HOUSE OF REPRESENTATIVES—*Wednesday, March 6, 1991*

The House met at 12 noon.

Rev. Joseph L. Roberts, Jr., pastor, Ebenezer Baptist Church, Atlanta, GA, offered the following prayer:

Almighty God, bless our sisters and brothers here assembled, who have been chosen to represent thousands, from every sector of this Nation. Theirs is almost a humanly impossible task, for they represent so many races and conditions of people. Therefore come into them and stretch them, through Your Divine power, so they may be better than they could ever be without You.

We are thankful for their eagerness and earnestness and diligence as they represent and lead us. Keep them faithful to the high trust we have placed in them.

We thank You that the war has ceased. May we never forget our indebtedness to those who answered the call of their Nation, and served so valiantly. Let Your comforting presence rest upon all who lost loved ones. May we not forsake them as they try to pick up the broken pieces, and move on. Extend our compassion and care for them beyond the immediate, into the long years that lie ahead * * * and give to us peace in our time, O Lord.

Grant wisdom to our national leaders, our President and all of those in positions of power and influence. Set before us all the final words of King David, * * * "He/She that ruleth over people must be just, ruling in the fear of God."

Move this body closer to Your sense of justice, so that the fairness and equity envisioned by the Founding Mothers and Fathers may be brought to closer realization for all of the people. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair will recognize the gentleman from Kansas [Mr. NICHOLS] to lead us in the Pledge of Allegiance.

Mr. NICHOLS led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title.

H. Con. Res. 83. Concurrent Resolution providing for a joint session of the Congress to receive a message from the President of the United States.

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

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990.

INTRODUCTION OF REV. JOE ROBERTS

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

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to say a few words about our guest chaplain and my pastor, the Reverend Joseph L. Roberts.

Reverend Roberts is the senior pastor of the historic Ebenezer Baptist Church in Atlanta, GA. One of Atlanta's oldest black churches, Ebenezer was formerly pastored by the Reverend Martin Luther King, Sr., and the Reverend Dr. Martin Luther King, Jr.

Reverend Roberts has traveled throughout America and the world teaching, speaking, and preaching. He serves on numerous boards and committees of community and national organizations. He is a true leader and valued resource to his community and the Nation.

Reverend Roberts was born and raised in Chicago, IL. He has degrees from Knoxville College, Union Theological Seminary, and the Princeton Theological Seminary. He has pastored churches all over the Nation, and formerly was a top official in the Presbyterian Church of America.

Reverend Roberts has received honorary degrees from Morehouse College, Johnson C. Smith University, the Interdenominational Theological Center, and Franklin College.

Under Reverend Roberts' leadership, the Ebenezer Baptist Church has grown considerably in membership size. It has added a senior citizens day care center, a food cooperative, and a community counseling service.

Every Sunday, visitors come from all over the world to hear Reverend Roberts speak.

Today, we welcome Reverend Roberts to the House of the people.

□ 1210

TRIBUTE TO CAPT. RUSSELL SANBORN

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

Mr. JAMES. Mr. Speaker, all Americans are rejoicing at the release of American prisoners of war by Iraq. As General Schwarzkopf said today, all of them are heroes to their country. I commend them all, but I want to pay a special tribute today to Capt. Russell Sanborn. Captain Sanborn, from my hometown of Deland, FL, was shot down in February flying his Harrier jet over Kuwait. For nearly a month, his family has waited for some word of his fate. Now, we know that he is safe and will be returning home soon to Florida.

Mr. Speaker, I want to take this opportunity to commend Captain Sanborn for his bravery and heroism, and to welcome him back. I also want to applaud his family, his parents Wayne and Dixie, and his wife Linda, for their strength and courage in the face of adversity. All of America shares in your joy, and salutes the accomplishments of Captain Sanborn and the others for their work in defense of freedom in the Middle East.

AMERICA'S HEALTH CARE CRISIS

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

Ms. DELAURO. Mr. Speaker, this country is experiencing an outpouring of pride and patriotism in the wake of a stunning military victory. And we have every right to be proud.

And now we have the opportunity, with the spirit of that victory still fresh in our minds, to confront the major domestic challenges facing our country, challenges that cannot be ignored. And there is no challenge greater than the health care crisis tearing at every segment of our country.

I have talked with businesses, large and small, in my district, who all echo the same concerns about the rising costs of health care and how its affect on their ability to remain competitive, financially healthy, and provide adequate health coverage to their workers. The escalating costs of health care are threatening their ability to survive.

I have talked with middle class working people in my district who not only find themselves burdened with the soaring costs of everyday living, but also finding it impossible to afford health coverage to meet the needs of their families—their standard of living is eroding and they are forced to make difficult choices.

It is time for us to meet this challenge—time to invest in our citizens. America can demonstrate the same unity and commitment in addressing our domestic challenges, as we did to fighting the gulf war.

SALUTING OUR NATION'S LEADERSHIP IN THE GULF WAR

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

Mr. HOBSON. Mr. Speaker, I rise today to salute our President, Secretary Cheney, Chairman Powell, and General Schwarzkopf for their leadership in bringing the gulf war to a swift and successful conclusion.

Only 2 months ago, in the first few days of the 102d Congress, we gathered here to debate whether or not to authorize the President to use force in the Persian Gulf. Force was used and peace was restored. Now we gather again, confident that we made the correct decision.

In his State of the Union Address, President Bush said, "We have the unique responsibility to do the hard work of freedom." With this vision, the President led the United States, along with the allied forces, to victory in the Persian Gulf and restored freedom to the people of Kuwait.

And something else happened when we returned freedom to the people of Kuwait. We restored something in ourselves—the simple understanding that freedom is an obligation worthy of sacrifice.

The depth of that sacrifice is felt most by the families of our troops. For some the sacrifice was the loss of a loved one. For others it is dealing with the absence of a loved one until they are welcomed home. Until everyone is safely welcomed home, our thoughts and prayers are with them.

President Bush, Secretary Cheney, Chairman Powell, General Schwarzkopf, and the men and women serving in the gulf fulfilled our obligation to freedom with confidence and determination. Today, I know my feelings are shared with all Americans that we are proud of the expertise and determination demonstrated by our men and women in the gulf and the world leadership of President George Bush.

INTRODUCTION OF LEGISLATION ESTABLISHING PERMANENT FORMULA FOR GRAZING FEES ON PUBLIC RANGELANDS

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

Mr. CAMPBELL of Colorado. Mr. Speaker, 17 of my colleagues have joined me today in introducing legislation that will make permanent the formula for determining fees for the grazing of livestock on public rangelands. We believe this legislation will add a balanced voice to this emotional debate.

Today, 55 years after the passage of the Taylor Grazing Act, the public rangeland is healthier and supports a greater diversity of plant and animal life because of a well-managed grazing program. The livestock that graze on open rangelands encourage the plantlife to thrive which helps reduce the danger of forest fires, and in turn creates a hospitable environment for wildlife. The thousands of stockponds, waterholes, and salt supplies distributed by Federal agencies and livestock operators have also contributed to the general rise in wildlife species and numbers on our public rangelands. Livestock grazing continues to be one of the most important tools available to rangeland managers to protect and enhance the environment on our public lands.

Mr. Speaker, as representatives of rural western districts we know firsthand the importance of ranching to rural communities. The extensive public lands in the West are one of the most important resources to the people in 16 Western States.

As this debate progresses, I encourage my colleagues to look closely at this issue and recognize the importance of the multiple use concept, which includes the use of public lands by American stockmen.

BREAST-PROSTATE CANCER LEGISLATION

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

Mrs. VUCANOVICH. Mr. Speaker, today I am introducing legislation to address very real diseases affecting our Nation's families—breast cancer and prostate cancer.

One of every 9 women will develop breast cancer and 1 of every 11 men will develop prostate cancer. Each day, families throughout our Nation are having to deal with these diseases.

While no cure exists for breast or prostate cancer, early detection is one of the best means for survival. For this reason, I have introduced legislation to ensure the good health of our families.

First, we should provide for the coverage of annual screening mammographies under part B of the Medicare Program for women over 64. While these women may obtain a mammography every other year under current law, my bill would increase this frequency to every year, as recommended by the American Cancer Society.

Since others should also have access to these necessary procedures, I have introduced a bill to require State Medicaid plans to provide coverage of screening mammographies.

Last, while the incidence of prostate cancer has increased, it is still considered a taboo subject in many homes. To remedy this lack of knowledge, I have introduced a measure to establish a Prostate Cancer Public Education Program through the National Cancer Institute.

Mr. Speaker, breast and prostate cancer are not a woman's or a man's problem, they are problems which are faced by real families. I urge my colleagues to show their concern about the health of the families in their district and join me in cosponsorship of this very important legislation.

STRENGTHENING OUR ECONOMY

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

Mr. RAY. Mr. Speaker, I read in the Washington Post-ABC News poll that only 10 percent of Americans believe the economy is getting better. While this is an improvement over the poll results of the last few months, it does not signal much confidence in our economy.

I would hope that the confidence and patriotism which has been so strong during the Persian Gulf war would transfer somewhat to our economy.

The war has shown us we can still act decisively and successfully when we put our minds to it. Using our free enterprise system—the engine which drives our economy—we can again begin producing quality products which are competitive in the world market.

Mr. Speaker, our citizens should once again begin producing and consuming products with the knowledge that our economy is the largest and strongest in the world.

□1220

THE NATIONAL VICTORY PARADE

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

Mr. ZIMMER. Mr. Speaker, today I rise in support of the resolution endorsing a national victory parade in Washington, DC, to welcome home our brave troops from the gulf.

Their commitment, courage, and professionalism have brought a swift resolution to the war and ended Saddam Hussein's brutal occupation of Kuwait. These fine Americans richly deserve such an honor.

But in our euphoria over this victory, America must not miss the opportunity to correct a past mistake. The veterans of Vietnam and Korea should be given the honor of leading this parade.

These veterans returned from their wars to encounter indifference or outright hostility from the citizens they had risked their lives for.

America should seize this chance to give these veterans the recognition and gratitude they deserve by inviting them to lead the national victory parade.

Mr. Speaker, I would further submit that this parade ought to pass in review of the Vietnam War Memorial. As America pays tribute to our living war veterans, so too should we honor the troops who did not come home from Vietnam.

TIME FOR CONGRESS TO START TAKING CARE OF OUR OWN COUNTRY

(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, according to the Washington Post, the American-Israeli Public Affairs Committee has threatened to cut campaign contributions to those who would in fact oppose certain levels of supplemental aid for Israel. This is ridiculous.

Israel is a friend. They deserve credit for their restraint in the gulf, but AIPAC's recent actions are nothing more than blackmail, pure and simple.

What is worse, Mr. Speaker, it appears to me that there are foreign lobbies that seem to weave their way right into the fabric of American Government, and it seems evident that Congress would be more willing to cut school lunches than to make cuts in foreign aid. I find that disgusting.

While America is going bankrupt, we keep shipping money overseas. I say that makes no sense to me, no sense to America, and it is time for Congress to start taking care of our own country.

SECRECY OATH FOR INTELLIGENCE COMMITTEE MEMBERS JUSTIFIED

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

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today to express my deep concerns about the ability of the House Intelligence Committee to conduct business without leaking or mishandling classified information.

The recent rejection of an amendment to require the members of the committee to take an oath of secrecy by a 9-to-6 vote along party lines is deeply disturbing. In addition, the appointment of new members to the committee with strong anti-intelligence feelings does not seem proper or appropriate. These actions make me question the usefulness of the committee and its valuable work.

Although we are all strongly encouraged by the demise of communism, the United States continues to face threats and challenges around the world. Recently, I had the opportunity to visit the Baltic Republics and witness the brutality and deception of the Soviet Government. The Soviet Union is not a free or democratic society, and it would be an enormous mistake to compromise our intelligence capabilities in any way at this time.

Finally, I believe it is extremely important to remember that the lives of our brave men and women in the intelligence community are directly impacted by our actions. We must ensure that our intelligence gathering capabilities are not jeopardized, and the safety of our personnel endangered.

Mr. Speaker, I do not question the honor of the members of the Intelligence Committee, but I feel requiring an oath of secrecy from the committee members is justified, especially when you realize the lives of our agents and the integrity of our Nation's intelligence is at stake.

INTRODUCTION OF DESERT SHIELD-DESERT STORM MILITARY PERSONNEL STUDENT FINANCIAL AID AND FAIRNESS ACT OF 1991

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

Mr. McCLOSKEY. Mr. Speaker, since August, thousands of Americans have left college and vocational schools for military service in the gulf. Many are facing extreme financial hardship, including the possibility of student loan defaults.

After recent discussions with the Indiana University loan office, I am today introducing legislation to ensure Desert Shield and Desert Storm personnel who participate in Federal Student Loan and Pell Grant Programs do not suffer financially. This bill will grant the Secretary of Education broad authority to waive various requirements and repayment schedules placed on military personnel with student loans or grants on active duty as a result of Desert Shield or Desert Storm. These provisions will ease the burden on such borrowers and will avoid inadvertent technical default.

Another provision of the Desert Shield and Desert Storm Military Personnel Student Financial Aid and Fairness Act of 1991 encourages colleges and universities to offer either pro rata refunds or a credit in a comparable amount against future tuition and fees.

We need to do more, but this is a very good start in a very important area.

The chairman, the gentleman from Michigan [Mr. FORD], of the Committee on Education and Labor, is quite interested and concerned about this problem, and I appreciate his leadership and interest.

PUTTING THE CART IN FRONT OF THE HORSE

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

Mr. ANNUNZIO. Mr. Speaker, I was surprised that the Treasury Department's otherwise comprehensive deposit insurance study failed to include a plan to tackle the most crucial issue confronting us today—the recapitalization of the bank insurance fund, which is today only barely solvent.

For Treasury to discuss in great detail every issue but the bank insurance fund recapitalization is clearly a case of putting the cart in front of the horse.

However, Treasury did set forth four criteria which any recapitalization plan must meet.

I was struck by the fact that the only proposal which meets all four of these criteria is legislation I reintroduced at the beginning of the session—the Bank Account Safety and Soundness Act—H.R. 31.

My plan provides sufficient new resources, relies on industry funds, uses generally accepted accounting principles, takes into account the health of the industry, and most importantly, protects the taxpayers from paying for another insurance fund bailout.

Recapitalization of the bank insurance fund must be a top priority of Congress this year, and H.R. 31 is the only plan that does the job. I urge my colleagues to support the Bank Account Safety and Soundness Act.

THE SELF-DEFEATING HISTORY OF THE PALESTINIANS

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

Mr. SCHEUER. Mr. Speaker, as chronicled in the Wall Street Journal today, the Palestinian people are the cause of their own statelessness.

Their obsession with the glories of 1,000 years ago, Islamic jihad, or holy war, devotion to terrorism, and seeming inability to adjust to the world

around them have precluded the Palestinians right to negotiate their own home. To force the Israelis to sit down at the negotiating table would be what we call in this country cruel and unusual punishment, and therefore, unconstitutional.

The article makes clear how wrong headed it would be for the United States or any other nation to insist that Israel sit at a negotiating table with the PLO in light of the Palestinian's history of what I call a reality denial syndrome. Opportunities for a Palestinian homeland have repeatedly been refused or destroyed by the Palestinian people themselves:

In 1948, the Palestinians rejected out of hand the Palestinian-state homeland created for them by the United Nations.

In 1967, Jordan refused to stay out of the war between Israel and Egypt, which was started by threats from Nasser, and Jordan lost the West Bank to Israel.

In 1973, the PLO rejected the Israel-Egypt plan to give autonomy to Palestinians in the West Bank and Gaza.

Most recently, the supposedly moderate leaders of Palestine, King Hussein of Jordan and Yasir Arafat, embraced the butcher of Baghdad, Saddam Hussein, further crushing the image of the Palestinian people.

Mr. Speaker, how are we to ask Israel, our ally, to negotiate with a people obsessed with jihad, who have recently cheered the bombing of innocent civilians in Israel from their rooftops in Jerusalem, and who have historically led the pack in exporting worldwide terrorism?

Truly, the Palestinian people have a wealth of talent and culture. But until they cease following the lead of close-minded kings and terrorists, no negotiation is possible. Any negotiations at all should proceed only with moderate representatives in the West Bank who want to live in peace with Israel.

TRIBUTE TO LANCE CPL. ARTHUR GARZA, SPEC. ANDY ALANIZ, AND ROGER VALENTINE

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

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to three valiant young men from south Texas who made the ultimate sacrifice for the liberation of Kuwait after Saddam waged an illegal war.

Marine Lance Cpl. Arthur Garza, of Kingsville, TX, and Army Infantry Spec. Andy Alaniz, of Corpus Christi, TX, and Roger Valentine of Portland have joined the number of brave Americans who have died in defense of freedom around the world.

Corporal Garza, despite his early death as a result of an amphibious craft collision, may have contributed far more to the war effort than he could have possibly known.

The amphibious exercises which moved quickly up and down the coast of Kuwait confused the enemy and focused much of their firepower on the beach—rather than American and allied troops moving on Kuwait City from the west.

Corporal Garza is survived by his wife, his 6-month-old daughter, Jennifer, and his parents who still reside in Texas.

In a cruel twist of irony, Spec. Andy Alaniz was killed in the final hours of battle, right around the time President Bush declared a cessation of American offensive actions.

Alaniz, a freckle-faced, left-handed baseball player is survived by his parents, new wife, Cathy, and his yet unborn child.

In a November letter to his own father, Spec. Alaniz wrote of becoming a father and expressing thanks to his father for the outstanding job the senior Alaniz had done. I read from the letter.

> The news from Cathy about the baby has made me sick to even be here. You did everything possible for us and we never even said thank you * * * All those times you brought us candies in your lunch box and all we did was grab it and run. All those times you came to my ball games and it always made me play better. Thank you for everything you've done for me. I'm maintaining all right so don't worry about me—worry about the others. I love you, Pop, take care.

This young man's message to his family touches my soul. We will miss these three young men, and we will always remember them.

Their gallant spirits will live on in the precious memories of their families and friends.

I ask my colleagues to join me in a commemoration of these brave young men who died on and around the battlefield.

Help me to assure their families that they will always have the appreciation of a grateful Nation.

□ 1220

KENTUCKIANS PLAYED A DRAMATIC ROLE IN OPERATION DESERT STORM

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

Mr. MAZZOLI. Mr. Speaker, tonight in this Chamber, a few feet from where I am standing, the President of the United States will come and report to Members, to the Nation, and to the world, on how the war in the Gulf was prosecuted and how the peace may be obtained. We, the Congress, the Nation, the world, will pay tribute to President Bush for the resoluteness and the wisdom that he and his people used in managing the war.

We will also give tribute, our love and affection to all the men and women of Operation Desert Storm. Every State was involved, but Kentucky was involved in a very dramatic way in the Gulf activities.

The 101st Airborne Division, the Screaming Eagles, are housed and located at Fort Campbell, KY, and they performed what has been called "bold and bodacious" action in the air-land campaign in the Gulf. Fort Knox, KY, is the U.S. Army Armor Center and, under the leadership of Maj. Gen. Thomas Foley, trained not only the Army but the Marine Corps people in tank warfare, and developed the M1–A1 tank which proved its prowess in the sands of Kuwait and Iraq.

The 100th Division (Training) is located in Louisville, my home town, and, under the leadership of Maj. Gen. Richard Chegar, deployed many of its people to the various divisions in need of personnel.

Last but not least, in our own family, my nephew, my brother's son, S. Sgt. Steven Mazzoli, is now at Fort Knox, having been activated under the 100th.

We will begin tonight, Mr. Speaker, welcoming back home with open arms and with love and affection those brave and valiant Kentuckians who served us in Operation Desert Storm.

END UNITED STATES ASSISTANCE TO JORDAN

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

Mr. ANDERSON. Mr. Speaker, tomorrow I will introduce a bill to cut off all United States economic and military assistance to Jordan. For many years now, this Nation has supported Jordan with tens of millions of U.S. taxpayer dollars. For that gracious help, we saw the United States vilified by thousands of Jordanians, marching in the streets, waving Iraqi flags and carrying portraits of Saddam Hussein. The Scud attacks against Israel were hailed as a great triumph by the Jordanian people. Not only did the people of Jordan wholeheartedy support Iraq and its invasion of Kuwait, so did King Hussein. King Hussein pretended to remain neutral in this conflict, while in reality his army supplied ammunition to the Iraqi Army and willfully violated the embargo. He personally declared the U.S.-led struggle against Saddam Hussein a "war against all Moslems."

My colleagues, this Nation has a budget deficit in excess of $300 billion. But even if we were running a surplus, it would be unconscionable to support a nation that has stabbed us in the back. Our foreign aid dollars should be spent helping the needy of the world, not those who side with a ruthless ty-

rant. So join me, and stop sending U.S. dollars to a turncoat nation.

RESOLUTION TRUST CORPORATION FUNDING DELAY

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

Mr. GINGRICH. Mr. Speaker, I just want to rise to point out that as of today the delay on funding the Resolution Trust Corporation has cost $48 million in totally wasted money. The fact that the Democratic leadership cannot get its act together to bring a clean bill to the floor, to get it through the other body, to get it down to the White House, to get it signed, cost $8 million every day. This is an extraordinary contrast between the effectiveness and success of the Commander in Chief who could actually win a war in 100 hours of ground combat, and the Democratic leadership which, at $8 million a day, is just literally throwing money away because it cannot figure out how to pass a Resolution Trust Corporation bill which everyone here knows has to be passed, and which would simply be used to pay off the depositors.

Now we all know we will pay off the depositors. So I say to my friends, we on the Republican side are very prepared to cooperate. We want to work with Members. But please, let Members not keep throwing $8 million away.

FAILED REPUBLICAN POLICY

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

Mr. CARPER. Mr. Speaker, I think the comments of the gentleman from Georgia who just preceded me in the well needs to be responded to.

He notes that the cost to the taxpayers for the delay in passing a reauthorization of the RTC and appropriating the money is $48 million. I would say to my friend from Georgia that the cost to the American taxpayers for the failed S&L policies of the last administration, a policy of deregulation coupled with desupervision, will cost American taxpayers more than a thousand times that amount. The Reagan administration—after giving thrifts broad new powers to use—then set out to cut supervision of thrifts, while fighting the efforts of those of us who sought to strengthen supervision. The cost of that policy to the taxpayers of this country is not measured in the tens of millions of dollars, but in the tens of billions of dollars.

At some point in time I would like to see some recognition of that cost to our taxpayers.

INACTION COSTS MONEY

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

Mr. GUNDERSON. Mr. Speaker, let Members continue the discussion.

If I understand correctly, the administration wanted to do things regarding the thrifts that Members of Congress told them they could not do. I do not think we ought to forget that issue.

I think the gentleman from Delaware was not one of those Members, but we have had not one, but two scandals. A scandal in this House, and a scandal in the other Chamber, over the involvement of Members of Congress in the executive branch's attempts to properly regulate the thrift industry.

Now, we ought to say there is enough blame in the past to go around for everybody, and we ought to deal with the problem today, as difficult as it is for both parties, for both sides of this Government, downtown and here on Capitol Hill. It will cost more money than anyone in this country, anyone in this Chamber wants to spend, but inaction is costing even more money. That is what we have to resolve.

INAPPROPRIATE APPROPRIATION TO ISRAEL

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

Mr. VALENTINE. Mr. Speaker, I support the State of Israel. Our country should continue to be a guarantor of the right of the Jewish nation to exist and prosper. We are beholden to Israel as a bastion of democracy in a sea of totalitarianism. We glory in the spunk and spirit and collective genius of the Jewish people, but there is no way that there is any rhyme, reason, or justice in a gift of $650 million from the hardpressed taxpayers of America to the State of Israel, especially at this time.

In addition to the already enormous costs of Desert Storm, the appropriation of $650 million to Israel, as included in the dire emergency supplemental appropriations bill, will cause an overwhelming majority of the people in this country to think that we have taken leave of our senses.

INTRODUCTION OF THE UNIVERSAL HEALTH CARE ACT OF 1991

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

Mr. RUSSO. Mr. Speaker, I'm here today to announce that I am introducing legislation to establish a national, single-payer health care program which would cut the Nation's health care costs, while guaranteeing comprehensive, quality health care for all Americans.

Joining me in this initiative are 20 Members of Congress, 10 major unions, consumer activist groups, and Physicians for a National Health Program.

This plan would cover a wide range of comprehensive benefits including hospital and physician care, long-term care, prescription drugs, mental health services, dental care, and preventive care. There would be no coinsurance or deductibles to curtail access to medical treatment and consumers would be free to choose their own doctors, hospital, or health care provider.

Everyone knows that our health care system is in a state of crisis—health costs are spiraling while the uninsured population continues to grow. Last year we spent 11.5 percent of our GNP on health care, more than any other country. Yet our health statistics are poorer than most other industrialized countries. We rank 13th in life expectancy and an appalling 22d in preventing infant mortality. We are also the only major industrialized country that lacks a national health care program.

Clearly, there are major flaws in our system. My constituents complain constantly about skyrocketing health insurance premiums and mountains of incomprehensible paperwork generated by our inefficient system. This plan would solve those problems.

Surveys show that Americans want national health insurance, but fear the cost would be too high. In fact, under this single-payer system, 95 percent of Americans would pay less for health care than they do now. Senior citizens would not only save $33 billion a year over what they now spend on health care but would also receive long-term care in addition to many other benefits. The nonelderly would save $25 billion a year and gain permanent access to quality health care.

A single-payer plan achieves these remarkable savings by greatly simplifying the administration of our health system. All Americans are covered under a single comprehensive health program administered by the Government. This means money is no longer wasted on weeding out unprofitable groups and individuals, or on advertising, marketing, commissions, or on billing 1,500 insurance agencies and millions of consumers. Not surprisingly, administrative costs consume just 2 percent of Medicare's budget, compared to about 11 percent for private health insurers.

We cannot afford to continue spending billions on this inefficient system while 37 million Americans remain uninsured. Not only is the health of our Nation at stake, but so is our economic well-being. The current system will cost $1.5 trillion, 15 percent of GNP, by the year 2000 if nothing is done to reform our system. Only comprehensive reform of this wasteful system will

contain costs and guarantee access. A single-payer system is the most efficient way to deliver health care to everyone. By adopting a single-payer system, we can not only maintain our economic competitiveness, but we can improve the health of all Americans.

My proposal does not attempt to answer every detail. It is intended as a framework for how a national health care program should be structured. I look forward to working with others interested in health care reform and welcome suggestions for improving my plan. Above all, my proposal will spur debate on the issue of national health care and move us closer to solving our health care crisis.

Joining me in support of this initiative are fellow members of Congress: GEORGE MILLER, TOM DOWNEY, NANCY PELOSI, CHARLES SCHUMER, CHARLES RANGEL, JIM MOODY, JIM MCDERMOTT, SIDNEY YATES, FRANK ANNUNZIO, CARDISS COLLINS, GUS SAVAGE, WILLIAM LIPINSKI, LANE EVANS, CHARLIE HAYES, GEORGE SANGMEISTER, EDWARD MARKEY, GERALD KLECZKA, MATTHEW MARTINEZ, JOHN LAFALCE, PATSY MINK, and JAMES OBERSTAR.

Also, here, supporting this legislation are representatives from the United Auto Workers, the American Federation of State, County and Municipal Employees, the International Association of Machinists, the Amalgamated Clothing and Textile Workers Union, the United Mine Workers, the International Ladies' Garment Workers' Union, the Oil, Chemical and Atomic Workers International Union, the American Postal Workers Union, the United Electrical, Radio and Machine Workers of America, the Communications Workers of America, Citizen Action, Physicians for a National Health Program, the National Association of Social Workers, Consumers Union, and public citizens.

□ 1240

ENCOURAGING SAVINGS

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

Mr. WYLIE. Mr. Speaker, today I am introducing two pieces of legislation to provide for savings and investment. I call the first one the Bank and Savings Investment Act of 1991.

I think Americans should be encouraged to increase personal savings accounts. By permitting taxpayers to establish family savings accounts, it would encourage investment and savings.

The other part of the bill would provide for what we call a home ownership initiative. Under current law, early withdrawals from an IRA are subject to a 10-percent excise tax, or a penalty, and included as ordinary income on an individual's tax return.

My proposal today would correct that and would allow that up to $10,000 could be withdrawn without penalty for a first-time home purchase.

The second bill provides for the reinstatement of the fully deductible IRA.

I encourage Members to take a close look at both bills, with the idea of cosponsorship.

CABLE TV NEEDS REREGULATION—NOW

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

Mr. NEAL of Massachusetts. Mr. Speaker, in my very first speech in this Chamber 2 years ago, I spoke of the need for action on the cable television issue. I warned that if we did not act to reregulate the cable television industry, consumers would face limited choices, that major sporting events would continue to move to cable and pay cable, that local input of cable decisions would continue to ebb away and—most importantly—that rates would continue to rise far more quickly than inflation. Well, we did not pass a cable bill and all of that has come true. I know that many of my colleagues are also hearing from outraged consumers about rising rates.

Recently, four communities in my area were hit with cable rate increases. In each case there was no notice given before the rate increase went into effect and local advisory boards could do little more than watch and complain. This is not right. The cable operator has a monopoly on the service in each community. That type of competitive advantage should come with a responsibility to listen to the community and act with the input of local citizens. Sadly, in most areas, the cable operators do not consult with their communities on basic issues.

Finally, Mr. Speaker, the National Football League has sparked a debate on the sports pages of this country by announcing that they will—quote; "experiment"—with pay-for-view-football games. We all know that this is very likely the beginning of the end of professional football on free television. Congress will consider and act upon a major cable television reregulation bill in this session. I believe we must address the pay-for-view issue in the cable debate. Let us act now before sporting events are available only to those who can afford to pay.

HONORING GENERAL SCHWARZKOPF

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

Mr. HUTTO. Mr. Speaker, today I am introducting a bill that would authorize the President to award the Congressional Gold Medal on behalf of Congress to Gen. H. Norman Schwarzkopf, the commander of the U.S. Central Command and head of American-led coalition forces in the Middle East.

The decisive leadership of General Schwarzkopf during the Persian Gulf war makes him worthy of our recognition. In the face-off against Saddam Hussein, he led our forces to victory. His skillful planning and strategy not only liberated Kuwait but also saved thousands of lives by bringing the war to a quick end.

This is an honor that Congress should award only to those Americans who have made distinguished contributions to the United States. General Schwarzkopf certainly fits that description. I ask for your support for this bill.

DAIRY INDUSTRY IN SERIOUS TROUBLE

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

Mr. KOPETSKI. Mr. Speaker, as our attention turns from Operation Desert Storm, we must now begin to solve the many pending domestic crises. One of these crises is the current plight of the Nation's dairy producers.

The dairy industry is in serious trouble. The uniform blend price for milk has dropped between $3 and $4 in the past 6 months. Dairy farmers are having to sell their milk at prices below the cost of production. At this rate, thousands of dairy farmers will be put out of business.

In my State of Oregon, the 98th annual meeting of the Oregon Dairy Farm Association is taking place this week in Baker City. Normally, this is a meeting to discuss methods of dairy farming and allow good friends to get together.

However, the tone of the meeting this year is a solemn one. Many of these dairy farmers are facing the prospects of losing their farms and farming is the only life they know. What a tragedy this would be.

Dairy producers are not looking for handouts. All they want is to earn a decent living for themselves and their families.

