members should be aware that during the time when the House is debating H.R. 4739 tomorrow, the Rules Committee will be meeting to write another rule which will provide for the further disposition of amendments on Wednesday.

Mr. Speaker, at this time I have written a letter to the gentleman from Massachusetts [Mr. MOAKLEY], chairman of the Rules Committee.

The letter is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, September 10, 1990.

Hon. JOHN JOSEPH MOAKLEY,
Chairman Committee on Rules, Room H-312, The Capitol, Washington, DC.

DEAR JOE: I have been in touch with Bill Dickinson and have seen the letter he sent to you concerning his interests for the rule on H.R. 4739, the Defense Department Authorization bill.

As the Republican Member who will be carrying that rule on the floor, I would like to weigh in on behalf of several items that Bill mentioned.

I very much hope—and request—that the second rule which provides for further disposition of amendments to H.R. 4739 will make in order the following items:

A mechanism whereby the majority and minority floor managers reach consent on the contents of omnibus en block amendments;

A right for the minority to offer a motion to recommit with instructions, with one hour of debate on such motion;

A right for Bill Dickinson to offer his amendmen #128 if the Mavroules amendments#119 and 120 and the Hochbrueckner amendment #69 are also made in order;

A right for Bill Dickinson to offer his amendment#129, with at least 30 minutes of debate time allowed;

A right for the minority to offer a substitute amendment if the Mavroules amendment #119 and 120 are made in order.

Thank you very much for your consideration, Joe.

Sincerely,

GERALD B. SOLOMON,
Member of Congress.

I call that letter to the attention of the Members.

Mr. Speaker, I will not repeat the details concerning the present rule which have already been outlined by the gentleman from Texas. I will reiterate, however, that this rule will permit the House to debate four important issues tomorrow: The strategic defense initiative; the training of a skilled work force to meet the Nation's defense needs; the issue of homeporting, about which I will have something to say in just a moment; and, finally the issue of burden sharing.

Mr. Speaker, the rule provides for several important amendments concerning each of these issues, as well as for adequate time to consider each one. In addition, the rule provides for Mr. ASPIN, the chairman of the Armed Services Committee, to offer an amendment pertaining to the overall defense budget, and yes, times have changed, and yes, I hope Mr. ASPIN does offer such an amendment.

I have not seen Mr. ASPIN's amendment, and its precise contents may still be under negotiation, but I cannot avoid making the observation that H.R. 4739 will be debated on the floor under dramatically different circumstances than those under which it was marked up in committee.

When H.R. 4739 was being marked up, no Member could possibly have foreseen the need to deploy nearly 200,000 American troops in the Persian Gulf. No Member could have anticipated calling up the Reserves for the first time in a generation.

Accordingly, the funding levels in H.R. 4739 were reduced much too much. This bill comes in $24 billion below the President's original request. Mr. Speaker, a defense cut of such magnitude is a reflection of the rather naive optimism which prevailed earlier in the year concerning a so-called peace dividend. And I guess it took a cunning, ruthless, despicable despot called Saddam Hussein, the most dangerous man in the world, to wake us up to that fact.

Mr. Speaker, all Americans are encouraged by the relaxation of tensions between the United States and the Soviet Union. Thank goodness tensions have been relaxed. Tensions have relaxed, but they are not gone altogether—there still are 10,000 nuclear warheads pointed in our direction. Nevertheless, the summit conference in Helsinki over the weekend is a hopeful sign that we can work together on important issues.

But, however much superpower tensions may relax, we have to be aware of the ironic effect that such a change in the superpower relationship brings: Namely, that it makes regional hoodlums like Saddam Hussein that much more powerful, relatively speaking, on the world scene. Moreover, people like Saddam Hussein are more unpredictable now that they are acting on their own instead of serving as proxies for the Soviet Union, as he was doing before.

So, Mr. Speaker, we continue to live in a dangerous world—make no mistake about it. America must remain ready to meet any challenge to our vital interests—and our allies must be more willing to stand up for our common interests, too. But the funding level presently contained in H.R. 4739 is inadequate and inconsistent

with America's responsibilities, and we had better do something about it.

It is my hope that the Aspin amendment and such additional amendments as may be made in order by the next rule on Wednesday will provide the House with the opportunity to bring funding levels in this bill back up to realistic and responsible amounts.

Mr. Speaker, we are probably $5 billion short in outlays and we are probably $7 billion short in budget authority. So, Mr. Speaker, let us take account of that when we work a second rule out tomorrow.

□ 1550

Finally, Mr. Speaker, I would just like to say a word about homeporting, an issue of great importance to my home State of New York. A total of $230 million has already been invested in the construction—now 90 percent complete—of a new naval homeport in Staten Island. This facility will provide state-of-the-art maintenance for our Naval Reserves; it will also enable the Navy to close its obsolete facilities in New York City and consolidate its activities there in one place.

For reasons that are not clear to me, the Staten Island homeport is the target of an amendment that seeks to shut it down. Not any other homeport in the country, just this one. Alone among the homeport projects now under way, the Staten Island homeport has been singled out for closing. This is clearly a case of being penny-wise and dollar-foolish. It also discriminates against my State.

If and when the amendment to close the Staten Island homeport is brought up, the gentlelady from New York, SUSAN MOLINARI, will be offering a substitute amendment which would give the Secretary of Defense adequate time to examine fully the status of this project and the status of our military construction program as a whole—and then report his recommendations to the U.S. Congress. That is the way it should be.

And so I urge support for the Molinari amendment and I urge support for this rule. We have a lot of work to do this week, Mr. Speaker, and so let's get started.

I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Texas [Mr. FROST] has 26 minutes remaining.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 6 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. I thank my colleagues, and I thank the Speaker.

Mr. Speaker, let me address an issue which relates to this rule. First of all, let me just commend my colleague, the gentleman from Texas [Mr. FROST] for bringing this rule to the floor. It is a fair, a good rule. It is a good start on an important subject that affects this Nation and the security of the free world.

I want to commend the gentleman from Texas and my colleagues on the Committee on Rules for bringing it forward.

The issue that I want to address is an amendment that is being made in order by this rule under burden sharing. And it deals with Japan and the cost of the United States' defense of Japan.

In last year's fiscal year 1990 Defense Authorization Act we in the Congress called on Japan to assume all the costs of the United States forces in Japan. While we do this on a constant basis, whether it is military or domestic or trade issues with Japan, and often, as my colleagues know and understand, the response from the other side is, "Well, we will see what we can do. We will try to accommodate you. Let's sit down and talk. Let's think about this a little longer."

You know, we have gotten ourselves into a situation where we have roughly 50,000 troops, American troops, stationed in Japan at 31 installations, costing us in the neighborhood of $7.4 billion a year. The Japanese pick up about $2.9 billion of that. But our people in this country are paying close to $5 billion a year to defend the Japanese.

Now, I go home, first of all, and I tell my people over the break that we have got 50,000 troops in Japan, and they are really sort of taken aback when you tell them that. They have come to assume that 45 years after the end of the war, that we certainly would not have that many people stationed in Japan.

They understand that we have hundreds of thousands in Europe, 40,000 in Korea, but when you tell them that we have got 50,000 troops stationed in Japan costing them almost $5 billion a year, while the Japanese have a $45 billion trade deficit with us, where their markets are closed to all of our products.

I represent the Detroit area. The Japanese have a $60 billion auto parts market, $60 billion.

We get 1 percent of that. Theirs is closed. "You can't come in."

Now, my colleagues from California have heard it with computers, with semiconductors, we hear it from our colleagues in agriculture that their markets are closed. But we have got 50,000 troops there, at 31 installations, $5 billion a year, taking care of their needs.

What about the needs of the American people? We have got people in this country who do not have health care; 37 million people, no health care insurance.

There are millions of homeless. Many of those are families.

Bridges and roads need repairs. What about those people?

Yet we are spending $5 billion a year for their defense.

Now, my amendment simply calls upon us to do what we said we wanted the Defense Department to do in the fiscal year 1990 bill last year, and that is for them to assume the cost. It is only fair that they do that. They have been reluctant to come forward.

In the Middle East they get 60 to 70 percent of their oil from the Persian Gulf. They said they were going to commit $1 billion to this effort. We have seen nothing as of yet. They are fighting in Japan now over, in fact, whether they are going to fulfill that commitment at all.

After all, a billion dollars, it is about a month's efforts of our troops in the Persian Gulf. Something is entirely out of whack, Mr. Speaker.

We have got to start taking care of our own in this country. Yes, we will defend freedom around the world, and obviously we are doing it, and I support the President—I think he has done an excellent job, quite frankly, in the way he has handled this so far. But our allies have to be there with us. We cannot police the entire world and pay for the cost by ourselves.

I want our European friends there, I want the check from the French, and I want the Japanese to pay their fair share because we have got concerns and needs here at home that have to be addressed.

We could use that $5 billion to take care of the insurance of those constituents that I have who do not have any health insurance; we could use that $5 billion to take care of the homeless in this country; we could use that $5 billion to take care of the educational needs of our younger people.

So I ask my colleagues to put a little teeth, tomorrow or Wednesday when we deal with this amendment, into our negotiating position.

The Senate did their bill. They did not do anything on it. This is a tough amendment. But you got to be tough with the Japanese. If we have not learned that, we have not learned anything in the last 45 years.

You have got to be tough negotiators. This amendment says to the President you got to negotiate for them to pay for the costs.

They got 22,000 people working at these installations, Japanese people working at the installations, and we are paying for the cost of many of those people. There is no necessity for that, not when our own people need work, when our own people need housing, when our own people need health care.

So I ask my colleagues to stay with me on the amendment tomorrow. It is fair, it is firm, it will give us a negotiation—it will give the administration the leverage it needs to sit down with them and hammer out more of the

burden sharing that is necessary in this part of the world.

I thank my colleagues for giving me the time to address this issue, and I hope my colleagues who are listening to this debate this afternoon will look at this amendment seriously and would give us the support that we need.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama [Mr. DICKINSON], the ranking Republican member on the Committee on Armed Services.

Mr. DICKINSON. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, let me say that I do not always find myself in agreement with the gentleman who just preceded me in the well, the gentleman from Michigan [Mr. BONIOR], but let me just close ranks with him and say that I think that basically he is on the right track. I think we have been playing on an unlevel playing field when it comes to our exports and the deficit payments with Japan.

□ 1600

Whether we're talking about, as the gentleman pointed out, agriculture, automobiles, or electronics, it is ludicrous for us to be picking up the entire cost of the umbrella which encompasses Japan's defense. At the same time, we cannot work out any equitable arrangement for sales to offset our trade imbalance though I do feel like our presence there is good, and is needed.

As far as payments for our services, I think it is not unreasonable to expect the Japanese, who are so wealthy they are hard-put to find places to put their money—they are coming to invest in very great amounts in real estate and farms and so forth in this country—to compensate us. I think if they are really having trouble finding places to make their investments, let them help in their own protection. For the tremendous expense we are bearing there, not to mention our expenses in the Mideast, where, as has been pointed out, the figures range from 60 to 90 percent of Japan's total oil imports come from that section of the world, we should be compensated.

I was informed that they were supposed to, even going back to the Kuwaiti reflagging that caused the United States substantial military resources, they were going to do a great deal more than has, in fact, been forthcoming. So it just might be that when the gentleman from Michigan [Mr. BONIOR] offers his amendment on this bill, that he might find support from unexpected quarters.

Let me say that I rise in support of this resolution, the first rule of fiscal year 1991 Defense authorization bill. As one who normally opposes closed rules, I believe this is the only way in which to manage this particular bill, with over 130 amendments, in just 2 days. The first rule is generally uncontroversial and adequately protects the rights of the minority so far as we can ascertain. We are working with the Committee on Rules on the second rule, and I hope that it is equally uncontroversial. We have had to go about this process in a truncated fashion. We would begin debate tomorrow with the initial rule that we are debating today, which is noncontroversial.

The Committee on Rules will be meeting again tomorrow to determine what the second rule will look like, and which will make certain amendments in order, and allow only certain people to offer them.

In the committee, I opposed H.R. 4739 because it is terribly flawed, so the Committee on Rules, in my opinion, would be hard pressed to find a way to make this bill worse. I think the bill is bad. I think it needs a lot of remedial work. I think we need to do a lot to make it passable and make it supportable so far as this Member is concerned, and hopefully as far as the administration is concerned. H.R. 4739 cuts $24 billion from the President's request, it guts our strategic and conventional modernization programs, and is riddled with add ons that are not required and have been asked for because they are pure pork in nature. Many of the proposed amendments have the flavor of pure pork and they just benefit people back home. They are not necessary for our overall defense structure and posture, and I would hope they would be deleted. I intend to elaborate on the many flaws of this Defense bill during the general debate tomorrow.

The annual Defense authorization bill has always been difficult and cumbersome legislation under the best of circumstances. I do not believe this rule disadvantages the minority, so I urge its adoption.

