

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Stuttgart National Aquaculture Research Center Act of 1995".

**SEC. 2. TRANSFER OF AGRICULTURE TO THE SECRETARY OF AGRICULTURE.**

(a) TITLE OF PUBLIC LAW 85-342.—The title of Public Law 85-342 (16 U.S.C. 778 et seq.) is amended by striking "Secretary of the Interior" and inserting "Secretary of Agriculture".

(b) AUTHORIZATION.—The first section of Public Law 85-342 (16 U.S.C. 778) is amended—

(1) by striking "Secretary of the Interior" and all that follows through "directed" and inserting "Secretary of Agriculture is authorized and directed";

(2) by striking "station and stations" and inserting "1 or more centers"; and

(3) in paragraph (5), by striking "Department of Agriculture" and inserting "Secretary of the Interior".

(c) AUTHORITY.—Section 2 of Public Law 85-342 (16 U.S.C. 778a) is amended by striking "the Secretary" and all that follows through "authorized" and inserting "the Secretary of Agriculture is authorized".

(d) ASSISTANCE.—Section 3 of Public Law 85-342 (16 U.S.C. 778b) is amended—

(1) by striking "Secretary of the Interior" and inserting "Secretary of Agriculture"; and

(2) by striking "Department of Agriculture" and inserting "Secretary of the Interior".

**SEC. 3. TRANSFER OF FISH FARMING EXPERIMENTAL LABORATORY TO DEPARTMENT OF AGRICULTURE.**

(a) DESIGNATION OF STUTTGART NATIONAL AQUACULTURE RESEARCH CENTER.—

(1) IN GENERAL.—The Fish Farming Experimental Laboratory in Stuttgart, Arkansas, shall be known and designated as the "Stuttgart National Aquaculture Research Center".

(2) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the laboratory referred to in paragraph 1 shall be deemed to be a reference to the "Stuttgart National Aquaculture Research Center".

(b) TRANSFER OF LABORATORY TO THE DEPARTMENT OF AGRICULTURE.—Subject to section 1531 of title 31, United States Code, not later than 90 days after the date of enactment of this Act, there are transferred to the Department of Agriculture—

(1) the personnel employed in connection with the laboratory referred to in subsection (a);

(2) the assets, liabilities, contracts, and real and personal property of the laboratory;

(3) the records of the laboratory; and

(4) the unexpended balance of appropriations, authorizations, allocations and other funds employed, held, arising from, available to, or to be made available in connection with the laboratory.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 20 minutes.

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

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

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

Mr. SAXTON. Mr. Speaker, I support the adoption of H.R. 33, introduced by

our colleague from Arkansas, BLANCHE LAMBERT LINCOLN.

The purpose of this legislation is to transfer the fish farming experimental laboratory in Stuttgart, AR, from the Department of the Interior to the U.S. Department of Agriculture [USDA] and to rename that facility to more accurately reflect the true nature of the work performed there.

The bill was the subject of a hearing before my Subcommittee of Fisheries, Wildlife and Oceans on September 21, and there was overwhelming support for this measure.

This laboratory, which was first established in 1960, has conducted important research and development on various techniques for the commercial production of catfish, baitfish, and other finfishes, which have been worth in excess of \$600 million.

In addition, the laboratory houses the U.S. Fish and Wildlife Service's triploid grass carp certification inspection program, which has provided services to fish producers in over 30 States.

Finally, both the administration and the Appropriations Committee have recommended that this laboratory be transferred to the Department of Agriculture. The vast majority of those who use the laboratory are farmers and it seems to me that USDA should be assigned responsibility over its functions.

I am not aware of any controversy over this legislation and I urge an "aye" vote on H.R. 33.

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

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

Mr. Speaker, this bill, as has just been said, is utterly without controversy, although I must say it is a little bit embarrassing to be standing here debating this when approximately 4 minutes ago the agency in question was shut down because of our inability to act like grownups.

But the bill is without controversy, as the gentleman has so correctly pointed out.