Mr. Speaker, the dairy farmers of Oregon are proud men and women. They do not produce an excessive surplus of product; they are responsible producers of dairy products, providing a healthy food product, especially for children.

Mr. Speaker, in the ensuing weeks and months Congress will debate a number of issues that will affect dairy farmers over the long term. As we continue to discuss the extension of fast track authority, it is important that

the American agriculture community know that the Congress does have a commitment from the administration that it will not trade away section 22 import quotas unless our trading partners eliminate subsidies for their dairy industries. We must make sure that the administration honors this commitment and negotiates a GATT agreement which does not hurt American dairy farmers and allows them to compete on a level playing field in an open marketplace.

We must also work with USDA to implement the provisions of the 1990 farm bill to help the industry manage supplies of dairy products in the future.

In the short term we must enact legislation to bring the market price for dairy farmers to a level where they can make a decent living. I have cosponsored and fully support H.R. 1088 as a short-term solution to save the dairy industry from its increasingly likely demise.

I urge my colleagues to act on this legislation quickly so we can help the American dairy farmer before it is too late.

OUR TRADE POLICY WITH JAPAN

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

Mr. APPLEGATE. Mr. Speaker, the trade deficit with Japan continues to soar. The only trade policy that we have in this country is to allow all these foreign products to come in with no restrictions, and then we allow them to restrict our goods into their country. It is the same old story. The more things change, nothing changes.

Back in 1815, Thomas Jefferson—now, listen to this—he says:

> I have come to the resolution myself, as I hope every good citizen will, never again to purchase any article of foreign make which can be of American make.

That was in 1815.

The other day I saw a cartoon where there was this group of Japanese sitting in their board room around a big table and they were singing, they were toasting, "This land is my land, this land is your land, from California to the New York Islands."

I am telling you, that is what it is coming down to now. We spend billions of dollars to defend this island of billionaires, and then they turn it into profit at our expense.

I think it is time for a trade policy that is going to be fair to American industry and American workers.

IN SUPPORT OF REGIONAL FAIRNESS PROVISIONS IN RTC FUNDING BILL

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

Ms. KAPTUR. Mr. Speaker, I would like to go on record today in support of keeping the regional fairness provisions—or the State chartered thrift deposit insurance premium provisions—in the RTC funding bill. Recently, these provisions passed the Banking Committee with strong bipartisan support. These provisions are needed because the taxpayers of my State of Ohio and the entire Northeast-Midwest region are still being forced to bear too great a share of the savings and loan bailout. In essence, they are having billions of their tax dollars diverted to pay for collapsing institutions in other parts of the country. In fact, the 18 States that make up the Northeast-Midwest region are being forced to pay 47 percent of this bailout, about $11.7 billion, even though the entire region has incurred only $1.4 billion in costs associated with State-chartered thrifts. In stark contrast to this, the State of Texas has cost the taxpayers over $22.4 billion—that is over 68 percent of the costs for this bailout—yet Texas is only paying 6 percent of the bill, hardly their fair share.

In light of this disparity, it is important to restore some equity in the funding of this bailout. The State chartered thrift deposit insurance premium provisions would require those States that have incurred such high costs to pay a Federal deposit insurance premium to cover the expense of insuring their State chartered thrifts. This will restore much-needed equity to the S&L bailout. I believe that everyone must bear their share of this mess, but to ask the Northeast-Midwest region to pay 10 times what it owes is just unreasonable. Therefore, I ask my colleagues to support including these vital provisions in the RTC funding bill.

□ 1250

A NEW WINDOW OF OPPORTUNITY

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

Mr. SMITH of Florida. Mr. Speaker, tonight we will hear the President's postwar address to the joint session of Congress. There will be no formal Democratic response and there is good reason for that. This is not a partisan issue. The war had absolutely nothing to do with politics and to suggest it did is to fail to do justice to the great sacrifice our troops, their families, and our Nation made.

It is my fervent hope that our men and women come home as quickly as possible. I know a lot of people want to thank them and give them the congratulations they so richly deserve.

The past 6 weeks illustrated definitively that Americans can accomplish anything when they work together. During that 6-week period, there was no politics; there was one Nation committed to achieving a national goal.

We set the goal and we achieved success while supporting the President every step of the way.

The stage now has been set for equally remarkable successes at home: There is a window of opportunity to turn our economy around, to strengthen education, to repair our infrastructure, and to clean up our environment.

The possibilities for our domestic interests are endless. They merit the same dedication we exhibited in our Persian Gulf undertakings. Let's roll up our sleeves and enjoy the same successes at home that we have had abroad.

KUWAIT AND SAUDI ARABIA SHOULD RECOGNIZE ISRAEL

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

Mr. SCHUMER. Mr. Speaker, as Secretary Baker departs for the Middle East, all of us are focused on his historic mission. We have won the war with great fortune and skill, and now we must bring those same ingredients to the peace process. And again, we must insist on cooperation from our allies in the process. America has made great sacrifices to liberate Kuwait, and to safeguard the other states in the region. We must now insist that those states be equally bold in their commitment to peace.

The first step that must be taken is for Kuwait and Saudi Arabia to recognize Israel. Since Israel's birth these countries have been in a state of war with her. For 43 years, this has been the root cause of unrest in the Middle East. Even as we rejoice that war in the Middle East is over, for Israel, it is not. The Arab nations remain at war against her today.

If Kuwait and Saudi Arabia really want peace in the region, they should lead the league of Arab States in recognizing Israel's sovereignty, her right to exist in peace. I sincerely hope that President Bush and Secretary Baker will make this condition a high priority in talks in the Middle East.

I am confident that the overwhelming majority of my colleagues will share this view, and I am circulating a letter, along with my colleague across the aisle, Mr. VIN WEBER, to let President Bush know that this issue is foremost on our minds. I hope all of my colleagues will join us in signing this letter in the hope that the Saudis and the Kuwaitis will take this crucial first step to a lasting peace in the Middle East.

EXPANDING SUPPORT FOR THE BALTIC STATES

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

Mr. HOYER. Mr. Speaker, today I, along with 10 other of my colleagues who recently joined me in traveling to the Baltic States, are introducing a joint resolution which seeks to expand United States support for the Baltic States.

Mr. Speaker, we have been defending freedom incredibly successfully in the gulf. We now need to make sure that we focus on the threat to freedom in Latvia, Lithuania, and Estonia.

Mr. Speaker, for 50 years the United States has steadfastly refused to recognize the legality of the forcible incorporation of the independent Baltic States into the Soviet Union, and this steadfastness has meant much to the people of the Baltics. Now, Mr. Speaker, it is time to go beyond mere words and to take steps to implement this policy. It is for this reason that this resolution is being introduced.

The resolution calls for the United States to do four things: To establish a presence in each of the Baltic States, to channel U.S. Government and private sector assistance directly to the Baltic States, to establish and maintain contact with the Parliaments of Estonia, Latvia and Lithuania as the legitimate representatives of the peoples of the Baltics and, finally, to propose and seek support for Baltic States observer status in the conference on security and cooperation in Europe. I ask my colleagues to review this resolution and to urge their support of it, and raise high the flag of freedom in the Baltic States.

STATUS OF THE S&L BAILOUT LEGISLATION

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

Mr. KENNEDY. Mr. Speaker, I wish to address today the earlier concerns that were raised by the Republicans with regard to the savings and loan bailout.

The fact of the matter is that the Committee on Banking, Finance and Urban Affairs of this Congress passed a bill just 3 or 4 days ago which would have allowed the bailout to move forward. But anybody who was present at the hearing recognizes that while the Democrats passed because there was a rumor floating around that the Republicans were going to stay out of the debate and try to pin the savings and loan bailout on the Democrats, they passed. Then we got to the Republicans, and every single Republican on that committee voted "no." After that, the Democrats passed, because we were not about to be saddled with the bailout that the Republicans refused to take responsibility for.

The institution, the RTC, is sitting on $8 billion worth of assets today that it can use to bail out the banks—the savings and loans that are necessary to have their cases resolved.

Third, it seems to me that what is most important is that this country begin to debate who pays for the savings and loan crisis. That debate is being forced in this country down the mouths of the ordinary taxpayers who have less than $2,000 in their bank accounts.

Fundamentally, the RTC has paid out over $10 billion in funds to accounts of over $100,000. They have 28 percent of all the deposits in savings and loans that come from people with accounts of over $100,000.

Mr. Speaker, it is time to stop bailing out the rich and start standing up for the American taxpayer of this country.

THE UNITED STATES SHOULD NOW FOCUS ON THE PROBLEM WITH THE BALTIC STATES

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

Mr. DORNAN of California. Mr. Speaker, as the tragedy and blood letting continues in Iraq, caused by one of the more evil people of this century who now maintains his power from some cellar bunker, it is time to broaden our focus. As the gentleman from Maryland [Mr. HOYER], has so eloquently stated this morning, we need to turn our attention to the Baltic nations, three so-called republics of a Soviet empire put together by force and held together by force.

Until the slaughter and rape of Kuwait started, the Kuwaiti population was about 2 million people. But the population of Lithuania, Latvia, and Estonia taken together is over 8 million people.

They would like to practice their Christian faith. They would like the freedom taken from them in the exact way that Saddam Hussein raped Kuwait restored. And remember, the Baltics were victimized by both Stalin and Hitler who agreed as to how the rape would take place in Lithuania, Latvia, and Estonia 41 years ago this June.

So I want to associate myself with the remarks of the gentleman from Maryland [Mr. HOYER] and hope that this Congress and the other Chamber will be able to focus on the many human rights violations around the world now that the focus, on the gulf conflict, at least for the allied nations, has somewhat subsided.

HOW ARE WE GOING TO PAY FOR THE FSLIC REAUTHORIZATION?

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

Mr. SLATTERY. Mr. Speaker, in the President's State of the Union Address he talked about the need for us to implement a pay-as-you-go budget plan. Good idea; I think the American public understand the concept and widely support it.

It is amazing, however, that when it comes to the question of how to pay for the savings and loan bailout, apparently the pay-as-you-go concept should not be applied there, according to the President.

I strongly disagree. I think the question with the FSLIC reauthorization bill is a very simple one. That is, it is not so much whether we are going to have to make more money available, it is clear we are going to have to do that; the question is how are we going to pay for it, when are we going to pay for it and who is going to pay for it?

I believe strongly we should employ the pay-as-you-go concept with the FSLIC reauthorization bill and make it very clear to the American public that some sacrifices are going to have to be made now to prevent this bill being passed on to our children and grandchildren. The administration, on the other hand, wants to borrow all the money and pass the bills along to our kids and grandkids.

My colleagues, that is economically wrong, it is morally wrong, and we should stand up and say "no" to that further borrowing to pay for the FSLIC reauthorization.

Mr. Speaker, I urge my colleagues to support the Slattery/Kennedy amendment that was adopted on a bipartisan basis in the Committee on Banking, Finance and Urban Affairs. If we attach that amendment to this bill, we should move it forward in clean form for the President to sign and we will find out if he is really committed to pay as you go.

□ 1300

HISTORICAL REVISIONISM

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

Mr. WALKER. Mr. Speaker, if we did not have such a reactionary and incompetent Congress, we could pass the capital gains bill, recapitalize the real estate industry, and, therefore, solve most of the savings and loan problems, and we would not have to be talking about taxpayers paying for it.

However, Mr. Speaker, I understand that the gentleman from Massachusetts [Mr. KENNEDY] engaged in a little historical revisionism here a few moments ago in talking about what the

Committee on Banking, Finance and Urban Affairs did, that in fact the Republican chairman of that committee, the gentleman from Ohio [Mr. WYLIE], did in fact offer a clean bill approach, and it was rejected by the gentleman from Massachusetts and others.

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

Mr. WALKER. I yield to the gentleman from Ohio to explain the situation.

Mr. WYLIE. Mr. Speaker, I am happy that the gentleman from Pennsylvania [Mr. WALKER] yielded to me so that I can correct the record.

The gentleman from Massachusetts [Mr. KENNEDY] could not be more wrong. I did offer a bill, a clean funding bill for $30 billion, which would have provided the funding, and the gentleman from Massachusetts voted against it.

Mr. WALKER. And every Democrat voted against it; is that right?

Mr. WYLIE. I say to the gentleman that we got three votes.

Mr. WALKER. Oh, we got three votes, but the gentleman from Massachusetts [Mr. KENNEDY] was one who voted against the clean approach.

Mr. WYLIE. The point is that there were a lot of other extraneous amendments which even the Washington Post editorialized against. It talked about the social welfare programs that were added, like affordable housing, like withdrawing property from the market for 6 months for special purposes, and the pay-as-you-go provision, which the gentleman from Kansas [Mr. SLATTERY] just referred to, was said to violate the budget summit agreement last year. It was purely political in that it called on the president, not Congress, but the President to either take money from some other program or provide for a tax increase.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Ohio [Mr. WYLIE].

The budget summit agreement was the one agreed to by the Democratic leadership.

THE COMMITTEE PROCESS

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

Ms. OAKAR. Mr. Speaker, I was waiting on the House floor to address the House relative to another bill, but I cannot help, being a senior member of the Committee on Banking, Finance and Urban Affairs, entering in the discussion.

The Congress, the House of Representatives in particular, is the people's House. We go through a committee process. We serve as a check and balance system for the administration. That is the way our Constitution is written. I am proud of the fact that we have a wonderful Constitution, and that is why we go through a committee process.

Now, when the administration requests $30 billion to recap a fund, and we have some questions about it, because it is taxpayer's money that they want, I think that the amendment process is appropriate. And in fact there was a process, there was a bill that passed, and it was true that it was somewhat politicized. I am sorry that happened. But if there were differences between the Senate bill and the House bill, that could have been held in conference. We could have worked those differences out.

Mr. Speaker, for a bill of this magnitude to have a few amendments attached is not a big deal, and I really resent, and I have to say this publicly, I resent the accusation that in fact the Democrats were acting in a partisan way. We passed a very honorable bill, and I think we should have gone to conference, and that would have been the proper way to go.

MORE HISTORICAL REVISIONISM

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

Mr. WEBER. Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I think that that is another interesting bit of historical revisionism.

First of all, we did not pass the bill; they killed the bill so that we have had no bill out here at all, so the taxpayers are really being dunned at the cost of $8 million a day because the incompetent Congress cannot get its work done. So, that is one factor to look at.

The second factor is the gentleman from Massachusetts [Mr. KENNEDY] a few moments ago did not talk to us about it in the amendment process. He said that what we needed was a clean bill. The gentleman from Ohio [Mr. WYLIE] offered a clean bill in committee, only to have the gentleman from Massachusetts, among others, vote against it.

Now whether that is partisan or nonpartisan, I do not know, but the bottom line is that so far we have no bill, it is costing the taxpayers a lot of money, and we are in a situation where the RTC is not being appropriately funded, and, despite the fact that everything that is being done is within the grounds of the budget agreement of last year that the Democratic leadership were partners to.

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

Mr. WEBER. Mr. Speaker, I yield to the distinguished ranking member of the Committee on Banking, Finance and Urban Affairs.

The SPEAKER pro tempore (Mr. MCNULTY). The time of the gentleman from Minnesota [Mr. WEBER] has expired.

WE ARE LOSING $8 MILLION A DAY

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

Mr. BURTON of Indiana. Mr. Speaker, I yield to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, I thank the gentleman from Indiana [Mr. BURTON] for yielding.

Mr. Speaker, we need to get $30 billion for the RTC, and we need to get it right away, as the gentleman from Pennsylvania [Mr. WALKER] just said, because we are losing $8 million a day.

Mr. Speaker, mention was made of the fact that we need reform, and I do think we need reform, too, and an amendment which would provide some needed reforms in RTC procedures would be agreeable to this Member.

However, Mr. Speaker, I quote from the Washington Post again. Most of the amendments were merely posturing. Although the process needed to be speeded up, one amendment would have slowed down sales for environmental property for 180 days.

That was the point I was going to make a little while ago. As the Washington Post says, a few of these amendments were cuckoo, or vengeful, or both, and the example was the one that would have tied to make the States like the largest State of Texas, which have the most failed savings and loans, pay most of the cost of shutting them down. That is nonsense its says. It is the responsibility of the Federal Government. This is a national deposit insurance system.

Mr. Speaker, that is the point I needed to make, and I thank the gentleman for yielding me this time.

LET THE TRAIN LEAVE THE STATION

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

Mr. DANNEMEYER. Mr. Speaker, Members, there is a tradition that works in this place. We all know what it is. That is to say when there is a train at the station waiting to go, we seek to attach as many cars to it as we can find, and there are many cars waiting to be given a ride, reposing in the crevices around this situation, yearning to be funded by the spenders that control this place.

We need to have this bill, as the gentleman from Ohio [Mr. WYLIE] has observed, to honor the commitment the American people have made to the depositors in failed savings and loans. We need the money, but look at it from

the standpoint of the spenders who control this place.

I ask, "Can you bring yourselves to the point where you let this train to solve this one problem leave the situation without attaching these other cars that need all this special-interest spending so we can broaden the base of our constituency to continue to corral this institution?"

The one thing I admire about liberals is that they understand how to get and keep power, and this is a classic illustration of that principle: load up the train with as many cars as can be put on it so they can all have, those people out there who are fans of theirs, can thank them for moving the train along in the direction they want it to go.

DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. CARPER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 991) to extend the expiration of the Defense Production Act of 1950, and for other purposes, as amended.

The Clerk read as follows:

H.R. 991

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 "Defense Production Act Extension and Amendments of 1991".

SEC. 2. EXTENSION OF THE DEFENSE PRODUCTION ACT OF 1950.

The first sentence of section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) is amended by striking "October 20, 1990" and inserting "September 30, 1991".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

Section 711(a)(4) of the Defense Production Act of 1950 (50 U.S.C. App. 2161 (a)(4)) is amended to read as follows:

"(4)(A) There are authorized to be appropriated for fiscal year 1991, not to exceed $50,000,000 to carry out the provisions of sections 301, 302, and 303.

"(B) The aggregate amount of loans, guarantees, purchase agreements, and other actions under sections 301, 302, and 303 during fiscal year 1991 may not exceed $50,000,000.".

SEC. 4. VOLUNTARY AGREEMENTS.

Section 708A of the Defense Production Act of 1950 (50 U.S.C. App. 2158a) is repealed.

SEC. 5. TECHNICAL AMENDMENTS RESTORING ANTITRUST IMMUNITY FOR EMERGENCY ACTIONS INITIATED BY THE PRESIDENT

Section 708 of the Defense Production Act of 1950 (50 U.S.C. App. 2158) is amended—

(1) in subsection (a), by striking "and subsection (j) of section 708A";

(2) by striking subsection (b) and inserting the following new subsection:

"(b) DEFINITIONS.—For purposes of this Act—

"(1) ANTITRUST LAWS.—The term 'antitrust laws' has the meaning given to such term in subsection (a) of the first section of the Clayton Act, except that such term includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(2) PLAN OF ACTION.—The term 'plan of action' means any of 1 or more documented methods adopted by participants in an existing voluntary agreement to implement that agreement.";

(3) in subsection (c)(1)—

(A) by striking "Except as otherwise provided in section 708A(o), upon" and inserting "Upon"; and

(B) by inserting "and plans of action" after "voluntary agreements";

(4) in subsection (c)(2), by striking the last sentence;

(5) in the 2nd sentence of subsection (d)(1)—

(A) by inserting "and except as provided in subsection (n)" after "specified in this section"; and

(B) by striking ", and the meetings of such committees shall be open to the public";

(6) in subsection (d)(2), by striking out "section 552(b)(1) and (b)(3)" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(7) in subsection (e)(1), by inserting "and plans of action" after "voluntary agreements";

(8) in subsection (e)(3)(D), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(9) in subsection (e)(3)(F)—

(A) by striking "General and to" and inserting "General, the"; and

(B) by inserting ", and the Congress" before the semicolon;

(10) in subsection (e)(3)(G), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraphs (1), (3), and (4) of section 552(b)";

(11) in subsections (f) and (g)—

(A) by inserting "or plan of action" after "voluntary agreement" each place such term appears; and

(B) by inserting "or plan" after "the agreement" each place such term appears;

(12) in subsection (f)(1)(A) (as amended by paragraph (11) of this section) by inserting "and submits a copy of such agreement or plan to the Congress" before the semicolon;

(13) in subsection (f)(1)(B) (as amended by paragraph (11) of this section) by inserting "and publishes such finding in the Federal Register" before the period;

(14) in subsection (f)(2) (as amended by paragraph (11) of this section) by inserting "and publish such certification or finding in the Federal Register" before ", in which case";

(15) in subsection (h)—

(A) by inserting "and plans of action" after "voluntary agreements";

(B) by inserting "or plan of action" after "voluntary agreement" each place such term appears;

(C) by striking "and" at the end of paragraph (9);

(D) by striking the period at the end of paragraph (10) and inserting "; and"; and

(E) by adding at the end the following new paragraph:

"(11) that the individual designated by the President in subsection (c)(2) to administer the voluntary agreement or plan of action shall provide prior written notification of the time, place, and nature of any meeting to carry out a voluntary agreement or plan of action to the Attorney General, the Chairman of the Federal Trade Commission and the Congress.";

(16) in subsection (h)(3), by striking "subsections (b)(1) and (b)(3) of section 552" and inserting "paragraph (1), (3), or (4) of section 552(b)"; and

(17) in paragraphs (7) and (8) of subsection (h), by striking "subsection (b)(1) or (b)(3) of section 552" and inserting "section 552b(c)";

(18) by striking subsection (j) and inserting the following new subsection:

"(j) DEFENSES.—

"(1) IN GENERAL.—Subject to paragraph (4), there shall be available as a defense for any person to any civil or criminal action brought under the antitrust laws (or any similar law of any State) with respect to any action taken to develop or carry out any voluntary agreement or plan of action under this section that—

"(A) such action was taken—

"(i) in the course of developing a voluntary agreement initiated by the President or a plan of action adopted under any such agreement; or

"(ii) to carry out a voluntary agreement initiated by the President and approved inaccordance with this section or a plan of action adopted under any such agreement, and

"(B) such person—

"(i) complied with the requirements of this section and any regulation prescribed under this section; and

"(ii) acted in accordance with the terms of the voluntary agreement or plan of action.

"(2) SCOPE OF DEFENSE.—Except in the case of actions taken to develop a voluntary agreement or plan of action, the defense established in paragraph (1) shall be available only if and to the extent that the person asserting the defense demonstrates that the action was specified in, or was within the scope of, an approved voluntary agreement initiated by the President and approved in accordance with this section or a plan of action adopted under any such agreement and approved in accordance with this section. The defense established in paragraph (1) shall not be available unless the President or the President's designee has authorized and actively supervised the voluntary agreement or plan of action.

"(3) BURDEN OF PERSUASION.—Any person raising the defense established in paragraph (1) shall have the burden of proof to establish the elements of the defense.

"(4) EXCEPTION FOR ACTIONS TAKEN TO VIOLATE THE ANTITRUST LAWS.—The defense established in paragraph (1) shall not be available if the person against whom the defense is asserted shows that the action was taken for the purpose of violating the antitrust laws.";

(19) in subsection (k), by inserting "and plans of action" after "voluntary agreements" each place such term appears;

(20) in subsection (l) by inserting "or plan of action" after "voluntary agreement";

(21) by adding at the end the following new subsections:

"(n) EXEMPTION FROM ADVISORY COMMITTEE ACT PROVISIONS.—Notwithstanding any other provision of law, any activity conducted under a voluntary agreement or plan of action approved pursuant to this section, when conducted in compliance with the requirements of this section, any regulation prescribed under this subsection, and the provisions of the voluntary agreement or plan of action, shall be exempt from the Federal Advisory Committee Act and any other Federal law and any Federal regulation relating to advisory committees.

"(o) PREEMPTION OF CONTRACT LAW IN EMERGENCIES.—In any action in any Federal or State court for breach of contract, there shall be available as a defense that the alleged breach of contract was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with this section. Such defense shall

not release the party asserting it from any obligation under applicable law to mitigate damages to the greatest extent possible.".

SEC. 6. TECHNICAL AMENDMENTS TO PRIORITIES IN CONTRACTS AND ORDERS.

Section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071) is amended—

(1) in subsection (a)(2) by striking "materials and facilities" and inserting "materials, services, and facilities";

(2) in subsection (c)(1) by striking "supplies of materials and equipment" and inserting "materials equipment, and services";

(3) by striking paragraphs (2) and (3) and inserting the following new paragraph:

"(2) The authority granted by this subsection may not be used to require priority performance of contracts or orders, or to control the distribution of any supplies of materials, services, and facilities in the marketplace, unless the President finds that—

"(A) such materials, services, and facilities are scarce, critical, and essential—

"(i) to maintain or expand exploration, production, refining, transportation,

"(ii) to conserve energy supplies; or

"(iii) to construct or maintain energy facilities; and

"(B) maintenance or expansion of exploration, production, refining, transportation, or conservation of energy supplies or the construction and maintenance of energy facilities cannot reasonably be accomplished without exercising the authority specified in paragraph (1) of this subsection."; and

(4) by redesignating paragraph (4) as paragraph (3).

SEC. 7. EFFECTIVE DATE.

This Act shall take effect on October 20, 1990.

SEC. 8. EXEMPTION FROM TERMINATION.

Section 717(a) of the Defense Production Act of 1950 (50 U.S.C. App. 2166(a)) (as amended by section 2 of this Act) is amended by striking "and 719" and inserting "719, and 721".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CARPER] will be recognized for 20 minutes, and the gentleman from Pennsylvania [Mr. RIDGE] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CARPER].

□ 1310

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

Mr. Speaker, we have before us legislation on a subject that is no stranger to this body—the Defense Production Act. As you may recall, we came within a breath of enacting an authorization bill last Congress only to have the conference agreement—which had passed the House—stalled in the other body as the last seconds of the 101st Congress ticked away. Failure to enact the authorization bill led to the expiration of the act on October 20.

As the last Congress passed into history, so did the President's authority under the Defense Production Act to prioritize military action of critical supplies needed to support our activities in the Middle East. Operating under a patchwork Executive order, in the midst of a recession and thanks to strong public support of both Desert Shield and Desert Storm the President has been able to ensure most of our military needs are met. Our remarkable successes on the battlefield have not diminished the need for fast action to restore the act.

This bill would extend the Defense Production Act until September 30, 1991, and make it retroactive to this past October 20, when it expired. The bill also contains a few relatively noncontroversial amendments to the Defense Production Act. The first would provide antitrust protection to participants in voluntary agreements as part of petroleum-related international agreements to which the United States is a party.

The second amendment would clarify that the act's contract priority and allocation provisions apply to services as well as materials and facilities. This amendment could have significant implications in our efforts to get our troops home now that the military conflict is over. This amendment would ensure that civilian aircraft would be available, if needed, to supplement military airlift capacity needed to get our troops and their equipment home. The last thing we need is to leave our young men and women in the desert cooling their heels simply because we don't have sufficient aircraft and ships to get them home.

A final amendment would make permanent the so-called Exon-Florio provisions of the act which require the administration to review—and if necessary, to prohibit—foreign mergers, acquisitions, and takeovers of domestic firms which might adversely affect U.S. security interests.

A reflection of the importance of this legislation is the profound interest the other body has demonstrated in it so far this Congress. To date, the Senate has sent over to us three DPA bills. Two of the bills would extend the act, and one is a comprehensive reauthorization which essentially encompasses the conference agreement reached at the end of last year.

As the new chairman of the Economic Stabilization Subcommittee of the Banking Committee which has jurisdiction over the act, I appreciate the tremendous interest shown and investment made on this subject in recent years both on the Senate side and by many Members of this body. I hope we can get this extension in place—without substantive changes to the act—so that the subcommittee can begin a series of hearings and construct a new bill that reflects both the wisdom of the past and new lessons learned through our Desert Shield and Desert Storm experiences.

I tip my hat particularly to the chairman of the Banking Committee, Mr. GONZALEZ, for his assistance in getting this bill to the floor quickly; and to Mr. RIDGE, the ranking member of the subcommittee, who has bravely ventured with me into these relatively uncharted waters of subcommittee leadership in good faith and humor; and to my predecessor as Chair of this subcommittee, Ms. OAKAR, who has strongly supported this extension bill and who, I'm sure, will play a key role in the development of the subcommittee's reauthorization bill in the months to come; and to the ranking member of the full Banking Committee, Mr. WYLIE, who introduced the original extension bill in the House, and whose eloquent support of the legislation has greatly aided its quick progression through the Committees.

I would also commend my colleagues on the Judiciary and Energy and Commerce Committee for their great interest in this legislation and their assistance in getting this bill to the floor.

And finally, Mr. Speaker, I want to thank the members of our subcommittee and ranking committee staffs and to note that the administration strongly supports passage of H.R. 991.

Yesterday, we debated a resolution praising the efforts and achievements of our soldiers and sailors in the Persian Gulf. We thanked their families for their sacrifices, as well. Today, we have an opportunity to provide a tangible expression of our gratitude to our troops and their families by supporting this legislation and to ensure that they are reunited at the earliest opportunity.

I ask my colleagues to support this measure today, and I hold back the balance of my time.

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

Mr. Speaker, I rise today in strong support of H.R. 991, legislation to extend and amend the Defense Production Act of 1950. In doing so, I would first like to take a moment to congratulate and to thank my distinguished colleague and friend from Delaware, Mr. CARPER, the chairman of the Subcommittee on Economic Stabilization, for the expeditious manner in which he has brought this measure to the floor. Through his leadership he has fostered a spirit of cooperation and consensus that I hope will carry us through the 102d Congress. I would also like to thank Mr. WYLIE, the ranking member of the full committee, for his assistance with this legislation and that of his staff.

My colleagues, the Defense Production Act, first enacted at the time of the Korean war, provides the President with broad authority to shore up industrial mobilization and emergency preparedness planning. The DPA is the primary tool for promoting the development of strategic materials and technologies, for stockpiling key and important goods, and for giving the military first-in-line access to these goods during times of emergency. The DPA is then the essential element in the preservation of this Nation's de-

fense industrial base and national security in times of emergency.

Authority under the DPA expired on October 20, 1990. H.R. 991 is a short-term reauthorization that would extend the act retroactive from October 1990 through September 30 of this year. This legislation enjoys broad bipartisan support, as it was reported out from both the subcommittee and full committee on a unanimous vote.

I would like to point to my colleagues that during the recent conflict in the gulf, the President was forced to operate without the benefit of the DPA for much of the crisis, particularly during the critical and sensitive stages of the war. The President was able to exercise some of his DPA-like authorities through a patchquilt of other laws and Executive orders. This approach proved adequate and fortunately we were able to meet our needs. But I think that many of my colleagues would agree with me when I say that we can also be grateful that the exigencies of war did not require that it be put to a test. We may not be so fortunate the next time.

And while it may be the case that the dire emergency need for DPA has abated with this war's end, it nonetheless remains important that this body restore to the President this authority. No President should be confronted with the crisis we have just experienced without the DPA as a war preparation and management tool.

In addition to extending prior DPA authorities, I would like to outline just a few of the other important changes that H.R. 991 makes to the act. First, the bill would make permanent the so-called Exon-Florio provisions of the Defense Production Act. These provisions grant the President broad authority to protect the national security in foreign takeover situations. Exon-Florio provides the President with the ability to review proposed mergers, acquisitions, and takeovers of domestic firms by foreign companies if they might adversely affect U.S. national security.