I would like to take this opportunity, if I may, Mr. Speaker, to thank the gentleman from Massachusetts, [Mr. MOAKLEY], and also the gentleman from Tennessee [Mr. QUILLEN], and especially the gentleman from New York [Mr. SOLOMON], the ranking Republican on the Committee on Rules, for their hard work on the rule. I think we all are thankful to have avoided the misunderstandings that happened during considerations in the past. As the first rule, I urge unanimous support for it. I think it is fair, and I certainly intend to support it.

Mr. FROST. Mr. Speaker, for the purposes of debate only, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Speaker, I rise in support of the rule. I wish we could have more time to debate some of the issues, but I do understand the need for prompt action as we get toward the end of a session.

I want to use my time to voice my very strong support for the amendment that will be offered by the gentleman from New York [Mr. MRAZEK] and the gentleman from Michigan [Mr. BONIOR]. Both of those amendments deal with a situation that cries out for change. It is a situation in which many wealthy nations in this world and many middle league nations in this world, act as if they were still poor and the United States was the only source of funds. In 1945 this Nation began a policy of extraordinary generosity. When World War II ended, we as a nation did not simply go to the aid of our former allies with financial and political and military support. We did something unprecedented, in my judgment. We went to the aid of our enemies. I do not think Members will find in the history of the world a clearer example of farsighted generosity than what America did with regard to Japan and Germany. And in part as a result of our policies, largely as a result of their own actions, obviously, those nations are today prosperous and democratic beyond what they have ever been.

The question is, shall we continue to act in 1990, when Germany and Japan are wealthy and strong nations, as if they were improverished victims of a war? Because if we do not begin to change our policy, this is what we will be doing. We spend more than $100 billion a year defending the nations of Western Europe against an invasion which is not coming. The likelihood that the Russians will lead Poland, Hungary, Czechoslovakia, Bulgaria, and for the few weeks it remains as an entity, East Germany, is any invasion of the West is nil. As to Japan, I do not know what our large troop concentration in Japan is defending the Japanese from. Partly the Chinese, whom the Japanese cannot wait to sell things to. I do not think it is the Russians. Whoever it is, however, if the Japanese feel imperiled, it is reasonable for Members to ask them to compensate the United States fully for the troops we have there. That is what the gentleman from Michigan says.

Let me address those who say, do we want Americans to be mercenaries. No, I do not want Americans to be mercenaries. A mercenary, as I understand it, is someone whose gun if for hire to the top bidder, regardless to any common moral purpose, regardless to any strategic justification. No Member would ever tolerate America's young people being in that situation. That is not what we are talking about. We are not talking about America simply taking bids and sending troops anywhere that people have the money. We are talking about America working in conjunction with allies to set a

common purpose, but saying, in some circumstances where it makes sense, for Members to supply the firepower, in pursuit of this common purpose, it makes sense for Japan to compensate the United States for it. Japan is a wealthy nation, spending 1 percent of the gross national product on the military. We spend 6 percent. Then, people wonder why they can outcompete the United States in other areas.

Suppose two business people who have the same business, maybe a factory, maybe a retail store, whatever it is, and they are separated by a channel, and because of different police policies in the two towns, one entity has to spend $6 out of every $100 on security, and the other entity spends $1. Who will win the competition for market share? That is the United States and Japan. When Japan needed the help, we gave it unstintingly and generously. Today, we are in the bizarre position of spending billions of dollars of American taxpayer money every year, money we have to borrow, to defend Japan, when Japan is quite wealthy enough to pay the United States for it.

□ 1610

The situation is similar with South Korea. The South Koreans do face a threat from an ugly and immoral North Korean regime, although there may be some signs of change. But South Korea is larger than North Korea. It has a bigger population, and it has a better industrial base. Surely they do not need 43,000 American ground troops. They need American commitment, which they should have.

And it is not simply the case in Asia; it is also the case in the Middle East. We should be insisting that our allies do more. We could not wait for that, because had we waited, we might have confronted a situation where Saddam Hussein would have seized part of Saudi Arabia. So the President, I believe, did the right thing by moving in, and he is doing the right thing by asking for a share. But that principle, which makes sense in the Middle East, makes equal sense in Western Europe, and it makes sense in South Korea and it makes sense in Japan.

The Bonior amendment and other amendments give us the chance to say to our allies that the free ride is over. We are willing to be equal participants in the defense of common interests, but we are not willing to be suckered into paying and paying and paying a subsidy to those who are at least as wealthy as we are.

Mr. Speaker, I hope the amendments are adopted when we consider the bill.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, today I rise in support of the rule, and I thank the chairman and the ranking minority of the committee and the committee members for making it in order.

My amendment which will be discussed early tomorrow seeks to substitute for the Bennett amendment, which would destroy a naval station existing and operating in my district right now. The Bennett amendment would subject Naval Station New York to an action enforced upon no other military installation in our Nation, in our Nation's history. It would fly in the face of the Base Closure and Realignment Act.

Why would they do this? I have great respect for Chairman BENNETT. He sent a letter out saying that this is not a parochial move, although he himself enjoys a home port which reaps $1.7 billion of Federal taxpayer money a year. Both of my colleagues, Chairman BENNETT and the gentlewoman from Colorado [Mrs. SCHROEDER], say this is about cost, and yet it will cost more to close this base down than it will cost to keep it functioning and operating.

So why? Why are we making this drastic move on just this one port, just this one military installation in 50 States? Perhaps this "Dear Colleague" letter to my colleagues sums it up in the last paragraph:

> New York City doesn't want the base. The base would open in an overwhelming Democratic area, but the city's Democratic mayor and 11 of the 12 Democratic city Representatives have told us, Congress, "Close the base."

What is that last paragraph saying? Is it saying that Democrats should decide national defense issues based upon in whose district the base is located? Perhaps it is saying that Democrats know more about national security than anybody else. Maybe it is saying that Democrats are willing to pay less for national security than any other political party.

Of course, none of that is accurate. Clearly, what they are saying is that this is a political party vote on national defense. I appeal to my Democratic colleagues tomorrow to judge the issues of the facts. You may decide on the facts to vote against the Molinari substitute. You may decide for the first time to start the ball rolling and subject every base in this country vulnerable to partisan policy or parochial attack, but your vote should not be cast on what is in the best interest of the Republican Party or the Democratic Party.

Mr. Speaker, I appeal to my colleagues through this exception in the rule to decide what is in the best interests of our country.

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

Mr. Speaker, the Members who just spoke, the gentleman from Massachusetts [Mr. FRANK] was eloquent in his presentation. I have a couple of things to say about that. But I also want to thank him in advance for his efforts in fairness, in passing legislation out of his subcommittee and out of the Committee on the Judiciary and referring it over to the Committee on Armed Services that would restore the pension, specifically, of Lt. Col. Oliver North and others like him who were being discriminated against because of the way the law was being interpreted.

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

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

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

Mr. Speaker, I want to thank the gentleman for bringing that forward and for cooperating with us so that we were able to do it, not as an individual favor, because we changed public policy since many of us believe, I think, including the gentleman and I, that if you come before a court in a criminal situation, you should be treated like anybody else. We had this anomaly where some people lost their pensions and others did not.

Mr. Speaker, I think we have improved the criminal justice system, and I thank the gentleman for taking the initiative and giving us a chance to do that.

Mr. SOLOMON. Mr. Speaker, the gentleman was most fair, as he usually is, and certainly we thank him for his consideration.

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

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. FRANK. What do you mean, "usually"?

Mr. SOLOMON. Mr. Speaker, let me just say also that the gentleman from Massachusetts [Mr. FRANK] was talking about the North Koreans. That was also true back in 1950 when North Korea invaded South Korea. It just so happened that they were backed up by a billion Chinese, and nothing has happened since. A billion Chinese are still there, and they are run by one of the most inhumane governments in the world, the Communist government that is in effect there.

The gentleman also mentioned that Japan and Germany now have some of the most democratic governments in the entire world, and, yes, he is right. Let me just say that the reason they have some of the most democratic governments in the world is because the United States of America and its allies beat their brains out in the Second World War. This is why they have a democratic government today.

Let us contrast that with what happened in the Korean War when we, because of our politicians, only went up to the 38th parallel and stopped; now the rest of that country, North Korea,

is still run by these same despots, these same Communists who have run that country since 1945.

Let us look at Vietnam. The same thing happened there. The politicians got involved, and we failed to win that war. So Vietnam is still ruled by these same Communists who have no respect for human life at all.

Mr. Speaker, let me just say in closing the debate here that we can be so proud of the United States military today and of the young men and women who serve throughout this country and the world. If you have traveled throughout the military bases, as I have, here and overseas, you know that we have a cross-section of America today operating an all-volunteer military—no draft involved, just young men and women who want to serve their country.

Let us contrast our military preparedness that we have in Saudia Arabia, something we can be proud of, with what we had in 1980. I can recall in 1980 a B-52 bomber that was being flown at that time which was older than the pilots who were flying those planes. I can recall one out in Colorado where the wing absolutely fell of the plane.

That was the condition of our military. Our young men and women who were trying to serve in the military had to live on food stamps. And Jimmy Carter, with all due respect to him, tried to rescue American hostages in Iran; we had to cannibalize parts for eight helicopter gunships just to get a few that would work, and those failed. That was our ability to defend American interests back in 1980.

Today, thank God, because of Ronald Reagan and because of George Bush and this Congress backing them up, we went through a period of peace through strength so that today we can defend ourselves over in Operation Desert Shield. We can defend American interests around this world, and we ought to be enacting a program here this week that will provide a decent Defense authorization bill that will keep us in that position.

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

Mr. FROST. Mr. Speaker, for the purpose of debate only, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I commend the Rules Committee for this rule on the Defense bill.

This is a particularly difficult time. It is hard to imagine a time when this country has faced greater challenges. We are now the single largest debtor nation in the world. We constantly have to tell the American people that we cannot provide adequate health care or adequate educational opportunities, and the challenge is before us on environmental policy and others that put pressure on the administration. These are things the leaders of this Congress are trying to work on now. For our part, we have to be ready to make tough choices as well.

It is hard to make the argument that we need a larger Defense budget to confront Saddam, Hussein than we needed to confront the Soviets. So we do have to go through some change. We have to find ways to convert our economy from a defense-dependent economy to an economy that spends more of its dollars on engineering and moving to exports.

□ 1620

We have to make sure that the workers who built the defense establishment of this Nation are not simply left behind. I would particularly like to commend the Rules Committee and its chairman for including the MAVROULES amendment that Congressman MAVROULES and myself and others, the majority leader, spent over the last year or so working on to make sure that the choice for America's defense workers was not either to simply let them drop off a cliff or try to make products that were not needed.

There are going to be changes. We have already had those affect each of our districts. In my district the workers at UNC have been laid off without any real opportunity, without the kind of program that is necessary to convert our economies. If we abandon these workers who helped build the best defense in the world, we have not fulfilled our obligations. If we allow our economy to disintegrate because of the changes that have occurred in this world, we have not fulfilled our responsibilities as Members of Congress.

The choice ought not to be massive unemployment or building weapons systems that are no longer necessary. We need to harness that energy, that talent, that capital, and those facilities to build a stronger economy for the future. That is going to be the real test for this Nation, to provide for an adequate defense and to have an economy that can sustain that defense and sustain the needs of the citizens of this country.

I thank the Rules Committee for the time and commend them for the work they have done.

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

Mr. FROST. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

NATIONAL HISTORICALLY BLACK COLLEGES WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 285), to designate the period commencing September 9, 1990, and ending on September 15, 1990, as "National Historically Black Colleges Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I yield to the gentleman from South Carolina [Mr. SPENCE], who is the chief sponsor of House Joint Resolution 552.

Mr. SPENCE. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise today in support of Senate Joint Resolution 285, a resolution to designate this week, September 9 through September 15, as "National Historically Black Colleges Week." I have introduced the House companion bill, House Joint Resolution 552.

Over the past few years, I have been privileged to have sponsored legislation commemorating National Historically Black Colleges Week, and it is my honor to do so again. These schools are certainly deserving of recognition for the invaluable service that they have provided to our great Nation. Across the country there are 107 historically black colleges and universities, located in 20 States plus the District of Columbia and the Virgin Islands. Six of these institutions are located in my district alone.

I think we all realize the importance of education to full participation in our complex, highly technological society. Throughout their existence, historically black colleges and universities have provided, and continue to provide, the quality education that is vital in enabling individuals to improve their lives and the livelihoods of their families. They have allowed many underprivileged students to attain their full potential through higher education.

Mr. Speaker, it is appropriate that we honor historically black colleges and universities in this way.

At this time, I would like to express appreciation to those who have been so helpful in bringing this resolution before the House today; namely, the 223 cosponsors; the chairman of the full committee, the gentleman from Michigan [Mr. FORD]; the ranking member, the gentleman from New York [Mr. GILMAN]; the chairman of the subcommittee, the gentleman from Ohio [Mr. SAWYER]; and the

ranking member, the gentleman from Pennsylvania [Mr. RIDGE]. I would also like to thank the staffs of these Members and the committee staffs.

Mr. Speaker, again I would like to thank these people for their support in the consideration of this resolution.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I just want to thank the gentleman for his sponsorship of this important resolution.