I urge Members to support it.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of H.R. 33, which will transfer the Stuttgart Fish Farming Experimental Laboratory in Arkansas from the Department of the Interior to the Department of Agriculture.

This Laboratory has been instrumental in the development of various techniques for the commercial production of catfish, baitfish, and other finfishes worth in excess of \$600 million.

Furthermore, this facility conducts extensive research on warmwater aquaculture and, since the vast majority of those who utilize Stuttgart are farmers, the Department of Agriculture is a logical home for this laboratory.

Based on the testimony received, it is clear that this transfer is not controversial and is strongly supported by all of the affected parties. I, therefore, urge an "aye" vote on this legislation and I compliment our distinguished colleague from Arkansas, BLANCHE LAMBERT LINCOLN, for her leadership in this matter.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 33.

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

A motion to reconsider was laid on the table.

**GENERAL LEAVE**

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 33, the bill just passed.

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

There was no objection.

**HOUSING FOR OLDER PERSONS ACT OF 1995**

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 660) to amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Housing for Older Persons Act of 1995".

**SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.**

Section 807(b)(2)(C) of the Fair Housing Act (42 U.S.C. 3607(b)(2)(C)) is amended to read as follows:

"(C) intended and operated for occupancy by persons 55 years of age or older, and—

"(i) at least 80 percent of the occupied units are occupied by at least one person who is 55 years of age or older;

"(ii) the housing facility or community publishes and adheres to policies and procedures that demonstrate the intent required under this subparagraph; and

"(iii) the housing facility or community complies with rules issued by the Secretary for verification of occupancy, which shall—

"(I) provide for verification by reliable surveys and affidavits; and

"(II) include examples of the types of policies and procedures relevant to a determination of compliance with the requirement of clause (ii). Such surveys and affidavits shall be admissible in administrative and judicial proceedings for the purposes of such verification."

**SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE; DEFENSE AGAINST CIVIL MONEY DAMAGES.**

Section 807(b) of the Fair Housing Act (42 U.S.C. 3607(b)) is amended by adding at the end the following new paragraph:

"(5)(A) A person shall not be held personally liable for monetary damages for a violation of this title if such person reasonably relied, in good faith, on the application of

the exemption under this subsection relating to housing for older persons.

"(B) For the purposes of this paragraph, a person may only show good faith reliance on the application of the exemption by showing that—

"(i) such person has no actual knowledge that the facility or community is not, or will not be, eligible for such exemption; and

"(ii) the facility or community has stated formally, in writing, that the facility or community complies with the requirements for such exemption."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. CANADY] will be recognized for 20 minutes, and the gentleman from Massachusetts [Mr. FRANK] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 660, the Housing for Older Persons Act amends the Fair Housing Act to remove the "significant facilities and services requirement" for seniors-only housing.

In 1988, when Congress amended the Fair Housing Act to protect families with children from discrimination, it provided an exemption for "housing for older persons." "Housing for older persons" is defined as housing that is occupied by persons 62 years of age or older or housing intended for occupancy by persons 55 years of age or older where there are "significant facilities and services specifically designed to meet the physical or social needs of older persons."

The term "significant facilities and services" has been a source of confusion and litigation since the passage of the act. While the Department of Housing and Urban Development recently issued guidelines which may help to remove some of the confusion, the best and most certain way to solve this problem and give peace of mind to senior citizens is to pass H.R. 660.

The Senate passed H.R. 660, as amended, on December 6, 1995 by a vote of 94 to 3.

The Senate amendment makes some minor modifications to the House bill. Essentially, the heart of the legislation remains the same. In order to qualify as seniors-only housing, a facility must show that 80 percent of its units have one or more occupants aged 55 or older and meet certain other requirements.

The Senate amendment sets forth a good faith exception so that individuals who rely on the application of the seniors-only exemption will not have to pay money damages if the exemption is later found not to apply. In order to qualify for the good faith exception, the person must have no actual knowledge that the facility is ineligible for the exemption and the facility must have stated, in writing, that it complies with the requirements for the seniors-only exemption.