H.R. 991 modifies the DPA to make antitrust protection available to participants so as to allow them to assist the Federal Government in carrying out its obligations with respect to petroleum-related international agreements to which the United States is a party. This would allow, for instance, oil companies to advise and assist the Government were the United States called upon to fulfill its oil supply obligations under the United States-Israel Oil Supply Agreement, the North Atlantic Treaty, and other international agreements.

The bill also would clarify that the DPA's contract priority and allocation provisions apply to service contracts as well as to materials and facilities. Indeed, had the need arisen during the Persian Gulf war, the President would have been without authority to utilize our commercial airlift capacity to, for example, airlift personnel and equipment in support of our military operations. We can surely be thankful there was no need.

With that, Mr. Speaker, let me say that I look forward to working with my chairman and in joining with him in completing a longer term reauthorization of the act this year. In that vein, I think it a useful exercise to take a hard look at the act, particularly to see if changes are needed in light of the gulf war. Again, I urge my colleagues to support this legislation.

Mr. CARPER. Mr. Speaker, before I yield time to the gentlewoman from Ohio [Ms. OAKAR], I just want to say again that the gentlewoman from Ohio has chaired this Economic Stabilization Subcommittee for the past 4 years. She has invested a great deal of her own time and that of her staff in the reauthorization of this act. I look forward to working with her in the months ahead as a full partner with the gentleman from Pennsylvania [Mr. RIDGE] and others, as we attempt to craft a long-term resolution for this much-needed legislation.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Ohio [Ms. OAKAR].

Ms. OAKAR. Mr. Speaker, I would like to express my strong support for H.R. 991, the Defense Production Act Extension and Amendments of 1991, as introduced by the gentleman from Delaware [Mr. CARPER], and urge all Members of the House to do likewise. I commend Representative CARPER, as the new chair of the Subcommittee on Economic Stabilization, and Representative RIDGE, the ranking minority member for the efficiency with which they steered the legislation through the subcommittee and the full committee, and congratulate them on the manner in which they have risen to their new responsibilities in this important matter.

I was pleased to cosponsor the Defense Production Act Extension introduced by Representative CARPER—H.R. 991—which was reported by the subcommittee, as well as the bill introduced by the distinguished ranking minority member of the committee, Mr. WYLIE, which I understand was the administration proposal. I also proposed a simple revival-extension bill on the first day of this Congress—H.R. 380, introduced on January 3, 1991—and advocated expedited action for this legislation in light of the situation in the Persian Gulf at that time.

My position has been, and continues to be, in support of any proposal that can be agreed upon by the House, the Senate, and the administration to revive and extend the Defense Production Act as rapidly as possible. I believe the extension should be of sufficient length so that the new chair and members of the subcommittee and the full Banking Committee can give adequate consideration to the important issues involved in bringing the Defense Production Act into the modern era.

As the Persian Gulf encounter eloquently testified, a nation cannot prepare for a diplomatic confrontation or military conflict when it is in the middle of it. Those preparations must be made many years before. For example, the contract for the design of the Patriot missile was let in 1968, and the production contract was signed in 1978. The first combat test, in 1991, shows how long the lead times are in military industrial base issues, and how patient we must be to preserve our strength as threats, doctrines, and circumstances change.

The Defense Production Act is the key to the long-term industrial preparedness that puts the right weapons into the hands of our troops in the field, and keeps them adequately supplied under difficult circumstances. It is one of the true keys to national strength. Of necessity, it is "a statute for all seasons" and its value is seldom appreciated. I think we should pause and pay tribute to former Members of Congress and officials in the Pentagon whose dedication to defense production matters in less exciting times have made our successes in battle possible.

Then I believe we should act on this extension legislation. We learned last year that, even in peacetime, the authorities of DPA are used an average of once every working day. Secretary of Defense Cheney also informed us that the act was being used to sustain our troops in the field with such items as night vision glasses, chemical protective gear, armored personnel carriers and air defense missiles.

The DPA allows this country to use force when necessary, giving credibility to our diplomacy, and to sustain the use of force when it is necessary, widening the options open to our civilian and military leadership.

LEGISLATIVE HISTORY

For 4 years, the Subcommittee on Economic Stabilization under my chairmanship worked on substantive amendments that would modernize the act. We consulted extensively with an advisory group composed of high former military and civilian executives and industrialists. I was proud of the fact that the resulting bill—H.R. 486—was approved on a bipartisan basis in the full committee by a vote of 39 to 8, and on the floor by a vote of 295 to 119.

In fact, the House voted seven times to approve Defense Production Act legislation in the past Congress—including three extension bills, the House proposal—H.R. 486—the conference report, and two supplemental concurrent resolutions. The House did all it could do to maintain and improve this legislation.

There were some principles and provisions that we thought were extremely important. Our bill proposed

that the President be given explicit statutory authority—which does not exist now—to set aside certain items for production in this country, if, in his discretion, weighing all the domestic and foreign policy issues, he feels that such an action is essential to national security.

We also thought it was important to insist that the Defense Department develop a modern information system. Since 1985, the United States has spent $2 million on the information system at the Department of Defense level. That is about what a medium-sized real estate company that sells approximately 30 houses a year in the Washington area would spend on its information system. We did not believe that Congress should permit that kind of nonmanagement, either in wartime or peacetime.

We sought to increase the funding under title III of the act from $50 million to $130 million per year, a much more realistic figure that is in accord with the needs actually envisioned by the Pentagon. We proposed that some of these funds be used to guarantee the purchase or lease of the most advanced manufacturing equipment and techniques by smaller defense contractors, so that the parts and components of our weapons systems would turn out to be world class in terms of quality, price, and delivery schedules.

The House bill suggested an independent commission that would report to Congress on how defense industrial base policy was actually being implemented in the light of the present rapidly changing circumstances, a concept advanced almost 10 years ago.

If the defense budget can be reduced substantially in future years, it will be even more crucial to have adequate and expertly analyzed defense production information.

H.R. 486 also proposed strengthening the energy base of defense production by calling for periodic assessment of the capabilities and prospects for renewable and alternative sources of fuel and energy for these purposes.

There are other provisions in the House bill that we believed merited enactment.

I hope that, once the revival and extension of the Defense Production Act is in place, all of the House and Senate proposals of the last Congress, and this Congress, will receive the consideration they deserve, enroute to enacting a bill that will better protect and preserve our defense industrial base and our national security.

□ 1320

Mr. RIDGE. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Ohio, Mr. CHALMERS WYLIE, who is the ranking member of the Committee on Banking, Finance and Urban Affairs and an individual who has spent quite a few years working with the Defense Production Act and is very responsible for the drafting of part of this legislation.

Mr. WYLIE. Mr. Speaker, I thank the gentleman for yielding me the time and for his kind remarks. I want to rise to say that I strongly support the passage of H.R. 991, and I too would commend the gentleman from Pennsylvania [Mr. RIDGE], the gentleman from Delaware [Mr. CARPER], the gentlewoman from Ohio [Ms. OAKAR], and Chairman GONZALEZ, all of whom played a significant role in drafting this very necessary piece of legislation and seeing that we are here today.

The bill, as has been said, would reauthorize the Defense Production Act until September 30, 1991.

Simply put, the Defense Production Act gives the President authority to order as a priority defense contracts when needed. Moreover, it gives the President the authority to allocate materials under emergency circumstances, as has been mentioned by my friend, the gentleman from Pennsylvania [Mr. RIDGE]. Authority granted to the President was used and is still being used to procure key items for our troops in the Middle East.

Additionally, the administration had requested that other critical provisions be attached to this reauthorization which we were not able to get agreement on in the last Congress.

First, section 4 of this bill repeals the prohibition against the use of voluntary agreements. A voluntary agreement by American firms allows them to advise the U.S. Government candidly and to assist the Government in carrying out a response to an energy crisis without being subject to the antitrust sanctions. Voluntary agreements are not new. In fact, they were used during the Korean war and in other emergency situations. The need for this provision was never more critical than during the Persian Gulf war.

Second, section 6 of this bill clarifies that service contracts come under the DPA's purview. For example, this would mean that the DPA applies to standby repairs of the strategic petroleum reserve pipeline.

Finally, this bill makes permanent the Exon-Florio provisions of the Defense Production Act, as the gentleman from Delaware [Mr. CARPER] mentioned earlier. These critical provisions allow the President to block foreign takeovers that might threaten national security interests. This authority expired when DPA expired, and I think it is important to make these provisions permanent.

For example, a takeover involving the transfer of nuclear technology could have potentially gone through because DPA had expired. Fortunately for us, the offer to buy the company was withdrawn.

Mr. Speaker, we need a clean DPA bill and we need it promply. Regrettably, in the Senate the DPA has become a vehicle for miscellaneous and unrelated banking and trade provisions that are not must-do.

This bill is not quite as urgent, I would submit, as it was before the end of the hostilities in the Persian Gulf war, thank goodness. But that is not to say that this is not an important bill and will be an aid to our troops whenever and wherever they may be serving.

I would urge my House colleagues not only to support the bill now, but I would urge conferees on this bill to move as quickly as possible and to do so without extraneous amendments.

Mr. Speaker, I want to commend the new subcommittee leadership, ranking member RIDGE, and I want to thank the gentleman from Delaware [Mr. CARPER] for his expeditious cooperation and treatment of this legislation so that we will have an opportunity to vote on it today.

Mr. CARPER. Mr. Speaker, before yielding time, I want to again say how much we appreciate the support and cooperation of the Committee on Energy and Commerce and the Committee on the Judiciary in enabling us to expedite the bringing of this bill to the floor.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Illinois, Mrs. CARDISS COLLINS, who chairs the Subcommittee on Commerce, Consumer Protection, and Competitiveness.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of the bill, H.R. 991. This bill would extend the Defense Production Act, which expired on October 20 of last year.

First, I want to commend the Banking Committee for acting quickly to bring this matter to the floor. The Defense Production Act provides important authorities that are needed to help ensure that our country has a strong, domestic industrial base.

In particular, I want to thank the Banking Committee for adopting an amendment to this bill which would exempt the Exon-Florio provision from the automatic sunset termination provison of the Defense Production Act. The Exon-Florio provision, which was enacted as part of the 1988 Trade Act through the joint efforts of the Commerce, Consumer Protection and Competitiveness Subcommittee I chair and the Banking Committee, gives the President authority to block foreign takeovers of U.S. firms that threaten to impair national security.

Our subcommittee recently held a hearing on how the administration has implemented the Exon-Florio authority, and how national security reviews of foreign takeovers have been handled since last October when Exon-Florio expired along with the rest of the Defense Production Act.

Some of the participants at the hearing criticized the administration for not using Exon-Florio powers more aggressively to block foreign firms from buying up U.S. technology. Others expressed the view that the administration's reluctance to intervene in these transactions is appropriate, and that dependence on foreign firms for critical technology is not necessarily harmful.

But virtually all participants favored exempting Exon-Florio from the sunset termination provisions of the Defense Production Act. No one has taken the position that it is desirable to have the President's only authority, under which he can block foreign takeovers that threaten the national security, periodically expire.

Since the expiration of the Defense Production Act last October, the President has been without authority to block foreign takeovers for national security reasons. Without statutory authority to act, the President's Committee on Foreign Investment in the United States [CFIUS] was forced late last year to consider a proposal of the Japanese firm Fanuc Machine Tool to buy our country's leading state-of-the-art manufacturer of advanced grinding equipment, Moore Special Tool Co.

Moore is the sole U.S.-owned supplier of ultra-high-precision grinding equipment to our nuclear weapons program. High precision grinding is a key factor in our country's ability to manufacture weapons with higher and higher nuclear yields.

Without Moore Special Tool, our country could be forced to rely on foreign firms to supply the equipment needed to make high-yield nuclear weapons. At the subcommittee's recent hearing, the administration confirmed that we already depend on foreign suppliers for about 50 percent of the machine tools and machine tool components at Department of Energy nuclear facilities.

After the subcommittee announced that we would consider the takeover of Moore Special Tool at our recent hearing, Fanuc announced it was withdrawing its offer to buy Moore. As a result, we will never know what the President might have done in this case.

But, this case raises important questions that we must now consider. Is our country willing to be dependent on foreign suppliers for the capability to build nuclear weapons? Should our Government work more closely and more aggressively with companies like Moore that serve important defense purposes to find American solutions to the business problems they face?

If an American solution to problems like Moore's cannot be found, should the President be authorized to require that foreign purchasers provide assurances that firms they buy will continue to supply our defense program and other U.S. customers with important technology and equipment? Does CFIUS interpret national security too narrowly, and exclude the consideration of technology and products that are not of critical and direct importance to the military? Does the Treasury's chairmanship of CFIUS conflict with the Department's primary responsibility for promoting foreign investment, and if so should CFIUS be chaired by Commerce or some other agency?

Mr. Speaker, these are all important issues that our subcommittee will consider this year. I am happy that we have taken the first and most necessary step to improve Exon-Florio by making it a permanent provision of law.

I urge my colleagues to support this bill, and I look forward to addressing in the future other ways to improve the Exon-Florio process.

□ 1330

Mr. RIDGE. Mr. Speaker, I yield such time as he may consume to my friend and colleague, the gentleman from Pennylvania [Mr. WALKER].

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

Mr. Speaker, may I begin by just pointing out one thing with regard to the remarks made by the gentlewoman from Illinois a moment ago. She makes a very important point, and I would hope that the House will focus on that point tomorrow when we bring the appropriation bill to the floor, where actions of the Committee on Appropriations at this time have limited our ability to make plutonium, which means that we will not have the capability of manufacturing nuclear weapons anyhow, because the Committee on Appropriations had decided that there is a cleanup process that is more important than manufacturing plutonium.

I hope the House is going to vote tomorrow with the gentleman from Indiana [Mr. MYERS] when he offers his amendment to try to correct this situation and protect the defense capability of the country.

That was not the main point that I wanted to make.

I have had some discussions with the gentleman from Pennsylvania, and perhaps the chairman has been in on this, too, through the gentleman from Pennsylvania. I was trying to figure out how much money is involved in this particular bill. My understanding is it is $50 million. Is that correct?

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

Mr. WALKER. I am happy to yield to the gentleman from Pennsylvania.

Mr. RIDGE. Mr. Speaker, I believe that for the past couple of years the amount authorized has been $50 million a year, and the amount appropriated is $50 million a year. It is my understanding that the budget agreement that we adopted at the end of the 101st Congress included that amount, so the authorization within this piece of legislation is within the budget agreement.

Mr. WALKER. Mr. Speaker, I thank the gentleman. Is that the understanding of the gentleman from Delaware?

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

Mr. WALKER. I am happy to yield to the gentleman from Delaware.

Mr. CARPER. Mr. Speaker, that is the gentleman's understanding.

Mr. WALKER. Mr. Speaker, so we have a situation where the authorization matches what we have appropriated over the last several years, and there is no increase in the authorization over what has actually been appropriated, so the spending in this case has been kept level, and all of it is within the confines of the budget agreement. Is that the understanding?

Mr. RIDGE. If the gentleman will yield further, that is certainly our understanding.

Mr. WALKER. I thank the gentleman.

I want to congratulate the committee for doing that. That sets an important example for us on the floor.

We could go a long way toward getting our budget in order if we could, in fact, stick with just the spending we have done in years past without expanding it, and so I want to congratulate the two gentlemen for doing that.

It is important to recognize that sometimes as we are spending this money that the American people do not have a perception about the kinds of spending that are involved. $50 million is something which is over the heads of most Americans. They will never see $50 million in their lives, but the fact is, that if you break it down and look at averages alone, for every $1 million the Federal Government spends, it costs each taxpayer 1.1 cents. What we are doing in this particular bill is spending 55 cents of every taxpayer's money in the country; 55 cents is something that most taxpayers might rather use for a candy bar than have Congress spend it, but nevertheless, if we can just hold that spending level, we can get some of our budget problems out of the way, and this particular committee has brought us a bill where they have shown fiscal responsibility.

I want to congratulate them for it and thank them for answering the questions.

Mr. CARPER. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, I thank the distinguished chairman for yielding me this time.

Mr. Speaker, I believe that during this adoption of the Defense Production Act, it is appropriate to discuss the Defense Economic Adjustment Act, H.R. 441.

Originally many provisions of H.R. 441 were included as part of the Defense Production Act extension legislation. Although these provisions are not part of the version of the legislation before us today, they are highly relevant and deserve to be kept alive in concept.

The Defense Production Act is meant to ensure that our industrial base will be able to adjust in times of national crisis to provide the needed raw material and production needed to defend the United States against an outside threat.

Our civilian industrial base and our physical infrastructure which has been left to deteriorate, therefore, must be in a condition to meet demands placed on it in an emergency situation. The Defense Economic Adjustment Act, H.R. 441, would ensure this readiness.

Clearly substantial reductions in defense spending lie ahead and will lead to closure of more military facilities and cancellation and reduction of more defense industry contracts. The Defense Economic Adjustment Act would pave the way for the smooth transition of these affected facilities and industries to necessary civilian industries that will be in prime condition for use in a national emergency.

Mr. Speaker, I will be looking to the distinguished new subcommittee chairman, the gentleman from Delaware [Mr. CARPER], for the opportunity for appropriate consideration of H.R. 441 at hearings that he has indicated today would be held in the near future.

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

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

Mr. Speaker, before we vote on this measure today, I want to say just one or two more things.

One is to express my gratitude to the new staff of our Economic Stabilization Subcommittee for their help on this legislation and to express my same thanks to the staff members of the full Committee on Banking, Finance and Urban Affairs for their assistance.

I want to note, as it has been noted before, that the administration strongly supports the passage of this legislation.

Finally, I want to say that yesterday we debated on this House floor a resolution praising the efforts and the achievements of our soldiers and sailors in the Persian Gulf. We thanked them for their service and for their bravery. We thank their families for their sacrifices as well. Today we have an opportunity to provide a tangible expression of our gratitude to our troops and to their families by supporting this legislation and by, thus, ensuring that they are reunited at the very earliest possible opportunity.

Mr. GONZALEZ. Mr. Speaker, I rise in support of H.R. 991, and would like to commend my colleague, Mr. CARPER of Delaware, for the work he has done as chairman of the Subcommittee on Economic Stabilization. The Defense Production Act of 1950 expired on October 20, of last year, and so it is imperative that the 102d Congress act expeditiously to reauthorize this important piece of legislation. Mr. CARPER has moved H.R. 6 through the Banking Committee and to the floor of the House expeditiously, and I commend him for a job well done. I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. MCNULTY). The question is on the motion offered by the gentleman from Delaware [Mr. CARPER] that the House suspend the rules and pass the bill, H.R. 991, as amended.

The question was taken.

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 0, not voting 17, as follows:

[Roll No. 29]

YEAS—416

Abercrombie	Coble	Franks (CT)
Ackerman	Coleman (MO)	Frost
Alexander	Coleman (TX)	Gallegly
Allard	Collins (IL)	Gallo
Anderson	Collins (MI)	Gaydos
Andrews (ME)	Combest	Gejdenson
Andrews (NJ)	Condit	Gekas
Andrews (TX)	Conyers	Gephardt
Annunzio	Cooper	Geren
Anthony	Costello	Gibbons
Applegate	Coughlin	Gilchrest
Archer	Cox (CA)	Gilman
Armey	Cox (IL)	Gingrich
Atkins	Coyne	Glickman
AuCoin	Cramer	Gonzalez
Bacchus	Crane	Goodling
Baker	Cunningham	Gordon
Ballenger	Dannemeyer	Goss
Barnard	Darden	Gradison
Barrett	Davis	Grandy
Bartlett	de la Garza	Gray
Barton	DeFazio	Green
Bateman	DeLay	Guarini
Beilenson	Dellums	Gunderson
Bennett	Derrick	Hall (OH)
Bentley	Dickinson	Hall (TX)
Bereuter	Dicks	Hamilton
Berman	Dixon	Hammerschmidt
Bevill	Dooley	Hancock
Bilbray	Doolittle	Hansen
Bilirakis	Dorgan (ND)	Harris
Bliley	Dornan (CA)	Hastert
Boehlert	Downey	Hatcher
Boehner	Dreier	Hayes (IL)
Bonior	Duncan	Hayes (LA)
Borski	Durbin	Hefley
Boxer	Dwyer	Hefner
Brewster	Dymally	Henry
Brooks	Early	Herger
Broomfield	Eckart	Hertel
Browder	Edwards (CA)	Hoagland
Brown	Edwards (OK)	Hobson
Bruce	Edwards (TX)	Hochbrueckner
Bryant	Emerson	Holloway
Bunning	Engel	Hopkins
Burton	English	Horn
Bustamante	Erdreich	Houghton
Byron	Espy	Hoyer
Callahan	Evans	Hubbard
Camp	Fascell	Huckaby
Campbell (CO)	Fawell	Hughes
Cardin	Fazio	Hunter
Carper	Feighan	Hutto
Carr	Fields	Hyde
Chandler	Fish	Inhofe
Chapman	Flake	Ireland
Clay	Foglietta	Jacobs
Clement	Ford (MI)	James
Clinger	Frank (MA)	Jenkins
Johnson (CT)	Murtha	Serrano
Johnson (SD)	Myers	Sharp
Johnston	Nagle	Shaw
Jones (GA)	Natcher	Shays
Jones (NC)	Neal (MA)	Shuster
Jontz	Neal (NC)	Sikorski
Kanjorski	Nichols	Sisisky
Kaptur	Nowak	Skaggs
Kasich	Nussle	Skeen
Kennedy	Oakar	Skelton
Kennelly	Oberstar	Slattery
Kildee	Obey	Slaughter (NY)
Kleczka	Olin	Slaughter (VA)
Klug	Ortiz	Smith (FL)
Kolbe	Orton	Smith (IA)
Kolter	Owens (NY)	Smith (NJ)
Kopetski	Owens (UT)	Smith (OR)
Kostmayer	Oxley	Smith (TX)
Kyl	Packard	Snowe
LaFalce	Pallone	Solarz
Lancaster	Panetta	Solomon
Lantos	Parker	Spence
LaRocco	Patterson	Spratt
Laughlin	Paxon	Staggers
Leach	Payne (NJ)	Stallings
Lehman (CA)	Payne (VA)	Stark
Lehman (FL)	Pease	Stearns
Lent	Pelosi	Stenholm
Levin (MI)	Penny	Stokes
Lewis (CA)	Perkins	Studds
Lewis (FL)	Peterson (FL)	Stump
Lewis (GA)	Peterson (MN)	Sundquist
Lightfoot	Petri	Swett
Lipinski	Pickett	Swift
Livingston	Pickle	Synar
Lloyd	Porter	Tallon
Long	Poshard	Tanner
Lowery (CA)	Price	Tauzin
Lowey (NY)	Pursell	Taylor (MS)
Luken	Quillen	Taylor (NC)
Machtley	Rahall	Thomas (CA)
Madigan	Ramstad	Thomas (GA)
Manton	Rangel	Thomas (WY)
Markey	Ravenel	Thornton
Marlenee	Ray	Torres
Martin	Reed	Torricelli
Matsui	Regula	Towns
Mavroules	Rhodes	Traficant
Mazzoli	Richardson	Traxler
McCandless	Ridge	Unsoeld
McCloskey	Riggs	Upton
McCollum	Rinaldo	Valentine
McCrery	Ritter	Vander Jagt
McCurdy	Roberts	Vento
McDade	Roe	Visclosky
McDermott	Roemer	Volkmer
McEwen	Rogers	Vucanovich
McGrath	Rohrabacher	Walker
McHugh	Ros-Lehtinen	Walsh
McMillan (NC)	Rose	Washington
McMillen (MD)	Rostenkowski	Waters
McNulty	Roth	Waxman
Meyers	Roukema	Weber
Mfume	Rowland	Weiss
Michel	Roybal	Weldon
Miller (CA)	Russo	Wheat
Miller (WA)	Sabo	Whitten
Mineta	Sanders	Williams
Mink	Santorum	Wise
Moakley	Sarpalius	Wolf
Molinari	Savage	Wolpe
Mollohan	Sawyer	Wyden
Montgomery	Saxton	Wylie
Moody	Schaefer	Yates
Moorhead	Scheuer	Yatron
Moran	Schiff	Young (AK)
Morella	Schroeder	Young (FL)
Morrison	Schulze	Zeliff
Mrazek	Schumer	Zimmer
Murphy	Sensenbrenner	

NAYS—0

NOT VOTING—17

Aspin	Ford (TN)	Martinez
Boucher	Gillmor	Miller (OH)
Campbell (CA)	Horton	Sangmeister
DeLauro	Jefferson	Udall
Dingell	Lagomarsino	Wilson
Donnelly	Levine (CA)	

□ 1358

Mr. RAVENEL and Mr. GEKAS changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CARPER. 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; and I ask unanimous consent to introduce letters from the chairman of the Judiciary Committee in the RECORD for the bill just passed.

The SPEAKER pro tempore (Mr. MCNULTY). Is there objection to the requests of the gentleman from Delaware?

There was no objection.

The letter above referred to is as follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 6, 1991.

Hon. HENRY B. GONZALEZ,
Chairman, Committee on Banking, Finance, and Urban Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On February 26, 1991, the Committee on Banking, Finance, and Urban Affairs favorably ordered reported H.R. 991, the Defense Production Act Extension and Amendments of 1991. It is my understanding that you are seeking to have this bill considered by the full House today under Suspension of the Rules. I understand the urgency of this action in that the Defense Production Act (DPA) expired on October 20, 1990, without being renewed at the end of the 101st Congress.

H.R. 991 contains a number of provisions that go directly to the Committee on the Judiciary's jurisdiction over the antitrust laws and the nation's competition policies. In Section 4, there is created an affirmative defense to any civil or criminal action brought under the antitrust laws for persons who participate in the formulation or implementation of voluntary agreements or plans of actions. Such defense is available provided that the conduct on which an antitrust claim is based is within the scope of a voluntary agreement or plan of action initiated by the President and is actively supervised by the President or his designee. The key concept in this language is that of "Federal Action"—analogous to the judicially created doctrine of "State Action" in which a private actor is insulated from antitrust exposure provided that a government entity takes responsibility for authorizing and actively supervising the private conduct involved. Further, the term "antitrust laws" in section 7 is defined with reference to the definition appearing in the "Subsection (a) of the first section of the Clayton Act. . . ." Obviously, these provisions have a direct and immediate bearing on the application of the antitrust laws and are therefore within the exclusive subject matter jurisdiction of this Committee.

Because you have accepted the language which the Committee forwarded to you for these provisions, I have no objection to having H.R. 991 proceed directly to the Floor given the exigent circumstances present with respect to passing the lapsed statute. For the record, it is important to note that the defense created for violation of the antitrust laws is available only if and to the extent that the party asserting the defense can show that the requisite elements have been met.

Activities to develop voluntary agreements or plans of action have been excluded from the requirements of the Act only because of the dampening effect that members of private industry might feel in initiating a meeting to discuss options with the President. However, once beyond this most preliminary stage of meeting to initiate a voluntary agreement, the antitrust laws will apply with full force to all other acts or agreements that surround the making and implementation of voluntary agreements and plans of actions unless the requisite elements of the defense are met. Additionally, there is a further safeguard in that the defense is not available if the party against whom the defense is asserted shows that any component of the action was taken for the purpose of violating the antitrust laws.

There is a final provision to be noted. It concerns the treatment of breach of contract actions in either Federal or State courts where the alleged breach was caused predominantly by action taken during an emergency to carry out a voluntary agreement or plan of action authorized and approved in accordance with the provisions of the Act. Because this provision is preemptive of well-accepted contractual rights of private persons, it is important to underscore that the party asserting the defense will still be under the obligation to mitigate damages to the injured, innocent party "to the greatest extent possible."

I very much appreciate the cooperation shown by your Committee in responding to our concerns regarding H.R. 991. I would request that you have the manager of this legislation include a copy of this letter attached to his Floor remarks on H.R. 991 so as to better illuminate the legislative intent behind the bill.

With warmest wishes, I am

Sincerely,

JACK BROOKS,
Chairman.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 991, DEFENSE PRODUCTION ACT EXTENSION AND AMENDMENTS OF 1991

Mr. CARPER. Mr. Speaker, I ask unanimous consent that the Clerk of the House be authorized to make technical and conforming changes in the preparation of the engrossment of H.R. 991, the Defense Production Act Extension and Amendments of 1991.

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

There was no objection.

DISAPPROVING ACTION OF D.C. COUNCIL APPROVING SCHEDULE OF HEIGHTS AMENDMENT ACT OF 1990

Mr. DELLUMS. Mr. Speaker, pursuant to the order of the House of Tuesday, March 5, 1991, I call up the joint resolution (H.J. Res. 158) disapproving the action of the D.C. Council in approving the Schedule of Heights Amendment Act of 1990, and ask for its consideration in the House.

The Clerk read the joint resolution, as follows:

H.J. RES. 158

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Schedule of Heights Amendment Act of 1990 (D.C. Act 8-329), signed by the Mayor of the District of Columbia on December 27, 1990, and transmitted to Congress pursuant to section 602(c) of the District of Columbia Self-Government and Governmental Reorganization Act on January 15, 1991.

□ 1400

The SPEAKER pro tempore (Mr. MCNULTY). Pursuant to the order of the House of Tuesday, March 5, 1991, the gentleman from California, [Mr. DELLUMS] will be recognized for 30 minutes and the gentleman from Virginia, [Mr. BLILEY] will be recognized for 30 minutes.

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

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

Mr. Speaker, House Joint Resolution 158 is a joint resolution disapproving the action of the Council of the District of Columbia in approving the Schedule of Heights Amendment Act of 1990—D.C. Act 8-329. This council act amends the schedule of heights to allow a height of 130 feet for a building in the Market Square north development which is being developed under the auspices of the Pennsylvania Avenue Development Corporation [PADC]. The committee has been advised that the maximum height set by the council act would, for the first time, exceed the height of 110 feet established for that location under the 1910 Building Height Act.

The committee has been advised that a violation of the Height Act is a violation of the Home Rule Act since section 602(a)(6) of the Home Rule Act expressly prohibits the council from permitting buildings that exceed the applicable height limitation.

In accordance with the Home Rule Act of 1973, all acts passed by the council and signed by the mayor are transmitted to both Houses of Congress for a 30-day layover. These acts become law provided that a resolution of disapproval is not passed by both the House and Senate and signed by the President.

Mr. Speaker, I might point out that at this point we are dealing with a resolution offered by the distinguished gentleman from Texas [Mr. COMBEST] which precipitates the action before the body this afternoon.

Mr. Speaker, all acts passed by the D.C. Council, signed into law by the Mayor, are then indeed transmitted to both the House and the Senate for what is referred to as the 30-day layover.

These acts become law automatically, provided that a resolution of disapproval is not passed by the House and the Senate and signed by the President.

Mr. Speaker, what precipitates the action before the body at this point is that my distinguished colleague, the gentleman from Texas [Mr. COMBEST] has introduced a resolution of disapproval.

The Congress must act on or before Thursday, tomorrow, in order to accommodate action within the timeframe of that 30-day layover.

Mr. Speaker, I would point out that in the 16 years since an elected mayor and city council took office, only two resolutions of disapproval have been enacted, while over 1,600 local laws have taken effect.