In the State of Maryland we have at least three historically black colleges which are renowned for the quality of their education and for nurturing leadership: the University of Maryland on the Eastern Shore, Bowie State University, and Morgan State University.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 285

Whereas there are 107 Historically Black Colleges and Universities in the United States;

Whereas such colleges and universities provide the quality education so essential to full participation in a complex, highly technological society;

Whereas black colleges and universities have a rich heritage and have played a prominent role in American history;

Whereas such institutions have allowed many underprivileged students to attain their full potential through higher education; and

Whereas the achievements and goals of the Historically Black Colleges are deserving of national recognition: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the period commencing September 9, 1990, and ending on September 15, 1990, is designated as "National Historically Black Colleges Week" and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and interested groups to observe such week with appropriate ceremonies, activities, and programs, thereby demonstrating support for Historically Black Colleges and Universities in the United States.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL REHABILITATION WEEK

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 279) to designate the week of September 16, 1990, through September 22, 1990, as "National Rehabilitation Week," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, the minority has no objection to this important resolution, but does want to commend the prime sponsor, the gentleman from Pennsylvania [Mr. MCDADE].

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 279

Whereas the designation of a week as "National Rehabilitation Week" gives the people of this Nation an opportunity to celebrate the victories, courage, and determination of individuals with disabilities in this Nation and recognize dedicated health care professionals who work daily to help such individuals achieve independence;

Whereas there are significant areas where the needs of such individuals with disabilities have not been met, such as certain research and educational needs;

Whereas half of the people of this Nation will need some form of rehabilitation therapy;

Whereas rehabilitation agencies and facilities offer care and treatment for individuals with physical, mental, emotional, and social disabilities;

Whereas the goal of the rehabilitative services offered by such agencies and facilities is to help disabled individuals lead active lives at the greatest level of independence possible; and

Whereas the majority of the people of this Nation are not aware of the limitless possibilities of invaluable rehabilitative services in this Nation: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That,

(1) the week of September 16, 1990, through September 22, 1990, is designated as "National Rehabilitation Week" and the President is authorized and requested to issue a proclamation calling on the people of the United States to observe such week with appropriate ceremonies and activities, including educational activities to heighten public awareness of the types of rehabilitative services available in this Nation and the manner in which such services improve the quality of life of disabled individuals; and

(b) each State governor, and each chief executive of each political subdivision of each State, is urged to issue proclamation (or other appropriate official statement) calling upon the citizens of such State or political subdivision of a State to observe such week in the manner described in paragraph (1).

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

POLISH AMERICAN HERITAGE MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 289) to designate October 1990 as "Polish American Heritage Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

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

Mrs. MORELLA. Reserving the right to object, Mr. Speaker, I just want to commend the prime sponsor of the bill, the gentleman from Wisconsin [Mr. KLECZKA] for dedicating October 1990 as "Polish American Heritage Month."

I just returned during the recess from a trip to Poland and noted not only their adherence toward a market economy and trying to emulate the United States but their great love for Americans and their relatives who are here.

Mr. Speaker, I am very pleased to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, I am pleased to rise in support of Senate Joint Resolution 289, which designates October 1990, as "Polish American Heritage Month," and commend my good friend Mr. SIMON and my distinguished colleague from Wisconsin, Mr. KLECZKA for their work on this resolution.

I am proud to recognize the myriad of contributions of Polish Americans to life in the United States, and to support legislation that will bring to national attention these contributions.

Since the days of Kosciuszco, ethnic Poles have shared their burning desire for freedom throughout the world. Polish Americans have served in our Armed Forces, and preserved, protected, and defended the American way of life since the inception of the American experience. From our steel mills to top foreign policy positions, to the fields of medicine and law, the contributions of ethnic Poles to the good of American society will be commemorated for generations to come.

Mr. Speaker, Polish Americans can look across the seas to the land of their ancestry and derive pleasure from the raging tide of democracy throughout Eastern Europe. These changes bring hope and inspiration to Polish citizens and give the opportunity to experience some of what their emigre counterparts have experienced in our great Nation for over 200 years. Accordingly, I urge my colleague to join with me in supporting this important resolution.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

Mr. KLECZKA. Mr. Speaker, I rise today to thank my colleagues for approving House Joint Resolution 604, a resolution I introduced earlier this year designating October 1990 as Polish American Heritage Month.

As an American of Polish descent who represents tens of thousands of Polish Americans in Milwaukee and Waukesha Counties, I am proud that the House of Representatives is conferring this great honor on my community.

Poles have worked with other Americans to make this country the prosperous, democratic nation we know today ever since they first arrived in this land among the first settlers at Jamestown, VA in the 17th century. A century later, heroic Poles, such as Kazimierz Pulaski and Tadeusz Kosciuszko, led American patriots in battle against British troops in our War of Independence.

Polish Americans deserve special recognition in their effort and commitment to aid their Polish brothers and sisters in peacefully transforming Poland into a multiparty democracy and a free market economy. Americans of Polish ancestry are among the most enthusiastic investors in the reviving Polish economy.

Like other peoples that came to our shores, Polish Americans have made great contributaions to our society in the arts, sciences, industry, and government. While integrating fully into American society, Polish Americans have retained their own special culture.

The month of October will be a time to highlight and reflect on Polish American accomplishments so that all Americans can gain a deeper understanding and appreciation for this unique culture. I urge my colleagues to avail themselves of opportunities in their districts to celebrate Polish American Heritage Month by eating our delicious food, viewing our colorful folk dances, and listening and dancing to our famous polkas.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 289

Whereas the first Polish immigrants to North America were among the first settlers of Jamestown, Virginia in the seventeenth century;

Whereas Kazimierz Pulaski, Tadeusz Kosciuszko, and other Poles came to the British colonies in America to fight in the Revolutionary War and to risk their lives and fortunes for the creation of the United States;

Whereas Poles and Americans of Polish descent have distinguished themselves by contributing to the development of arts, sciences, government, military service, athletics, and education in the United States;

Whereas, the Polish constitution of May 3, 1791, was modeled directly on the constitution of the United States, is recognized as the second written constitution in history, and is revered by Poles and Americans of Polish descent;

Whereas Poles and Americans of Polish descent take great pride and honor the greatest son of Poland, His Holiness Pope John Paul the Second;

Whereas Poles and Americans of Polish descent and people everywhere applauded the efforts of Solidarity's leader Lech Walesa and the Polish Government in holding a Round Table conference in February-April 1989, which led to a peaceful transition to a multi-party democracy;

Whereas Americans of Polish descent and Americans take great pride in the election of Tadeusz Mazowiecki as Prime Minister of Poland;

Whereas Americans of Polish descent and Americans support the struggle of the Polish people to move toward a free-market economy; and

Whereas the Polish American Congress is observing its forth-sixth anniversary this year and is celebrating October 1990 as Polish American Heritage Month: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 1990 is designated "Polish American Heritage Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States to observe such a month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CRIME PREVENTION MONTH

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 309) designating the month of October 1990 as "Crime Prevention Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

□ 1630

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

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN], the ranking member of the Committee on Post Office and Civil Service.

Mr. GILMAN. Mr. Speaker, I rise in strong support of Senate Joint Resolution 309, which designates the month of October 1990 as "National Crime Prevention Month."

The terrible violence and suffering associated with the national scourge of illicit drug abuse has helped to energize the public outcry against all crime. While personal efforts by individual citizens are important, organized community crime prevention is imperative if the war on drugs and other crime is to be won.

Organized community action when in cooperation with local law enforcement officials can effectuate positive change. By mobilizing our citizens in an all out effort can help eradicate crime from our homes and our neighborhoods.

As we celebrate the 10th Anniversary of the National Citizen's Crime Prevention Campaign which features the McGruff crime dog, the outstanding efforts of the crime prevention campaign as well as those of the Department of Justice and a variety of organizations promoting local partnerships among our law enforcement agencies should be recognized and commended. It is through these programs that the quality of life in communities across our Nation is being improved.

Mr. Speaker, I urge all my colleagues to join with me in supporting this important resolution.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for his comments on this very important issue, and, before I withdraw my reservation, I want to say it is a pleasure to be a floor manager with my good friend, the gentleman from Ohio [Mr. SAWYER]. I have not done this for a while.

Mr. PRICE. Mr. Speaker, I rise in support of the resolution designating October 1990 as "Crime Prevention Month." I first want to thank Representative BILL HUGHES, chairman of the Judiciary Subcommittee on Crime, and Representative HAMILTON FISH, ranking minority leader on the Judiciary Committee, for working with me in promoting this resolution.

I hope all of our colleagues in the House and Senate will use Crime Prevention Month to commend the community-based organizations and programs that work to reduce crime in our communities everyday, and to encourage more of our constituents to get involved in these programs.

Citizen involvement has led to the development of diverse local partnerships among law enforcement agencies, citizens, businesses, and government such as: Neighborhood Watch, Crime Stoppers; Teens, Crime and the Community; and Congregations and Support for Families. These groups have already taught many people that they do not need to be helpless victims of crime, but by working together they can effectively reduce crime in their neighborhoods. These programs have also helped increase people's pride and shared responsibility in their community. Crime Prevention Month will also highlight the 10th anniversary of the highly successful McGruff The Crime Dog campaign. Through the McGruff campaign millions of schoolchildren have learned about the dangers of substance abuse and how to protect themselves against crime.

For my part, I hope this month will serve as a catalyst in the communities in my district to help teach schoolchildren more about the dangers of drugs; teach senior citizens how to protect themselves from attacks and robberies; and to help groups such as Neighborhood Watch meet the new challenges posed by the abuse or drugs. While skilled law enforcement agents are still the key to preventing crime and maintaining public order, crime prevention by individuals and communities plays a key role as well.

Crime Prevention Month is supported by the Crime Prevention Coalition which is made up

of 130 organizations including the Boy Scouts of America, the National Sheriffs Association, NAACP, FBI, AARP, and the National Association of Attorneys General. I appreciate all they have done to build support for this resolution, and anticipate working with them to make this observance a success.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 309

Whereas it has been proven that community crime prevention efforts are reducing victimization by crime and helping to rebuild a sense of mutual responsibility and shared pride in community;

Whereas the National Citizens' Crime Prevention Campaign, featuring McGruff the Crime Dog and promoted by the United States Department of Justice, the National Crime Prevention Council, the Advertising Council, and the Crime Prevention Coalition, helps spur diverse local partnerships among law enforcement agencies, citizens, businesses, and government which work to reduce crime and improve community life throughout the Nation; and

Whereas the 10th anniversary of McGruff the Crime Dog as a symbol of the Nation's fight against crime and drugs will be celebrated in October 1990: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of October 1990 is designated as "Crime Prevention Month", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate programs, ceremonies, and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAWYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the several Senate joint resolutions just passed.

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

There was no objection.

COMMUNICATION FROM THE HONORABLE LEON E. PANETTA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable LEON E. PANETTA, a Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC, August 24, 1990.

Hon. THOMAS S. FOLEY,
Speaker of the House,
H-204, Capitol.

DEAR MR. SPEAKER: This is to notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena duces tecum issued by the Superior Court of California for the County of Monterey.

After consultation with the General Counsel to the Clerk, I will notify you of my determinations required by the Rule.

Sincerely,

LEON E. PANETTA,
Member of Congress.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 188

Mr. BRYANT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 188.

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

There was no objection.

JAPAN SHOULD CONTRIBUTE MORE

(Mr. DONALD E. "BUZ" LUKENS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material).

Mr. DONALD E. "BUZ" LUKENS. Mr. Speaker, Japan is not shouldering a proportional share of the burden in the Middle East crisis, especially in light of what they have at stake. In the next 6 months, it will cost the United States $20 billion to maintain our forces in the Middle East, including the $7 billion debt we are forgiving Egypt. That is only if there is no military action over the next months.

What is Japan, the wealthiest country in the world, contributing? Not one soldier, not on plane, not one ship, and relatively little financial assistance in relation to her wealth and vital energy interests in the region.

What is Japan receiving? Multinational protection for 90 percent of her total energy requirements and 70 percent of her oil which is imported directly from the Middle East.

Japan should contribute more assistance that is proportionately accurate with the enormous interest she has at stake.

[From Newsweek, Sept. 17, 1990]

THE HIGH COST OF GIVING

We have more will than wallet," George Bush declared in his Inaugural Address last year. His response to Saddam Hussein has proven that. The United States is long on will to roll back the Iraqi leader's annexation of Kuwait. But as the world's largest debtor nation, it lacks the wallet for a protracted stay in the Persian Gulf. At the current level of commitment, Operation Desert Shield is expected to cost $17.5 billion by the end of fiscal 1991 (chart). Last week Secretary of State James Baker hopscotched across the gulf region and Treasury Secretary Nicholas Brady hit Europe and Asia in what Sen. Richard Lugar (Indiana Republican) called an "international United Way campaign." After talks in the oil-rich emirate of Abu Dhabi, Baker said, "We're making very good progress here."