H.R. 660 will establish a workable and fair exemption to protect senior citi-

zens who wish to live in retirement communities. It fairly balances the rights of families with children and the rights of seniors to choose to live among other older adults in age-restricted communities.

I want to thank my colleague from Florida, Mr. SHAW, who has worked diligently for passage of this legislation and Mr. FRANK of Massachusetts, the ranking member of the subcommittee who is also a supporter of this legislation.

In addition, to my colleagues in the Congress, I want to thank Bill Williams, president of the Federation of Mobile Home Owners of Florida and the Federation's General Counsel Lucy Warren. Thanks also go to Lori Van Arsdale, mayor of the city of Hemet, California who has tirelessly pursued this initiative.

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

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I support this legislation. I am pleased it has come back from the Senate in a form that is very close to what we sent them and we can accept it.

This came to my attention, this issue, as a result of people in the town of Raynham, MA, and elsewhere. They were people who lived in manufactured housing and believed they were living in a community that was for older people only but were told that, because of the way the fair housing law had been originally drafted, they could not have that assurance.

One of the problems was the fair housing law, in its understandable zeal to protect children against discrimination, and I think all of us want to reaffirm we are opposed to discrimination in housing against families with children, it would certainly ill behoove us to talk about families and children on one hand and then sanction discrimination against families with children. But what we are saying is that where you are dealing predominantly with older people, where there is a common interest in an atmosphere that may be acquired or wanted, et cetera, then it is reasonable to say no younger people, not just children; that is what we are talking about.

The law originally, in fact, required or came close to requiring that to qualify for that exemption from the anti-discrimination laws to be for elderly only, you had to have special facilities for the elderly. There was in it an unintended but unfortunate implication if you had housing only for the elderly you would have to have therapeutic facilities; a notice older people might be able to live by themselves without special health care, respirators, et cetera, did not seem a reasonable one.

What this legislation says is that if you are legitimately a community that has set itself aside for older people only, you can be certified for that pur-

pose and not worry about discrimination, because you are trying to live up to that. On the other hand, it does not weaken, and should not weaken, the law which prevents discrimination against children. If you are housing open to anybody, if you are housing open for people in their 20's, 30's, 40's, you may not discriminate against children.

You can, under this law, it was an exemption already in the law, it makes an exemption the law already intended more workable, less subject to obfuscation or confusion. It gives people more peace of mind so that communities that are aimed at older people only, and let us also be very clear, there are people in their 70's and 80's who want to live with younger children, with younger people, there are people who are in their 70's and 80's who prefer to live mostly with other people of their own age. People's preferences for noise, for different levels of activity will differ.

What we ought to be doing is offering people the right to choose. This legislation protects that right to choose for those older people who do prefer to live in communities of people primarily their own age. This law protects that right. It is, as I said, an example of improvement.

I should add one other thing, and this is under former Assistant Secretary Achtenberg, the Federal Department of Housing and Urban Development did the most they could within the statute to protect that right.

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It was called to their attention, they had hearings, and under Assistant Secretary Achtenberg and Secretary Cisneros, HUD did the best they could do. We did agree, however, looking at the statute, that they way to do this job of protecting the right of older people to live live among themselves, if they so chose, perfectly, it was not enough to deal with the regulatory improvements that had been made.

HUD did the best they could, but there were changes that needed to be made in the statute. This statute does them. I hope, therefore, we pass it.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I rise in support of the bill, but that is not what I wanted to talk about. I did want to make a comment.

Mr. Speaker, as the budget debate continues to rage, I want to take this time to state what we ought to be doing to bring to an end this harsh and unrelenting conflict.

First of all, I believe most, if not all of us, are trying to create a better America. We just see these terribly important issues from a different perspective. Our destination is the same but we are choosing different roads to get there.

I hope we do not lose sight of what is at stake here. And that is the fiscal solvency and the continued well being of all Americans. If we do not come up with a plan to balance the budget now, how will we ever? If we do not reach agreement now, where will we find the resolve to do it next year when it will be even harder? Or the year after that?