Over these years, the House District of Columbia Committee, upon which I have served now for 20 years, has used three criteria for consideration of disapproval resolutions: Does the District of Columbia Council Act violate the Home Rule Act; second, does the council act violate the U.S. Constitution; and, third, does the council act violate a Federal interest? These three criteria, Mr. Speaker and Members of the House, have stood us well. We have been able to argue against the overwhelming majority, as I said, with the exception of two resolutions of disapproval, because of the very strong sentiment in this body, the very strong sentiment of the District of Columbia Committee and this gentleman's very strong sentiment is to let local issues continue to be local issues.

Mr. Speaker, I find it interesting that on this occasion the committee has been advised by five Federal agencies and many private agencies that they share the view that the legal interpretation of the 1910 Building Height Act upon which the council based its action is incorrect.

A most concise summary, I would point out, Mr. Speaker, of the Federal Government's legal view is found in the September 19, 1990, letter to the committee from the general counsel of the General Accounting Office, the investigative arm of the Congress.

He states, and I quote:

The D.C. Council is not prohibited from amending the schedule of heights as long as the amendments do not allow any increase beyond the overall height limits set forth by the Building Height Act of 1910, as amended.

Mr. Speaker, the Federal entities who share this legal view include the National Capital Planning Commission, the General Accounting Office, the U.S. Commission on Fine Arts and the Congressional Research Service, American Law Division.

Needless to say, the lawyers for the Pennsylvania Avenue Development Corporation and the D.C. Council accept a different legal view.

Mr. Speaker, I want to make it very clear that the committee action and the vote today is not a rejection of the project or its proposed development. Neither urban design nor land use issues are being considered here today. Only the legal authority of the D.C. Council with regard to the 1910 Height of Buildings Act is being decided.

The merits of the proposed development would be an appropriate discussion for another time if the disapproval motion passes.

At the appropriate place in the RECORD I will offer numerous supporting documents from the Federal agencies and others who have written the committee on this matter.

Mr. Speaker, it is with great regret that I support passage of House Journal Resolution 158. I support home rule. I introduced the first bill to bring statehood to the District of Columbia. I have argued against every single resolution of disapproval that has come to this body, and did so aggressively, assiduously and with total commitment and with total dedication. I have never voted in support of a disapproval resolution before, and I hope that I will never have to again. But I find myself in a position where the criteria that have served us so well, the three I enumerated, that is, does the D.C. Council Act violate the Constitution, violate the Federal interest, or violate home rule charter? Now I find that on two grounds the action taken by the D.C. Council is, violative of the Home Rule Act—and we have legal opinions to support that position—and on that basis also violative of the Federal interest.

So, Mr. Speaker, two of the three committee criteria for consideration of disapproval have been met. We on the House District Committee, it seems to me, must be consistent with our analysis and action. The House must work its own will.

□ 1410

I am, therefore, compelled with respect to my official responsibilities and our analysis to bring this resolution to the floor and to take the position that I have taken.

SMITHSONIAN INSTITUTION,
Washington, DC, March 4, 1991.

Hon. RONALD V. DELLUMS,
Chairman, Committee on the District of Columbia, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing in support of H.J. Res. 146 which would disapprove the action of the District of Columbia Council in approving the Schedule of Heights Amendments of 1990. These amendments would permit raising the height limit from 110 and 130 feet for the proposed Market Square North Project on Square 407. The Smithsonian Institution is concerned that such amendments to the Schedule of Heights, which has been respected throughout this century and has made Washington unique, represent a precedent that could initiate a process of erosion and alter dramatically the nature and the image of this city.

For the past twenty-three years the Smithsonian's National Museum of American Art and National Portrait Gallery have occupied the Old Patent Office Building on the double block bounded by 7th and 9th, as well as F and G Streets, N.W. Dating from 1836, it is a National Historic Landmark and one of America's finest examples of Greek Revival architecture. However, it exists today only because it was saved by the Congress in the late 1950's from demolition for a parking garage, and subsequently renovated for public museum use by the Institution.

The Schedule of Heights Act limits to 90 feet the structures along the two blocks of F and G Streets opposite the Patent Office Building. However, developers, who have pledged to seek City Council amendment of that limit, recently filed applications proposing office building projects along G Street (Squares 405 and 429) that would rise to 128 feet, including "penthouses" which are continuations of the facades. These buildings would be almost twice as high as the 70 foot cornice of the Patent Office Building, and would utterly overwhelm it.

We respectfully request that the Committee and, indeed, the Congress, which more than thirty years ago saved the Patent Office Building from demolition, now protect it and other historic Federal structures from being obscured by towering commercial ventures. Approval of H.J. Res. 146 will express the clear determination of the Congress to preserve the heritage of the Nation, as manifested in the architecture of the District of Columbia, for future generations to enjoy.

Sincerely,

CARMEN E. TURNER,
Under Secretary.

U.S. GENERAL ACCOUNTING OFFICE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 19, 1990.

Hon. RONALD V. DELLUMS,
Chairman, Committee on the District of Columbia, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request of September 10, 1990, that we address issues raised by the National Capital Planning Commission (NCPC) concerning the D.C. Council's proposed amendment to the Schedule of Heights of Buildings Adjacent to Public Buildings (Schedule of Heights). The Schedule of Heights Amendments Act of 1990, Bill 8-616, would allow construction of the Market Square North development, a 130-foot-high complex facing the FBI building. The NCPC has questioned whether the D.C. Council has authority to amend the Schedule of Heights, which was developed by District Commissioners under the Building Height Act of 1910, as amended (D.C. Code, section 5-405), in order to limit the height of buildings adjacent to federal buildings. If so, the Commission asks whether maximum height limitations prescribed in the 1910 Act would override amendments to the Schedule of Heights.

We previously answered the same questions raised by NCPC in 1986, with respect to a D.C. Council amendment to the Schedule of Heights permitting construction of the Metropolitan Square project. See Height Limitations: D.C. Government's Authority to Amend Building Height Limitations (GAO/GGD-86-85BR, Sept. 1986), copy enclosed. In that report, we concluded that the D.C. Council is authorized to amend the Schedule as long as the amendments do not allow any height increases beyond the maximum limits set forth in the Building Height Act of 1910. We are not aware of any circumstances that

would cause us to change our position on this issue.

The NCPC has also raised policy issues about the role of federal agencies in disputes over building height restrictions. Our report, Height Limitations: Limitations on Building Heights in the District of Columbia (GAO/GGD-86-105BR, July 1986), a copy of which also is enclosed, contains general information that may be relevant to some of those issues.

Sincerely yours,

JAMES F. HINCHMAN,
General Counsel.

U.S. GENERAL ACCOUNTING OFFICE,
GENERAL GOVERNMENT DIVISION,
Washington, DC, September 19, 1986.

Hon. FRANK R. LAUTENBERG,
U.S. Senate,
Washington, DC.

DEAR SENATOR LAUTENBERG: This briefing report responds to your January 22, 1986, letter requesting that we interpret the meaning and objectives of the Home Rule Act relating to the District government's authority to amend building height limitations. Our July 18, 1986, report to you (GAO/GGD-86-105BR) addressed the other issues your letter requested we explore, namely (1) current laws limiting building heights in the Nation's Capital, (2) the administrative apparatus in place to implement building height limitations, and (3) comments from federal and District officials on whether the current laws and regulations satisfactorily protect the federal interest with respect to security and to the architectural and aesthetic character of the Nation's Capital as well as the Federal Enclave.

Attention has been drawn to the building heights issue by the controversy over the construction of the Metropolitan Square Project. This project, as a result of a D.C. Council amendment to the Schedule of Heights of Buildings Adjacent to Public Buildings (the Schedule of Heights), exceeds previously established height limitations for that area.

As noted in our July report, the Building Height Act of 1910 and the Schedule of Heights govern private sector maximum building heights in the District of Columbia. The 1910 act, as amended (D.C. Code, section 5-405), essentially limits the maximum height of commercial buildings to 130 feet and residential structures to 90 feet. The Schedule of Heights, required by the 1910 act, was established by the Board of Commissioners of the District of Columbia and places further limitations on the height of buildings adjacent to federal buildings within the parameters outlined in the 1910 act.

In 1979, the D.C. Council approved, and the Mayor signed, the Schedule of Heights Amendment Act (D.C. Law 3-43) to allow construction of Metropolitan Square, a 130 foot high commercial building (bounded by 15th, 14th, F, and G Streets, N.W.) which overlooks both the Treasury Building and the White House. Before the Council's action, commercial buildings at that location were restricted by the Schedule of Heights to 95 feet. Questions arose over the District's authority, under provisions of the Home Rule Act, to amend the Schedule of Heights.

In our opinion, the D.C. Council was not prohibited by provisions to the Home Rule Act from promulgating the Schedule of Heights Amendment Act of 1979 (D.C. Law 3-43) which allowed construction of the Metropolitan Square Project to a height of 130 feet. Section 602(a)(6) of the Home Rule Act states that the D.C. Council shall have no authority to "enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, section 5-405), and in effect on the date of enactment of this Act." It has been argued that when section 602(a)(6) of the Home Rule Act was written, the drafters believed that all building height limitations in effect in the District were contained in section 5-405 of the D.C. Code and could not be amended by the D.C. Council. We believe this to be unlikely, however, because even a cursory reading of section 5-405 of the D.C. Code suggests that height limitations, such as the Schedule of Heights or zoning regulations, exist elsewhere.

Because the height limitations set out in the Schedule of Heights are not contained in section 5-405 of the D.C. Code, the D.C. Council is not prohibited from amending the Schedule as long as the amendments do not allow any increase beyond the overall height limits set forth by the Building Height Act of 1910, as amended. This position is consistent with that of the District of Columbia Corporation Counsel.

As arranged with your Office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 7 days after its issue date. At that time, we will send copies to other interested parties. Copies will also be available to others upon request.

If there are any questions regarding the contents of this report, please call me on 275-8387.

Sincerely yours,

GENE L. DODARO,
Associate Director.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, March 4, 1991.

To: Chairman Ronald V. Dellums, House District of Columbia Committee.
From: American Law Division.
Subject: Whether the District of Columbia Act 8-329 is Consistent With the District of Columbia Home Rule Act—Application of the Building Height Limitations Act of 1910 to the Proposed Market Square North Project.

This is to respond to your request to examine the District of Columbia Council Act 8-329[1] ("Act 8-329"), which sets building height limits for certain buildings adjacent to public buildings, and determine if it is consistent with the powers granted to the Council under the District of Columbia Self-Government and Governmental Reorganization Act[2] (the "Home Rule Act"). Specifically, you requested an analysis of the application of the Building Heights Limitations Act of 1910[3] (the "Height Act") to the proposed Market Square North Project, which is located on a block adjacent to the J. Edgar Hoover Federal Bureau of Investigation Building (the "FBI Building") in downtown Washington, D.C.

I. BACKGROUND

Section 5 of the Height Act, which was passed by the Congress in 1910, provides a series of limitations on the height to which buildings in the District of Columbia may be built.[4] Section 401 of the Home Rule Act, in turn, provides that the District of Columbia Council (the "Council") shall have no authority to enact legislation which permits the building of any structure which would violate the height limitations of section 5 of the Height Act (codified at D.C. Code §5-405).

The Market Square North Project, which is being developed under the auspices of the Pennsylvania Avenue Development Corporation, is located in the C-4 zoning district (Central Business District) at square 407, bounded by 9th, D, E, and 8th Streets, N.W.[5] ("Square 407"). The proposed building is expected to rise to the height of 130 feet.[6] It has been asserted that Act 8-329, which amends the "Schedule of Heights" for buildings adjacent to public buildings,[7] will have the effect of allowing the Market Square North Project to be built to the proposed height; otherwise, the proposed building would not be allowed under the Height Act.[8]

II. STATUTORY INTERPRETATION

Section 5 of the Height Act ("Section 5-405") sets forth four different methods for determining the height to which a building may reach: 1) limits based on the width of the street in front of the building,[9] 2) specified height limits based on a building being located a "business street,"[10] 3) specified height limits based on a building being located on a "residential street,"[11] and 4) restrictions contained in a schedule (the "Schedule of Heights") for buildings located adjacent to a public building.[12] Section 5-405 provides that the Council shall have the authority to promulgate the "Schedule of Heights" for the fourth restriction. The other three height restrictions, however, were specifically established by Congress in the Act, and, under the terms of the Home Rule Act, the Council does not have the authority to amend them.[13]

An apparent ambiguity in the statutory language of §5-405 raises the question of whether Congress intended that lots located adjacent to public buildings be subject to all the other restrictions noted above, or whether the restrictions contained in the "Schedule of Heights" should be considered as exceptions to the other height limitations.[14] If all of the restrictions apply, then lower heights provided in the first three sections might restrict the Market Square North Project to a height lower than has been proposed; if the Schedule of Heights is considered to be an exception to these rules, then the proposed project could be built. In passing Act 8-329, the Council appears to have relied upon the latter interpretation. Thus, if the application of §5-405 to the Market Square North Project came before a court, a judge would need to analyze §5-405 to determine which of these interpretations was correct.

The relevant portions of §5-405 read as follows:

(a) No building shall be erected . . . in the District of Columbia . . . so as to exceed the height . . . the width of the street . . . increased by 20 feet. . . .

(b) No building shall be erected . . . so as to exceed the height of 130 feet on a business street or avenue. . . .

(c) On a residence street . . . no building shall be erected . . . so as to be over 90 feet in height . . . nor shall the . . . roof . . . exceed in height the width of the street . . . upon which it abuts, diminished by 10 feet. . . .

[subsections (d) and (e) omitted]

(f) On blocks adjacent to public buildings . . . the maximum height shall be regulated by [the Schedule of Heights] adopted by the Council of the District of Columbia.

D.C. Code §5-405(a)(b)(c) & (f)(1981).

As noted above, the Market Square North Project would be built on Square 407 in the Central Business District. The widest street

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Footnotes at end of article

abutting Square 407 is ninety feet.[15] As subsection (a) limits building height to the width of the street abutting the building plus twenty feet, it would appear to limit buildings on Square 407 to a height of 110 feet.[16] Thus, if subsection (a) were found by a court to govern Square 407, the proposed 130 foot building would be in violation of this section.[17]

Acting under the authority of a different subsection, subsection (f), the Council has set a height limitation of 130 feet for Square 407. The relevant portions of Act 8-329 read as follows:

Sec. 2. The Schedule of Heights of Buildings Adjacent to Public Buildings . . . is amended by adding the following paragraph. . . .

On the east side of 9th Street, N.W., between D and E Streets, N.W., adjacent to the Federal Investigation Building, no building shall be erected or altered so as to be higher than 130 feet. . . .

It should be noted that Square 407 has not been previously listed in the Schedule of Heights.[18] Thus, the amendment to the Schedule of Heights does not purport to raise or lower existing height limits on Square 407. Rather, Act 8-329 appears to be the first time that the Council has made any legislative reference to Square 407 in the Schedule of Heights.

Based just on its choice of language, it is not clear whether the Council intended that Act 8-329 supersede the height limitations of subsection (a), or whether the Council simply believed that the height limitations of (a) never applied to Square 407. An examination of the legislative history of Act 8-329, however, confirms the former—that the Council believed that the height limitations of (a) did apply to square 407. Consequently, a court would also be likely to interpret the language of the statute as purporting to supersede the height limitations of subsection (a).[19]

A. Alternative Statutory Constructions of D.C. Code § 5-405 (1981).

One interpretation of the four subsections of § 5-405 is that all the height restrictions which are applicable to a particular building should apply, and that the lowest height provided for by any section is the maximum height to which the building should be built. As noted, however, such an argument would conflict with the purported intent of Act 8-329. For Act 8-329 to have its desired effect, it must be established that the listing of a block under the Schedule of Heights will supersede the other height limitations of the Height Act. Thus, it would appear that an argument would need to be made that variations between the language of the subsections would imply that subsection (f) would apply exclusively to blocks around public buildings.

There appear to be only two distinctions between subsection (f) and any of the other subsections. The first is that while subsection (a)(street width) applies as a general rule to all of the District, subsection (f) appears to relate only to a specific area within the District, and thus the height limitations of (f) would arguable supersede those of (a). Subsections (b) and (c), however, also relate to specific areas in the District. Thus, an argument would need to be made that, based on these distinctions, subsections (b)(c) and (f) would each supesede other height limitations in their respective locations.

Secondly, it can be noted that the restrictions set by statute (a), (b) and (c) are set by Congress in a statute, while those is subsection (f) are set by the Council. Thus, an argument might be made that the language stating that the Council "shall" have the authority to make height limitation decisions without explicit restriction implies that the Council is not bound by the height restrictions of subsection (a), (b) or (c). Based on these two arguments, the language of § 5-405 is arguably amenable to at least four different interpretations, each of which should be evaluated separately.

Interpretation I: All applicable subsection requirements apply simultaneously.

Interpretation II: Subections (b), (c) and (f), which relate to specific locations supersede other applicable height restrictions in those locations.

Interpretation III: The Schedule of Heights (f), which applies to smaller locations (blocks), is an exception to subsections (b) and (c), which relate to larger designations (streets), and which are in turn exceptions to the general street width designations of subsection (a).

Interpretation IV: Because the Council "shall" regulate buildings adjacent to public buildings under a Schedule of Heights under (f), (f) is an exception to the height restrictions of subsections (a), (b) and (c).

1. Interpretation I

If a court were to accept Interpretation I, then all applicable height restrictions contained in § 5-405 would apply simultaneously. Consequently, the lower of the height limitations set under the various subsections would control the height limitations set under the various subsections would control the height of a building on Square 407. Under this interpretation, a court would apply the height limitations of subsection (a)(street width), the height limitations of subsection (b)(business street) and the height limitations of subsection (f)(Schedule of Heights) to Square 407.[20] As the height limitations of subsection (a) on Square 407 is 110 feet, the height limitations of subsection (b) is 130 feet, and the height limitation of subsection (f) is set by Act 8-329 to 130 feet, a court would find under this interpretation that the existing height limitation on Square 407 is 110 feet.

This interpretation is consistent with the plain meaning of the statute; although the statute does not explicitly state that restrictions (a), (b), (c) and (f) should apply simultaneously when applicable, neither does the statute indicate that they should not. Moreover, this interpretation has several arguments in its favor.

First, this interpretation is relatively straight-forward. Secondly, this interpretation is internally consistent, in that like language is given like meaning. Third, Interpretation I is consistent with at least one of the purposes ascribed to the Federal Government in passing the Height Act—to maintain a uniform skyline.[21] Finally, related zoning statutes passed by Congress regarding the District of Columbia appear to favor statutory interpretations which restrict buildings to the lower of competing height restrictions.[22]

2. Interpretation II

Interpretation II reads the statutory language of § 5-405 to mean that while (a)(street width) is the general rule for height restrictions, subsections (b), (c) and (f), because they focus on specific types of locations, each control at their respective locations. Although Interpretation II appears on its face to be a reasonable reading of the language of the statute, it becomes immediately apparent that buildings which fall under (f)(adjacent to public buildings) can also fall under (b)(business streets) or (c)(residence street). As this interpretation would offer no priority among the conflicting exceptions to the general rule, it appears that a court would be unlikely to adopt it.

3. Interpretation III

Interpretation III, resolves the problem of Interpretation II by considering subsection (f)(blocks adjacent to public buildings) to be an exception to (b)(business streets) and (c)(residence street), which are in turn exceptions to (a)(general regarding street width).[23] However, this interpretation must also fail, as the buildings which would qualify for an exception under (b) or (c) would appear to consist of all buildings in the District of Columbia, thus making the general rule of (a) superfluous.[24] It would appear unlikely that a court would give a statute an interpretation that would allow the exception to eliminate the general rule.[25]

4. Interpretation IV

For Act 8-329 to have the effect of raising the building height limits on Square 407, a court would have to adopt an interpretation of § 5-405 which would be an acceptable alternative to Interpretation I. Further, as established by the analysis of Interpretations II and III, this interpretation would need to explain why (f) operates independent of other height limitations, when similar language in (a), (b) and (c) are meant to operate cumulatively. In addition, this interpretation would need to explain why Square 407 was limited by the height restrictions of the Height Act before the passage of Act 8-329, but not afterwards.[26] Such an interpretation would appear to rely on an argument that because Congress authorized the Council to set height limits under (f), that these height limitations supersede height limitations already set by Congress under the other subsections of § 5-405. Thus, Interpretation IV would require a court to accept the following arguments:

Argument 1: that Congress, although it set out four separate height restrictions in four different subsections, actually intended for (b) and (c) to be cumulative with the general rule of (a), while at the same time it intended for (f) to be an exception to (a), (b) and (c).[27]

Argument 2: that Congress, intended for subsections (a), (b) and (c) to apply to buildings located adjacent to public buildings unless the Council decided to regulate a particular block under (f) by adding it to the Schedule of Heights. At such time, the height restrictions of (a), (b) and (c) would no longer apply to that particular block, and the restrictions of the Schedule of Heights would control.

a. Argument 1

For a court to accept this interpretation, it would need to establish that Congress intended (f) to be an exception to other height limitations. This interpretation appears to be based on an argument that the plain meaning of (f), read in isolation from the other subsections, indicates that the Council has been given exclusion power to restrict building height: "[o]n blocks immediately adjacent to public buildings . . . the maximum height *shall* be regulated by a [Schedule of Heights] adopted by the Council (emphasis added)."[28]

A difficulty with this interpretation is that the plain meaning of section (c), if read in isolation from the other subsections, also appears to indicate an exclusive restriction: "[o]n a residence street . . . no building shall be erected . . . so as to be over 90 feet . . . ." Similarly, the plain meaning of subsections

(a) and (b), if read in isolation, also convey an interpretation of exclusivity. However, as noted previously in the discussion of Interpretations II and III, subsections (a), (b) and (c) are unlikely to be construed as exclusive of each other, but rather as cumulative related provisions. Thus, for this interpretation of (f) to withstand scrutiny, some argument would need to be made to distinguish the language of subsection (f) from the language of subsections (b) and (c).

The only argument available to distinguish (f) from the other subsections appears to be the following—subsection (f) should be read to mean that Congressional delegation of authority to a subordinate legislative body would supersede other height restrictions set by Congress in (a), (b) and (c) by implication.[29] There appears to be no legislative history to support this interpretation.[30] Further, it can be argued that the Congress would not rely on implication in granting the Council the power to supersede the restrictions of (a), (b) and (c), as in another subsection of §5-405, subsection (h), the Congress explicitly provided the Mayor the authority to grant exceptions to the other height limits of the section on a case-by-case basis.[31]

A rule that standards promulgated by a legislature under a statute should override standards specifically set by the same statute does not appear to have a compelling logic, and, at least in cases where this would defeat the purposes of a statute, it would seem counter-intuitive. This rule would appear to assume that Congress is more likely than not to delegate an exclusive authority to a subordinate body, rather than a limited authority.

This interpretation would appear to allow the D.C legislature to defeat a major purpose of the Height Act. As there are many blocks in the District of Columbia which face on public buildings, the Council would appear to have the authority to allow buildings to be built in those areas which exceeded all of the height limits, and would thus significantly alter the skyline.[32] Finally, it would appear to be inconsistent with the rules of statutory construction set forth in related federal law.[33]

b. Argument 2

This argument requires that subsection (f) be read to mean that the height restrictions of (a), (b) and (c) apply conditionally until such time as the Council decides to regulate under (f).[34] However, neither subsection (f) nor the other subsections contain any language which would indicate that the height restrictions of (a), (b) and (c) apply conditionally, so that they are only effective if the Council has not yet regulated an area under the Schedule of Heights. If the statutory language of (f) indicated that the Council "may" regulate building heights, this would indicate some element of conditionality. By stating that the Council "shall" set such heights, the Congress made such an interpretation less likely.

B. Evaluation of Alternative Interpretations of §5-405

A court must generally give statutory language its plain and ordinary meaning.[35] An interpretation of a statute which is not consistent with the overall structure of a statute is unlikely to be adopted by a court, especially if an alternative interpretation shows no such conflicts. Consequently, a court would be inclined to favor statutory interpretations which are consistent with the overall structure of the legislation.

Interpretation I appears to represent the only interpretation which is consistent with all of the language and structure of Section 5-405. Interpretations II and III, while offering a modicum of structural support, are ultimately flawed. Interpretation IV, which would offer some statutory basis for Act 8-329, appears to rely on a questionable theory of statutory construction. Further, this interpretation would appear to allow the council to defeat a major purpose of the Act, as there is no clear limitation on its authority to raise height limits on blocks surrounding public buildings.

In addition, Interpretation IV requires that a court find a dual meaning in subsection (f), although there is no direct statutory language to this effect: (1) if the Council does not set height restrictions under the Schedule of Heights, then the authority to control heights of buildings adjacent to public buildings is contained in subsections (a), (b) and (c), but (2) when the Council amends the Schedule of Heights to include a particular block adjacent to a public building, then it has exclusive authority to regulate that block, and its authority supersedes (a), (b) and (c).

Recognizing the ambiguity and the lack of clarifying legislative history, a court would be more likely than not to adopt Interpretation I, and would hold that all applicable height restriction of the Height Act apply to all buildings adjacent to public buildings. Consequently, a court would find under this interpretation that a building on Square 407 would be limited to a height of 110 feet.

III. ACT 8-329 AND THE HOME RULE ACT

The question arises as to whether Act 8-329 violates the provision of the Home Rule Act which limits the authority of the Council to permit the building of any structure in violation of the Height Act.[36] If a court were to adopt the interpretation that changing the Schedule of Heights does not diminish the applicability of the other height limitations of the Height Act to Square 407, then the act would appear to violate the Home Rule Act.

As the District Corporation Counsel has primary responsibility to enforce the Height Act,[37] the passage of this Act may impede the Corporation Counsel from challenging the Market Square North Project in court. For instance, a court might question whether the District of Columbia can attempt to refute its own legislature's interpretation of a statute. Other litigants not connected with the District could theoretically bring their own action to challenge this action;[38] however, there is no assurance this would happen.

Of larger concern to the federal government may be the possible harm to the federal interest. The FBI has indicated that it regards a 130 foot building adjacent to the FBI Building as raising security concerns.[39] Beyond this, the reduction of light and air to the FBI building would appear to represent an independent concern for the federal government. Finally, the federal government could anticipate that other projects exceeding the Height Act limitations would be encouraged by this bill.

If, despite the possible flaws in Act 8-329, a building is ultimately erected in Square 407, the United States may find it necessary to sue to enforce the interests cited above.[40] If such a suit was brought, it could potentially require the Federal Government to expend significant funds to pursue the litigation. On the other hand, if the building was not challenged, it could arguably set a precedent supporting the Council's interpretation of §5-405. If this occurred, it would appear to effectively exempt all existing blocks surrounding public buildings from most height limitations.

KENNETH R. THOMAS,
Legislative Attorney.

FOOTNOTES

[1] The Schedule of Heights Amendment Act of 1990, *as reproduced in* Report to the Council of the District of Columbia, *Bill 8-616, Schedule of Heights Amendment Act of 1990* (November 27, 1990) (hereinafter Council Report.)

[2] P.L. 93-198; 87 Stat. 774 (1973).

[3] Act to Regulate the Height of Buildings in the District of Columbia, ch. 263, 36 Stat. 452 (1910) (as amended) *codified at* D.C. Code §§5-401 to 409.

[4] D.C. Code §5-405 (1981).

[5] Council Report, *supra* note 1, at 3-4.

[6] *See* Agreement between Square 407 Limited Partnership and the District of Columbia (June 30, 1991) *reprinted in* Council Report, *supra* note 1 (unnumbered attachment).

[7] The "Schedule of Heights of Buildings Adjacent to Public Buildings" was adopted by the Commissioners of the District of Columbia in conformity with its authority under the Height Act to set the maximum heights for buildings adjacent to Public Buildings. D.C. Mun. Reg. tit. 11, App. G (1987) *reprinted in* Council Report, *supra* note 1 (unnumbered attachement); *see* D.C. Code §5-405(f)(1981).

[8] *See* Council Report, *supra* note 1, at 4 (". . . the height permitted under matter-of-right zoning on the square cannot exceed 110 feet without an amendment to the Schedule of Heights").

[9] D.C. Code §5-405(a)(1981).

[10] D.C. Code §5-405(b)(1981).

[11] D.C. Code §5-405(c)(1981).

[12] D.C. Code §5-405(f)(1981).

[13] D.C. Code §1-233(a)(6)(1981).

[14] The legislative history of the Height Act does not appear to directly address the issue of whether the "Schedule of Heights" was intended to be the exclusive method by which the height of buildings adjacent to public buildings was to be regulated. *See* Letter from Richard P. Stewart, Assistant Attorney General, U.S. Department of Justice, to Linda Dodd-Major, General Counsel, National Capital Planning Commission, at 10-12 (November 6, 1990); *See* W. Quin, C. Murphy, N. Glasgow, Whether the authority delegated by Congress to the City Council to regulate the maximum height of buildings on blocks adjacent to public buildings is circumscribed by other provisions of the Height Act of 1910 (January 22, 1991) (memorandum of law prepared by Wilkes, Artis, Hedrick & Lane, Chartered).

[15] The proposed buildings is located at Ninth Street, D Street, and E Street, which are respectively 85, 70, and 90 feet wide. Draft Testimony to Council of the District of Columbia at 2 (Statement of Linda Dodd-Major, General Counsel of the National Capital Planning Commission) *reprinted in* Council Report, *supra* note 1 (unnumbered attachment.).

[16] D.C. Code §5-405(d)(1981) provides that the height of the building on a corner lot is to be determined by the width of the wider street, which here is ninety feet. Consequently, D.C. Code §5-405(a) provides that the height of the building may be the width of the street, here ninety feet, plus twenty, to equal one hundred and ten feet. Thus, if the proposed building were to rise to one hundred and thirty feet, this would exceed the building height restrictions of D.C. Code §5-405(a) by twenty feet.

[17] *See supra* note 8.

[18] *See* Schedule of Heights, *supra* note 7; Council Report, *supra* note 1, at 3 ("The FBI building was not completed until 1975 and has not been listed to date on the Schedule of Heights").

[19] Another related question, however, is whether Act 8-329 has effectively overruled existing zoning regulations. The Square in question is located in the C-4 zoning restrictions district, and the applicable regulations would limit the building to 110 feet. D.C. Mun. Reg. tit. 11, §770.1 (1987). For Square 407 to be developed to 130 feet, the District of Columbia must amend its zoning regulations to allow Square 407 to be developed over 110 feet. *See* D.C. Code §5-428 (1981) (providing that where zoning regulations and statutes conflict, the authority which requires a lower height of buildings will apply). As Act 8-329 does not purport to amend the C-4 zoning regulations, and the regulations do not appear to have been otherwise amended, *see* 37 D.C. Reg. 7686 (Dec. 7, 1990) (amendments to D.C. Zoning Regulations as of November 30, 1990), §5-428 would arguably compel a court to impose the lower limit of 110 feet to Square 407.

[20] Lot 407 is 1) in the District of Columbia 2) on a business street, *see infra* note 24, and 3) next to a public building. Thus under this interpretation, Lot 407 would be subject to the street width limitations of subsection (a), to the height limitations of subsection (b), and any height limitations in the Schedule of Heights promulgated under (f).

[21] *See* Draft Testimony, *supra* note 15, at 1 (supplemental memorandum); W. Quin, C. Murphy, N. Glasgow, Authority of the City Council under Schedule of Heights Authority Provided in the 1910 Height Act, at 3–4 (Sept. 12, 1990) (memorandum of law) *reprinted in* Council Report, *supra* note 1 (unnumbered attachment). A uniform skyline would be maintained under this interpretation of the statute, as there would be no exceptions to the general guideline that the height of a building should not exceed the width of an abutting street plus twenty feet.