It was a good haul. The Kuwaiti emir, Sheik Jabiral-Ahmad al-Sabah, now exiled in Taif, Saudi Arabia, offered $2.5 billion to offset U.S. military expenses to the end of 1990. The Saudi government promised to cover all of the "incountry" costs of American forces on Saudi soil—several hundred million dollars a month. Baker would only describe talks with the United Arab Emirates as "very forthcoming." In addition, Kuwait said it would extend $2.5 billion to frontline countries like Jordan, Egypt and Turkey, in compensation for losses suffered under the embargo against Iraq. In all, it seemed possible that the aid would almost cover the costs of the U.S. commitment, at least in the short run.

For the oil producers of the gulf (with the obvious exception of Kuwait) even these amounts are small compared with the billions of dollars in windfall they can expect from higher oil prices caused by the crisis. "This is a battle for survival and a few billion dollars don't mean much in that context. We will pay whatever it costs," said a Saudi official last week. In fact, it is oil consumers everywhere, America included, who will pay. For the whole world, an oil-price increase of $10 a barrel translates into a $36 billion annual payment to Saudi Arabia—money that will then be "recycled" into defraying the costs of the American military presence in the Middle East.

Meanwhile, Treasury Secretary Brady came away from his trip virtually empty-handed. Japanese officials told him that aid to countries hurt by the embargo will be "on a considerable scale"—an earlier promise was for $1.3 billion. Washington wants the aid quickly to help governments that otherwise might be tempted to break the sanctions against Iraq. Japanese Foreign Ministry sources said Japan felt it was "doing its best," but insisted there are institutional constraints in place that the government is not going to be able to get around any time soon. "Their bill will go higher," said one senior Bush aide. Washington also wants $720 million more from Tokyo for defense assistance to the United States. If the aid materializes, it will likely be in the form of in-kind contributions such as equipment or troop transportation services and in assuming more of the expenses for stationing U.S. troops in Japan.

Aside from participating in sanctions, Japan hasn't done much so far. This week the first team of Japanese medics are supposed to head for the region: one government official says perhaps 10 to 20 doctors, another says three. Last week a ship loaded with 800 four-wheel-drive vehicles, requested by the U.S. military, set out for the gulf—after a two-day strike by seamen who refused to sail with the cars to the gulf. Already congressmen returning from the Persian Gulf have warned Bush that Capitol Hill's patience will wane if American troops are sweltering in the Saudi heat by themselves, unaided by cash support from countries that depend far more on Mideast oil than Americans do. The Japanese "want to play golf at your club," said an angry Kuwaiti financier last week, "but they don't want to pay the dues."

As for West Germany, Bonn is willing to come close to the U.S. request of about $637 million to help countries hurt by the embar-

go. But the West Germans have vetoed supplying funds for U.S. military forces in the region. Rather, they will offer up ships and planes to transport American troops. The West Germans complain that the United States balked at Bonn's own scheme to bail out Eastern Europe and the Soviet Union. They say that their own energies are absorbed by the effort to reunify with East Germany, which will also absorb most of their spare cash over the next few years.

Though the administration's cost estimates have the ring of scientific precision, no one really has any idea how high the final price tag of the crisis might go. The Pentagon's cost estimate assumes a stay in the gulf at least through September of next year. But it also assumes that a shooting war won't break out. After that, all bets are off. The long-term costs to other countries are no clearer. Iraq and Kuwait were so thoroughly tied in to the world economy that there is essentially no end to the countries that can claim some harm from the cutoff of trade, with them. Brazil, which depended heavily on Iraqi crude, will lose $450 million per year from higher oil prices. Pakistan stands to lose almost $1 billion next year in lost wages from Pakistani workers streaming out of Iraq and Kuwait; Philippine workers could lose $100 million annually. The Institute for International Economics estimates Eastern Europe stands to lose $465 million next year in higher oil prices and lost exports. And with the oil pipeline from Iraq cut, the East Europeans have no way to recover the money Iraq owes them. Bulgaria alone says Iraq owes it $1.2 billion. Romania estimates it will lose $2.7 billion from the sanctions. Having seen that the Saudis and Kuwaitis are opening their wallets, many countries will be tempted to inflate the degree of pain they are suffering in effect demanding a higher payoff for staying on board the U.S.-led embargo. Administration economists are already trying to sort out legitimate relief requests from opportunistic attempts to grab a piece of the Kuwaitis' rock. As the crisis drags on and the costs rise, the United States may find that petrodollars are only a temporary solution to a permanent mismatch between America's global responsibilities and its internal resources.

ORDER OF BATTLE

Last week the Pentagon disclosed the incremental costs of Desert Shield through September 1991: Washington is planning for a long stay in the gulf.

[In millions of dollars [1]]

Item	Total cost
Deployment: Includes airlift, sealift and other deployment costs (support ships, storage, etc.)	5,300
Fuel costs: Increased use and cost of fuel	2,040
Reserve callup: Active duty pay, transport, support	3,015
Operating Expenses: Spares, logistics support	3,085
In-theater support: Housing, water, sanitation, etc	2,095
Construction costs: Facilities designed for 24 months of use	1,830
Other: Medical, family-separation pay, miscellaneous	165

[1] Fiscal years: 1990 and 1991. Ending Sept. 30, 1991.

Source: Department of Defense.

INTRODUCTION OF MEDICAID PHYSICIAN SERVICE QUALITY IMPROVEMENT ACT OF 1990

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

Mr. WEISS. Mr. Speaker, today I am introducing legislation to prevent incompetent and negligent physicians from treating Medicaid patients. The need for this legislation has been identified during the ongoing investigation of the Medicaid Program being conducted by the Subcommittee on Human Resources and Intergovernmental Relations, which I have the privilege to chair. We conducted an initial hearing in my home State of New York, whose problems are similar to those of other States with large urban populations.

Our investigation is finding that substantial numbers of Medicaid patients are subjected to highly dangerous medical treatment by negligent or incompetent physicians. Although I believe these physicians represent a very small percentage of our Nation's doctors, in a State like New York—where only 15 percent of the licensed physicians treat Medicaid patients—the poor care provided by those few doctors can wreak medical havoc on thousands of patients.

In large urban areas such as New York City, we have identified patterns of poor care involving physicians who are often educated in Third World countries and are certified to practice by a loose State medical licensing system. These physicians are hired by unscrupulous entrepreneurs to work in shared health facilities, more commonly known as Medicaid mills. The care provided by the worst Medicaid mills is characterized by a wide range of improper practices, including blatant drug dealing, overutilization of diagnostic tests, and the failure to provide even minimal quality of care.

In New York City, it is estimated that there is a shortage of 500 physicians in innercity neighborhoods with large Medicaid-eligible populations. Of the doctors who are available, most do not provide the full spectrum of care considered to be basic medical practice in the United States. The majority of these physicians lack board certification or hospital affiliations, including more than half of those who provide care to pregnant women.

It is astonishing that some of these physicians are licensed and allowed into the Medicaid Program in the first place. But compounding the problem is the inability or unwillingness of Federal or State Medicaid authorities to remove dangerous doctors from the Medicaid system, even after their maltreatment of Medicaid patients has been identified.

Financial fraud is treated more seriously by State Medicaid agencies than negligent medical care. More resources are spent on fraud investigations than quality of care reviews. Typically, physicians excluded from the Medicaid Program or delicensed by State boards are removed because they committed fraud. Doctors who practice poor quality of care are rarely disciplined with more than a slap on the wrist.

Our review of all Medicaid physicians referred to the New York medical licensing authority for disciplinary action in 1987 and 1988 found that the penalties recommended by the State department of health had been dismissed or lessened in 40 percent of the cases. Most of these cases involved fraud. The most egregious quality of care cases investigated by the State were not referred for discipline at all.

We also found that, of the few doctors who are excluded from the Medicaid Program, most continue to practice medicine and eventually return to the program after the exclusionary period.

The Federal Government need not condone the leninent treatment given to dangerous physicians. We should close the loopholes that allow incompetent physicians to treat Medicaid patients. Today I am proposing remedial steps that the Congress can adopt to prevent truly incompetent and negligent physicians from treating Medicaid patients.

The Medicaid Physician Service Quality Improvement Act of 1990 will help State governments keep tabs on incompetent doctors by requiring that Medicaid physicians have unique identifying numbers for billing purposes. Under this provision, the identifying numbers of the physicians who actually treat Medicaid patients must be included in the billing, thus preventing incompetent physicians from using large health care firms to disguise their participation in Medicaid.

The bill also requires foreign medical school graduates to pass a certification exam already required for participating in the Medicaid Program in order to be eligible for Medicaid reimbursements.

To prevent the problem of unqualified doctors providing specialized treatment to patients, the bill would require that physicians providing pediatric and obstetrical services either be certified or hospital-affiliated in these specialities, or have a consulting arrangement with a physician who is certified or hospital-affiliated.

The legislation would also require State governments to conduct quality of care reviews of high-volume physicians or health care plans.

Finally, my proposal would require all State health care agencies to report all adverse findings involving physicians in the Medicaid Program to the Federal Government, even when no

formal action has been taken against the physician.

These protections for Medicaid patients will not create additional costs for the program; in fact, they should save money by keeping out of the program physicians who are prone to overutilization. The intent of my proposed bill is to ensure that Medicaid patients receive the best available care, and that the program no longer be susceptible to rip-off artists and unqualified physicians. I urge my colleagues to support the Medicaid Physician Service Quality Improvement Act of 1990.

H.R.—

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicaid Physician Service Quality Improvement Act of 1990".

SEC. 2. USE OF UNIQUE PHYSICIAN IDENTIFIERS.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall established a system, for implementation by not later than July 1, 1991, which provides for a unique identifier for each physician who furnishes services for which payment may be made under a State plan approved under title XIX of the Social Security Act. Such systems may be the same as, or different from, the system established under section 9202(g) of the Consolidated Omnibus Budget Reconciliation Act of 1985.

(b) USE OF UNIQUE IDENTIFIERS.—

(1) REQUIRING INCLUSION WITH CLAIMS.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) as amended—

(A) by striking the period of the end of paragraph (9) and inserting "; or", and

(B) by inserting after paragraph (9) the following new paragraph:

"(10) with respect to any amount expended for physicians' services furnished on or after the first day of the first quarter beginning more than 60 days after the date of establishment of the physician identifier system under section 2(a) of the Medicaid Quality Improvement Act of 1990, unless the claim for the services includes the unique physician identifier provided under such system.".

(2) MAINTENANCE OF ENCOUNTER DATA BY HEALTH MAINTENANCE ORGANIZATIONS.—Section 1903(m)(2)(A) of such Act (42 U.S.C. 1396(m)(2)(A)) is amended—

(A) by striking "and" at the end of clause (vii),

(B) by striking the period at the end of clause (viii) and inserting "; and", and

(C) by adding at the end the following new clause:

"(ix) such contract provides for maintenance of sufficient patient encounter data to identify the physician who delivers services to patients.".

MAINTENANCE OF LIST OF PHYSICIANS BY STATES.—Section 1902(a)b of such Act (42 U.S.C. 1396a(a)) is amended—

(A) by striking "and" at the end of paragraph (52),

(B) by striking the period of the end of paragraph (53) and inserting "; and", and

(C) by inserting after paragraph (53) the following new paragraph:

"(54) maintain a list (updated not less often than monthly, and containing each physician's unique identifier provided under the system established under section 2(a) of the Medicaid Quality Improvement Act of 1990) of all physicians who are certified to participate under the State plan.".

(4) EFFECTIVE DATE.—

(A) The amendments made by paragraph (2) shall apply to contract years beginning after the date of the establishent of the system described in subsection (a).

(B) The amendments made by paragraph (3) shall apply to medical assistance for calendar quarters beginning more than 60 days after the date of establishment of the physician identifier system under subsection (a).

SEC. 3. FOREIGN MEDICAL GRADUATE CERTIFICATION.

(a) PASSAGE OF FMGEMS EXAMINATION IN ORDER TO OBTAIN IDENTIFIER.—The Secretary shall provide, in the identifier system established under section 2(a), that no foreign medical graduate (as defined in section 1886(h)(5)(D) of the Social Security Act) shall be issued an identifier under such system unless the individual has passed the FMGEMS examination (as defined in section 1886(h)(5)(E) of such Act).

(b) EFFECTIVE DATE.—Subsection (a) shall apply with respect to issuance of an identifier applicable to services furnished on or after January 1, 1992.

SEC. 4. MINIMUM QUALIFICATIONS FOR BILLING FOR PHYSICIANS' SERVICES TO CHILDREN AND PREGNANT WOMEN.

Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)), as amended by section 2(b)(1) of this Act, is further amended—

(A) by striking the period at the end of paragraph (10) and inserting "; or", and

(B) by inserting after paragraph (10) the following new paragraph:

"(11) with respect to any amount expended for physicians' services furnished by a physician on or after January 1, 1992, to—

"(A) a child under 21 years of age, unless the physician—

"(i) is certified in family practice or pediatrics by the medical specialty board recognized by the American Board of Medical Specialties for family practice or pediatrics,

"(ii) is employed by, or affiliated with, a Federally-qualified health center (as defined in section 1905(1)(2)(B)),

"(iii) holds admitting privileges at a hospital participating in a State plan approved under this title,

"(iv) is a member of the National Health Service Corps, or

"(v) documents a current, formal, consultation and referral arrangement with a pediatrician or family practitioner who has the certification described in clause (i) for purposes of specialized treatment and admission to a hospital; or

"(B) to a pregnant woman (or during the 60 day period beginning on the date of termination of the pregnancy) unless the physician—

"(i) is certified in family practice or obstetrics by the medical specialty board recognized by the American Board of Medical Specialties for family practice or obstetrics,

"(ii) is employed by, or affiliated with, a Federally-qualified health center (as defined in section 1905(1)(2)(B)),

"(iii) holds admitting privileges at a hospital participating in a State plan approved under this title,

"(iv) is a member of the National Health Service Corps, or

"(v) documents a current, formal, consultation and referral arrangement with a obstetrician or family practitioner who has the certification described in clause (i) for purposes of specialized treatment and admission to a hospital.

SEC. 5. EXPANDING ACCESS OF QUALIFIED PHYSICIANS TO HOSPITALS.

(a) REQUIREMENTS TO QUALIFY AS A DISPROPORTIONATE SHARE HOSPITAL.—Section 1923(d) of the Social Security Act (42 U.S.C. 1936r-4(d)) is amended—

(1) in paragraph (1), by inserting "(A)" after "unless",

(2) in paragraph (1), by inserting before the period at the end the following: ", and (B) the hospital extends admitting privileges to any physician who is qualified to participate under this title, who enters into an agreement with the single State agency described in section 1902(a)(5) to provide services under the plan, and who meets professional standards established by the hospital for the granting of such privileges and agrees to abide by the published bylaws of the hospital and the published bylaws, rules, and regulations of its medical staff", and

(3) in paragraph (2)(A), by striking "Paragraph (1)" and inserting "Paragraph (1)(A)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments under section 1923 of the Social Security Act made on or after July 1, 1992.

SEC. 6. MANDATORY QUALITY REVIEW FOR HIGH-VOLUME PHYSICIANS.

(a) IN GENERAL.—Section 1902(a)(30) of the Social Security Act (42 U.S.C. 1396a(a)(30)) is amended—

(1) by striking "and" at the end of subparagraph (B),

(2) by adding "and"' at the end of subparagraph (C), and

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

"(D) provide for (i) independent, external review (in a manner consistent with professionally recognized standards of health care) of the quality of services furnished by any physician who submits claims for services under this title at a rate of visits per month or at a rate of visits per year exceeding a threshold rate per month or rate per year established by the State (which threshold rates may not be greater than 387 visits per month or 4320 visits per year), (ii) independent, external review (in a manner consistent with professionally recognized standards of health care) of the quality of services furnished by a physician, receiving payment through a contract under section 1903(m), who has patient encounters with individuals entitled to medical assistance under this title at a rate of visits per month or at a rate of visits per year exceeding the threshold rates of visits per month or visits per year established under clause (i), and (iii) referral of physicians identified under such a review as not providing quality services to the single State agency under paragraph (5), the medical licensing board of the State, and the Inspector General for the Health Care Financing Administration for possible sanctions;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to calendar quarters beginning on or after January 1, 1991, without regard to whether or not regulations to implement such amendments have been promulgated by such date.

SEC. 7. REPORTING OF MISCONDUCT OR SUBSTANDARD CARE.

(a) IN GENERAL.—Section 1921(a) of the Social Security Act (42 U.S.C. 1396r-2(a)) is amended—

(1) in paragraph (1), in the matter before subparagraph (A), by inserting "(or any peer review organization or private accreditation entity reviewing the services provided by health care practitioners)" after "health care practitionrs", and

(2) in paragraph (1), by adding at the end the following new subparagraph:

"(D) Any negative action or finding by such authority, organization, or entity regarding the practitioner or entity.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to State information reporting systems as of January 1, 1992, without regard to whether or not the Secretary of Health and Human Services has promulgated any regulations to carry out such amendments by such date.

WE CANNOT GO IT ALONE

The SPEAKER pro tempore (Mr. MCMILLEN of Maryland). Under a previous order of the House, the gentleman from Florida [Mr. IRELAND] is recognized for 5 minutes.

Mr. IRELAND. Mr. Speaker, in late 1986, Iran began attacking ships in the Persian Gulf. The United States responded in March 1987 by reflagging and escorting Kuwaiti ships through the Gulf. The United States called on its allies to help protect shipping lands from aggression by Iran.

Our colleague PAT SCHROEDER and I recently released a General Accounting Office report on burdensharing. The report looks at how fairly the burden of that operation was shared by countries who depend on those shipping lanes to import or export oil.

The GAO report shows that the United States bore the brunt of the burden for keeping oil shipping lanes open in the Persian Gulf in 1987 and 1988. For instance, Japan—which contributed little to keeping the Persian Gulf open during the crisis—depended on oil from that part of the world for 58 percent of its daily consumption. In contrast, the United States dependence on Persian Gulf oil was only 7 percent, while the United States contributed 40 percent of the assets used to protect the gulf. Overall, only 15 nations—nine non-gulf countries and 6 gulf States—lent any support to the effort.

I'm pleased to report, however, that the lessons of the earlier Persian Gulf crisis are being heeded by the Bush Administration. As the current crisis in the gulf unfolds, the President has made it abundantly clear that the United States will not go it alone once again. He is delivering an indisputable message: our allies around the world must contribute, economically, and militarily, to this united effort against the aggressive, terrorist actions of Iraq's Saddam Hussein.

The numbers show that our allies are responding. As of 2 weeks ago, 22 nations had established a physical presence in the gulf—either in troops or equipment. By last Friday, that number had grown to 25 nations. The number and extent of each country's commitment is growing hour by hour.

This cooperation has been an essential element in our strategy to-date. If we tried to do it alone, we'd have 250 million Arabs against us. As it is, we have all the nations of the world with us, united against Iraq.

The American people will continue to support the operation in the Middle East if they are convinced we are not going it alone. We need help from all our allies and from other oil-importing countries to sustain this effort. I'm confident that the President will be able to garner that support.

TRIBUTE TO EARNESTINE SCHNEIDER

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

Mr. STARK. Mr. Speaker, I rise today to pay tribute to a constituent, Earnestine Schneider, who recently passed away after a lifetime of service to public education in the State of California. Mrs. Schneider had been elected to the board of trustees of the former Pleasanton Joint School District in 1977, and following unification of the local school districts in 1988, she was elected to serve on the first school board of the new district. Her fellow trustees elected Earnestine Schneider to serve as school board president for three terms, and as clerk of the board four terms.

Mrs. Schneider was a familiar figure to California State legislators in her role as an elected member of the California School Boards Association delegate assembly. In that capacity, she worked tirelessly as an advocate for all students' right to a quality education, and she helped to formulate education policy statewide.

Earnestine Schneider began as a teacher of remedial reading, physical education, and dance. After that, she dedicated 20 years as a parent volunteer, 13 years on local school boards, and at least 10 years on county and State school board committees. Through her endless supply of time, energy, and resources, Mrs. Schneider did much to ensure that the children of California receive the best education possible.

Mrs. Schneider's countless contributions extended her role in public education. She was involved in various political activities and was the recipient of several distinguished community service awards, including recognition last year as a "Woman of Distinction" by Soroptimist International of Pleasanton, CA.

I feel privileged to have had Earnestine Schneider as a constituent in my congressional district, and I commend her unwavering dedication to the youth of our community. It is with great respect and admiration that I pay tribute to Mrs. Schneider. She truly understood that the children are our future, and her commitment stands as a monument to public educators everywhere.

ANNUNZIO SUPPORTS LEGISLATION TO DETER GAS PUMP PRICE GOUGING

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

Mr. ANNUNZIO Mr. Speaker, gas prices at the pump have increased tremendously since the Persian Gulf turmoil began on August 2. And for no apparent reason.

Assistant Energy Secretary John J. Easton, Jr. testified before the House Government Operations Committee last week, saying the main reason for rising gasoline prices was a near-record demand during the heavy summer traveling season and the loss of refining capacity in Kuwait. However, he said the Bush administration would not tap the Nation's 560-million-barrel reserve to ease rising prices.

Mr. Easton also put off questions about collusion by the oil industry to push prices up, saying there isn't enough evidence at this point to make statements like that.

But all one has to do is to talk to the customer who pulls into a station to put gas into his car, to get a different opinion. Each time they make a trip to the station, they see a higher price for gasoline. Yet, we're told there is no shortage.

At the start of the Persian Gulf turmoil, I called on President Bush to crack down on the oil companies who unjustly increase prices at the gas pumps and profiteer at the expense of the American public. That is why I strongly support and am cosponsoring legislation to give the President the power to prohibit gas pump price gouging during times of a national emergency.

The oil companies have refused to comply voluntarily, so we in Congress must take strong official action. The United States has dispatched nearly 100,000 young men and women to the Middle East to protect our national security interests. Yet, the oil companies are lining their pockets with extraordinary and unnecessary profits from the black gold coming out of the pumps.

The bill, which I am cosponsoring, would give the President new powers to deter and punish those in the energy industry who take advantage of international crises and raise prices excessively for essential commodities. Currently, price gouging is not illegal under Federal law, unless collusion or price fixing can be proven.

The bill, introduced by Representative RICHARD J. DURBIN of Illinois, would give the President power to declare a national economic emergency in the event of severe market disruptions resulting from war, civil disorder, extraordinary weather, or other catastrophes that result in actual or threatened shortage or price increase for essential commodities, such as oil or other petroleum products. Violators would face criminal penalties of up to 5 years in prison, fines of $500,000 and a return of the profits. The Government could also seek civil remedies such as injunctions, restitution, and double damages.

Mr. Speaker, no one begrudges the oil companies from making a profit from their products. But they should not be allowed to take advantage of a situation where all Americans

are sacrificing. They, too, must sacrifice. If they won't do it on their own, then we must see to it that they do.

NATIONAL EMERGENCY ANTI-PROFITEERING ACT OF 1990

The SPEAKER pro tempore. The gentleman from Illinois [Mr. DURBIN] is recognized for 60 minutes.

Mr. DURBIN. Mr. Speaker, about 5 weeks ago this House of Representatives went into its August recess so that Members could vacation with their families and return home to their congressional districts. Now that we are back in session in Washington, we can reflect on the events of the past week.

Mr. Speaker, we can certainly say that the climate in the world has changed, and certainly the issues that face us here on Capitol Hill have changed dramatically. Few, if any of us, would have predicted that the United States would be as deeply involved militarily today as we are. But I can say without fear of contradiction that President Bush's actions in the Middle East enjoy widespread bipartisan support, not only within this Chamber, but I believe quite honestly across the Nation.

We understood the President had few alternatives. I believe personally even as a Democrat speaking that the President has handled this situation with a great deal of care and restraint. We were encouraged by the fact that he first turned to the United Nations to make certain that the U.S. response was international in tone, and that he worked both with the United Nations and the superpowers around the world to make certain that we did not go it alone.

We have made a major commitment, a much greater commitment than any other nation, and we are working in concert with some 25 other nations in an effort to bring peace and stability to that region of the world.

Mr. Speaker, as I traveled across the 20th District of Illinois, central and western Illinois, I have found support for the President coming from both political parties and independent voters alike.

There is an issue which I would like to address in this special order, however, which is a disquieting note in the course of events which have occurred since August 1. I believe the people of America now, as they have in the past, are prepared to make sacrifices as necessary for the good of this Nation. But I do not believe that now or ever should we be in a position where individuals or corporations within America take advantage of a national emergency.

In my part of the world, in the Midwest, I can say that the people who were infuriated by the savings and loan crisis probably are still infuriated. But they are now angry as well at what happened to gasoline prices across America.

It is virtually unforgiveable to view what happened in gasoline stations and at pumps across America the day after the Mideast crisis began. It appears that in the corporate boardrooms of the greatest oil companies across America, when they heard of the crisis in the Middle East, they sprung into action and sent out their emergency response teams to every gas station across America to increase and inflate the price of gasoline.

This has caused quite a few people to be upset. It has caused many people to reflect on whether or not there is price gouging and profiteering taking place.

Mr. Speaker, I would like to call to mind some things that have occurred during my trip back to Illinois during the last month, and also to reflect on what we should do as the Congress of the United States in response to this situation.

Mr. Speaker, I am reminded of a small businessman in my district who said to me, "You know, Congressman, when you get to think about the fact that your own son might be called into service in the Middle East to defend our energy policies, it really convinces me that we ought to take a look at the way we are consuming energy in the United States, to determine whether or not we can do a better job."

I do not think there is any Member who serves in this Chamber of either political party who does not believe we can do a better job as a Nation. About 10 years ago President Jimmy Carter suggested that we needed a national energy policy. He made that suggestion when we faced an energy shortage. In fact, we were at the mercy of the OPEC nations in terms of our future oil supplies.