Along the way though, we need to be fair. Shutting down part of the Government is not only unfair, it does not help either side. What is more, it is unnecessary and it hurts American taxpayers who rely on Government services and Federal employees who want to be on the job delivering those services.

This is doubly unfortunate because it is not central to debate. It adds nothing, only detracts from the key issue of agreeing to do that which we have already agreed upon in principle: To reach a balanced budget by the year 2002.

To that end, I ask the President and the Congress today, without another hour of delay, to pass whatever stopgap measure is necessary to keep the Government running. And then today, without another hour of delay, I ask the President to become personally involved in the negotiations with the Speaker and majority leader in the Senate. The two sides are closer than one might imagine from listening to harsh rhetoric, from both sides, I might add.

It is time for both sides to make commitments rather than goals. Both sides have said they want a 7-year balanced budget. Today it is time to just do it.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say that I agree with the gentleman from Virginia. I believe we have an obligation to keep the Government running. What we ought to do is to pass a continuing resolution abstracting from all the other controversies. We will have legitimate differences of opinion over Medicare and Medicaid. But to shut down the Government, as Congress is now doing, because of those differences, is a very grave error. All we need to do is to pass a clean, that is, unencumbered, continuing resolution.

The Government should not be held hostage while one side or the other's view of Medicare or Medicaid is put forward. But that is what Congress is doing. We could do it right away, simply get, I would hope by unanimous consent, a continuing resolution at the appropriations levels that the majority has set. They have the right to do that. But shutting down the Government, as the majority is doing, until the President agrees to the abolition of a Federal program, Medicaid, and to severe cuts in Medicare, that seems to me inappropriate.

So, Mr. Speaker, I would join in the gentleman from Virginia's plea that we move, but we should be clear. What is

stopping us from moving now is the argument that the President should give in on Medicaid and Medicare or else the Government will be shut down. The Constitution gives the President a right to a veto. Congress has the right to pass legislation. If two-thirds agreed, they pass it over the veto. But to say because Congress cannot muster two-thirds to make drastic changes in Medicare and Medicaid the President should therefore cave in or else we shut down the Government is wholly inappropriate.

#### PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. HAYWORTH). The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, ordinarily we would have 1-minute speeches on a day like today. I am wondering, since we are here today, it is I assume Monday for the purposes of suspending the rules, otherwise we could not take these up, what is the intention of the Speaker with regard to 1-minute speeches today?

The SPEAKER pro tempore. It is within the Chair's discretion to decide if 1-minute speeches are to be recognized. At this juncture in the proceedings they are not.

Mr. FRANK of Massachusetts. Mr. Speaker, let me say I regret the fact that the majority leadership apparently decided not to have 1-minute speeches today.

There is a fundamental issue before us now: Should we go forward and pass an unencumbered continuing resolution reflecting the appropriations levels that the majority chooses, but not seeking to use the very operation of the Government as a weapon to try and compel the President to agree with the abolition of the Medicaid Program or reductions that he thinks are too deep in Medicare. I am sorry we are not going to get a chance to discuss that. I think we ought to do that.

Apparently, we will finish the suspensions, we will go into the infinite recess that the majority allowed themselves to call so it will not be embarrassed by trying to vote to adjourn the House. I think the time would be better spent discussing implications of the decisions to shut down the House and Senate and, more importantly, the whole Government, until the President agrees to the doing away with Medicaid.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume. I must respond to the gentleman's comment about the Government shutdown.

Mr. Speaker, I associate myself with the remarks made by the gentleman from Virginia. I believe we should get the Government up and running. I think it is important for us to understand that the issue here is not having

the president relent in his desire to protect the Medicare and Medicaid Programs. The issue here is whether the President is going to fulfill his commitment to move forward with a plan to balance the budget within 7 years, using numbers approved by the Congressional Budget Office. The President has failed to do that.

Now, I think that is an important failure, it is a failure that we cannot simply ignore while the President points the finger at the Congress.