[22] Act of June 20, 1938, 52 Stat. 801, ch. 534 §12 *codified* at D.C. Code §5–428 (1981). This section provides instructions for how zoning regulations are to be reconciled with other laws in the District of Columbia, and specifically addresses what happens when zoning laws and other statutes or regulations conflict. This section provides that in the event that the zoning regulations and other statutes allow differing maximum heights, that the law providing for the lower height will prevail.

[23] This interpretation has some statutory support as subsection (a) refers to all of the District, (b) and (c) relate to specific types of "streets" within the District, and (f) relates to specific "blocks," which would presumably by block-long segments of "streets."

[24] According to the District of Columbia Zoning Regulations, "business streets," for the purpose of the Height Act, includes those streets which are located in Special Purpose, Waterfront, Mixed Use, Commercial, or Industrial Districts. D.C. Mun. Reg. tit. 11, §§2510.1 & 2511.1 (1987). Although the zoning regulations do not appear to define "residence streets", the only remaining districts which are not defined as "business streets" are Residence, Hotel Residential, and the Capitol Interest District. Arguably, streets located in the Residence and Hotel Residential Districts are subject to the "residence street" restrictions, the Capitol Interest District, on the other hand, appears to overlay other types of district without affecting their regulation, D.C. Mun. Reg. tit. 11, §1200.8 (1987), so the designation already applicable to streets within these districts would be unchanged.

Although these D.C. zoning regulations are derived from a law passed eighteen years after the 1910 Height Act was enacted, Zoning Act of June 20, 1938, 52 Stat. 797, they would appear to be persuasive evidence as to how a court would interpret the phrases "business street" and "residence street". Thus, there appear to be only two types of streets with buildings on them in the District—"business streets" or "residence streets".

If this last statement is true, then a building which is covered under (a) is also by necessity on a "business street" or "residence" street, and thus is subject to either subsections (b) or (c). Under Interpretation III, where (b) and (c) are exceptions to subsection (a), no buildings in the District of Columbia would be covered by restrictions of (a).

[25] An elemental rule of statutory interpretation is that a statute should not be interpreted so as to render one part inoperative. *Mountain States Telephone & Telegraph v. Pueblo of Santa Ana*, 472 U.S. 244, 248 (1985).

[26] *See supra* note 8 and accompanying text.

[27] As there appears to be no language in (f) which specifically makes it an exception to one of the other sections, and as there appears to be no language in (a), (b) or (c) which would make them more susceptible to exception than one another, then any argument that (f) is an exception to one provision would appear to apply to three. Of course, for purposes of Square 407, it would only be necessary that an argument be made that (f) is an exception to the street width requirements of (a). See *supra* note 20 and accompanying text.

[28] See W. Quin, C. Murphy, and N. Glasgow, *supra* note 14, at 9–10.

[29] It is difficult to formulate a general rule of statutory construction to explain why the interpretation to be given to the plain meaning of (f) should differ from that given to the other subsections. The reasoning would need to establish that generally, if statutory height restrictions are to be set by a legislature, such as in (f), these height restrictions should be interpreted as overriding standards set directly by earlier statute, such as (a), (b) and (c).

[30] *See* W. Quin, C. Murphy, and N. Glasgow, *supra* note 14, at 7–10.

[31] *See* D.C. Code §5–405(h)(1981). (Mayor may grant exceptions for towers, domes, and other non-inhabitable structures).

[32] There is no language in subsection (f) or anywhere else on the face of the statute which would indicate a limit on how the Council might exercise its authority regarding the height limits of buildings adjacent to public buildings. Arguments have been made that if the D.C. Council does have the power to vary the Schedule of Heights above the limits set forth in subsections (a), (b) and (c), that previous administrative interpretations of the law would prevent them from doing such in a way to significantly alter the skyline. *See* W. Quin, C. Murphy, and N. Glasgow, *supra* note 21, at 3–4. Although previous interpretations of the Height Act by the District of Columbia would appear to be accorded weight by the courts, *Techworld Development v. D.C. Preservation League*, 648 F. Supp. 106, 120 (D.D.C. 1986), there is no evidence that the District has formulated a consistent administrative practice regarding how the Schedule of Heights is to limit building heights which exceed existing Height Act limits. *See* 648 F. Supp at 121–122.

[33] See *supra* note 22.

[34] *See supra* note 8 and accompanying text.

[35] *National Insulation Transportation Committee v. I.C.C.*, 683 F.2d 533, 537 (D.C. Cir. 1982).

[36] D.C. Code §1–233(a)(1981). The relevant portions of this section reads as follows:

(a) The Council shall have no authority to . . .

(6) Enact any act, resolution or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in §5–405, and in effect on December 24, 1973. (D.C. Code §1–233(a)(6)(1981).)

[37] The Corporation of the District of Columbia may seek an injunction to force compliance with the Height Act, or he may seek to have the owner or person in charge of maintaining the building fined up to $100 per day until the building is in compliance. D.C. Code §5–408 (1981).

[38] It should be noted that there is no general right for a private citizen to bring suit to enforce the requirements of the Height Act. *Techworld Development v. D.C. Preservation League*, 648 F. Supp. 106, 120 (D.D.C. 1986). However, adjacent property owners to a building in violation of the Height Act who are damaged thereby may sue to enforce the height Act. *Id.* at 120–21; D.C. Code §5–418 & §5–426.

[39] *See* Draft testimony, *supra* note 15, at 3–4.

[40] As the FBI building is adjacent to the proposed Market Square North, *see* Report of the Council of the District of Columbia Council, *supra* note 1, at 3, the United States would appear to have the authority to sue to challenge the proposed project. *See supra* note 38.

THE COMMISSION OF FINE ARTS,
Washington, DC, March 1, 1991.

Hon. RONALD V. DELLUMS,
U.S. House of Representatives,
Washington, DC.

DEAR MR. DELLUMS: I enclose a copy of our letter to the D.C. Council opposing the amendment to the schedule of building heights.

Since taking this action at its meeting on 19 September 1990, I've had a number of discussions on this topic with various members of the Commission, and if anything, they are more strongly opposed to this amendment than they were before.

We are encouraged by what appears to be a growing opposition on many fronts. Let us know if we can be of any further assistance.

Sincerely,

CHARLES H. ATHERTON,
Secretary.

THE COMMISSION OF FINE ARTS,
Washington, DC, October 10, 1990.

Mr. DAVID A. CLARKE,
Chairman, Council of the District of Columbia, District Building, Room 103, Washington, DC.

DEAR CHAIRMAN CLARKE: The Commission appreciates the opportunity you extended to comment on pending legislation which would add a provision to the Schedule of Heights raising the building height in the square just east of the FBI Building between D and E Streets, N.W.,

While the Commission has not reviewed the proposed project, this is not so much an issue of urban design at this point as it is a concern for precedent, i.e. it would for the first time allow a height in the Schedule of Heights in excess of that established under the basic 1910 Height of Buildings Act. As you know, the width of the principal abutting street is the basis for establishing the height of buildings city-wide. To breach this long-standing principle would be a serious mistake, in the Commission's opinion.

Second, were such a variance to become standard practice by the District, the whole reason for establishing this special height schedule for areas adjoining landmark federal buildings could be rendered pointless. Every item on the Schedule establishes a height less than that which would be permitted based on the width of the abutting street. The purpose is to protect the views of prominent federal buildings.

The features of this city which make it especially appealing and set it apart from other cities world-wide are not only aesthetic in nature but are also fundamental to the long-term health of our local economy. As these special qualities are eroded away, there could follow a weakening of the market for living and doing business in downtown Washington.

This proposal clearly is not about protecting the views of the FBI Building. At the same time it will inevitably weaken the underpinnings of what has led the capital to become such a special place over a long period of growth.

For these reasons the Commission is opposed to the enactment of Bill 8–616.

Sincerely,

J. CARTER BROWN,
Chairman.

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

Mr. BLILEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Speaker, we are considering legislation today to disapprove the action of the D.C. Council in approving the Schedule of Heights Amendment Act of 1990. I introduced House Joint Resolution 158 in that the D.C. Council's action is a clear violation of the Home Rule Act and sets a dangerous precedent for similar actions in the future.

On December 27, 1990, the council passed an amendment to the Building Height Act of 1910 to permit the construction of a multibuilding project. This project, which is adjacent to the Federal Bureau of Investigation headquarters, is far in excess of the height limits as specified in the act.

It is not coincidental that the inspiring monuments and historical landmarks located in the Nation's Capital are not overshadowed by surrounding structures. The 1910 act sprang from early congressional efforts to provide for the lasting beauty and prominence of our historical areas. By establishing maximum and minimum heights and set backs for buildings, the Congress prevented the intrusion of building

projects and out-of-control city growth.

The 1910 act continues to govern the height of buildings in the District today. It is important to mention that besides setting clear height limits, the act embodies the congressional intent that the law could be enforced but not changed by an entity other than Congress. Further, the Home Rule Act imposes limitations on the District government. Section 602(a)(6) of the Home Rule Act states that the Council shall have no authority to:

Enact any act, resolution, or rule which permits the building or any structure within the District of Columbia in excess of the height limitations contained in section 5-405 (section 5 the Height Act), and in effect on December 24, 1973 (the date of enactment of the Home Rule Act).

Clearly, the council's passage, and then-Mayor Marion Barry's approval, of D.C. Act 8-329 would permit the construction of a building in excess of the height limitations contained in section 5-405. The council's action is a direct violation of the Home Rule Act and must be overturned. As Members of Congress, we have a responsibility and the authority to intervene and rectify this wrong to protect the national interest.

The Justice Department and the National Capital Planning Commission are also opposed to the council's action in approving the Schedule of Heights Amendment Act of 1990. The Justice Department has indicated that if the act is not struck down in Congress that they will file suit to resolve the matter.

I certainly understand the need for the District of Columbia to generate additional revenue and to find increased housing for the city's residents. However, these goals must not be acquired through unlawful acts and direct violations of the Home Rule Act.

Mr. Speaker, I am afraid that failure to disapprove the council's action in this regard would set a dangerous precedent for uncontrolled city growth and open the floodgates to similar moves by the council in the future.

I urge my colleagues to join me in support of House Joint Resolution 158.

SMITHSONIAN INSTITUTION,
Washington, DC, March 4, 1991.

Hon. LARRY COMBEST,
U.S. House of Representatives,
Washington, DC.

DEAR MR. COMBEST: I am writing in support of H.J. Res. 146 which would disapprove the action of the District of Columbia Council in approving the Schedule of Heights Amendments of 1990. These amendments would permit raising the height limit from 110 to 130 feet for the proposed Market Square North Project on Square 407. The Smithsonian Institution is concerned that such amendments to the Schedule of Heights, which has been respected throughout this century and has made Washington unique, represent a precedent that could initiate a process of erosion and alter dramatically the nature and the image of this city.

For the past twenty-three years the Smithsonian's National Museum of American Art and National Portrait Gallery have occupied the Old Patent Office Building on the double block bounded by 7th and 9th, as well as F and G Streets, N.W. Dating from 1836, it is a National Historic Landmark and one of America's finest examples of Greek Revival architecture. However, it exists today only because it was saved by the Congress in the late 1950's from demolition for a parking garage, and subsequently renovated for public museum use by the Institution.

The Schedule of Heights Act limits to 90 feet the structures along the two blocks of F and G Streets opposite the Patent Office Building. However, developers, who have pledged to seek City Council amendment of that limit, recently filed applications proposing office building projects along G Street (Squares 405 and 429) that would rise to 128 feet, including "penthouses" which are continuations of the facades. These buildings would be almost twice as high as the 70 foot cornice of the Patent Office Building, and would utterly overwhelm it.

We respectfully request that the Committee on the District of Columbia and, indeed, the Congress, which more than thirty years ago saved the Patent Office Building from demolition, now protect it and other historic Federal structures from being obscured by towering commercial ventures. Approval of H.J. Res. 146 will express the clear determination of the Congress to preserve the heritage of the Nation, as manifested in the architecture of the District of Columbia, for future generations to enjoy.

Sincerely,

CARMEN E. TURNER,
Under Secretary.

NATIONAL TRUST FOR
HISTORIC PRESERVATION,
Washington, DC, February 28, 1991.

Re Market Square North Project, Washington, DC

Hon. RONALD V. DELLUMS,
U.S. House of Representatives,
Washington, DC.

DEAR MR. DELLUMS: On behalf of the National Trust for Historic Preservation in the United States ("National Trust"), I am writing to urge you to support the resolution (introduced on February 25, 1991) to veto the D.C. Council Act permitting the Market Square North project to exceed the height limitation imposed by federal law for commercial and residential buildings in the District of Columbia.

The National Trust was chartered by Congress in 1949 to promote the historic preservation policy of the United States, and to protect and defend America's historic resources. Today, the National Trust has nearly 235,000 members around the country, including 6,000 members in the District of Columbia. The National Trust has a strong interest in protecting important features of the Nation's Capital, which include a sense of scale and proportion that preserves the inspirational vistas provided by our historic national monuments and landmark federal buildings.

The Market Square North project is a mixed use residential, office, and retail development that is to be located at Ninth Street between D and E Streets, immediately abutting the FBI building. As a result of D.C. Council Act 8-329, which was passed in December, 1990, the Market Square North project is authorized to be constructed at 130 feet, exceeding by twenty feet the height limit prescribed by the Building and Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910).

In the National Trust's view, the Council's action in attempting to circumvent the congressional-mandated building height limitation raises serious legal questions. Moreover, as Commission on Fine Arts Chairman J. Carter Brown pointed out in his October 10, 1990, letter to the D.C. Council, this action also sets a particularly dangerous precedent as it would be the first time in which a non-federal building is allowed to exceed the limitation contained in the 1910 Height Act. The federally-prescribed height limitations, which have existed in some form since the founding of the Nation's Capital itself, embody the important federal interest of enhancing the architectural character of the capital city, its important public buildings, and historic monuments. The height limitation for the Nation's Capital is one of the important aesthetic features that distinguishes the City of Washington from other major cities and should be vigorously protected.

While we respect the District of Columbia's right to self-government on matters of purely local concern, we believe that it is appropriate for Congress to exercise its reserved oversight authority pursuant to the D.C. Home Rule Act when the District acts on matters affecting a federal interest, as this clearly does. For that reason, we urge the House District of Columbia Committee to act swiftly on the resolution vetoing D.C. Act 8-329. Please feel free to call me or Andrea Ferster, who is an attorney on my staff, at (202) 673-4035, if you have any questions.

Very truly yours,

J. JACKSON WALTER,
President.

THE BLAGDEN ALLEY ASSOCIATION,
Washington, DC, February 28, 1991.

Hon. LARRY COMBEST,
Longworth House Office Building,
Washington, DC.

DEAR MR. COMBEST: Our community association supports House Joint Resolution 146 to disapprove the District of Columbia Council's approval of the Schedule of Heights Amendment Act of 1990. We firmly believe that no precedent should be set that would encourage other developers to seek similar exceptions, because we firmly believe that adherence to the Building Height Limitations Act of 1910 has given this city much of the charm and grandeur that it has today.

We would further encourage legislation to clarify that the District of Columbia government is not authorized to grant exceptions to the Schedule of Heights for new construction next to federal buildings. However, we believe that such prospective legislation should be in addition to Resolution 146. There is no reason to let one exception through. Our organization has spent considerable effort in preparing testimony for the District of Columbia Zoning Commission in support of the Comprehensive Plan for the National Capital, which is under constant attack from developers.

The Blagden Alley Association is an aggressive community organization just to the north of the Convention Center and Massachusetts Avenue, N.W. We work actively with the Municipal Police Department to rid our community of drug and prostitution activity; we have done extensive historical survey work and the Blagden Alley and Naylor Court Historic District has been listed in the National Register of Historic Places; and we constantly strive to see that long range

planning for our nation's Capital is honored by the local government.

Sincerely,

PAUL AEBERSOLD.

MIDWAY CIVIC ASSOCIATION,
Washington, DC, February 26, 1991.

Re H.J. Res. 146.

Chairman RONALD DELLUMS,
House District of Columbia Committee, Longworth Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Midway Civic Association has a long-standing resolution, affirmed many times by our membership, to support the strict enforcement of the 1910 Heights Restriction Act and, conversely, to oppose any breaking of said Act. We further request that our position in this matter be made part of the mark-up hearing to be held very soon on H.J. Res. 146.

We are extremely pleased to see Congress do the right thing by introducing a resolution of disapproval of the height limit exception granted by the D.C. Council in the instance of the market Square North project. Not only was this action by the City Council improper in this particular instance, but it would open the floodgates to every developer demanding that the height limit be broken for every building downtown. This in turn would necessitate the citizens active in planning, zoning and historic preservation being forced to spend thousands of hours and untold monies (mostly out of our individual pockets) having to oppose such requests for breaking said heights limit. Indeed, waiting in the wings is another proposed heights limit exception at 8th and G Streets, N.W.

We the citizens have suffered considerable duress fighting such hostile actions by the development community during the Barry administration. We wholeheartedly applaud Congress taking an active role in helping us maintain D.C.'s architectural integrity and the quality of life proffered by a moderate-scale building environment.

In closing, we take the liberty of urging you to vote in support of H.J. Res. 146, and we remain

Very truly yours,

MARIE GROSDIDIER DE MATONS,
Acting Secretary.

Mr. DELLUMS. Mr. Speaker, I yield such time as she may consume to the distinguished Delegate from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Speaker, I appreciate the gentleman from California [Mr. DELLUMS], who has yielded me this time, and I want to say also that I appreciate the record of the gentleman from California on issues of home rule. It has been a record that has been principled, sensitive, consistent, and always deferential to the residents of the District of Columbia and to the congressional Delegate.

Mr. Speaker, I regret that a matter left over from a prior administration has required a disapproval resolution and want to reassure this body concerning what can now be expected from the District government.

Although the District has enacted thousands of laws, only twice before has Congress disapproved one of those laws. This fine record is an indication of the seriousness and good faith with which the District's mayors and city councils historically have exercised the responsibility of home rule; and this record is surely a tribute to the respect that the Congress has shown for the operation of democracy in the Capital City.

I have had some difficulty piecing together how this legislation got through the council because there has been a complete turnover at the top of the D.C. government. We have a new mayor, Sharon Pratt Dixon, and a new city council president, John Wilson, and of course, as the congressional Delegate, I am new to the Congress. Nor do I believe that the officials responsible for this legislation were acting in bad faith or knowingly in violation of the Federal law.

Mr. Speaker, the request for this legislation was supported strongly by the Pennsylvania Avenue Development Corporation, an agency created by the Congress, which has done an excellent job in redeveloping Pennsylvania Avenue in accordance with congressional standards. PADC believes that the law can be read to allow the proposed construction, and the city council had similar advice.

Moreover, the proposed construction is lower than the height of the nearest Federal building, the FBI building, and the proposed height was apparently more congruent with the site and the height of other buildings than a lower building would have been.

Although lawyers might reasonably argue the point, the weight of legal opinion is that the height of a proposed building cannot be altered in the way the council legislation has allowed. While disapproval became the only realistic option, as a practical matter in this case, all would agree that disapproval resolutions are the least desirable and least contructive way to attend to matters such as this.

Therefore, Mr. Speaker, I have recommended to the chair of the city council and the mayor of the District of Columbia that the District itself enact legislation clarifying the height limits in keeping with today's disapproval resolution, and the chair of the council has been responsive to this suggestion. I believe that the council itself will take the requisite action for the future.

My recommendation to the city is based on three important principles of home rule. First, home rule involves not only freedom from congressional control but also responsibility for upholding the requirements of local and Federal law. I know for a fact that this is the philosophy of our city council and of our mayor. Thus, if the council believes that local and Federal law lack the necessary clarity, one way to avoid this problem in the future is for the council itself to seek its own self-corrective, a change in District law to be operative in the future that would accomplish the purposes inherent in the resolution before us.

Second, District officials have no intention of intruding on the unique capital skyline that we love and that is the hallmark of our city. We are bound by more than Federal law. We live here. Encroachment on the skyline—and I remind my colleagues that the proposed building was lower than the FBI building—such encroachment is for us defilement of our hometown.

□ 1420

The skyline is more than the Federal interest; it is profoundly a local love. We intend to see to it that whether from far Southeast or upper Northwest, the wonderful skyline of this city unfolds unobstructed for all who make their home here.

Third, the District is fully aware that restrictions on its development are compensated partially by the Federal payment. Most cities have made up for limited land space by building skyward. We do not seek that freedom because such construction would overwhelm the Nation's great treasure, its national monuments and buildings, and deprive our city of its unique beauty. If today's disapproval resolution has any benefit, it may well be to drive home to the Congress the sacrifices that the residents of its host city gladly take on as the seat of the Capital and the compensation in the Federal payment that has been promised us in return.

The District seeks to govern itself as wholly and completely as the cities and States from which Members come. What we do not seek are rights that are properly left to the Congress. We do not have all the rights and responsibilities we seek and deserve, including control over that part of the budget raised from our own funds—which is most of it; control over our criminal justice system; representation in the House and Senate; and ultimately statehood. These are the areas in which we seek independence, not in regulating the vistas of the Capital City skyline.

Finally, I would like to personally thank the Members of the House and Senate of both parties—and they are many—who have called my office to seek my advice on how to vote on this disapproval resolution. Many others have called the gentleman from California [Mr. DELLUMS], the chair of the Committee on the District of Columbia. These calls show extraordinary sensitivity to the seriousness of a disapproval resolution, great reluctance to disapprove a law passed by the local body, and a great respect for home rule.

I know that I speak for Mayor Dixon, Chairman Wilson, and the residents of the city when I express my appreciation for the comity and deference that have been shown to the city and to me personally. Washington, DC, is not only a local democracy; it is part of our national democracy. Like other

cities in our country, the District must govern itself free from congressional oversight, no matter how benign, on most matters.

During my term in the House, Members will find me highly protective of the rights and responsibilities of home rule. This is my mandate from the people of the District, and it is one reason that I have recommended that the city council take the initiative to clarify the question of the heights of buildings in accordance with congressional standards. Hometown Washington is, I believe, more than ready to accept this and other challenges of self-government.

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

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

Mr. BLILEY. Mr. Speaker, I fully support House Joint Resolution 158 which my colleague, Mr. COMBEST, has introduced. This resolution disapproves D.C. Act 8-329 which the District of Columbia passed last December. The council's action, if allowed to stand, would amend the Building Height Limitations Act of 1910 to increase the size of buildings that may be erected adjacent to a Federal public building—in this case, the FBI headquarters facility.

Let me make it clear that the merits of this development project are not at issue. The resolution of disapproval takes no position regarding the desirability of—or the objections to—the proposed construction. Instead, this resolution is narrowly focused on the principle that, under home rule, the right to amend the Building Height Limitations Act and to alter the limitations contained in the schedule of heights is reserved to the Congress. If we fail to disapprove the council's action today, the precedent will be set for future attempts to circumvent the 1910 act and home rule.

Mr. Speaker, the Home Rule Act represents a balancing of competing local and Federal interests in the management of the District. Section 602 of the Home Rule Act is clear on the question of altering the law on building height limitations:

> The council shall have no authority to enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in [D.C. code section] 5-405 [the Building Height Limitation Act of 1910] and in effect on December 24, 1973.

This resolution of disapproval is fully consistent with the Home Rule Act and I would expect that those who support home rule for the District would also support this resolution. After all, one cannot be an advocate for the home rule and support a clear violation of the Home Rule Act.

The Department of Justice has also made known its view that the District Council's action is in violation of the Home Rule Act. After a thorough review of the legislative histories of both the Heights Limitation Act of 1910 and the Home Rule Act, the Justice Department concluded that the Council was "prohibit[ed] * * * from amending the schedule of heights" as it attempted to do in D.C. Act 8-329. I believe that the Department of Justice accurately interprets the law on this point.

Mr. Speaker, I submit a copy of the letter from the Department of Justice to the National Capital Planning Commission concerning these matters for inclusion in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, ENVIRONMENT AND NATURAL RESOURCES DIVISION,
Washington, DC, November 6, 1990.

LINDA DODD-MAJOR,
General Counsel, National Capital Planning Commission, 1325 G Street NW., Washington, DC.

DEAR MS. DODD-MAJOR: Thank you for your memorandum of September 7, 1990, requesting a legal opinion on issues involving D.C. Council Bill 8-616 and the Building Height Limitations Act of 1910, ch. 263, 36 Stat. 452 (1910), (the "Height Act"). We are happy for the opportunity to provide our views on these important issues.

Bill 8-616 would amend the Schedule of Heights promulgated under the Height Act to authorize construction of a 130-foot building on the east side of Ninth Street, N.W., between D and E Streets, adjacent to the FBI Building. In the absence of such an amendment, the maximum allowable height for that location would be 110 feet. Your memorandum requests our opinion as to whether the Council of the District of Columbia has the authority to amend the Schedule of Heights, and if so, whether that authority is limited in any way, specifically by the other restrictions of the Height Act.

1. CONCLUSION

On the basis of the language of the Heights Act, its legislative history, and its implementation by the Commissioners of the District of Columbia prior to the enactment of the District of Columbia Self-government and Governmental Reorganization Act, P.L. 93-198; 87 Stat. 774 (1973) (the "Home Rule Act"), we conclude that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act. In addition, the Council's authority to amend the Schedule of Heights is further limited by Section 602(a)(6) of the Home Rule Act. In our view, the Height Act and the Home Rule Act prohibit the Council from amending the Schedule of Heights as proposed in D.C. Council Bill 8-616.

2. HISTORY OF THE HEIGHT ACT

The Height Act had its genesis in several earlier statutes and regulations.[1] In 1878, Congress gave the Commissioners of the District of Columbia[2] authority to make and enforce building regulations. Act of June 14, 1878, ch. 194, 20 Stat. 131. In 1894 the Commissioners promulgated building height regulations. These regulations applied generally to commercial and residential buildings in the District. They provided that:

"No building will be erected * * * whose height exceeds the width of the street in its front.

"No building will be erected on a residential street * * * whose height exceeds 90 feet."

No building will be erected on a commercial street * * * whose height exceeds 110 feet.

House Staff Report at 15. These regulations form the core of the limitations that are still in effect today. *See* D.C. Code §§5-401 *et seq.*

The regulations are arguably ambiguous as to whether the limitations on residential and business buildings are independent of, or subject to, the general limitation that height may not exceed the width of the fronting street. Any ambiguity was removed, however, in 1899, when Congress modified the Commissioners' regulations and enacted them into law as the Building Height Act of 1899, ch. 322, 30 Sat. 922 (the "1899 Act").

The 1899 Act included limitations on the height and use of non-fireproof buildings, and, in Section 4, the same overall height limitations as the earlier Commission regulations:

"Sec. 4. That no building shall be erected or altered on any street in the District of Columbia to exceed in height above the sidewalk the width of the street in its front, *and in no cases* [emphasis added] shall a building exceed ninety feet in height on a residence street nor one hundred ten feet on a business street, as designated by schedule approved by the Commissioners of the District of Columbia, except on business streets and business avenues one hundred sixty feet wide, where a height not exceeding one hundred thirty feet may be allowed. * * * *Provided*, That spires, towers, and domes may be erected to a greater height than the limit herein prescribed, when approved by the Commissioners of the District of Columbia * * *."

The clause "and in no cases" resolves the apparent ambiguity in the 1894 regulations, clarifying that the limitations for business and residential streets must be read in conjunction with the general height-equals-streets/width limit. In other words, under the 1899 Act, the height limit on a residential street was the width of the street or 90 feet, whichever was less. On a business street, the limit was the width of the street or 110 feet, whichever was less.

Note also that express authority for structures that exceed these limits is provided in the proviso on spires and domes, but nowhere else.

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[1] Federal regulation of buildings in the national capital is as old as the capital itself. The Act of July 16, 1790, 1 Stat. 130, authorized President Washington to appoint three commissioners to plan and develop a capitol city, and authorized the president to issue regulations to assure the city's orderly development. On October 17, 1791 President Washington promulgated regulations governing "the materials and manner of the buildings and improvements on the Lots in the City of Washington." Along with setback and permit requirements, the regulations required that outer and party walls of all houses be built of brick or stone, and that "The wall of no house to be higher than forty feet to the roof, in any part of the city; nor shall any be lower than thirty-five feet on any of the avenues."

Proclamation of 17 October 1791, reprinted in Staff of the House Committee on the District of Columbia, 94th Cong., 2d Sess., Report on Building Height Limitations 5 (Comm. Print Apr. 1, 1976) ("House Staff Report"). The requirement for stone walls was apparently primarily a safety measure to reduce the risk of fire, while the provision for maximum and minimum heights and set-backs was apparently intended to beautify the city. These twin concerns of public safety and aesthetics are echoed in subsequent building height regulations.

[2] At the time, the District of Columbia was governed by a board of Commissioners who were appointed by the President with the advice and consent of the Senate. Act of June 11, 1878, ch. 20, 20 Stat. 102.

In 1903, Congress authorized the construction of Union Station, and in 1905, at the request of the Commissioners of the District of Columbia, Congress amended the 1899 Act to lower to 80 feet the height limit on buildings that front or abut the plaza in front of the Station. Act of February 8, 1905, ch. 557, 33 Stat. 709. The Commissioners requested the amendment because they believed it was "extremely desirable . . . from an architectural point of view" to limit all buildings fronting or abutting on the plaza to "a uniform height . . . not too great to overshadow the proposed Union Station." Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Jacob H. Gallinger, Chairman, Committee on the District of Columbia, United States Senate, Dec. 10, 1904, reprinted in S. Rep. No. 3082, 58th Cong., 3d Sess. (1905).

In 1910 Congress revised the 1899 Act. Building Height Limitation Act of 1910, ch. 263, 36 Stat. 452 (1910). Like the 1905 Union Station amendment, the 1910 Act was proposed by the Commissioners of the District of Columbia. Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, to Hon. Samuel W. Smith, Chairman, Committee on the District of Columbia, United States House of Representatives, Jan. 22, 1910, reprinted in H.R. Rep. No. 720, 61st Cong., 2d Sess. and S. Rep. No. 581, 61st Cong., 2d Sess.

The 1910 Act is quite similar to the 1899 Act, as amended. Section 5 of the 1910 Act retains, in slightly modified form, the height-equals-street-width formula of the 1899 Act:

"Sec. 5. That no building shall be erected * * * so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; * * *

"No building shall be erected * * * so as to exceed the height of one hundred and thirty feet on a business street * * * except on the north side of Pennsylvania avenue between First and Fifteenth streets, northwest, where an extreme height of one hundred and sixty feet will be permitted.

"On a residence street * * * no building shall be erected * * * so as to be over eighty-five feet in height * * *."

The 80-foot limit on Union Station Plaza is also retained and, as in the 1899 Act, the only provision authorizing stuctures in excess of these limits is the one on spires, towers, and domes:

"Buildings hereinafter erected to front or abut on the plaza in front of the new Union Station * * * shall not be of a greater height than eighty feet.

"Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in this Act when and as the same may be approved by the Commissioners of the District of Columbia * * *."

In addition, and most important to the present inquiry, the 1910 Act recognizes "the need for Congress to be particularly mindful of regulating the height and certain aspects of design of building fronting on federally regulated sections" of the District. House Staff Report at 29. The Act delegates this authority to the Commissioners of the District of Columbia:

"On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Commissioners of the District of Columbia."