President Carter proposed a comprehensive program. We can all recall it. We were turning down our thermostats, adding insulation to our homes. We found cars on the road that got better miles per gallon, and we paid attention to that.

Over the last 10 years we have gotten lazy as a Nation, becoming more and more dependent on foreign oil and not making the personal sacrifice really necessary for us to have a national energy policy that works. We are not changing our lifestyle, changing our consumption habits, but we are going to have to. If we do not, we will become even more dependent in the future on foreign sources of oil.

For those who mocked and ridiculed President Carter's national energy policy, I would suggest that we owe him an apology. Let us dust off those books and find out what was proposed then that did work, and let us return to those policies that make sense today, to lessen our dependence on foreign oil. Because if the United States was not so dependent on foreign oil, perhaps we would not be so committed militarily in the Middle East. There may not be as many American lives on the line if we did not have to rely on the Persian Gulf area for some 27 percent of the oil which the United States consumes.

Of course, now as you look at what has happened, the oil companies around the United States have increased the price of oil dramatically since the Mideast crisis. When you compare the price of gasoline, however, with other countries in the world who are similarly affected by what has happened in the Middle East, you will find some surprises.

For the several weeks following the outbreak of hostilities in Iraq and Kuwait, Japan, even more dependent on foreign oil than the United States, did not see any increase in gasoline prices. In Canada, the increase was nominal.

Why then in the United States overnight did we see this increase of 10 cents, 20 cents, or more per gallon? To my mind these questions have not been adequately answered. The oil companies have said that they are anticipating what might occur down the line. Anticipating what might occur.

They are not suggesting that the oil in the pipelines today is even affected by what is happening in the Middle East. But in fact they have increased their gasoline prices.

What does this mean to us? As a Nation it means a great deal. I for one happen to believe that we have enjoyed remarkable prosperity for 9 years now, but that in fact we could be on the brink of a recession. I hope it is not serious.

We realize as we found in the past that the increase in energy prices across our Nation can send us into a recession, a recession that, of course, would cost us jobs, would cause businesses to fail, and family farmers to lose their farms. It would see downturns in the productive capacity of the United States.

Energy is that critical to our economic future. If the gasoline prices remain high or inflated or beyond what is necessary for a market response, we as a nation will not only pay out of our own wallets as we go to the pump, but will find our own economy unfortunately in terrible trouble.

Mr. Speaker, I hope President Bush when he comes to this Chamber tomorrow evening again will address this issue as to whether or not the oil companies have overstepped, whether or not they are guilty of profiteering. When I first heard of these increases in gasoline I contacted some of the experts in Washington to ask what legislative response could we take at the Federal level to respond to what has

occurred. How do we set loose those forces of our Federal Government to take a look at these gasoline prices and see if they are in fact warranted, and if in fact they are not, what penalties can be imposed?

I was surprised to learn that there are very few options available today. If in fact there was collusion or price fixing, and there is no evidence of that, and I do not suggest it, there is a remedy. But if in fact anyone who has control of a basic commodity sees a national emergency occur and inflates the price of that commodity, there is no law on the books at the Federal level today to address it.

Some States have already responded. In our own State of Illinois, the attorney general, Neil Hartigan, has already started, with other attorneys general across the United States, to take a look at these prices, to determine if they are warranted, and whether any State action could be necessary. But we should do something at the Federal level as well, because it is in fact a national problem.

Mr. Speaker, that is why this week I will be introducing on the floor of this House of Representatives the National Emergency Anti-Profiteering Act of 1990. This act would give the President the power to declare a national economic emergency in the event of abnormal market disruptions resulting from military threat, war, civil disorder, extraordinary weather conditions, or other catastrophic failures that result in actual or threatened shortages or price increases for essential commodities such as oil.

The President must designate under this act the essential commodities with respect to which the national economic emergency exists.

□ 1650

We spell out in this act the essential commodities to include petroleum products such as crude oil, gasoline, diesel fuel, home heating oil, and aviation fuel and any other commodity that the President finds to be of significant importance to the American economy or vital to the public health, safety, welfare of the American citizens.

When the President declares under this act a national economic emergency to exist with respect to any essential commodity, the sellers of that product are prohibited from profiteering under the law, that is, they are prohibited from charging an excessive price for such products, those excessive prices that are not justified by the actual costs plus a reasonable profit. Increasing the price for an essential commodity for which the President has declared a national economic emergency faster than increases in the seller's actual cost for the product actually sold is evidence of profiteering under this law.

People or companies who profiteer during a national economic emergency would be subject to criminal penalties of up to 5 years in prison, fines of up to $500,000 and, of course, they would lose all the profits earned through profiteering.

The Attorney General of the United States and the attorneys general of the States of our Nation can also seek civil remedies including double damages, restitution of profits and injunctions.

A national economic emergency can last only up to 180 days unless renewed by the President, and renewals can last for 90 days each. Congress can terminate a national economic emergency by passing a joint resolution which requires the President's signature or two-thirds majority of each House. The President can terminate it by Presidential order.

State laws are not terminated. This act will not affect State price-gouging statutes.

What we are setting in place is a statute, I hope, which will pass, and I hope will never be needed, but certainly our experience with the crisis in the Middle East and the unwarranted increase in gasoline prices across the Nation should suggest to us that we send a loud and clear message that those individuals or companies who take advantage of a national emergency to increase their profits at the expense of working families must, in fact, be held accountable. There should be statutory authority for the President of the United States to step forward in that instance and to declare that certain commodities are so essential to the well-being of this Nation that they would be protected under this act.

We can see that the impact of increases in gasoline prices and other oil prices across the Nation are going to take their toll. Already some airlines have increased their prices because of fuel costs. There has already been an increase of 3 to 5 percent in food prices according to agricultural economists because of increases in the price of energy just in the past 30 days. Road construction costs are anticipated to increase 30 percent next spring if the price of crude stabilizes at near $28 a barrel and, of course, utilities which are dependent on oil or petroleum will find their rates going up. As people in New England and other parts of the country who are dependent on heating oil face a cold winter, they are going to find their heating bills increasing as well.

This, I hope, does not lead to a serious recession in this country. What I hope it leads to is that the oil companies who are purchasing full-page advertising in newspapers across the United States to suggest they have not crossed the line, that they have not gouged us, I hope they will come to their senses and realize that if the American people are being asked to sacrifice by paying more in taxes to sustain our efforts in the Middle East, if American families are being asked to sacrifice by sending their sons, their husbands, wives, and in many cases daughters overseas to defend the interests of the United States in the Middle East, if that kind of sacrifice is being made by individuals, then certainly we could ask the same spirit of sacrifice and cooperation from the oil companies.

I do not know what the future may hold. I sincerely hope this crisis and emergency will be behind us in short order. If it goes on for some period of time, I hope that this Congress of the United States will consider passing this legislation which I will be introducing this week.

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 Mrs. MORELLA) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, each day on September 24, 25, 26, 27, and 28.

Mr. IRELAND, for 5 minutes, today.

Mr. MCEWEN, for 60 minutes, today.

(The following Members (at the request of Mr. SAWYER) to revise and extend their remarks and include extraneous material:)

Mr. STARK, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. FRANK, for 60 minutes, today.

Mr. DURBIN, for 60 minutes, today.

Mr. VOLKMER, for 60 minutes, on September 13.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mr. BROOMFIELD in two instances.

Mr. LOWERY of California.

Mr. CRANE.

Mr. BEREUTER.

Mr. FRENZEL.

Mr. CONTE.

Mr. WOLF.

Mr. WELDON.

Mr. SCHAEFER.

Mr. OXLEY.

Ms. SCHNEIDER in two instances.

Mr. LEWIS of California.

Mrs. JOHNSON of Connecticut.

Mr. SHAW.

(The following Members (at the request of Mr. SAWYER) and to include extraneous matter:)

Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. PAYNE of New Jersey.
Mr. ROE in two instances.
Mr. MONTGOMERY.
Ms. SLAUGHTER of New York.
Mr. BILBRAY.
Mr. BONIOR.
Mr. FRANK.
Mr. WAXMAN.
Mr. ROYBAL.
Mr. VENTO.
Mr. MAZZOLI.
Mr. LANTOS.
Mr. BRYANT.
Mr. SLATTERY.
Mr. EDWARDS of California.
Mr. PALLONE.
Mr. KOSTMAYER in two instances.
Mr. YATRON.

ADJOURNMENT

Mr. DURBIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 55 minutes p.m.), the House adjourned until Tuesday, September 11, 1990, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3832. A communication from the President of the United States, transmitting amendments to the fiscal year 1991 request for appropriations for the Departments of Agriculture, Defense, Health and Human Services, the Interior, and Veterans Affairs, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-233); to the Committee on Appropriations and ordered to be printed.

3833. A communication from the President of the United States, transmitting amendments to the fiscal year 1991 request for appropriations for the Department of Agriculture, the Department of Education, the Department of Health and Human Services, the Department of Labor, the Department of Veterans Affairs, the Board for International Broadcasting, and the U.S. Information Agency, pursuant to 31 U.S.C. 1107 (H. Doc. No. 101-234); to the Committee on Appropriations and ordered to be printed.

3834. A letter from the Secretary, Department of Defense, transmitting a study of close support for land forces, including close air support, pursuant to Public Law 101-189, section 1102(f) (103 Stat. 1553); to the Committee on Armed Services.

3835. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to the Philippines for defense articles (Transmittal No. 90-60), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3836. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles (Transmittal No. 90-58), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3837. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles (Transmittal No. 90-52, pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3838. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles (Transmittal No. 90-53), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3839. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Thailand for defense articles (Transmittal No. 90-59), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3840. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] for defense articles (Transmittal No. 90-61), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3841. A letter from the Secretary of Defense, transmitting a selected acquisition report [SAR] as of June 30, 1990, for the strategic defense system, phase I, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

3842. A letter from the Board of Governors, Federal Reserve System, transmitting the first annual report on the profitability of credit card operations of depository institutions, pursuant to 15 U.S.C. 1637; to the Committee on Banking, Finance and Urban Affairs.

3843. A letter from the Secretary of Health and Human Services, transmitting the 10th annual report on the implementation of the Age Discrimination Act of 1975 by departments and agencies which administer programs of Federal financial assistance, pursuant to 42 U.S.C. 6106a(b); to the Committee on Education and Labor.

3844. A letter from the Secretary of Health and Human Services, transmitting Volume II of the Agency for Toxic Substances and Disease Registry's Biennial Report, pursuant to Public Law 99-499, section 110(10) (100 Stat. 1641; to the Committee on Energy and Commerce.

3845. A letter from the Inspector General, Railroad Retirement Board, transmitting the Board's budget request for fiscal year 1992, pursuant to 45 U.S.C. 231f(f); jointly, to the Committees on Appropriations, Energy and Commerce, and Ways and Means.

3846. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting the fiscal year 1992 budget requests, pursuant to 15 U.S.C. 2076(k)(1); to the Committee on Energy and Commerce.

3847. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to the Coordination Council for North American Affairs for defense articles and services (Transmittal No. 90-62), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3848. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-58), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3849. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-60), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3850. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Thailand for defense articles and services (Transmittal No. 90-59). pursuant to 22 U.S.C. 2776 (b); to the Committee on Foreign Affairs.

3851. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-52), pursuant to 22 U.S.C. 2776(b), to the Committee on Foreign Affairs.

3852. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] for defense articles and services (Transmittal No. 90-61), pursuant to 22 U.S.C. 2776 (b); to the Committee on Foreign Affairs.

3853. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 90-53), pursuant to 22 U.S.C. 2776 (b); to the Committee on Foreign Affairs.

3854. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the 1990-91 report on plans regarding major disasters and incidents abroad affecting U.S. citizens, pursuant to Public Law 101-246, section 115(e) (104 Stat. 24); to the Committee on Foreign Affairs.

3855. A letter from the Director, Arms Control and Disarmament Agency, transmitting the 1989 annual report to Congress on arms control and disarmament studies; pursuant to Public Law 100-213, section 4 (101 Stat. 1445); to the Committee on Foreign Affairs.

3856. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting a letter from the Government of Belgium confirming that it granted export licenses to a private Belgian firm for transfers of F-104 spare parts between 1987-89, without first ensuring that the prior written approval of the U.S. Government had been obtained pursuant to section 3(e) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3857. A letter from the Director, U.S. Information Agency, transmitting a report on USIA-TV's production expenses through the third quarter of fiscal year 1990, pursuant to Public Law 101-246, section 205(a)

(104 Stat. 51); to the Committee on Foreign Affairs.

3858. A letter from the Director, Institute of Museum Services, transmitting a copy of the annual report of the Agency's compliance with the Government in the Sunshine Act for calendar year 1989, pursuant to 5 U.S.C. 552(j); to the Committee on Government Operations.

3859. A letter from the Deputy Associate Director for Collection and Disbursement, Department of the Interior, transmitting, notice of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

3860. A letter from the Secretary of the Interior, transmitting the annual report on oil and gas leasing, exploration and development activities on Federal lands in Alaska for fiscal year 1989, pursuant to Public Law 96-487, section 1008(b)(4); to the Committee on Interior and Insular Affairs.