Now, I believe that mistakes have been made on both sides and that an effort should be made today to get the Government up and running. But the President must accept his share of the responsibility for failing to meet a commitment that he made as part of a law that he signed barely a month ago.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first I would say to the gentleman from Florida, and others, the President committed to a balanced budget which also protected the Medicaid and Medicare programs. So I do not think he is at all in default of his commitment.

But even if you are mad at the President, and this is the nub of it, the gentleman from Florida said, the majority leader said last week, "We do not think the President lived up to his commitment, so therefore we will shut down the Government." But you are punishing the wrong party.

Even if you believe that the President is wrong, and I do not, because I think the President has said yes, I want to balance the budget in 7 years, while I protect Medicaid, while I protect people in nursing homes and while I protect Medicare, but why, if you are mad at the President, do you shut down the Government? They have not shut off the lights in the White House. He is not being evicted. Everything is still functioning over there.

That is your error. You are mad at the President, so you shut down the whole Government. He is not trying to go to the Grand Canyon tomorrow. He is not the one who is going to have to apply for a passport or worry about a Social Security check. There is a disconnection here. You are angry at the President because you think that he is being too stubborn with regard to Medicare and Medicaid. I think he is right.

But let us fight that out. Let us fight about Medicare and Medicaid and the environment and educational levels of spending without refusing to let the Governments function. Let us pass a resolution which says those departments, and there are many departments which are not functioning now because this congressional majority has passed zero bills for them. It is not a case of vetoed bill. No bill has ever gone to him from the Department of

Health and Human Services or the Department of Education or the Department of Labor. Pass legislation that allows them to function, does not try to gain advantage one way or another, and then let us argue about the other things.

So even if the gentleman was correct in his unhappiness with the President, and I do not think the gentleman is, why does the gentleman think we are punishing the President by shutting down the whole Government? That seems to me to be a very grave error.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, a couple of points in response. The President has three bills sitting on his desk which he could sign, which would solve a large part of the shutdown. With respect to the bill covering health and education, that bill has been held up in the Senate by the Democrats in the Senate, who have been unhappy with certain aspects of it and kept that from moving forward. So there is responsibility here that must be accepted by the President and the Democrats in the Senate.

But furthermore, I go back to the President's commitment. The President made the commitment to move forward with a plan to balance the budget in 7 years using CBO numbers. Is the President now claiming that the President cannot do that, that that is an impossible task? Why would he have accepted that commitment and made that commitment if he believed it was impossible to accomplish?

There is no answer to this question. We simply have an attempt here to play politics with the budgetary process.

I do not understand it. I will tell you, I fully believed that the President would come forward with a plan to balance the budget. I believed that there would be substantial differences between what we had submitted and what the President came up with, but he has totally failed to carry out that commitment. I think that that is something that needs to be understood. The President needs to come forward, he needs to acknowledge that that was a commitment that was made, and he needs to put a plan on the table.

If we are going to get this job done, which he said he wanted to do, he needs to tell us how he thinks it can be done. If he had a different idea about how to deal with Medicare, a different idea about how to deal with Medicaid, that should come in and be put on the table. But the plan should balance. If he thinks that savings can be made in other areas, he should make the savings in other areas. But this effort to stop the Government, to thwart the effort to balance the budget, I think is not responsible, and the President is going to be held accountable for it.

Let me say this: I agree that we should be talking with the President. We are willing to talk to the President. But the President has to show a will-

ingness to work with us to accomplish what needs to be accomplished. But, in the meantime, I also believe that we should get the Government up and running today.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the President has been clear. My friend says well, if he has a different view about Medicaid and Medicare, tell us. Gee, I thought the problem the Republicans had was that he was telling people. I heard the Senate majority leader complain that the President was talking about Medicare and Medicaid.

The President does not think we should wipe out the law that was passed 30 years ago, over Republican objections by and large, that says if you are sick and old and in a nursing home, we are going to have a Federal guarantee that you will not be cut off. I think that is worth keeping.