Section 5 of the 1910 Act thus follows the model of section 4 of the 1899 Act. The first sentence sets off the general formula for determining the maximum permissible height which "no building" may exceed. The subsequent sentences set out additional limitations which, depending on the width of the street, may result in lower maximum height than the general formula.[3] The 80-foot limit on buildings around Union Station is retained, parallel regulatory authority for limits around other federal buildings is added, and the single exception for spires, towers and domes is retained.

The 1910 Act, as amended[4] continues to govern the height of buildings in the District today. *See* D.C. Code §§5-401 et seq.

3. IMPLEMENTATION OF THE HEIGHT ACT

Between 1910 and the enactment of the Home Rule Act, the Commissioners of the District of Columbia exercised their authority to set height limits under the "Schedule of Heights" provision of the 1910 Act in 15 different areas of the District Most of these limits apply to the blocks around the White House, the Supreme Court Building, and the House and Senate Office Buildings. In every case, the limits set under the Schedule are lower than would otherwise be permitted under the Height Act. For example, in 1912, the Comissioners lowered the height limit on 15th Street, N.W., between Pennsyulvania Avenue and G Street, across from the Treasury Building, from 130 feet to 95 feet.

Commentators reviewing height limitations in the District have viewed the Commissioners' schedule-making authority as being subject to the other limits of the Height Act. For example, a 1986 GAO report states:

"The 1910 act also required the Board [of Commissioners] to establish a separate Schedule of Heights *within the general parameters outlined in the act to further regulate the height of buildings* fronting on Federally developed sections of the District. The Schedule, by *limiting* the height of private sector buildings adjacent to federal buildings, has served to maintain the prominence of federal buildings and monuments in the District."

General Accounting Office, Height Limitations: Limitations on Building Heights in the District of Columbia 6 (1986) (emphasis added). Similarly, a 1987 Medmorandum prepared for the House Committee on the District of Columbia by the Congressional Research Service describes the Commissioners' authority as subject to the Height Act's other limits:

"Also, the 1910 Act made clear that the Commissioners could adopt more specific limits (subject to the statutory limits) for "buildings" located on blocks adjacent to on the side of 'public buildings.'"

Congressional Research Service, Memorandum: Whether Building Height Restrictions In the District of Columbia, Including Those Pertaining to Union Station, Apply to Federal Buildings, 3 (Aug. 18, 1987) (emphasis added).

4. LIMITED TRANSFER OF HEIGHT ACT AUTHORITY TO THE D.C. COUNCIL

Authority to implement the Height Act remained with the Commissioners of the District of Columbia until 1967, when their responsibilities were transferred to a presidentially-appointed District of Columbia Council. Act of Aug. 11, 1967, 81 Stat. 948, §402 (120), reprinted at 1 D.C. Code 141 (1981). The authority of this council was subsequently transferred to the popularly-elected Council of the District of Columbia (the "Council") pursuant to section 401 of the Home Rule Act (codified at D.C. Code §1-221 (1981)).

One of the most controversial issues in the debate over Home Rule was the extent of control the new local government would have over Federal interests.[5] This issue is addressed in numerous provisions of the Home Rule Act, including an entire title of limitations on the District government. In particular, the Home Rule Act imposes important limits on the Council's authority to amend the Height Act. Section 602(a)(6) of the Home Rule Act (codified as §1-233 of the D.C. Code) states that the Council shall have "no authority" to: "enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in Section 5-405 (section 5 the Height Act[6]), and in effect on December 24, 1973 (the date of enactment of the Home Rule Act)." (Emphasis added.)

The plain meaning of this section is to prohibit the Council from permitting construction of buildings that exceed the Height Act limits. The legislative history of Section 602(a)(6) confirms that Congress' intent in this section was precisely what the plain meaning of the words conveys. The provision originated in the House, in the Committee on the District of Columbia's Subcommittee on Government Operations. At Subcommittee markup, Subcommittee Chairman Brock Adams asked counsel to explain the provision, and was told the following:

"What we drafted was an amendment [subsequently enacted as §602(a)(6)] which would go to the limitations on the Council that the Council could not enact an act that permitted building above existing height limitations, and freezing in what now is existing

[3] Note however, that the clause "and in no case" which appeared in the 1899 Act has been omitted. There is no indication in the legislative history of what, if anything, Congress intended by this change. One possible explanation is that in expanding the section into eight separate paragraphs, the clause became unwieldy. It may also have been considered unnecessary, since the Commissioners who were responsible for implementing the Act apparently understood the limits imposed in the various sentences to be conjunctive, as demonstrated by their subsequent implementation of the Act (discussed below).

[4] The Act as amended by Congress seven times between 1910 and 1945. Five of those amendments provided height exemptions, above those prescribed by the 1910 Act, for specific buildings to be erected at specified locations. The other two amendments raised the maximum height for residential buildings from 85 to 90 feet, and changed the maximum number of stories for residential buildings from eight to ten. See House Staff Report at 57-58.

[5] *See, e.g.*, House Comm. on the District of Columbia, District of Columbia Self-Government and Governmental Reorganization Act, H.R. Rep. No. 482, 93d Cong., 1st Sess. 3 (1973).

[6] Section 5 of the Height Act, as amended, edited and renumbered, appears as section 5-405(a) through (h) of the D.C. Code. In relevant part, it provides:

"(a) No building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by 20 feet; * * *.

"(b) No building shall be erected * * * as to exceed the height of 130 feet on a business street * * * except on the north side of Pennsylvania avenue between 1st and 15th Streets Northwest, where an extreme height of 160 feet will be permitted.

"(c) On a residence street * * * no building shall be erected * * * so as to be over 90 feet in height * * *.

"(f) On blocks immediately adjacent to public buildings or to the side of any public building * * * the maximum height shall be regulated by a schedule adopted by the Council of the District of Columbia.

"(g) Buildings erected after June 1, 1910, to front or abut on the plaza in front of the new Union Station * * * shall not be of a greater height than 80 feet.

"(h) Spires, towers, domes * * * may be erected to a greater height than any limit prescribed in §§5-401 to 5-409 when and as the same may be approved by the Mayor of the District of Columbia * * *."

law, and would prohibit the Council from allowing any building above that limitation."

Home Rule for the District of Columbia, 1973–1974, Background and Legislative History of H.R. 9056, H.R. 9682 and Related Bills. 93rd Cong, 2d Sess., Committee Print Serial No. S–4 302 (1974). Subsequent descriptions of this provisions in the full Committee's report reflect this understanding. For instance, the description of title VI of the bill, "Reservation of Congressional Authority" notes that

"The Council is also prohibited from doing certain things, including * * * permitting the construction of buildings in excess of the present height limitations set by Congress." H.R. Rep. No. 482 at 15.

5. ANALYSIS

"Where, as here, resolution of a question of federal law turns on a statute and the intention of Congress, we look first to the statutory language and then to the legislative history if the statutory language is unclear." *Blum* v. *Stenson*, 465 U.S. 886, 896 (1984). The interpreter's task is "to interpret the words of [the statute] in light of the purposes Congress sought to serve." *Dickerson* v. *New Banner Institute, Inc.*, 460 U.S. 103, 118 (1983), (quoting *Chapman* v. *Houston Welfare Rights Organization*, 441 U.S. 600, 608 (1979)).

Both the language and the legislative histories of section 5 of the Height Act (D.C. Code §5–405) and section 602(a)(6) of the Home Rule Act (D.C. Code §1–233(a)(6)) compel the conclusion that the Council's authority to amend the Schedule of Heights is subject to the other limitations of the Height Act, and that the Council does not have the authority to amend the Schedule of Heights as proposed in Council Bill 8–616.

(a) The language of section 5–405.—The language of section 5–405 provides numerous indications that paragraph (f), the schedule-making authority, must be read in conjunction with the section's other limitations which are based on the width of the fronting street and the residential or business character of the street. First, paragraphs (a), (b), and (c) of section 5–405 each plainly state that "no building shall be erected" in excess of their specified limitations (emphasis added). Nothing in the Act states that the buildings covered by paragraph (f) are exempt from those limitations. The fact that the general limitation in paragraph (a) (street width) applies in conjunction with the limitations in sections (b) (business streets) and (c) (residence streets) provides an additional confirmation that the paragraph (a) limitation also applies to paragraph (f). Accordingly, in the absence of an express exemption, the plain language of paragraphs (a), (b), and (c) must apply to buildings covered by paragraph (f). *National Insulation Transportation Committee* v. *I.C.C.*, 683 F.2d 533, 537 (D.C. Cir 1982) (Absent persuasive reasons to the contrary, "a court must follow the axiom that Congress intended that statutory language be given its plain and ordinary meaning.")[7]

Second, if Congress had intended to exclude buildings covered by paragraph (f) from the limitations of paragraphs (a), (b) and (c), it could easily have done so, as it did in the express exemption, in paragraph (h), for spires, towers and domes. But Congress, did not do so. This omission is further evidence of Congress' intent that any height limitations established under paragraph (f) be within the limits established in paragraphs (a), (b) and (c). "Where Congress explicitly enumerates certain exceptions to a general prohibition, additional exceptions are not to be implied in the absence of evidence of contrary legislative intent." *Andrus* v. *Glover Construction Co.*, 446 U.S. 608, 616–17 (1980). See *Russello* v. *United States*, 464 U.S. 16, 23 (1983) (quoting *United States* v. *Wong Kim Bo*, 472 F.2d 720, 722 (5th Cir. 1972)) ("[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion.")

(b) Legislative History and Congressional Intent.—The view that the Council's authority is subject to the Act's other limitations is fully consistent with all available indicia of Congressional intent. While the legislative history of the Height Act is sparse, and intent to enhance the architectural character of the capital city and ensure that public buildings are not overshadowed is easily inferred from the language of the Act, particularly the height limitations which are based on the width of the street rather than fire safety criteria. See Dickerson, 460 U.S. at 118, *United States* v. *Morton*, 467 U.S. 822, 828 (1984).

Moreover, section 5–405(g), which sets an 80-foot height limit on buildings abutting the Union Station plaza, was expressly directed at such concerns. Its purpose was to limit buildings fronting or abutting on the plaza to a height below the otherwise applicable limitations and thereby prevent adjacent buildings from overshadowing the federal building. See Letter of Henry B.F. Macfarland, President, District of Columbia Board of Commissioners, supra. The schedule-making authority of paragraph (f) serves a function very similar to paragraph (g), providing authority to limit the height of buildings next to public buildings. It has enabled the Commissioners to provide other public buildings the same type of protection against overshadowing that Congress provided for Union Station.

Thus, given what we know about the purposes of the Height Act in general and the Union Station plaza height limitations in particular, there can be little doubt that Congress intended the Commissioners to use the paragraph (f) schedule-making authority to provide public buildings with protection more stringent that the Height Act's other limitations. Given this intent, it would be irrational to construe section 5–405(f) as allowing the Council to set heights above the Height Act's other limitations, thereby providing public buildings with less stringent protection than other buildings. See *Bob Jones University* v. *United States*, 461 U.S. 571, 586 (1983) (quoting *Brown* v. *Duchesne*, 19 How. 183, 194 (1857) ("[I]t is well settled that, in interpreting a statute, the court will not look merely to a particular clause in which general words may be used, but will take in connection with it the whole statute . . . and the objects and policy of the law.")

(c) Commissioners' Implementation.—The Commissioners of the District implemented the Height Act's schedule-making authority by promulgating height limits for 15 locations in the District, all of which were below the Height Act's otherwise applicable limits. Thus, the Commissioners' record is consistent with the view that their authority to promulgate such limits was subject to the other limitations of the Height Act. Indeed, it is reasonable to assume that the Commissioners viewed the schedule-making provision as authorizing them to lower, but not raise, the Act's other height limits because, as noted above, it was the Commissioners who asked Congress to lower the height limitation on buildings on the Union Station plaza and who subsequently requested enactment of the paragraph (f) schedule-making authority.

The Commissioners' exercise of the schedule-making authority is relevant because, as the "agency" assigned to implement the Height Act, their interpretation is entitled to deference. *Chemical Manufacturers Association* v. *Natural Resources Defense Council*, 470 U.S. 116, 125 (1985).

(d) Home Rule Act Limitations.—Section 602(a)(6) of the Home Rule Act (codified as §1–233 of the D.C. Code) states that the Council shall have "no authority" to "enact any act . . . which permits the building of any structure . . . in excess of the height limitations contained in Section 5–405, and in effect on December 24, 1973." D.C. Council Bill 8–616 clearly runs afoul of this proscription, since it would authorize construction of a 130-foot building in a location where the limitation under the Height Act (as in effect on December 24, 1973) is 110 feet.

Furthermore, there is nothing in the legislative history of the Home Rule Act to suggest that the plain meaning of section 602(a)(6) does not accurately reflect Congress' intent. To the contrary, the legislative history shows that Congress fully intended to limit the D.C. Council's authority to authorize buildings in excess of the Height Act's existing limitations. Accordingly, the plain meaning of the section controls. Blum, 465 U.S. at 896; National Insulation Transportation Committee, 683 F.2d at 537.

Proponents of Bill 8–616 have argued that the Schedule of Heights is a freestanding provision and not part of section 5–405, and therefore not subject to the limitations of section 602(a)(6) of the Home Rule Act. This argument does not jibe with the plain language of section 602(a)(6). Section 602(a)(6) prohibits the Council from enacting any act which permits the building of any structure that exceeds (1) the section 5–405 height limitations, or (2) the height limitations in effect on December 24, 1973—which include the Schedule of Heights as it existed at the time the Home Rule Act was enacted. In other words, under section 602(a)(2) of the Home Rule Act, the Council's authority under section 5–405(f) of the Height Act is limited to amending the Schedule of Heights to set height limits that are (1) lower than the applicable Height Act limits (for locations not included on the pre-Home Rule Schedule of Heights), or (2) lower than the pre-Home Rule Schedule of Heights limitations (for locations that are included is the pre-Home Rule Schedule).[8] The Council is barred by section 602(a)(6) of the Home Rule Act from exceeding either of those limitations.

Moreover, as explained above, the Height Act itself prohibits the Council from permitting buildings that exceed the applicable Height Act limitations. Thus, even if the argument that section 5–405(f) is not subject to the Home Rule Act limitations were correct—and we do not think it is—that still would not provide a legal basis for amending the Schedule of Heights in a manner incon-

[7] Moreover, a reading of paragraph (f) that renders the schedule-making authority independent of the paragraphs (a), (b), and (c) limitations would run afoul of the "elementary canon of statutory construction that a statute should be interpreted so as not to render one part inoperative." *Mountain States Telephone & Telegraph* v. *Pueblo of Santa Ana*, 472 U.S. 244, 248 (1985) (Quoting *Colautti* v. Franklin, 439 U.S. 379, 392 (1979)).

[8] The location covered by Bill 8–616 is not included in the pre-Home Rule Schedule of Heights.

sistent with the limitations of the Height Act.

Thus, it is our view that both the Height Act and the Home Rule Act prohibit the D.C. Council from amending the Schedule of Heights as proposed in D.C. Council Bill S-616. In view of this conclusion, we believe it is unnecessary to address your third question, which dealt with permissible justifications for amendments to the Schedule of Heights.

Thank you again for rquesting our views on these matters. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

RICHARD B. STEWART,
Assistant Attorney General.

Building height limitations were discussed at length during the debate over home rule. At a July 25, 1973 committee markup of home rule legislation, the Honorable Mr. Gude provided the following summary of the purposes of the building height limtiation law:

What I am pointing out in regard to the height limitation is that this is just not an archaic provison of the law. I think it is something which Congress wishes to keep in order that the Federal City have the beauty and set off the monuments, and make it the attractive Capitol that brings the people from all over the country and all over the world to visit. This is the reason, the basic reason in my opinion, for this height limitation.

A review of the legislative history can only lead to the conclusion that Congress intended to reserve the right to amend the schedule of building height solely for itself. Indeed, during a committee markup of home rule legislation on July 31, 1973, the Honorable Mr. Diggs characterized the measure under consideration as prohibiting the Council "from modifying the building height limitations now in effect" and the conference report issued on December 6 of that year also characterizes the Home Rule Act as providing that "the council could not change building height limitations."

All of us are working very hard to improve the relationship between the city and the Congress. But to simply ignore the council act would be to shirk our responsibility and to risk future city council amendments, further confusion, and litigation. None of these consequences are in the best interest of the Congress or of the city.

We have a responsibility to uphold the law. If this development project merits support, Congress can indeed change the law to allow this development. But we should not allow the past city council to exercise that authority—authority that the law clearly reserves to the Congress. I believe that, in good conscience, this House has no choice but to overturn the District Council's action. I urge adoption of this resolution of disapproval.

□ 1430

Mr. DELLUMS. Mr. Speaker, I yield myself such time as I might consume.

I will just say to my distinguished colleague, the gentleman from Virginia [Mr. BLILEY], who serves as the new ranking member of the committee, that he has made a very fine statement. I think that the gentleman has made a significant contribution to the legislative history that will underpin the action that is taken this afternoon.

Mr. Speaker, I think the references of the gentleman to the 1910 act are a clear indication that he and other Members understand very clearly that the framers of the Home Rule Act of 1973 were very, very concerned about the issues of height limitation. There are numerous references to it. I think the gentleman points that out very accurately, and very eloquently.

Mr. Speaker, I want to underscore again for purposes of emphasis the point of the gentleman from Virginia [Mr. BLILEY] that we take no action on the merits of the project itself. If they want the project to go forward, there are other steps that can be taken beyond this action, and then we can decide whether we want to acquiesce in that or not. But this afternoon we are making a very clear statement about whether this act indeed violates the Home Rule Act, the act of the city council.

As I said, for the first time in 20 years I find myself in this very strange position, but the fact of the matter clearly underscores that the only position of integrity that can be taken is support of the resolution of disapproval.

Mr. DELLUMS. Mr. Speaker, with those remarks, I yield back the balance of my time.

Mr. BLILEY. Mr. Speaker, I thank the gentleman from California [Mr. DELLUMS] for those kind words, and I, too, yield back the balance of my time.

The SPEAKER pro tempore [Mr. MCNULTY]. Pursuant to the order of the House of Tuesday, March 5, 1991, the previous question is ordered.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 84) disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 84

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress hereby disapproves of the action of the District of Columbia Council described as follows: The Schedule of Heights Amendment Act of 1990 (D.C. Act 8-329), signed by the Mayor of the District of Columbia on December 27, 1990, and transmitted to Congress pursuant to section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act on January 15, 1991.

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.

A similar House joint resolution (H.J. Res. 158) was laid on the table.

GENERAL LEAVE

Mr. DELLUMS. 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 Senate Joint Resolution 84 and House Joint Resolution 158.

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

There was no objection.

EMERGENCY SUPPLEMENTAL ASSISTANCE FOR ISRAEL ACT OF 1991

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the bill (H.R. 1284) to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

The Clerk read the title of the bill.

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

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I do so to afford the chairman an opportunity to explain the resolution.

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

Mr. BROOMFIELD. I am happy to yield to the gentleman from Florida.

Mr. FASCELL. Mr. Speaker, let me say this is the administration's request for emergency assistance to Israel. It reflects a decision that was made and came down by way of a letter from Mr. Darman, Director of the Office of Management and Budget. Unfortunately this request did not get here in time for the emergency supplemental that we passed in the House yesterday for the State Department and USIA. So we have had to consider this as a separate matter.

Mr. Speaker, this is an agreement that had been reached between the administration and the Israeli Government for immediate supplemental and

emergency funds, which is grant cash assistance, as a reimbursement for the incremental Israeli defense costs for the gulf war.

The appropriators have already marked up the bill. The reason we are here on the floor of the House today is to maintain the legislative process. Otherwise, the appropriators will be asking the Committee on Rules to grant a waiver on the appropriations bill.

Mr. Speaker, the gentleman from Michigan [Mr. BROOMFIELD] and I did not think that was a proper way to proceed, and, hence, we are here in this emergency action seeking an authorization simply to keep the legislative process in sync and to maintain the integrity of the authorizing process.

Mr. BROOMFIELD. Mr. Speaker, under the reservation, the gentleman from Pennsylvania [Mr. WALKER] would like to ask a question of the gentleman from Florida [Mr. FASCELL].

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

Mr. BROOMFIELD. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding. I just want to clarify a couple of points, if I could, with the chairman. I appreciate what he and the gentleman from Michigan [Mr. BROOMFIELD] are doing, in attempting to keep the legislative process in the right way here with authorizations preceding appropriations. We see too little of that in Congress these days.

Mr. Speaker, the gentleman from Florida [Mr. FASCELL] has represented to us that this is a request of the administration. There has been a specific request from the administration for emergency funding. Therefore, this is in total compliance with the budget agreements of last year. Is that correct?

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

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

Mr. FASCELL. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct. I have placed the letter from the Office of Management and Budget in the RECORD.

Mr. WALKER. Mr. Speaker, if the gentleman will yield further, this funding, which is included in this authorization, will be followed by the appropriations tomorrow from the Committee on Appropriations, and that also will be in full compliance with the Budget Act and with the administration's request?

Mr. FASCELL. Mr. Speaker, the gentleman from Pennsylvania [Mr. WALKER] is correct. It is our understanding under the agreement that the administration has to declare an emergency, Congress has to agree to that, and the legislation follows that track.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Florida. I think that helps clarify it.

Mr. Speaker, if the gentleman would further yield under his reservation, we were concerned that in at least one committee today, and the gentleman from Ohio [Mr. KASICH] may be able to clarify this, in one committee this was being used as an example of money that was being sent over and above the budget agreement. It is my understanding from the chairman that this is within the budget agreement because of the emergency declaration of the administration.

Mr. FASCELL. Absolutely.

Mr. WALKER. I just wanted to have it on the record that that is the process that is being used here.

Mr. FASCELL. That is the process being used here, and is so stated in the legislation.

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

Mr. BROOMFIELD. Under my reservation of objection, I yield to the gentleman from Ohio [Mr. KASICH).

Mr. KASICH. Mr. Speaker, let me say to all Members present, today in the Committee on Armed Services, the gentleman from Mississippi [Mr. MONTGOMERY] wanted to move veterans' benefits off budget, and kind of whittled the deal down a little bit by saying that if the President signs anything that comes from us, it automatically gets declared an emergency, which means that this funding gets off budget.

The point I wanted to make to the chairman is, we now have started a process forward where we are now beginning to move some spending items off budget.

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

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

Mr. FASCELL. Mr. Speaker, I would state only pursuant to the budget agreement.

Mr. KASICH. If the gentleman will yield further, only pursuant to the deal. But the question now becomes, once you do it the first time, does it become easier to do it a second time and a third time, and does the whole process become unraveled. I am not taking issue with what the chairman did or what this gentleman did. I am only here to point out that we have got to all be vigilant about the integrity of a budget deal, a budget deal many Members did not support to begin with, if we are going to establish integrity, if we are going to respect it.

Mr. Speaker, an effort was made today that would have moved us further down the line toward destroying the integrity of that Budget Act. The reason I bring it up here is I want Members to be aware of this, because this has very serious implications for where we go throughout the rest of the year.

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

Mr. BROOMFIELD. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, just to follow up on the point of the gentleman from Ohio [Mr. KASICH], I think it does need to be clarified once again that the integrity of the process is being maintained by the chairman of the committee [Mr. FASCELL] and the ranking Republican member on the committee [Mr. BROOMFIELD], because they are not only complying with the budget agreement here by bringing up something under the emergency authority of the President, but they are in fact seeking an authorization of the moneys before we appropriate the moneys. That is some of the better integrity we have had in the process in a long time, and I think we want to keep up that kind of thing.

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

Mr. BROOMFIELD. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Speaker, I would want to say that the gentleman from Mississippi [Mr. MONTGOMERY] was right in what he was trying to do. We solved the problem by taking money out of Desert Storm. Making sure the integrity is preserved is a very sticky wicket, and we have to be careful when we use this authority.

□ 1440

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

Mr. BROOMFIELD. Under my reservation of objection, I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Speaker, I would like to ask the chairman of the committee if this is the first time that we have in essence taken action moving off budget an item like this subject to emergency provisions under the budget law?

Mr. FASCELL. No. We had the emergency supplemental that went through which also was an administration request, and also was pursuant to the agreement.

These are pursuant to the agreement; both of these supplemental requests are emergency supplementals. The point made by the other gentleman from Ohio [Mr. KASICH] and the points you are making are valid points because it is a judgment that we have to make each time as to whether or not we are going to agree on the emergency. And that is not only a legal situation but a factual situation, and the administration and the Congress have to both agree. Otherwise, we are either going to have an offset or it is going to be subject to some kind of a problem in the consideration of the request.

Mr. TRAFICANT. I would just like to say I am not going to object, and I at least appreciate the fact that you have come back and asked for an authorization. But the fact is, as it is brought up under unanimous consent again, we did not in fact predict nor did we know that this authorization would come up, and I find that once we start to deviate from normal procedure it is just going to open up areas and problems that we perhaps do not need.

Understanding the situation at hand, I will not object, but I hope the chairman will give me some time on this issue.

Mr. FASCELL. If the gentleman will continue to yield, just to respond to that, he is correct as far as normal procedures is concerned. But we are faced, first, with what is an emergency request; and, second, where the appropriators have already acted. They are in the Rules Committee as we speak obtaining a rule to come to the floor tomorrow. I do not know what that rule is going to have in it. But I know one of the things that it has in it is a waiver of authorization. So we are out here in kind of an emergency process to protect the integrity of the authorization committee.

Mr. TRAFICANT. I appreciate that, I would say to the chairman.

If the gentleman will continue to yield, the only question I would have for the gentleman is it was pretty much an understood element that the administration was looking for $400 million, and after a negotiated agreement, the $650 million became the figure, is that a fact?

Mr. FASCELL. If the gentleman from Michigan will continue to yield, I would say that is not my understanding at all. No; as I stated there were larger numbers being proposed in the preliminary discussions. These amounts approached $3 billion. This agreement is the result of long negotiations between the United States and Israel and reflects a lower figure. This agreement is a different matter entirely from that of the $400 million the gentleman is talking about, which was approved last year. What we now have is a final agreement which was reached and it was released. The $400 million was the guarantee program.

Mr. TRAFICANT. If the gentleman will continue to yield, I would ask the chairman or the ranking minority member if they know if in fact there were any domestic moneys that were stricken from the supplemental appropriation to accommodate this additional funding for Israel?

Mr. FASCELL. None.

Mr. TRAFICANT. Were there any homeless moneys for our country that are absent and not listed in the supplemental appropriation because of the increased funding that is placed here for Israel?

Mr. FASCELL. None. There are no offsets.

Mr. TRAFICANT. I thank the gentleman for his time.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I would like to indicate that I am happy to be a cosponsor with the chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL].

Yesterday, the Appropriations Committee approved $650 million in supplemental assistance for the State of Israel. The White House has indicated that the President will support this amount as emergency appropriations for Israel. Therefore, the expenditure will be permissible according to the budget agreement.

Israel has suffered greatly in the Persian Gulf crisis despite the fact that it was never really a party to the war with Iraq. Because of the sadistic behavior of Saddam Hussein, Israel lost several lives, suffered hundreds injured, and endured tremendous property damage from Scud missiles fired by Iraq.

None of us will forget the images of Iraqi missiles pounding civilian targets throughout Israel. The Israeli Government is to be commended for its restraint in not responding to this provocation. In the end the coalition held together and Iraq's Army was defeated.

This supplemental assistance is intended to offset costs incurred by Israel during the Persian Gulf conflict. This includes both compensation for civilian damage and additional defense costs.

The Secretary of State will be leaving tomorrow to tour the capitals of the nations which were our friends and allies in the Persian Gulf war. He carries with him the President's hope that, now that the war is over, a permanent solution to the problems of the Middle East can be achieved.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 1284

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 "Emergency Supplemental Assistance for Israel Act of 1991".

SEC. 2. EMERGENCY ASSISTANCE FOR ISRAEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated as emergency supplemental appropriations for fiscal year 1991 for assistance under chapter 4 of part II of the Foreign Assistance Act of 1961 (relating to the economic support fund) $650,000,000 for additional costs resulting from the conflict in the Persian Gulf region.

(b) CASH GRANT FOR ISRAEL.—Funds appropriated pursuant to the authorization contained in subsection (a) shall be available only for assistance for Israel. Such assistance shall be provided on a grant basis as a cash transfer. Funds provided to Israel under this section may be used by Israel for incremental costs associated with the conflict in the Persian Gulf region without regard to section 531(e) of the Foreign Assistance Act of 1961.

(c) DESIGNATION AS EMERGENCY FOR BUDGETARY PURPOSES.—Funds authorized to be appropriated under this section are designated emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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

Mr. FASCELL. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the distinguished gentleman from Michigan [Mr. BROOMFIELD].

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

Mr. Speaker, I rise in strong support of this resolution and join my colleague from Michigan.

I would say that it is very clear to everyone in this recent struggle that we have been in that the Israeli people and the Israeli Government showed exemplary courage and cooperation and suffered tremendous losses of life, injury to individuals, and great injury to property.

Their revised thinking with regard to strategic and tactical planning was an enormous drain on their own budget. They were having serious economic dislocations even prior to that time. But to have withstood that entire period of time with all of the adjustments that had to be made, then to take the brutal attacks that they took, and then to cooperate with the coalition in the sense that they went contrary to every normal human instinct to fight back, and indeed instead of that showed great courage and tremendous resolve and determination in making it possible to reduce not only the time involved, but undoubtedly the number of casualties. Who knows what other results might have happened if we had not had that kind of cooperation.

The damage is real. The need is great. It is truly an emergency and I fully support the request of the administration and hope all of my colleagues will allow this authorization bill to pass expeditiously.

For these reasons I rise in support of the bill which has just been sent to the desk to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict.

This legislation is in response to the urgent request of the administration for an emergency supplemental authorization of appropriations of $650 million in economic support funds for the State of Israel.

Although a nonbelligerent in the gulf war, Israel was subjected to repeated Iraqi Scud missile attacks. These 39 attacks resulted in more than 200 casualties, 2 deaths, and 12 other deaths due to heart attacks and suffocation. These

attacks also resulted in the displacement of more than 1,700 families from their homes. These attacks were no more than pure acts of terrorism against Israeli civilians due of course to the fact that the Scud is a highly inaccurate missile system that has little or no military value.

As a result of these attacks, the Israeli Defense Ministry was forced to go to higher states of military alert. As such, military operational costs to the Israeli Government increased significantly. The Israelis estimated this increase in military costs to be in excess of $1 billion. However, it should also be noted that the Israeli Government intended to seek additional emergency assistance levels from the United States. In this regard, it was reported that the Israelis would seek up to $3 billion in United States emergency assistance. Those assistance levels were intended to address: First, increased military operational costs; second, damages to the civilian infrastructure; and third, losses in revenues from trade and tourism. During negotiations with the administration, however, the Israelis agreed to lower their emergency request to the level that appears in the committee bill and as requested by the administration yesterday. That level of assistance is $650 million.

Mr. Speaker, due to the late nature of the administration's request on this issue, it was not possible to include this authorization in the emergency authorization bill for the State Department, which the committee took to the floor yesterday. As the letter from OMB Director Darman, which I will submit for the RECORD indicates, the executive branch reached agreement with the Government of Israel yesterday with regard to $650 million in grant cash assistance as a reimbursement for the incremental Israeli defense costs for the gulf war.