3861. A letter from the Acting Assistant Administrator for Legislative Affairs, National Aeronautics and Space Administration, transmitting notification concerning the proposed use of $1.7 million in fiscal year 1989 research and development funds for the design and construction of an addition to the avionics systems laboratory, building 16, at NASA's Johnson Space Center, pursuant to Public Law 100-685, section 203 (102 Stat. 4089); to the Committee on Science, Space, and Technology.

3862. A communication from the President of the United States, transmitting a copy of a proclamation that extends nondiscriminatory treatment to the products of the Czech and Slovak Federal Republic; also enclosed is the text of the "Agreement on Trade Relations Between the Government of the Czechoslovak Federative Republic," pursuant to 19 U.S.C. 2437(a) (H. Doc. 101-231); to the Committee on Ways and Means and ordered to be printed.

3863. A letter from the Secretary, Department of Health and Human Services, transmitting a report on actions States have taken in adopting standards equal to or more stringent than the National Association of Insurance Commissioners [NAIC] model transition regulation for Medicare supplemental health insurance policies, pursuant to 42 U.S.C. 1395ss; jointly, to the Committees on Ways and Means and Energy and Commerce.

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. 5269. A bill to control crime; with amendments (Rep. 101-681, Pt. 2). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3764. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Delaware River in the States of Pennsylvania and New Jersey as components of the national wild and scenic rivers system; with an amendment (Rep. 101-683). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 4632. A bill to amend title 14, United States Code, to impose penalties for inducing the Coast Guard to render aid under false pretenses, to impose liability for costs incurred by the Coast Guard in rendering that aid, and to authorize appropriations for use for acquiring direction finding equipment for the Coast Guard; with an amendment (Rep. 101-684). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2335. A bill to provide Federal recognition for the Lumbee Tribe of North Carolina; with an amendment (Rep. 101-685). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3618. A bill to authorize the lease of lands on the Mille Lacs Indian Reservation for a term not to exceed 99 years; with an amendment (Rep. 101-686). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 3703. A bill to authorize the Rumsey Indian Rancheria to convey a certain parcel of land (Rep. 101-687). Referred to the Committee of the Whole House on the State of the Union.

Mr. CONYERS: Committee on Government Operations. Report on: Are Scientific misconduct and conflicts of interest hazardous to our health? (Rept. 101-688). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDERSON: Committee on Public Works and Transportation. H.R. 4985. A bill to designate the Federal building located at 51 Southwest 1st Avenue in Miami, FL, as the "Claude Pepper Federal Building" (Rept. 101-689). Referred to the House Calendar.

Mr. ANDERSON: Committee on Public Works and Transportation. House Resolution 402. designating two House of Representatives office buildings as the "Thomas P. O'Neill, Jr. House of Representatives Office Building" and the "Gerald R. Ford House of Representatives Office Building," respectively, and for other purposes (Rept. 101-690). Referred to the House Calendar.

Mr. BROOKS: Committee on the Judiciary. H.R. 467. A bill to provide for a waiting period before the purchase of a handgun; with an amendment (Rept. 101-691). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina. Committee on Merchant Marine and Fisheries. H.R. 3977. A bill to protect and conserve the continent of Antarctica, and for other purposes; with an amendment (Rept. 101-692, Pt. 1). Ordered to be printed.

SUBSEQUENT ACTION ON A REPORTED BILL SEQUENTIALLY REFERRED

Under clause 5 of rule X the following action was taken by the Speaker:

The Committees on Armed Services, Banking, Finance and Urban Affairs, Education and Labor, Energy and Commerce, Government Operations, Interior and Insular Affairs, Public Works and Transportation, and Veterans' Affairs discharged from further consideration of H.R. 5269. H.R. 5269 referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL

[Omitted from the Record of Sept. 5, 1990]

Under clause 2 of rule XIII, the following action was taken by the Speaker:

H.R. 849. Committee of the Whole House on the State of the Union discharged, and referred to the House Calendar.

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. GONZALEZ (for himself and Mr. WYLIE):

H.R. 5558. A bill to provide for the temporary extension of certain programs relating to housing and community development, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

Mr. GONZALEZ:

H.R. 5559. A bill to amend the National Housing Act to provide mortgage assistance payments to avoid foreclosure on mortgages of members of the Armed Forces who are killed or seriously injured while on active duty; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. BOXER (for herself, Ms. SCHNEIDER, Mr. STARK, Mr. RAVENEL, Mr. MILLER of California, Mr. ROSE, Mr. PANETTA, Mr. DEFAZIO, Ms. PELOSI, Mr. GEJDENSON, Mr. MARKEY, Mr. SCHUMER, and Mr. OWENS of New York):

H.R. 5560. A bill to amend the Motor Vehicle Information and Cost Savings Act to require new standards for corporate fuel economy, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BYRON:

H.R. 5561. A bill to provide for free mailing privileges for members of the Armed Forces assigned to duty in the Persian Gulf area as part of Operation Desert Shield; to the Committee on Post Office and Civil Service.

By Mr. CONTE (for himself and Mr. IRELAND):

H.R. 5562. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act to establish a limit of $100,000 on the amount of deposit insurance which may be paid to any person during any 36-month period; to the Committee on Banking, Finance and Urban Affairs.

By Mr. McCLOSKEY (for himself, Mr. FORD of Michigan, Mr. CLAY, Mr. HAYES of Illinois, Mr. GILMAN, Mr. HORTON, and Mr. RIDGE):

H.R. 5563. A bill to amend title 39, United States Code, to allow free mailing privileges to be extended to members of the Armed Forces while engaged in temporary military operations under arduous circumstances; to the Committee on Post Office and Civil Service.

By Mr. OWENS of New York:

H.R. 5564. A bill to require that federally insured depository institutions establish random drug testing programs; to the Committee on Banking, Finance and Urban Affairs.

By Mr. WEISS:

H.R. 5565. A bill to amend title XIX of the Social Security Act to improve the quality of physicians' services provided under

the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. GEPHARDT (for himself and Mr. MICHEL) (both by request):

H.J. Res. 649. Joint resolution approving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of Czechoslovakia; to the Committee on Ways and Means.

By Mr. RITTER (for himself, Mr. BONIOR, Mr. JONTZ, Mr. HORTON, Mr. SOLOMON, Mr. LIPINSKI, Mr. CAMPBELL of Colorado, Mr. BATES, Mr. HASTERT, Mr. DERRICK, Mrs. ROUKEMA, Mr. HUCKABY, Mr. PAXON, Mr. CHAPMAN, Mr. OWENS of New York, Mr. RIDGE, and Mr. WALSH):

H. Con. Res. 366. Concurrent resolution expressing the sense of the Congress that other countries benefiting from the deployment of U.S. military forces in Saudi Arabia and the Persian Gulf region should contribute to the cost of such deployment; to the Committee on Foreign Affairs.

By Mr. ROHRABACHER:

H. Con. Res. 367. Concurrent resolution expressing the sense of the Congress concerning the May 27, 1990, elections in Burma; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SHAW introduced a bill (H.R. 5566) for the relief of Patricia A. McNamara; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. COX, Mr. COSTELLO, Mr. VALENTINE, and Mr. SERRANO.

H.R. 446: Mr. LAUGHLIN and Mr. BEREUTER.

H.R. 708: Mr. HOAGLAND.

H.R. 1260: Mr. DORGAN of North Dakota.

H.R. 1287: Mr. MCMILLAN of North Carolina.

H.R. 1317: Mr. MINETA, Mr. LEWIS of Florida, Mr. BRUCE, Mr. CHAPMAN, Mr. DWYER of New Jersey, Mr. DORGAN of North Dakota, Mr. FASCELL, Mr. HUTTO, and Mrs. PATTERSON.

H.R. 2037: Mrs. KENNELLY, Mr. NEAL of Massachusetts, Mr. EDWARDS of Oklahoma, Mr. MACHTLEY, Mr. WALSH, Mr. DEFAZIO, Mr. FORD of Tennessee, Mr. MCDERMOTT, Mr. SCHULZE, and Mr. FLIPPO.

H.R. 2168: Mr. SHAYS.

H.R. 2353: Mr. EDWARDS of Oklahoma, Mr. SYNAR, Mr. INHOFE, and Mr. HAYES of Louisiana.

H.R. 2460: Mrs. LOWEY of New York, Mr. HATCHER, Mr. WOLPE, Mr. HAYES of Louisiana, Mr. MFUME, Mr. OWENS of New York, and Mr. KENNEDY.

H.R. 2499: Mr. BURTON of Indiana and Mr. ATKINS.

H.R. 2926: Mr. MFUME, Mr. MADIGAN, Mr. SKAGGS, and Mr. COYNE.

H.R. 2967: Mr. KOSTMAYER.

H.R. 2972: Mrs. UNSOELD and Mr. WOLPE.

H.R. 3203: Mr. EVANS.

H.R. 3240: Mr. WEISS and Mrs. KENNELLY.

H.R. 3355: Mr. LEHMAN of Florida.

H.R. 3437: Mr. SMITH of Texas.

H.R. 3546: Mr. SCHEUER.

H.R. 3643: Mr. EDWARDS of Oklahoma.

H.R. 3734: Mr. FAUNTROY, Mr. CROCKETT, Mr. BROWN of California, Ms. ROS-LEHTINEN, Mr. DANNEMEYER, Mr. KOSTMAYER, Mr. FALEOMAVAEGA, Mr. HUGHES, and Ms. SLAUGHTER of New York.

H.R. 3922: Mr. MACHTLEY.

H.R. 3936: Mr. LEVINE of California, Mr. SKAGGS, Mr. STALLINGS, Mr. GONZALEZ, Mr. MATSUI, Mr. GILMAN, Mr. LEVIN of Michigan, and Mr. GLICKMAN.

H.R. 3979: Ms. PELOSI.

H.R. 4098: Mr. MARKEY.

H.R. 4261: Mr. GRADISON.

H.R. 4274: Mr. MCMILLEN of Maryland.

H.R. 4362: Mr. ATKINS.

H.R. 4427: Mr. PASHAYAN.

H.R. 4461: Mr. RAVENEL.

H.R. 4485: Mr. STUMP.

H.R. 4492: Mr. SMITH of Florida and Mr. SKAGGS.

H.R. 4494: Mr. SLATTERY, Mr. FROST, Mr. PURSELL, Mr. HUCKABY, and Mr. CLEMENT.

H.R. 4518: Mrs. LOWEY of New York.

H.R. 4659: Mr. RICHARDSON.

H.R. 4761: Mr. MACHTLEY, Mr. BRYANT, Ms. LONG, Mr. SHUMWAY, Mr. WOLF, Mr. SMITH of New Jersey, and Mr. KOLBE.

H.R. 4801: Mr. JONTZ and Mr. SAXTON.

H.R. 4816: Mr. GUNDERSON.

H.R. 4840: Mr. FEIGHAN, Mr. CAMPBELL of Colorado, Mr. FAUNTROY, Mr. HAYES of Louisiana, Mr. JOHNSTON of Florida, Mrs. PATTERSON, Ms. PELOSI, Mr. KLECZKA, Mr. DURBIN, Mr. TOWNS, Mr. MCCLOSKEY, Mrs. BYRON, Mr. OWENS of New York, Mr. BORSKI, Mr. MURTHA, Mr. COSTELLO, Mr. MARTINEZ, Mrs. ROUKEMA, and Mr. SARPALIUS.

H.R. 4868: Mr. OWENS of New York, Mrs. COLLINS, Ms. MOLINARI, Mr. MARTINEZ, and Mr. MADIGAN.

H.R. 4994: Mr. HERTEL, Mr. HORTON, Mrs. COLLINS, Mr. OWENS of New York, Mr. FAUNTROY, Mr. KOSTMAYER, Mr. CAMPBELL of Colorado, Ms. PELOSI, and Mr. FAZIO.

H.R. 4997: Mr. ROBERTS, Mr. HILER, Mr. ESPY, and Mr. HATCHER.

H.R. 5007: Mr. MCDERMOTT and Mr. ROE.

H.R. 5008: Mr. CONDIT.

H.R. 5050: Mr. COUGHLIN.

H.R. 5052: Mr. HORTON.

H.R. 5097: Mr. JOHNSTON of Florida and Mr. PICKETT.

H.R. 5120: Mr. TOWNS.

H.R. 5154: Mr. MARTIN of New York, Mr. BUSTAMANTE, Mrs. SCHROEDER, Mr. SKELTON, Mrs. LLOYD, Mr. BLAZ, Mr. ROWLAND of Connecticut, Mr. BENNETT Mr. MACHTLEY, Mr. HUTTO, Mr. DORNAN of California, Mr. GEJDENSON, and Mr. MCNULTY.

H.R. 5174: Mr. PACKARD and Mr. DURBIN.

H.R. 5188: Mr. JONTZ.

H.R. 5196: Mr. GOSS.

H.R. 5202: Mr. DEFAZIO, Mr. MOODY, Mr. SAXTON, Mr. SHAYS, and Mr. DURBIN.