If people do not, they are entitled to. But holding the Government hostage, shutting the Government down until the President agrees with a particular position on Medicare and Medicaid, is an unconstitutional way to do it. If one thinks there should be changes in Medicare and Medicaid, the Constitution says pass it through both Houses. If the President vetoes it, you override the veto. There is nothing in the Constitution that says kidnap the Government and shut it down.

You keep saying you are angry or disappointed in the President or unhappy with the President's position, and then you shut down the whole Government and punish a lot of other people.

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

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

Mr. RICHARDSON. Mr. Speaker, one of the problems here is we do not know who we are negotiating with. We have Republicans in the Senate basically saying that they take their governing responsibilities seriously. I think they have demonstrated that. But as soon as things come to the House with our colleagues here in this body, things fall apart. It seems that House leaders are adamant about shutting the Government down, and when push came to shove, Senate Republicans kept up their habit of basically going along with the Republican leadership here.

For the second time in a month, the Republicans irresponsibly have shut the Government down. We cannot govern by blackmail. This time the Republicans were angry because President Clinton was actually trying to negotiate a balanced budget instead of agreeing to their every demand. Rather than negotiate a fair budget, the Republicans again tried to blackmail the President into accepting the unfair

budget that the American people and Democrats have already rejected.

Specifically, Republicans are demanding deeper cuts in Medicare. We are trying to negotiate. Democrats are trying to negotiate. The President has tried several times to jump-start the budget negotiations with new proposals. Meanwhile, the other side wasted time issuing demands about accounting rules. For the Republicans, their technical assumptions, not their impact, on people were the only thing worth talking about.

What is it that the Republicans really want? Regardless of their rhetoric, what the Republicans really want is to force deeper cuts in Medicare and other programs to finance tax breaks for those that do not need it, cuts that merely balance the budget and are not deep enough to satisfy the other side.

□ 1230

This shutdown is manufactured, it is pointless, and it is wrong. The Republicans are using their own failure to pass appropriations bills to create a false crisis in hopes of forcing passage of an extreme misguided budget. Leaders in the House, Republican leaders in the House, have been saying all day that they would do this. Instead of playing this game designed to pass tax breaks and other favors for special interests, Senate Republicans should talk their House counterparts into moderation to get down to real negotiating with Democrats and the President to produce a fair and balanced budget.

Mr. Speaker, Republicans are shutting down the Government to force deep cuts in Medicare, Medicaid, education, and the environment. There is no reason to shut the Government down. It is wasteful, it is unnecessary, and Democrats and the American people will not be blackmailed into abandoning our priorities. Negotiating a budget deal and continuing Government operations are in no way linked.

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

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard about cuts in a variety of programs. Let me give you one example about the cuts that are being discussed here. Reference was made to cuts in Medicare. The truth of the matter is under the Republican budget plan, spending on Medicare will increase every single year during the 7-year plan. It will go up by about 6 percent a year.

Per capita spending on Medicare, per beneficiary spending on Medicare will go up from \$4,800 this year to \$7,100 in the year 2002. That is not a cut.

The President calls that a cut, others have called that a cut, anybody who can understand simple arithmetic will see that is not a cut. So the American people understand that an increase from \$4,800 a year to \$7,100 a year per

beneficiary is an increase. The President may not think it is enough of an increase; that is a subject that can be debated, but it should be debated in terms that are sensitive to the reality of this real increase.

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

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

There are some inescapable facts that no matter how we jockey around are confronting us. One is that we face a \$4.9 trillion national debt, and the debt service on that every year is \$325 billion and rising. That has to be dealt with. The people voted for change last time, not the status quo. We look to the President to help us be a partner in this quest for a balanced budget.

The President challenged us in his first State of the Union message to be specific. We have had a budget. It is specific. It balances the budget by the year 2002, and we have asked the White House for their budget, their figures. Now, the President agreed to follow the numbers, the data given by the Congressional Budget Office, but he evidently had his fingers crossed because he has yet to do that. He produces a budget status quo. It will not balance in 5 years, and it uses the Office of Management and Budget figures, not the Congressional Budget Office.

Mr. Speaker, the Washington Post, no friend of the Republican party, said that President Clinton wants to balance the budget wearing a Santa Claus suit.