The Appropriations Committee yesterday afternoon included this request in their omnibus dire emergency supplemental appropriation bill for fiscal year 1991. Pursuant to the Foreign Assistance Act, an authorization of this amount would be required before any such funds could be expended. Or, failing that, a waiver of the Foreign Assistance Act requirement in the appropriations bill. The Chair strongly believes that the committee and the Congress should follow regular procedure and enact the necessary authorization on these supplemental requests prior to final appropriations action.

The Chair would like to take this opportunity to thank the distinguished chairman and ranking member of the Subcommittee on Europe and the Middle East, Messrs. HAMILTON and GILMAN, for conducting an expeditious hearing on this legislation this morning with the executive branch. I urge the unanimous adoption of this legislation.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, March 5, 1991.

Hon. JAMIE L. WHITTEN,
Chairman, Committee on Appropriations, U.S. House of Representatives, Washington, DC:

DEAR MR. CHAIRMAN: This is to supplement my letter of the same date, which was delivered to you this morning. Its purpose is to inform you that the Administration has reached agreement with the Government of Israel with regard to the Israeli supplemental request.

The agreement is to support $650 million in assistance—no more or less—as reimbursement for the incremental Israeli defense costs for the Gulf War. OMB and State Department staff are working with Committee staff to draft appropriate language.

I apologize for the last minute notification of this development. But agreement was not reached and approved by the President until 1:15 this afternoon.

Respectfully yours,

RICHARD DARMAN.

Mr. BROOMFIELD. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], one of the cosponsors of H.R. 1284.

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

I rise to express my strong support for this authorization for emergency foreign assistance to Israel, and I would like to commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida [Mr. FASCELL], as well as our ranking Republican member, the gentleman from Michigan [Mr. BROOMFIELD], for their outstanding and expeditious work on this measure.

Throughout the gulf crisis, the State of Israel and its people had been continuously terrorized by Saddam Hussein's Scud missile attacks and the spectre of chemical and biological warfare which Saddam threatened to use. Never once did the State of Israel retaliate, precisely because its Government recognized that doing so would not be in the interests of the international coalition and, more specifically, would not be in the interests of the United States.

I know of no other strong and proud nation which would refrain to retaliate and respond so valiantly in a time of crisis. Throughout the gulf war, Israel was a frontline state, which even in this time of cease-fire is surrounded by nations which are hostile and technically at war with it.

The postwar period will be a difficult time. Nonetheless we must begin by helping our friends in the region to help themselves. Israelis live in a very dangerous neighborhood. This supplemental emergency assistance is a critically important measure, to demonstrate to Israel and to her people that the United States remains committed to her security and economic stability. Permit me to conclude by stating my long-held view that peace in the Middle East will only begin to occur when the Arab nations in that region recognize that the State of Israel is here to stay and are willing to sit down and negotiate a peace directly with the State of Israel.

□ 1450

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

Mr. FASCELL. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I certainly appreciate the fact that the chairman and the ranking minority member came to the floor and asked for an authorization on this issue. I am glad to see that we do not go into another appropriation bill waving an authorization, especially in these particular times which the American people are beginning to question. Few people in the Congress are questioning it, but many people in the country are beginning to question it.

In fact, what concerns me about this particular bill is if you question it you have been sort of labeled an anti-Semite, and I have been, and I am tired of that.

Ladies and gentlemen, my district for the last 10 years has been pounded to hell. Israel was pounded as well.

Everybody in this body realizes we have a friend in Israel. We should help Israel. They are deserving of our support, but from the information I had and I read, the President really wanted $400 million, but he was afraid that the Congress was going to give $1 billion, so there was a figure of $650 million that was signed off.

I am now going to tell the Members something. I think George Bush has done a pretty good job in this area, and I think Congress should be listening to the President on our foreign aid accounts and some of the objective policies he is trying to construe and promulgate in the Persian Gulf region. But the bottom line is, and I am going to tell it right the way it is, there was an article today in the Washington Post, and that article was quite clear, and it stated that the American-Israel Public Affairs Committee made it quite well known to those in the position that had the power of the votes that if they did not in fact vote for the supplemental aid that they were pushing for, they would cut the contributions to those campaigns.

Let me tell you what, I think that is blackmail, and I would also like to say this. I think there are beginning to be some lobbies which represent the interests of some other countries that are starting to weave themselves into the fabric of our Government. They are becoming so strong that Members here, if they do not know what is going on, they choose not to look.

Well, I have decided, folks, one thing: I think that is blackmail. I think AIPAC has gone too far, and I think it is time that Congress takes a look at it.

I think it is a sad day when Members would probably prefer to cut school lunches, Meals on Wheels, programs for the homeless, but they would not raise their voice about the foreign aid accounts.

Finally, I would like to say this for those who are saying, "Here is this guy again who is banging on Israel." I am really not. I believe AIPAC is going to hurt Israel before it is over. Let there be no mistake, when we start taking into account all of this money that is going overseas, and it all has good causes, the American people do not understand it. They have continued to listen to the analysts saying it is a small percentage of the budget; it is helping us to win friends; it is helping democracy all over the world.

Do the Members want to know the truth? The American people are starting to wise up, and they are getting tired of the largesse here. There is $1,000 a year for every citizen, man, woman, and child in Israel.

I will probably offer an amendment tomorrow to reduce the account $250 million. That is if, for the first time, we do not have an appropriation bill come back calling for a closed rule. If we do, I had better run my buns off and make sure I try and get construed an amendment to try and cut it. I know it will fail, but I say this to you, ladies and gentlemen, before Congress continues to cut programs for our needy citizens of this country, where kids are graduating who cannot read, roads, bridges, and water mains falling apart, crime in the street, and the needs of law enforcement so great it is unbelievable, one of the highest infant mortality rates in the world, higher than Third World nations, enough is enough.

I am hoping some of the leaders around here who know what I am saying is true will start to speak out on this issue before there is one hell of a kickback. Whether that happens in the time I am here, I doubt it, but I probably will be bringing that amendment if there is not some technical loophole that will prevent it.

Mr. WEISS. Mr. Speaker, I would like to express my wholehearted support for this legislation of which I am a cosponsor, authorizing emergency supplemental assistance to Israel. Although this supplemental assistance will not fully cover Israel's increased expenses related to the Persian Gulf war, nor undo the physical and emotional horror Israel suffered during Saddam Hussein's heinous Scud attacks, it will, I hope, assist Israel in strengthening its defenses so it can protect itself. As Saddam Hussein's brutal aggression has shown, the threat against Israel is real and immediate.

In addition to suffering more damage and casualties per capita than any other frontline state in the gulf war, Israel has incurred billions of dollars in increased defense costs as a result of the heightened state of alert her defense forces have been under since August 2. Since the beginning of the Scud missile attacks in January—39 to date—these costs have skyrocketed.

Israel's economy has been stretched to the limit in an effort to meet its defense needs as it simultaneously grapples with what many expect to be a $42 billion cost of heroically absorbing hundreds of thousands of Soviet Jews. Since August 2, Israel has passed two supplemental appropriations bills totaling almost $400 million and raised its already high tax rates significantly to meet increased defense and immigration absorption needs.

Israel has made a vital contribution to the coalition efforts in the gulf by showing restraint in the face of Iraqi attacks. Like the other frontline states, including Turkey, Egypt, and even Jordan, who have received more than $20 billion in assistance from the international community, Israel deserves supplemental aid. Although Israel has received financial support from Germany, this assistance falls far short of what Israel needs to keep its defenses strong enough to defend itself sufficiently. Because Israel depends on its friend and ally, the United States, for financial aid, it is imperative that we pass this emergency supplemental assistance legislation.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair on behalf of the Speaker announces that tonight when the Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance which is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

HOUR OF MEETING ON TOMORROW, MARCH 7, 1991

Mr. CLEMENT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet 10 a.m. on tomorrow, March 7, 1991.

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

There was no objection.

□ 1500

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. MCNULTY). The Chair will now recognize Members until 5:30 p.m., at which time the Chair will declare the House in recess.

BANK SUPPORTS TROOPS IN OPERATION DESERT STORM

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

Mr. MONTGOMERY. Mr. Speaker, I want to call to the attention of my colleagues a television commercial made by Deposit Guaranty National Bank in Jackson, MS, in support of our troops involved in Operation Desert Shield and their families.

The spot is actually a short dramatization featuring a small girl who is writing her father in the Persian Gulf. She says she misses him, but that she is proud of what he is doing. The commercial is very well done and has actually been run as a public service announcement by some television stations in our State.

The bank made copies of the spot, along with introductory remarks by Deposit Guaranty chairman Bud Robinson, available to all unit commanders of the Mississippi National Guard who are on active duty either in the Persian Gulf or here in the United States.

Mississippi has been well represented in Operation Desert Storm in the ranks of the active forces as well as the National Guard and Reserve. This effort by Deposit Guaranty is another indication of the strong support Mississipians have given to our President and our troops.

The management of Deposit Guaranty should be commended for this very fine visual tribute to our military personnel and their families.

A FREE KUWAIT, A FREE UNITED STATES OF AMERICA

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

Mr. ALEXANDER. Mr. Speaker, this evening the President will address a joint session of Congress, assembled to address among other things the subject of a free Kuwait.

I would like to take a few minutes to address the subject of a free United States of America.

Last December the U.S. Alternative Fuels Council passed a resolution with

the goal of making this Nation more energy independent.

By meeting the goal, we would displace about 2.5 million barrels of oil a day—roughly the amount we now receive from the Persian Gulf region.

Yesterday, a working group met here in Washington to discuss ways and means of achieving this displacement in the transportation fuels market by the year 2010.

The fuels included in the study are compressed natural gas, ethanol, methanol, propane, and electricity.

The process is not complete and the numbers aren't firmed up as yet, but one expert predicted, for example, that we could produce 14 billion gallons of grain-based ethanol per year in this Nation by 2010.

And, that is only on current cropland. If acres lying fallow to meet the requirements of Federal farm programs are factored in, production of grain-based ethanol could reach 30 billion gallons a year.

Mr. Speaker, I will place a chart in the RECORD which outlines displacement potentials under the scenario on which we are currently working to show my colleagues what sort of expansion in the use of alternate fuels might be expected.

And, it is important to look beyond the numbers. You see, what this all means is less imported oil, more money for our Nation's farm economy, and greater independence and security for America. It could also mean not having to send our troops to the Persian Gulf again.

President Bush's national energy strategy is now on the table. I have applauded this effort, although I do not believe it goes far enough and that it relies too heavily on oil with too little emphasis on alternative fuels and conservation.

But, the national energy strategy—combined with efforts such as those being made by the U.S. Alternative Fuels Council—can result in a policy which will not see us send $1.1 trillion overseas to foreign oil producers as we did in the last decade.

And, it is important to note that the current scenario on which we are working is not the end of the process. Others will propose data based on their assumptions.

I say this as a way of reporting to my colleagues that progress is underway to reduce America's dependence on foreign oil, that the members of the U.S. Alternative Fuels Council are at work and that realistic plans are being laid to make us more self-reliant in energy.

We will have proposals before us here on this floor at some point which will require tough decisions.

But, we must make them.

We have, for years, had the technology to decrease our dependence but have lacked the political will and resolve to break our addiction to foreign crude.

Fuel type	*Oil displaced*[1]
9 percent ethanol in gasoline	60,000
17.1 percent ETBE	200,000
15 percent MTBE in gasoline	280,000
Electricity	390,000
CNG	480,000
LPG	100,000
Ethanol (E–85)	130,000
Methaol	860,000
Total displacement in this scenario	2,500,000

[1] Barrels a day.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, March 5, 1991, the House will now stand in recess until approximately 8:40 p.m.

Accordingly (at 3 o'clock and 6 minutes p.m.), the House stood in recess until 8:40 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 8 o'clock and 44 minutes p.m.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 1281, DIRE EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 1991

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 102–11) on the resolution (H. Res. 103) waiving certain points of order against consideration of the bill (H.R. 1281) making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING CERTAIN POINTS OF ORDER AGAINST CONSIDERATION OF H.R. 1282, SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE FOR OPERATION DESERT SHIELD/DESERT STORM FOR FISCAL YEAR 1991

Mr. BONIOR, from the Committee on Rules, submitted a privileged report (Rept. No. 102–12) on the resolution (H. Res. 104) waiving certain points of order against consideration of the bill (H.R. 1282) making supplemental appropriations and transfers for Operation Desert Shield/Desert Storm for the fiscal year ending September 30, 1991, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 83 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The SPEAKER of the House presided.

The Doorkeeper, the Honorable James T. Molloy, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Missouri [Mr. GEPHARDT];

The gentleman from Pennsylvania [Mr. GRAY];

The gentleman from Maryland [Mr. HOYER];

The gentleman from Michigan [Mr. BONIOR];

The gentleman from California [Mr. FAZIO];

The gentleman from Texas [Mr. BROOKS];

The gentleman from Illinois [Mr. MICHEL];

The gentleman from Georgia [Mr. GINGRICH];

The gentleman from California [Mr. LEWIS];

The gentleman from Oklahoma [Mr. EDWARDS];

The gentleman from California [Mr. HUNTER]; and

The gentleman from Texas [Mr. ARCHER].

On this special occasion, the Chair is also going to name to the committee those Members who had children or grandchildren serving in Operation Desert Storm:

The gentleman from Texas [Mr. DE LA GARZA];

The gentleman from Ohio [Mr. MILLER];

The gentleman from Georgia [Mr. BARNARD];

The gentleman from Missouri [Mr. SKELTON];

The gentlewoman from Maryland [Mrs. BYRON];

The gentleman from Kentucky [Mr. BUNNING]; and

The gentleman from Illinois [Mr. COSTELLO].

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the

President of the United States into the House Chamber:

The Senator from Maine [Mr. MITCHELL];

The Senator from Kentucky [Mr. FORD];

The Senator from Arkansas [Mr. PRYOR];

The Senator from Hawaii [Mr. INOUYE];

The Senator from Illinois [Mr. DIXON];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Virginia [Mr. ROBB];

The Senator from Alabama [Mr. SHELBY];

The Senator from Kansas [Mr. DOLE];

The Senator from Wyoming [Mr. SIMPSON];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from Oklahoma [Mr. NICKLES];

The Senator from Wisconsin [Mr. KASTEN];

The Senator from Texas [Mr. GRAMM];

The Senator from South Carolina [Mr. THURMOND]; and

The Senator from Virginia [Mr. WARNER].

The Doorkeeper announced the ambassadors, ministers, and charges d'affaires of foreign governments.

The ambassadors, ministers, and charges d'affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 10 minutes p.m., the Doorkeeper announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives and stood at the Clerk's desk.

[Applause, the Members rising.]

The SPEAKER. Mr. President, it is customary in joint sessions for the Chair to present the President to the Members of Congress directly and without further comment.

But I wish to depart from tradition tonight and express to you, on behalf of the Congress and the country, and, through you, to the members of our Armed Forces our warmest congratulations on the brilliant victory of the Desert Storm Operation.

Members of Congress, I now have the high privilege and distinct honor of presenting to you the President of the United States.

[Applause, the Members rising].

ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102–52)

The PRESIDENT. Thank you, Mr. Speaker. Mr. Speaker, thank you, sir, for those very generous words spoken from the heart about the wonderful performance of our military.

Mr. President, Mr. Speaker, Members of Congress: Five short weeks ago, I came to this House to speak to you about the State of the Union. We met then in time of war. Tonight, we meet in a world blessed by the promise of peace.

From the moment Operation Desert Storm commenced on January 16, until the time the guns fell silent at midnight 1 week ago, this Nation has watched its sons and daughters with pride—watched over them with prayer. As Commander in Chief, I can report to you: Our Armed Forces fought with honor and valor, and as President, I can report to the Nation—aggression is defeated. The war is over.

This is a victory for every country in the coalition, and for the United Nations, a victory for unprecedented international cooperation and diplomacy, so well led by our Secretary of State James Baker. It is a victory for the rule of law and for what is right.

Desert Storm's success belongs to the team that so ably leads our Armed Forces—our Secretary of Defense and our Chairman of the Joint Chiefs: Dick Cheney and Colin Powell.

And of course, this military victory also belongs to the one the British call the Man of the Match—the tower of calm at the eye of Desert Storm—Gen. Norman Schwarzkopf.

And let us, recognizing this was a coalition effort, not forget Saudi General Khalid, or Britian's General de la Billiere, or General Roquejoffre of France, and all the others whose leadership played such a vital role. And most importantly, all those who served in the field.

I thank the Members of this Congress—support here for our troops in battle was overwhelming. And above all, I thank those whose unfailing love and support sustained our courageous men and women: I thank the American people.

Tonight, I come to this House to speak about the world—the world after war.

The recent challenge could not have been clearer. Saddam Hussein was the villain; Kuwait the victim. To the aid of this small country came nations from North America and Europe, from Asia and South America, from Africa and the Arab world—all united against aggression.

Our uncommon coalition must now work in common purpose to forge a future that should never again be held hostage to the darker side of human nature.

Tonight in Iraq, Saddam walks amidst ruin. His war machine is crushed. His ability to threaten mass destruction is itself destroyed. His people have been lied to—denied the truth. And when his defeated legions come home, all Iraqis will see and feel the havoc he has wrought. And this I promise you: For all that Saddam has done to his own people, to the Kuwaitis, and to the entire world—Saddam and those around him are accountable.

All of us grieve for the victims of war, for the people of Kuwait and the suffering that scars the soul of that proud nation. We grieve for all our fallen soldiers and their families, for all the innocents caught up in this conflict. And yes, we grieve for the people of Iraq—a people who have never been our enemy. My hope is that one day we will once again welcome them as friends into the community of nations.

Our commitment to peace in the Middle East does not end with the liberation of Kuwait. So tonight, let me outline four key challenges to be met:

First, we must work together to create shared security arrangements in the region. Our friends and allies in the Middle East recognize that they will bear the bulk of the responsibility for regional security. But we want them to know that just as we stood with them to repel aggression, so now America stands ready to work with them to secure the peace.

This does not mean stationing U.S. ground forces on the Arabian Peninsula, but it does mean American participation in joint exercises involving both air and ground forces. It means maintaining a capable U.S. naval presence in the region, just as we have for over 40 years. Let it be clear: Our vital national interests depend on a stable and secure gulf.

Second, we must act to control the proliferation of weapons of mass destruction and the missiles used to deliver them. It would be tragic if the nations of the Middle East and Persian Gulf were now, in the wake of war, to embark on a new arms race. Iraq requires special vigilance. Until Iraq convinces the world of its peaceful intentions—that its leaders will not use new revenues to rearm and rebuild its menacing war machine—Iraq must not have access to the instruments of war.

Third, we must work to create new opportunities for peace and stability in the Middle East. On the night I announced Operation Desert Storm, I expressed my hope that out of the horrors of war might come new momentum for peace. We have learned in the modern age, geography cannot guarantee security and security does not come from military power alone.

All of us know the depth of bitterness that has made the dispute between Israel and its neighbors so painful and intractable. Yet, in the conflict just concluded, Israel and many of the Arab

States have for the first time found themselves confronting the same aggressor. By now, it should be plain to all parties that peacemaking in the Middle East requires compromise. At the same time, peace brings real benefits to everyone. We must do all that we can to close the gap between Israel and the Arab States—and between Israelis and Palestinians. The tactics of terror lead absolutely nowhere. There can be no substitute for diplomacy.

A comprehensive peace must be grounded in U.N. Security Council Resolutions 242 and 338 and the principle of territory for peace. This principle must be elaborated to provide for Israel's security and recognition, and at the same time for legitimate Palestinian political rights. Anything else would fail the twin tests of fairness and security. The time has come to put an end to Arab-Israeli conflict.

The war with Iraq is over. The quest for solutions to the problems in Lebanon, in the Arab-Israeli dispute, and in the gulf must go forward with new vigor and determination. I guarantee you: No one will work harder for a stable peace in the region than we will.

Fourth, we must foster economic development for the sake of peace and progress. The Persian Gulf and Middle East form a region rich in natural resources with a wealth of untapped human potential. Resources once squandered on military might must be redirected to more peaceful ends. We are already addressing the immediate economic consequences of Iraq's aggression. Now, the challenge is to reach higher—to foster economic freedom and prosperity for all people of the region.

By meeting these four challenges we can build a framework for peace. I have asked Secretary of State Baker to go to the Middle East to begin the process. He will go to listen, to probe, to offer suggestions, and to advance the search for peace and stability. I have also asked him to raise the plight of the hostages held in Lebanon. We have not forgotten them. We will not forget them.

To all the challenges that confront this region of the world, there is no single solution, no solely American answer. But we can make a difference. America will work tirelessly as a catalyst for positive change.

But we cannot lead a new world abroad if, at home, it's politics as usual on American defense and diplomacy. It's time to turn away from the temptation to protect unneeded weapons systems and obsolete bases. It's time to put an end to micromanagement of foreign and security assistance programs, micromanagement that humiliates our friends and allies and hamstrings our diplomacy. It's time to rise above the parochial and the pork barrel—to do what is necessary, what's right, and what will enable this Nation to play the leadership role required of us.

The consequences of the conflict in the gulf reach far beyond the confines of the Middle East. Twice before in this century, an entire world was convulsed by war. Twice this century, out of the horrors of war hope emerged for enduring peace. Twice before, those hopes proved to be a distant dream, beyond the grasp of man.

Until now, the world we've known has been a world divided—a world of barbed wire and concrete block, conflict and cold war.

Now, we can see a new world coming into view, a world in which there is the very real prospect of a new world order, in the words of Winston Churchill, a "world order" in which "the principles of justice and fair play * * * protect the weak against the strong * * *," a world where the United Nations, freed from cold war stalemate, is poised to fulfill the historic vision of its founders, a world in which freedom and respect for human rights find a home among all nations.

The gulf war put this new world to its first test. And my fellow Americans: We passed that test.

For the sake of our principles—for the sake of the Kuwaiti people—we stood our ground. Because the world would not look the other way, Ambassador Al-Sabah, tonight, Kuwait is free.

We are very happy about that.

Tonight, as our troops begin to come home, let us recognize that the hard work of freedom still calls us forward. We've learned the hard lessons of history. The victory over Iraq was not waged as "a war to end all wars." Even the new world order cannot guarantee an era of perpetual peace. But enduring peace must be our mission.

Our success in the gulf will shape not only the new world order we seek, but our mission here at home.

In the war just ended, there were clear-cut objectives, timetables and, above all, an overriding imperative to achieve results. We must bring that same sense of self-discipline, that same sense of urgency, to the way we meet challenges here at home.

In my State of the Union address and in my budget, I defined a comprehensive agenda to prepare for the next American century.

Our first priority is to get this economy rolling again. The fear and uncertainty caused by the gulf crises were understandable. But now that the war is over, oil prices are down, interest rates are down, and confidence is rightly coming back. Americans can move forward to lend, spend and invest in this, the strongest economy on Earth.

We must also enact the legislation that is key to building a better America. For example: In 1990, we enacted an historic Clean Air Act. Now we've proposed a national energy strategy. We passed a child care bill that put power in the hands of parents. Today, we're ready to do the same thing with our schools, and expand choice in education. We passed a crime bill that made a useful start in fighting crime and drugs. This year we're sending to Congress our comprehensive crime package to finish the job. We passed the landmark Americans With Disabilities Act. Now we've sent forward our civil rights bill. We also passed the aviation bill. This year we've sent up our new highway bill.

And these are just a few of our pending proposals for reform and renewal.

So tonight, I call on Congress to move forward aggressively on our domestic front. Let's begin with two initiatives we should be able to agree on quickly: Transportation and crime. And then, let's build on success with those and enact the rest of our agenda. If our forces could win the ground war in 100 hours, then surely the Congress can pass this legislation in 100 days. Let that be a promise we make tonight to the American people.

When I spoke in this House about the State of our Union, I asked all of you: If we can selflessly confront evil for the sake of good in a land so far away, then surely we can make this land all that it should be. In the time since then, the brave men and women of Desert Storm accomplished more than even they may realize. They set out to confront an enemy abroad, and in the process, they transformed a nation at home.

Think of the way they went about their mission—with confidence and quiet pride. Think about their sense of duty, about all they taught us, about our values, about ourselves.

We hear so often about our young people in turmoil; how our children fall short; how our schools fail us; how American products and American workers are second class. Well, don't you believe it. The America we saw in Desert Storm was first-class talent.

And they did it using America's state-of-the-art technology. We saw the excellence embodied in the Patriot missile and the patriots who made it work.

And we saw soldiers who know about honor and bravery and duty and country and the world-shaking power of these simple words.

There is something noble and majestic about the pride, about the patriotism, that we feel tonight.

So, to everyone here, and everyone watching at home, think about the men and women of Desert Storm. Let us honor them with our gratitude. Let us comfort the families of the fallen and remember each precious life lost.

Let us learn from them as well. Let us honor those who have served us by serving others.

Let us honor them as individuals—men and women of every race, all creeds and colors—by setting the face

of this Nation against discrimination, bigotry and hate. Eliminate them.

I'm sure many of you saw on the television the unforgettable scene of four terrified Iraqi soldiers surrendering. They emerged from their bunker—broken, tears streaming from their eyes, fearing the worst. And then there was the American soldier. Remember what he said? He said: "It's OK. You're all right now. You're all right now."

That scene says a lot about America, a lot about who we are. Americans are a caring people. We are a good people, a generous people. Let us always be caring and good and generous in all we do.

Soon, very soon, our troops will begin the march we've all been waiting for—their march home. I have directed Secretary Cheney to begin the immediate return of American combat units from the gulf.

Less than 2 hours from now, the first planeload of American soldiers will lift off from Saudi Arabia headed for the U.S.A. That plane will carry men and women of the 24th Mechanized Infantry Division bound for Fort Stewart, GA. This is just the beginning of a steady flow of American troops coming home.

Let their return remind us that all those who have gone before are linked with us in the long line of freedom's march. Americans have always tried to serve, to sacrifice nobly for what we believe to be right.

Tonight, I ask every community in this country to make this coming 4th of July a day of special celebration for our returning troops. They may have missed Thanksgiving and Christmas, but I can tell you this: For them and for their families, we can make this a holiday they'll never forget.

In a very real sense, this victory belongs to them—to the privates and the pilots, to the sergeants and the supply officers, to the men and women in the machines, and the men and women who made them work. It belongs to the Regulars, to the Reserves, to the National Guard. This victory belongs to the finest fighting force this Nation has ever know in its history.

We went halfway around the world to do what is moral and just and right. We fought hard, and—with others—we won the war. We lifted the yoke of aggression and tyranny from a small country that many Americans had never even heard of, and we ask nothing in return.

We're coming home now—proud. Confident—heads high. There is much that we must do at home and abroad. And we will do it. We are Americans.

May God bless this great Nation—the United States of America.

Thank you all very much.

[Applause, the Members rising.]

At 9 o'clock and 44 minutes p.m., the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted by invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 9 o'clock and 49 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE ON THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. HOYER. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

The motion was agreed to.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LAGOMARSINO (at the request of Mr. MICHEL) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HASTERT) to revise and extend their remarks and include extraneous material:)

Mr. GINGRICH, for 60 minutes, on March 12, 13, 19, 20, and 21.

Mr. BILIRAKIS, for 60 minutes, on March 20.

Mr. DREIER of California, for 5 minutes, today.

(The following Members (at the request of Mr. CLEMENT) to revise and extend their remarks and include extraneous material:)

Mr. GLICKMAN, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. LAFALCE, for 10 minutes, today.

Mr. MOODY, for 60 minutes, today.

Mr. MFUME, for 60 minutes, today and on March 12.

Mr. DYMALLY, for 60 minutes, on March 12.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. HASTERT) and to include extraneous matter:)

Mr. CAMPBELL of California.

Mr. CRANE.

Mr. BEREUTER in five instances.

Mr. MCGRATH.

Mr. BURTON of Indiana.

Mr. KYL.

Mr. PETRI.

Mr. DUNCAN.

Mr. RITTER.

Mr. MILLER of Washington.

Mr. BUNNING.

(The following Members (at the request of Mr. CLEMENT) and to include extraneous matter:)

Mr. FOGLIETTA.

Mr. PEASE.

Mr. SWETT.

Mr. MAZZOLI.

Mr. STOKES.

Mr. SKELTON.

Mr. RICHARDSON.

Mr. APPLEGATE.

Mr. ACKERMAN in two instances.

Mrs. KENNELLY.

Mr. ROWLAND.

Mr. FASCELL.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 84. Joint resolution disapproving the action of the District of Columbia Council in approving the Schedule of Heights Amendment Act of 1990.

ADJOURNMENT

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 7, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of the rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

780. A letter from the Secretary of Defense, transmitting the Department's annual report to Congress for fiscal year 1991, pursuant to 10 U.S.C. 113(c), (e); to the Committee on Armed Services.

781. A letter from the Comptroller of the Currency, transmitting a copy of OCC Compensation Program fact sheet; to the Committee on Banking, Finance and Urban Affairs.

782. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 15th annual report of the Corporation's Office of Consumer Affairs, pursuant to 15

U.S.C. 57a(f)(6); to the Committee on Banking, Finance and Urban Affairs.

783. A letter from the Department of Energy, transmitting notification that the report required by section 120(e)(5) of SARA will be submitted in April 1991; to the Committee on Energy and Commerce.

784. A letter from the Commodity Futures Trading Commission, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

785. A letter from the Farm Credit Administration, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1990, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

786. A letter from the James Madison Memorial Fellowship Foundation, transmitting the annual report in compliance with the Inspector General Act Amendments of 1988; to the Committee on Government Operations.

787. A letter from the National Aeronautics and Space Administration, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

788. A letter from the National Endowment of the Arts, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

789. A letter from the Alaska Natural Gas Transportation System, Office of the Federal Inspector, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

790. A letter from the Resolution Trust Corporation, transmitting a report on its activities under the Freedom of Information Act for calendar year 1990, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

791. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to provide authority to the Secretary of the Interior to undertake certain activities to reduce the impacts of drought conditions, and for other purposes; to the Committee on Interior and Insular Affairs.

792. A letter from the Supreme Court of the United States, transmitting the annual report on administrative costs of protecting Supreme Court officials, pursuant to 40 U.S.C. 13n(c); to the Committee on the Judiciary.

793. A letter from the Secretary, Department of Commerce, transmitting the annual report on the effect of process patent amendments on domestic industries, pursuant to 35 U.S.C. 271 nt.; to the Committee on the Judiciary.

794. A letter from the Deputy Administrator, General Services Administration, transmitting informational copies of lease prospectuses, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

795. A letter from the Secretary of Transportation, transmitting a revised estimate of the cost to complete the Dwight D. Eisenhower System of Interstate and Defense Highways, pursuant to U.S.C. 104(b)(5)(A); to the Committee on Public Works and Transportation.

796. A letter from the Secretary of Transportation, transmitting the National Plan of Integrated Airport Systems (NPIAS), 1990–1999; to the Committee on Public Works and Transportation.

797. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit of the Savings Association Insurance Fund's 1989 financial statements, pursuant to 31 U.S.C. 9106(a); jointly, to the Committee on Banking, Finance and Urban Affairs and Government Operations.

798. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1992 and 1993 for the United States Information Agency and for other purposes, pursuant to 31 U.S.C. 1110; jointly to the Committees on Foreign Affairs and the Judiciary.