H.R. 5212: Mr. FAUNTROY, Mr. FUSTER, Mr. MCMILLEN of Maryland, Mr. PALLONE, Mr. WOLF, Mr. GRANDY, Mr. BRYANT, Mr. WYDEN, Mr. PENNY, Mr. PAYNE of Virginia, Mr. BROWN of California, Mrs. UNSOELD, Mr. CARPER, Mr. GORDON, Mr. MANTON, Mr. WALSH, Mr. RAHALL, Mr. ROYBAL, Mr. STARK, Mr. ROE, Mr. LEATH of Texas, Mr. THOMAS A. LUKEN, Mr. CROCKETT, Mr. LEHMAN of Florida, Mr. EVANS, Mr. PANETTA, Mr. SMITH of Florida, Mr. DELLUMS, Mr. GILMAN, Mr. RANGEL, Mr. PACKARD, Mr. MADIGAN, Mr. BONIOR, and Mrs. BOXER.

H.R. 5216: Mr. THOMAS of California and Mr. VANDER JAGT.

H.R. 5237: Mr. WILLIAMS.

H.R. 5244: Mr. LAUGHLIN, Mr. EMERSON, Mr. CRAIG, and Mr. ROWLAND of Georgia.

H.R. 5288: Mr. BONIOR, Mr. FAZIO, and Mr. FEIGHAN.

H.R. 5306: Mr. COOPER, Mr. DERRICK, Mr. DOWNEY, Mr. MARKEY, Mr. MATSUI, and Mr. RAHALL.

H.R. 5335: Mr. MCNULTY and Mr. BENNETT.

H.R. 5338: Mr. ORTIZ and Mr. DE LUGO.

H.R. 5356: Mr. COYNE, Mr. TOWNS, and Mr. SOLARZ.

H.R. 5426: Mr. MADIGAN, Mr. PARRIS, Mr. BAKER, Mr. HERTEL, Mr. HORTON, Mr. CONTE, and Mr. VALENTINE.

H.R. 5443: Mr. OBEY, Mr. BLAZ, Mr. FAUNTROY, Mr. CARPER, Mr. SMITH of Vermont, Mr. MACHTLEY, Mrs. SAIKI, Mr. SMITH of New Hampshire, Mr. MOAKLEY, Mr. CRAIG, Mr. VENTO, Mr. STALLINGS, Ms. SNOWE, Mr. RAHALL, Mr. FRANK, Mr. MOLLOHAN, Mr. AUCOIN, Mr. MCDERMOTT, Mr. RICHARDSON, Mr. MCMILLEN of Maryland, Mr. OBERSTAR, Mr. RHODES, Mr. THOMAS of Wyoming, Ms. SCHNEIDER, Mrs. COLLINS, and Mr. DICKS.

H.R. 5483: Mr. DYSON.

H.R. 5490: Mr. BROWN of California, Mr. MCCLOSKEY, Mr. OWENS of New York, Mr. FALEOMAVAEGA, Mr. SANGMEISTER, Mr. TOWNS, Mr. KILDEE, Mr. FOGLIETTA, Mr. FEIGHAN, and Mr. FAZIO.

H.J. Res. 369: Mr. HUTTO, Mr. KASICH, Mr. HANSEN, and Mr. EVANS.

H.J. Res. 374: Mr. MORRISON of Connecticut.

H.J. Res. 476: Mr. DOUGLAS, Mr. DYMALLY, Mr. FRANK, Mr. GILMAN, Mr. GORDON, Mr. HAMMERSCHMIDT, Mrs. JOHNSON of Connecticut, Mr. LENT, Mr. MARKEY, Mr. MAVROULES, Mr. RHODES, Mr. SCHEUER, Mr. TAUZIN, and Mr. VANDER JAGT.

H.J. Res. 486: Mr. BUECHNER.

H.J. Res. 523: Mr. DONALD E. LUKENS, Mr. WHITTAKER, Mr. BRENNAN, Mr. BOEHLERT, Mr. MCNULTY, Mr. SOLARZ, Ms. SNOWE, Mr. WALGREN and, Mr. VENTO.

H.J. Res. 538: Ms. OAKAR, Mr. MILLER of Washington, Mr. DARDEN, Mr. MCNULTY, Mr. LEVIN of Michigan, Mr. GONZALEZ, Mr. POSHARD, Mr. SCHIFF, Mr. SKEEN, Mr. MACHTLEY, Mr. PARKER, Mr. MONTGOMERY, Mr. GALLO, Mr. DICKS, Mrs. KENNELLY, Mr. FRANK, Mr. MORRISON of Connecticut, and Ms. LONG.

H.J. Res. 543: Mr. GEJDENSON, Mr. GONZALEZ, Mr. LEVIN of Michigan, Mr. LIPINSKI, Mr. GREEN, Mrs. LLOYD, Mr. MCCLOSKEY, Mr. MCCRERY, Mr. PAYNE of New Jersey, Mr. RINALDO, Mr. MILLER of California, Mr. KASICH, Mr. JACOBS, Mr. PAYNE of Virginia, Mrs. MORELLA, Ms. ROS-LEHTINEN, Mr. HILER, Mr. ACKERMAN, Mr. ROBERTS, Mr. SLATTERY, Mr. ROBERT F. SMITH, Mr. SMITH of Florida, Mr. SOLOMON, Mr. TAUZIN, Mr. TORRICELLI, Mr. TAUKE, and Mr. CONTE.

H.J. Res. 552: Mr. SAWYER, Mr. CHAPMAN, and Mr. SHUMWAY.

H.J. Res. 557: Mr. CARDIN, Mr. MOORHEAD, Mr. DICKINSON, Mr. SHAW, Mr. DYSON, Mr. STOKES, Mr. MAZZOLI, Mr. ORTIZ, Mr. SCHAEFER, Mr. LAGOMARSINO, Mr. HUTTO, and Ms. SNOWE.

H.J. Res. 568: Mr. BATES, Mr. BATEMAN, Mrs. BENTLEY, Mr. BERMAN, Mr. BORSKI, Mr. BOUCHER, Mrs. BOXER, Mr. BRUCE, Mr. BURTON of Indiana, Mr. DARDEN, Mr. DINGELL, Mr. ECKART, Mr. FAWELL, Mr. FEIGHAN, Mr. FISH, Mr. FLAKE, Mr. FUSTER, Mr. GEKAS, Mr. GEREN, Mr. GREEN, Mr. HALL of Texas, Mr. HAYES of Louisiana, Mr. HUTTO, Ms. KAPTUR, Mrs. KENNELLY, Mr. LEWIS of California, Mr. LIPINSKI, Ms. LONG, Mrs. LOWEY of New York, Mr. MCCLOSKEY, Mr. MCMILLEN of Maryland, Mr. MINETA, Mr. MONTGOMERY, Mr. MORRISON of Connecticut, Mr. OWENS of Utah, Mr. PERKINS, Mr. POSHARD, Mr. RAVENEL, Mr. ROWLAND of Georgia, Mr. ROWLAND of Connecticut, Mr.

RINALDO, Mr. ROBINSON, Mr. SCHEUER, Mr. SCHUMER, Mr. SHUMWAY, Mr. SKELTON, Mr. SOLOMON, Mr. SOLARZ, Mr. SMITH of New Jersey, Mr. SPRATT, Mr. STARK, Mr. TAUZIN, Mr. TALLON, Mr. TRAFICANT, Mr. TORRICELLI, Mr. TRAXLER, Mr. VALENTINE, Mr. WAXMAN, Mr. WEISS, Mr. WILSON, Mr. WOLPE, Mr. WYEN, and Mr. YATRON.

H.J. Res 583: Mr. GALLO, Mr. PAYNE of New Jersey, and Mr. GEJDENSON.

H.J. Res 602: Ms. SNOWE, Mr. PRICE, Mr. STOKES, Mr. SERRANO, Mrs. PATTERSON, Mr. LENT, Mr. SOLARZ, Mrs. BOGGS, Mr. FEIGHAN, Mr. KOSTMAYER, Mr. HOCHBRUECKNER, and Mr. GILMAN.

H.J. Res 603: Mrs. LOWEY of New York, Mr. DORGAN of North Dakota, Mr. LEATH of Texas, Mr. VANDER JAGT, Mr. FUSTER, Mr. GUARINI, Mr. LEHMAN of Florida, Mr. DOUGLAS, Mr. KASICH, Mr. SHAW, Mr. HANSEN, and Mr. BROOKS.

H.J. Res 606: Mr. HYDE, Ms. OAKAR, Mr. HORTON, Mr. GRANT, Mr. ANDERSON, Mrs. MARTIN of Illinois, Mr. COX, Mr. FAWELL, Mr. VISCLOSKY, Mr. HILER, Mr. NIELSON of Utah, Mr. SISISKY, Ms. LONG, Ms. PELOSI, Mr. DENNY SMITH, Mr. RINALDO, Mr. BLILEY, Mr. DURBIN, Mr. VANDER JAGT, Mr. FROST, Mr. SAWYER, Mr. ANNUNZIO, Mr. GORDON, Mr. DINGELL, Mr. PORTER, Mr. SMITH of Florida, Mr. MRAZEK, Mr. MONTGOMERY, Mr. APPLEGATE, Mr. PALLONE, Mr. WOLF, Mr. BROOMFIELD, Mr. DANNEMEYER, Ms. SLAUGHTER of New York, Mr. RANGEL, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. SKELTON, Mr. WALGREN, Mr. YATRON, Mrs. KENNELLY, Mrs. BOXER, Mr. PAYNE of Virginia, Mr. HARRIS, Mr. HENRY, Mr. GALLEGLY, Mr. SKEEN, Mr. COYNE, Mr. COSTELLO, Mr. FEIGHAN, Mr. POSHARD, Mr. KOLTER, Mr. SABO, Mr. ECKART, Mr. THOMAS of Wyoming, Mr. CARDIN, Mr. MCNULTY, Mr. DYSON, Mr. FRANK, Mr. SCHUMER, Mrs. COLLINS, Mr. MCGRATH, Mr. MARTINEZ, Mr. RICHARDSON, Mr. LEVIN of Michigan, Mr. AUCOIN, Mr. BEREUTER, Mr. LAGOMARSINO, Mr. FAZIO, Mr. TOWNS, Mr. KILDEE, Mr. ERDREICH, Mr. DWYER of New Jersey, Mr. BUNNING, Mr. NEAL of Massachusetts, Mr. TORRICELLI, Mr. JONTZ, Mr. MORRISON of Connecticut, Mr. RITTER, Mr. HERTEL, Mr. ROE, Mr. QUILLEN, Mr. MOAKLEY, Mr. YOUNG of Florida, Mr. PRICE, Mr. ENGEL, Mr. KENNEDY, Mr. VALENTINE, and Mr. KOSTMAYER.

H.J. Res. 613: Mr. BORSKI, Mr. BROOMFIELD, Mr. NEAL of North Carolina, Mr. TAUZIN, Mr. CARR, Mr. FORD of Michigan, Mrs. COLLINS, Mr. GALLO, Mr. VANDER JAGT, Mr. KILDEE, Mr. TORRICELLI, Mr. CARDIN, Mr. MCCRERY, Mrs. MORELLA, Mr. ROBERTS, Mr. SCHUETTE, Mr. WELDON, Mr. CLARKE, Mr. LEACH of Iowa, Mr. HAMILTON, Mr. BURTON of Indiana, Mr. WOLPE, Mr. JONES of North Carolina, Mr. COYNE, Mr. JACOBS, Mr. ROSE, Mr. PRICE, Mr. BARNARD, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mrs. BENTLEY, and Mr. MCMILLEN of Maryland.

H.J. Res. 616: Mr. COOPER, Mr. SUNDQUIST, Mr. GORDON, Mr. EARLY, and Mr. DYMALLY.

H.J. Res. 646: Mrs. PATTERSON, Mr. SPRATT, Mr. ACKERMAN, Mr. COBLE, Mr. PANETTA, and Mr. VALENTINE.

H. Con. Res. 276: Mr. EDWARDS of Oklahoma.

H. Con. Res. 293: Mr. GEJDENSON, Mr. GILMAN, and Mr. CARPER.

H. Con. Res. 331: Mr. LIPINSKI.

H. Con. Res. 356: Mr. BERMAN, Mr. BUECHNER, Mrs. COLLINS, Mr. FALEOMAVAEGA, Mr. FAZIO, Mr. LANCASTER, Mr. LOWERY of California, Mr. OWENS of New York, and Mr. WHEAT.

H. Res. 134: Mr. DOUGLAS.

H. Res. 374: Mr. CAMPBELL of California.

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.R. 188: Mr. BRYANT.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

226. By the SPEAKER: Petition of the Association of Pacific Island Legislatures, Guam, relative to the disposal of chemical weapons; to the Committee on Armed Services.

227. Also, petition of the Outer Banks VFW Post 10950, Nags Head, NC, relative to the desecration of the American flag; to the Committee on the Judiciary.

228. Also, petition of the Outer Banks VFW Post 10950, Nags Head, NC, relative to the Rostenkowski plan; to the Committee on Ways and Means.