Now, let us talk about the present shutdown, which we all deplore. I think it is very bad and we should try to move out of it and get the Government functioning, while, as the gentleman from Massachusetts [Mr. FRANK] has said, we argue about these issues. But the Labor, Health and Human Services bill is languishing in the Senate because the President's political party does not like its terms and conditions.

According to the Congressional Monitor this morning, the measure has been blocked by Democratic objections to conservative policy riders, but its enactment would keep two-thirds of the furloughed workers on the job. So who is to blame if we are going to assign blame? It seems to me a failure on the part of the Democratic Party to understand that the Republicans have the majority and they ought to send this bill to the President, and two-thirds of the furloughed workers could be on the job.

Other bills, about \$93 billion in fiscal 1996 spending on natural resources, environmental, veterans housing, and space programs, would protect workers in those agencies from being sent home during a shutdown. The President is going to veto those.

So, Mr. Speaker, I think it is rather unfair, if not disingenuous to lay the blame at the feet of the Republicans. We promised the people a balanced budget. We are trying to get there. The

President has yet, in my judgment, to negotiate in good faith and that is lamentable, but that is the reality, and all of us ought to agree to try to get the Government back in gear and try to function while these intractable policy issues get as resolved as we can resolve them in the coming weeks. But this impasse cannot be laid at our feet. The President should live up to his commitment and submit a budget that is balanced and using Congressional Budget Office figures.

Now, we hear that, yes, but he also agreed to protect Medicare and Medicaid and the environment and school loans and that sort of thing. That is fine. Let us protect those. We need to protect them. But Medicare is going broke. The trustees, on April 5, issued a report, three of whom are in the Cabinet of the President, that it will be bankrupt in the year 2002. So it certainly behooves us to protect Medicare, which is the flag behind which the Democrats are marching, by doing something about it.

We have a plan, Mr. Speaker. We have a proposal. Restrain the rate of increase from 10 percent to 7 percent. That is our plan. What is the President's? What is the President's plan to save Medicare? If he wants to protect it, he cannot protect it using words. Come up with a proposal. But the President has not done that. The Democrats have not done that yet because they do not really want to change. They want to redistribute the wealth. They want to continue business as usual, and that is the big impasse.

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

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know the gentleman from Illinois is busy being chairman of the Committee on the Judiciary, so it may have overlooked his attention that the President has submitted a plan about Medicare. Yes, there are competing views about how much we have to cut from what existing law would allow under Medicare; and we believe that the Republican Party, led by Senator DOLE, who boasts, let us remember, of having voted against Medicare when it was first begun. Senator DOLE said, I knew it was a mistake and he is proud he voted against it to try to kill it, as did most of the Republicans then in the Congress. Well, it is not surprising these are people not sympathetic. The point is we can fight about who is right or wrong about Medicare without holding the Government hostage.

Mr. Speaker, I am interested to hear every Republican who gets up today say we agree the Government should function. Well, why do they not then listen to themselves? Pass a continuing resolution, unencumbered by greater debates, which will keep the Government going? We can then debate among ourselves about Medicare, about re-

strictions on the Environmental Protection Administration, about abortion and other issues.

The majority has the power and is using it to keep from the floor such a resolution. I believe if they would agree and relent in their powers of recognition, we would pass in the House a clean continuing resolution. What we have are Republicans after Republican saying, yes, I think the Government should stay open, but we will not vote to allow that because we cannot win. We do not have enough votes to override objections to these very drastic policy changes we want to make, and until our colleagues agree to these drastic policy changes that cut back in Medicaid and cut back in Medicare, while we are building the B-2 bomber, while we are subsidizing NATO, while we are spending tens of billions unnecessarily in that area, we will make some cuts in these other areas.

What we are seeing here is Republicans saying how much they want to have the Government function but refusing to do it because they have said they will not do it until the President gives in to their proposals, which they do not have the votes for otherwise.