799. A letter from the Secretary of Energy, transmitting a draft of proposed legislation to implement the National Energy Strategy, and for other purposes; jointly, to the Committees on Energy and Commerce, Interior and Insular Affairs, Science, Space, and Technology, Ways and Means, Merchant Marine and Fisheries, Public Works and Transportation, the Judiciary, Armed Services, and Government Operations.

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. FROST. Committee on Rules. House Resolution 103, a resolution waiving certain points of order against consideration of H.R. 1281, a bill making dire emergency supplemental appropriations for the consequences of Operation Desert Shield/Desert Storm, food stamps, unemployment compensation administration, veterans compensation and pensions, and other urgent needs for the fiscal year ending September 30, 1991, and for other purposes, (Rept. 102–11). Referred to the House Calendar.

Mr. DERRICK. Committee on Rules. House Resolution 104 a resolution waiving certain parts of order against consideration of H.R. 1282, a bill making supplemental appropriations and transfers for "Operation Desert Shield/Desert Storm" for the fiscal year ending September 30, 1991, and for other purposes (Rept. 102–12). 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. GIBBONS (for himself, Mr. PICKLE, Mr. DOWNEY, Mr. CRANE, and Mr. SCHULZE):

H.R. 1283. A bill to amend the Caribbean Basin Economic Recovery Act to repeal the provisions exempting certain articles from duty-free treatment under the act; to the Committee on Ways and Means.

By Mr. FASCELL (for himself, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. WOLPE, Mr. GEJDENSON, Mr. DYMALLY, Mr. LANTOS, Mr. TORRICELLI, Mr. BERMAN, Mr. LEVINE of California, Mr. FEIGHAN, Mr. WEISS, Mr. ACKERMAN, Mr. UDALL, Mr. OWENS of Utah, Mr. JOHNSTON of Florida, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. MCCLOSKEY, Mr. SAWYER, Mr. PAYNE of New Jersey, Mr. BROOMFIELD, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEACH, Ms. SNOWE, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. HOUGHTON, Mr. GOSS, and Ms. ROS-LEHTINEN):

H.R. 1284. A bill to authorize emergency supplemental assistance for Israel for additional costs incurred as a result of the Persian Gulf conflict; to the Committee on Foreign Affairs.

By Mr. FORD of Michigan:

H.R. 1285. A bill to resolve legal and technical issues relating to Federal postsecondary student assistance programs and to prevent undue burdens on participants in Operation Desert Storm, and for other purposes; to the Committee on Education and Labor.

By Mrs. COLLINS of Illinois (for herself and Mr. MCMILLAN of North Carolina):

H.R. 1286. A bill to grant certain authorities to the Secretary of the Treasury with respect to the seizure of assets in the United States that are owned or controlled by the Government of Iraq; jointly, to the Committees on Foreign Affairs and Energy and Commerce.

By Mr. SCHULZE (for himself, Mr. THOMAS of California, Mr. BUNNING, Mr. BAKER, Mr. BALLENGER, Mr. BONIOR, Mr. BUSTAMANTE, Mr. CAMPBELL of Colorado, Mr. COMBEST, Mr. DANNEMEYER, Mr. DORNAN of California, Mr. EMERSON, Mr. GALLEGLY, Mr. GALLO, Mr. GILMAN, Mr. GOSS, Mr. HANSEN, Mr. HERGER, Mr. HORTON, Mr. HUNTER, Mr. HYDE, Mr. INHOFE, Mr. JEFFERSON, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. LENT, Mr. LIGHTFOOT, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MARTIN of New York, Mr. MARTINEZ, Mr. MCDADE, Mr. MURPHY, Mr. PORTER, Mr. QUILLEN, Mr. RAVENEL, Mr. RHODES, Mr. SLAUGHTER of Virginia, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Mr. SOLOMON, Mr. THOMAS of Wyoming, Mr. TOWNS, Mrs. VUCANOVICH, Mr. WALKER, Mr. WALSH, Mr. WOLF, Mr. SMITH of Texas, Mr. PARKER, Mr. GILCHREST, Mr. PACKARD, Mr. ZELIFF, Mr. CUNNINGHAM, Mr. FISH, Mr. ERDREICH, and Mr. SKEEN):

H.R. 1287. A bill to amend the Internal Revenue Code of 1986 to repeal the age and dollar limitations on the one-time exclusion of gain on the sale of a principal residence; to the Committee on Ways and Means.

By Mrs. BOXER (for herself and Ms. WATERS):

H.R. 1288. A bill to establish an entitlement program regarding the immunization of infants against vaccine-preventable diseases; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California (for himself, Mr. HORTON, Mr. OBERSTAR, Mr. WALSH, Mr. LAGOMARSINO, Mr. HYDE, Mr. BUNNING, Mr. HUGHES, Mr. FROST, and Mr. DANNEMEYER):

H.R. 1289. A bill to amend title II of the Social Security Act to eliminate work disincentives for individuals who are blind within the meaning of such Act; to the Committee on Ways and Means.

By Mr. WYLIE:

H.R. 1290. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for contributions to individual retirement accounts; to the Committee on Ways and Means.

H.R. 1291. A bill to amend the Internal Revenue Code of 1986 to encourage the establish-

ment of family savings accounts, to permit penalty-free withdrawals from individual retirement plans for the purchase of a first home, and to require that the accounts involved be in federally insured financial institutions; to the Committee on Ways and Means.

By Mr. CAMPBELL of Colorado (for himself, Mr. MARLENEE, Mr. DORGAN of North Dakota, Mr. HANSEN, Mr. HERGER, Mr. JOHNSON of South Dakota, Mr. KOLBE, Mr. KYL, Mr. LAGOMARSINO, Mr. PANETTA, Mr. RHODES, Mr. ROBERTS, Mr. SMITH of Oregon, Mr. STALLINGS, Mr. STUMP, Mrs. VUCANOVICH, Mr. WILLIAMS, Mr. YOUNG of Alaska, and Mr. ORTIZ):

H.R. 1292. A bill to make permanent the formula for determining fees for the grazing of livestock on public rangelands; to the Committee on Interior and Insular Affairs.

By Mrs. COLLINS of Illinois (for herself, Mr. ECKART, Mr. BOUCHER, Mr. KOSTMAYER, Mr. COOPER, Mr. BRUCE, and Mr. SLATTERY):

H.R. 1293. A bill to prohibit rental car companies from imposing liability on renters with center exceptions, to prohibit such companies from selling collision damage waivers in connection with private passenger automobile rental agreements of not more than 30 days, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DE LA GARZA:

H.R. 1294. A bill to correct the representation and positions on the Environment for the Americas Board; jointly, to the Committees on Agriculture and Foreign Affairs.

By Mr. FRANK of Massachusetts:

H.R. 1295. A bill to amend the Small Business Act to establish a credit evaluation program to assist small business concerns located in States in which there is a shortage of credit in obtaining loans from financial institutions; to the Committee on Small Business.

By Mr. HUTTO:

H.R. 1296. A bill to authorize the President to award a gold medal on behalf of the Congress to Gen. H. Norman Schwarzkopf and to provide for the production of bronze duplicates of such medal for sale to the public; to the Committee on Banking, Finance and Urban Affairs.

By Mr. JONES of North Carolina (for himself, Mr. DAVIS, Mr. STUDDS, Mr. ABERCROMBIE, Mr. FOGLIETTA, Mr. GOSS, Mr. HOCHBRUECKNER, Mr. HUGHES, Mr. JEFFERSON, Mr. LIPINSKI, Mr. MANTON, Mr. PICKETT, Mr. RAVENEL, Mr. SAXTON, and Mr. TALLON):

H.R. 1297. A bill to amend the Dingell-Johnson Sport Fish Restoration Act to authorize the use by coastal States of apportionments under that act for construction, renovation, and maintenance of shoreside pumpout stations for marine sanitation devices; to the Committee on Merchant Marine and Fisheries.

By Mrs. KENNELLY (for herself, Mr. GEJDENSON, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, and Mr. FRANKS of Connecticut):

H.R. 1298. A bill to provide, with respect to those areas of Connecticut which were excluded from the President's recent exercise of authority under section 302 of the Federal Employees Pay Comparability Act of 1990, the same pay increase as was provided with respect to the New York-Northern New Jersey-Long Island, NY-NJ-CT Consolidated Metropolitan Statistical Area; and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. KYL:

H.R. 1299. A bill to amend the Federal Election Campaign Act of 1971 and the Internal Revenue Code of 1986 to reduce the influence of special interests in elections for Federal office and to increase the influence of individuals and political parties in such elections; jointly, to the Committees on House Administration and Ways and Means.

By Mr. RUSSO (for himself, Mr. MILLER of California, Mr. MOODY, Mr. DOWNEY, Ms. PELOSI, Mr. SCHUMER, Mr. RANGEL, Mr. MCDERMOTT, Mr. YATES, Mr. ANNUNZIO, Mrs. COLLINS of Illinois, Mr. SAVAGE, Mr. LIPINSKI, Mr. EVANS, Mr. HAYES of Illinois, Mr. SANGMEISTER, Mr. MARKEY, Mr. KLECZKA, Mr. MARTINEZ, Mr. LAFALCE, Mrs. MINK, and Mr. OBERSTAR):

H.R. 1300. A bill entitled the Universal Health Care Act of 1991; jointly, to the Committees on Energy and Commerce, Ways and Means, Post Office and Civil Service, Armed Services, and Veterans' Affairs.

By Mr. DINGELL (for himself and Mr. LENT (both by request) and Mr. MOORHEAD):

H.R. 1301. A bill to implement the National Energy Strategy, and for other purposes; jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; Armed Services; Merchant Marine and Fisheries; Science; Space; and Technology; Government Operations; the Judiciary; Public Works and Transportation; and Ways and Means.

By Mr. MCCLOSKEY:

H.R. 1302: A bill to provide relief for military personnel serving in Operations Desert Shield and Desert Storm who are participants in student financial assistance programs; to the Committee on Education and Labor.

By Mr. MARKEY (for himself and Mr. DINGELL):

H.R. 1303. A bill 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; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. RINALDO, Mr. RICHARDSON, Mr. SLATTERY, Mr. BOUCHER, Mr. COOPER, Mr. HARRIS, Mr. FRANK of Massachusetts, Mrs. ROUKEMA, Mr. SHAYS, and Mr. STARK):

H.R. 1304. A bill to amend the Communications Act of 1934 to regulate the use of telephones in making commercial solicitations; to the Committee on Energy and Commerce.

By Mr. MARKEY (for himself, Mr. RICHARDSON, Mr. SLATTERY, Mr. COOPER, and Mr. FRANK of Massachusetts):

H.R. 1305. A bill to amend the Communications Act of 1934 to protect the privacy rights of telephone subscribers; to the Committee on Energy and Commerce.

By Mr. MILLER of California (for himself, Mr. DE LUGO, Mr. ROYBAL, Mr. RAHALL, Mr. STARK, Mr. MRAZEK, Mr. YATES, Mrs. COLLINS of Illinois, Mr. GUARINI, Mr. FALEOMAVAEGA, Mr. RAVENEL, Mr. UDALL, Mr. MARKEY, Mr. MURPHY, Mr. TOWNS, Mr. HORTON, Mr. TORRES, Mr. HOAGLAND, Mr. OWENS of Utah, Mr. BROWN of California, Mr. FAZIO, Mr. EDWARDS of California, Mr. FUSTER, Mr. BEILENSON, Mr. SOLARZ, Mr. WOLPE, Mr. ROSE, Mr. HERTEL, Mr. WAXMAN, Mr. BLAZ, Mr. JONTZ, Mr. ABERCROMBIE, Mr. DELLUMS, Mr. CAMPBELL of Colorado, Mr. SCHUMER, Mr. LEWIS of Georgia, Ms. PELOSI, Mrs. MORELLA, Mr. VENTO, Mr. JOHNSON of South Dakota, Mr. DEFAZIO, Mr. HOCHBRUECKNER, Mr. LANTOS, Mr. BENNETT, Mr. JOHNSTON of Florida, Mr. SIKORSKI, Mr. BONIOR, Mr. BERMAN, Mr. GEJDENSON, Mr. DURBIN, and Mr. JONES of North Carolina):

H.R. 1306. A bill to provide for the restoration of fish and wildlife and their habitat imported by the central valley project, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

By Mr. MILLER of Washington (for himself and Mr. CARPER):

H.R. 1307. A bill to amend the Merchant Marine Act of 1936 to authorize use of amounts in capital construction funds for compliance with fishing vessel safety, environmental, seafood wholesomeness, and other requirements; to the Committee on Merchant Marine and Fisheries.

By Mrs. MORELLA:

H.R. 1308. A bill to provide that a Federal employee serving on active duty during the Persian Gulf conflict as a member of a Reserve component of the Armed Forces shall be entitled to a special pay differential to make up for any lost earnings experienced while performing military service; to amend title 5, United States Code, to permit retroactive contributions to the thrift savings plan for any such employee; and for other purposes; jointly, to the Committees on Post Office and Civil Service and the District of Columbia.

By Mr. SMITH of Oregon (for himself, Mr. STENHOLM, Mr. YOUNG of Alaska, Mr. MARLENEE, Mr. EMERSON, Mr. HERGER, Mr. MORRISON, and Mrs. VUCANOVICH):

H.R. 1309. A bill to assure stability of communities dependent on outputs of timber and other resources from national forests and public lands, and for other purposes; jointly, to the Committees on Agriculture and Interior and Insular Affairs.

By Mrs. VUCANOVICH:

H.R. 1310. A bill to amend the Public Health Service Act to establish a program to educate the public on prostate cancer; to the Committee on Energy and Commerce.

H.R. 1311. A bill to amend title XIX of the Social Security Act to require State Medicaid plans to provide coverage of screening mammography; to the Committee on Energy and Commerce.

H.R. 1312. A bill to amend title XVIII of the Social Security Act to provide for coverage of annual screening mammography under part B of the Medicare Program for women 65 years of age or older; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CRANE (for himself, Mr. HORTON, Mr. DORNAN of California, Mr. ACKERMAN, and Mr. MCNULTY):

H.J. Res. 178. Joint resolution to authorize the National Committee of American Airmen Rescued by General Mihailovich to establish a memorial in the District of Columbia or its environs; to the Committee on House Administration.

By Mr. HOYER (for himself, Mr. RITTER, Mr. BUSTAMANTE, Mr. CARDIN, Mr. COX of California, Mr. DURBIN, Mr. HERTEL, Mr. LANTOS, Mr. SARPALIUS, Ms. SLAUGHTER of New York, Mr. SMITH of New Jersey, and Mr. THOMAS of Wyoming):

H.J. Res. 179. Joint resolution expanding United States support for the Baltic States; to the Committee on Foreign Affairs.

By Mr. LUKEN:

H.J. Res. 180. Joint resolution designating October 6, 1991, and October 6, 1992, each as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. SMITH of Florida:

H.J. Res. 181. Joint resolution designating the third Sunday of August of 1991 as "National Senior Citizens Day"; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself and Mr. MILLER of Washington):

H. Con. Res. 91. Concurrent resolution concerning restitution for Israel; to the Committee on Foreign Affairs.

By Mr. MURPHY:

H. Con. Res. 92. Concurrent resolution expressing the sense of Congress with respect to certain regulations of the Occupational Safety and Health Administration; to the Committee on Education and Labor.

By Mr. DORGAN of North Dakota (for himself, Mr. STARK, Mr. RUSSO, Mr. SMITH of Florida, Mr. WILLIAMS, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Mr. JONTZ, Mr. OBEY, Mr. KLECZKA, Mr. JOHNSON of South Dakota, Mr. ANDREWS of New Jersey, Mr. EVANS, Mr. ABERCROMBIE, and Mr. SANDERS):

H. Res. 101. Resolution disapproving the extension of fast track procedures to bills to implement trade agreements entered into after May 31, 1991; jointly, to the Committees on Ways and Means and Rules.

By Mr. HAMMERSCHMIDT:

H. Res. 102. Resolution commending the President and United States and allied military forces on the success of Operation Desert Storm; jointly, to the Committees on Armed Services and Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

23. By the SPEAKER: Memorial of the House of Representatives of the State of Texas, relative to the Resolution Trust Corp.; to the Committee on Banking, Finance and Urban Affairs.

24. Also, memorial of the Legislature of the State of Wyoming, relative to the dual banking system; to the Committee on Banking, Finance and Urban Affairs.

25. Also, memorial of the General Assembly of the State of Arkansas, relative to desecration of the American flag; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALL of Ohio:

H.R. 1313. A bill for the relief of Mary Lou Hamilton; to the Committee on the Judiciary.

By Mr. SYNAR (by request):

H.R. 1314. A bill to extend for 10 years the patent for the drug Ethiofos (WR2721) and its oral analogue; 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. 62: Mr. GOODLING, Mr. RAY, Mr. NEAL of North Carolina, and Mr. LAFALCE.

H.R. 64: Mr. BACCHUS, Mr. RAVENEL, Mr. GIBBONS, Mr. FASCELL, Mr. HERTEL, Mr. PETERSON of Florida, and Mr. IRELAND.

H.R. 108: Mr. FUSTER, Mr. FRANK of Massachusetts, Ms. NORTON, Mr. DYMALLY, Mr. BERMAN, and Ms. PELOSI.

H.R. 252: Mr. BEILENSON, Mr. MRAZEK, Mr. MANTON, and Mr. MAVROULES.

H.R. 260: Mr. JEFFERSON, Mr. MARTINEZ, and Mr. SANDERS.

H.R. 306: Mr. ARCHER.

H.R. 371: Mr. BOEHLERT.

H.R. 413: Mr. RAVENEL, Mr. MONTGOMERY, Mr. WYDEN, Mr. DICKINSON, Mr. ESPY, Mr. CRAMER, Mr. KOPETSKI, Mr. MAZZOLI, Mr. SIKORSKI, Mr. KILDEE, Mr. ATKINS, Mr. CALLAHAN, Mr. PERKINS, Mr. NEAL of North Carolina, and Mr. ZELIFF.

H.R. 426: Mr. GINGRICH and Mr. SHAYS.

H.R. 525: Mr. BATEMAN, Mr. HOBSON, Mr. CRAMER, and Mr. PAYNE of New Jersey.

H.R. 539: Mr. RAVENEL, Mr. YATES, Mr. SANDERS, Ms. KAPTUR, and Mr. BERMAN.

H.R. 540: Mr. DURBIN and Mr. MILLER of California.

H.R. 565: Mr. MAVROULES, Mr. MCHUGH, Mr. KOLTER, Mr. DICKS, Mr. ORTIZ, Mr. SMITH of New Jersey, Mr. ROYBAL, Mr. COUGHLIN, Mr. MCEWEN, Mr. PAXON, Mr. DREIER of California, Mr. LEHMAN of Florida, Mr. MCCOLLUM, Mr. GILMAN, Mr. FAWELL, Mr. MAZZOLI, and Mr. CONYERS.

H.R. 585: Mr. SKAGGS, Mr. RINALDO, Mr. WOLPE, Mr. CARPER, Mr. TOWNS, Mr. KOSTMAYER, Mr. RAVENEL, Mr. OWENS of New York, Mr. BERMAN, Mr. MARTINEZ, Mr. TORRICELLI, Mr. YATES, Mr. POSHARD, Mr. TORRES, Mr. TRAFICANT, Mr. DYMALLY, Mr. COYNE, Mr. TALLON, Mr. PERKINS, Mr. STARK, Mr. OBERSTAR, and Mr. EDWARDS of California.

H.R. 700: Mr. ZELIFF, Mr. INHOFE, Mr. CUNNINGHAM, Mr. LIGHTFOOT, Mr. GALLEGLY, Mr. GOSS, and Mr. ALLARD.

H.R. 710: Mr. KLECZKA.

H.R. 714: Mr. SKEEN, Mr. MCDERMOTT, Mr. ENGLISH, Mr. JEFFERSON, Mr. JENKINS, Mr. DWYER of New Jersey, Mr. FORD of Tennessee, Mr. HYDE, Mrs. MINK, and Mr. LANCASTER.

H.R. 722: Mr. ABERCROMBIE.

H.R. 723: Mr. ABERCROMBIE.

H.R. 765: Mr. INHOFE and Mr. BEREUTER.

H.R. 796: Mr. LENT, Mr. PACKARD, Mr. HORTON, Mr. RANGEL, Mr. HENRY, Mr. SCHIFF, Mr. CUNNINGHAM, Mr. KLUG, and Mr. LAFALCE.

H.R. 811: Mr. RAVENEL, Mr. GOSS, Mr. SANTORUM, Mr. HANCOCK, and Mr. HALL of Texas.

H.R. 908: Mr. RINALDO, Mr. LIPINSKI, and Mr. MCCLOSKEY.

H.R. 916: Mr. LANCASTER and Mr. FROST.

H.R. 919: Mr. LANCASTER and Mr. DERRICK.

H.R. 967: Mr. ANDREWS of New Jersey.

H.R. 968: Mr. HARRIS.

H.R. 999: Mr. POSHARD.

H.R. 1027: Mr. WILSON and Mr. HERTEL.

H.R. 1028: Mr. SOLOMON, Mr. HERTEL, Mr. ZELIFF, and Mr. KOLTER.

H.R. 1064: Mr. SUNDQUIST.

H.R. 1075: Mr. EVANS, Mr. CHAPMAN, Mr. BRUCE, Mr. ECKART, and Mr. HAMMERSCHMIDT.

H.R. 1079: Mr. HATCHER, Mr. RAVENEL, Mr. POSHARD, Mr. BOEHLERT, and Mr. EMERSON.

H.J. Res. 51: Mr. HUGHES, Mrs. LLOYD, Mr. MOORHEAD, Mr. WILSON, Mr. ESPY, Mr. RAHALL, Mrs. BYRON, Mr. HAMMERSCHMIDT, Mr. HATCHER, Mr. RAMSTAD, Mr. SANTORUM, Ms. SLAUGHTER of New York, Mr. STOKES, Mr. MARTINEZ, Mr. FAZIO, Mr. YOUNG of Florida, Mr. BLAZ, Mr. LANCASTER, Mr. BILBRAY, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. GUARINI, Mr. SCHEUER, Mr. STAGGERS, Mr. MCGRATH, Mr. BALLENGER, Mr. WAXMAN, Mr. CAMP, Mr. BROWDER, Mr. RIGGS, Mr. GONZALEZ, Ms. SNOWE, Mr. ALEXANDER, Mrs. MEYERS of Kansas, Mr. TAYLOR of Mississippi, Mrs. VUCANOVICH, Mr. CONDIT, Mr. DOWNEY, Mr. DWYER of New Jersey, and Mr. SANDERS.

H.J. Res. 72: Mr. ENGEL, Mr. GRANDY, Mr. HORTON, Mr. FAWELL, Ms. OAKAR, Mr. GOODLING, Mr. HUTTO, Mr. GILMAN, Mr. THOMAS of Georgia, Mr. TRAFICANT, Mr. DUNCAN, Mr. GUARINI, Mr. FEIGHAN, Mr. RAMSTAD, Mr. CLEMENT, Mr. RHODES, Mr. SISISKY, Mr. CRAMER, Mr. DINGELL, Mr. BOUCHER, Mr. PERKINS, Mr. RAHALL, Mr. ZELIFF, Mr. MYERS of Indiana, Mr. YATRON, Mr. ABERCROMBIE, Mr. MCDADE, Mr. TRAXLER, Mr. PETRI, Mr. ROBERTS, Mr. DEFAZIO, Mr. SERRANO, Mr. ROWLAND, and Mr. DORGAN of North Dakota.

H.J. Res. 90: Mr. CAMPBELL of Colorado, Mr. CARR, Mr. COOPER, Mr. GEKAS, Mr. MONTGOMERY, Mr. MRAZEK, Mr. OBERSTAR, Mr. ROTH, Mr. UPTON, Ms. KAPTUR, Mr. DEFAZIO, Mr. MANTON, Mr. HORTON, Mr. NEAL of North Carolina, Mr. SAXTON, Mr. LANCASTER, Ms. LONG, and Mr. MCGRATH.

H.J. Res. 95: Mr. WALSH, Mr. GILCHREST, Mr. PAXON, Mr. WEBER, Mr. WALKER, Mr. DERRICK, and Mr. MRAZEK.

H.J. Res. 102: Mr. GALLO, Mr. GONZALEZ, Mr. STOKES, Mr. SAWYER, Mr. MCCOLLUM, Mr. CALLAHAN, Mr. MANTON, Mr. WHEAT, Mr. FLAKE, Mr. HUBBARD, Mr. MAVROULES, Mr. WOLPE, Mr. MATSUI, Mr. MCDADE, Mr. BLILEY, Mr. YATRON, Mr. ROBERTS, Mr. KASICH, Mr. FUSTER, Mr. HORTON, Mr. OWENS of New York, Mr. DUNCAN, Ms. ROS-LEHTINEN, Mr. DWYER of New Jersey, Mr. LIVINGSTON, Mr. FASCELL, and Mr. ESPY.

H.J. Res. 120: Mr. SPRATT, Mr. MCDERMOTT, Mr. POSHARD, Mr. HARRIS, Mr. WOLF, Mr. HERTEL, Mr. CLEMENT, Mr. GUARINI, Mr. HORTON, Mr. LIVINGSTON, Mr. BOEHLERT, Mr. MATSUI, Mr. HOCHBRUECKNER, Mr. ANDERSON, and Mr. MCGRATH.

H.J. Res. 147: Mr. SERRANO, Ms. SLAUGHTER of New York, Mr. GOSS, Mrs. VUCANOVICH, and Mr. DORNAN of California.

H.J. Res. 156: Mr. HAYES of Illinois, Mr. SOLOMON, Mr. FROST, and Mr. DEFAZIO.

H.J. Res. 171: Mr. WALSH, Mr. KASICH, Mr. VALENTINE, Mr. DEFAZIO, Mr. COSTELLO, Mr. GREEN, Mr. MICHEL, Mr. SHAW, Mr. LANTOS, Mr. WELDON, Mr. HAYES of Louisiana, Mr. LEWIS of Florida, Mr. VANDER JAGT, Mr. PAXON, Mr. CHAPMAN, Mrs. PATTERSON, Mr. MARTINEZ, Mr. LEWIS of California, Mr. SMITH of Florida, and Mr. HUBBARD.

H.J. Res. 174: Mr. MICHEL, Mr. DELAY, Mr. DORNAN of California, Mrs. VUCANOVICH, Mr. DOOLITTLE, Mr. CRANE, Mr. HANCOCK, Mr. BURTON of Indiana, Mr. HAMMERSCHMIDT, Mr. FRANKS of Connecticut, Mr. BALLENGER, Mr. HUNTER, Mr. WEBER, Mr. WALKER, Mr. DANNEMEYER, Mr. GINGRICH, Mr. LEWIS of California, Mr. DUNCAN, Mr. BILIRAKIS, Mr. BLAZ, Mr. VANDER JAGT, Mr. SENSENBRENNER, Mr. ARMEY, Mr. EDWARDS of Oklahoma, Mr. PACKARD, Mr. MILLER of Ohio, Mr. ZELIFF, Mr. JAMES, Mr. ROGERS, Mr. PAXON, Mr. MCCOLLUM, Mr. INHOFE, Mr. HORTON, Mr. KLUG, Mr. LAGOMARSINO, Mr. BROOMFIELD, Mr. RAMSTAD, Mr. NICHOLS, Mr. KASICH, Mr. ZIMMER, Mr. MOORHEAD, Mr. BARRETT, Mr. GALLO, Mr. SLAUGHTER of Virginia, Mr.

SANTORUM, Mr. WOLF, Mr. SCHULZE, Mr. LENT, Mr. BLILEY, Mr. BATEMAN, Mr. BAKER, Mr. CLINGER, Mr. IRELAND, Mr. COX of California, Mr. HOBSON, Mr. FIELDS, Mr. SHUSTER, Mr. ROHRABACHER, Mr. BUNNING, Mr. GEKAS, Mr. MCMILLAN of North Carolina, Mr. BARTON of Texas, Mr. MCCANDLESS, Mr. RITTER, Mr. HERGER, Mr. CUNNINGHAM, Mr. HANSEN, Mr. LIVINGSTON, Mr. SMITH of New Jersey, Mr. KYL, Mr. MARTIN of New York, Ms. ROS-LEHTINEN, Mr. GUNDERSON, Ms. SNOWE, Mr. HEFLEY, Mr. UPTON, Mr. BOEHNER, Mr. LIGHTFOOT, Mr. SCHAEFER, Mr. CALLAHAN, Mr. DREIER of California, Mr. COBLE, Mr. GRANDY, Mrs. MEYERS of Kansas, Mr. NUSSLE, Mr. PORTER, Mr. SAXTON, Mr. STEARNS, Mr. GALLEGLY, Mr. RAVENEL, Mr. ARCHER, Mr. GOSS, Mr. CAMP, Mr. THOMAS of Wyoming, Mr. SPENCE, Mr. YOUNG of Alaska, Mr. LEWIS of Florida, Mr. SANDERS, Mr. GRADISON, Mr. BEREUTER, Mrs. BENTLEY, Mr. ALLARD, Mr. HASTERT, Mr. SCHIFF, Mr. FAWELL, Mr. GOODLING, Mr. MORRISON of Washington, Mr. CHANDLER, Mrs. MORELLA, Mr. MEYERS of Indiana, Mr. RINALDO, Mr. RIDGE, Mr. CAMPBELL of California, Mr. HOUGHTON, Mr. ROTH, Mr. MCCRERY, Mr. MCGRATH, Mr. ROBERTS, Mr. LEACH of Iowa, Mr. HENRY, Mr. MACHTLEY, Mr. SMITH of Oregon, Mr. COLEMAN of Missouri, Mr. SKEEN, Mr. THOMAS of California, Mr. DAVIS, Mr. SHAW, Ms. MOLINARI, Mr. WALSH, Mr. ROEMER, Mr. HOPKINS, Mr. COMBEST, Mr. HEFNER, Ms. LONG, and Mr. BREWSTER.

H. Con. Res. 37: Mr. WEISS.

H. Con. Res. 42: Mr. BOEHNER, Mr. LAGOMARSINO, Mr. ENGLISH, Mr. SLAUGHTER of Virginia, Mr. FISH, Mr. HUTTO.

H. Con. Res. 61: Mr. PAYNE of New Jersey, Mr. DELAY, Mr. DORNAN of California, Mr. FAWELL, Mr. HENRY, Mr. HORTON, Mr. KLUG, Mr. KOPETSKI, Mr. LAGOMARSINO, Mr. LIPINSKI, Mr. MYERS of Indiana, Mr. RANGEL, Mr. RITTER, Mr. SPRATT, Mr. STENHOLM, and Mr. ZELIFF.

H. Res. 40: Mr. KOPETSKI, Mr. EDWARDS of California, Mr. ANDREWS of Maine, and Mr. FEIGHAN.

H. Res. 99: Mr. LAGOMARSINO, Mr. SUNDQUIST, Ms. SNOWE, and Mr. MCCRERY.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

33. By the SPEAKER: Petition of the Legislative of Rockland County, NY, relative to foreign aid payments to the Kingdom of Jordan; to the Committee on Foreign Affairs.

34. Also, petition of the City of Hollywood, FL, relative to the conflict in the Persian Gulf, to the Committee on Foreign Affairs.