Mr. Speaker, there is a phenomenon known as the Reverse Houdini. Harry Houdini became famous because he would have people tie him in knots, and his trick was to get himself out of the knots. The Republican Party is now perfecting the Reverse Houdini. They tell us how much they want to open the Government, but they will not do it. Why? Because they have tied themselves in knots.

Houdini had other people chain him up. The Republican Party says we will tie ourselves up in knots. We will not make the Government function until the President gives in to Medicaid. Then they will come to the floor and talk about how much they wish they could get out of the knots into which they have tied themselves. That is the reverse Houdini. Tying ourselves up and then talking about how much we would love to help people if we were not tied up.

If the Republicans want to have the Government function, pass a continuing resolution that does not hold other people hostage. Again, this notion that we are somehow punishing the President by shutting down the Federal Government in other areas does not make any sense. So let us come forward with a unencumbered continuing resolution. Let us pass that and then continue the Democratic debate over Medicare, Medicaid, the environment, and education.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me time. I originally came over to say I was in favor of H.R. 660, and I want to state that for the record and hope we pass that.

However, since the debate appears to have moved, I want to join in where the debate has gone. I want to say, Mr. Speaker, that in terms of reaching a balanced budget over the last several months, I have seen both sides put up some obstacles that I think should not have been done. But the impasse we have reached today is, without question in my mind, with the administration and with President of the United States, for this reason:

The President is attempting to back out of the agreement he entered into with Congress several weeks ago that we would reach a 7-year balanced budget using the same economic forecasts that deal with government revenue and the inflationary effect on government programs from the Congressional Budget Office. It should be obvious to everyone that there is nothing upon which to negotiate unless we are using the same figures, whatever those are. And both sides 3 weeks ago agreed to use those figures.

Now, the Congress passed a budget that was balanced under those figures and the President vetoed that budget. The President said that there was not enough funding in the congressional proposal for several important programs. Now, I think that is the President's prerogative, both as a matter of the constitutional law, since he is President of the United States, and under our agreement. However, the Congress then made a very reasonable request. Mr. President, if you feel that our budget does not adequately fund programs, even though we increase Medicare funding substantially, in fact along the same lines that you proposed a year ago, if you feel that Medicare or any other program should have more funding, show us from where we will get that funding. Show us your proposal for a balanced budget in 7 years using Congressional Budget Office figures. Then we can see how it is possible to reach your priorities and still arrive at a balanced budget as we all agreed 3 weeks ago that we were going to do.

That is what the President of the United States refuses to do. There is no congressional request to the President that the President agree to any particular program spending limit, much less cuts in programs. The President's proposed budget could have tax cuts or not have tax cuts, or have any spending limit he likes as long as he uses the figures from the Congressional Budget Office that we agreed to use 3 weeks ago.

In sum, Mr. Speaker, the President is relying upon the ultimate cynicism that the public will not understand what a Congressional Budget Office is so it does not make any difference. But it does, and the public will understand that.

□ 1245

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

Mr. FRANK of Massachusetts. Mr. Speaker, how much time is remaining on both sides?

The SPEAKER pro tempore. (Mr. HAYWORTH). The Chair would inform both sides that they each have 4 minutes, respectively.

Mr. FRANK of Massachusetts. Mr. Speaker, does the gentleman from Florida [Mr. CANADY] intend to use the 4 minutes for the closing?

Mr. CANADY of Florida. Mr. Speaker, yes. I do not have any additional speakers.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Speaker, I listen with great interest as the other side talks about why the Government shut down. Well, the fact of the matter is that it is shut down and it ought not be. It is absolutely unnecessary, and I concur with my colleague who coined a new phrase, the "Reverse Houdini."

Mr. Speaker, what we have here is a linkage of two unrelated issues. On the one hand is a legitimate budget debate. A balanced budget in 7 years. Actually, I would support that. On the other hand we have the operation of Government. That ought to continue.

Why then have the Republicans decided that they want to link the two and say if we cannot have our balanced budget our way, we will shut down the Government? Who is being punished?

First of all, the American taxpayer is being punished because the American taxpayer is paying for this, whether Federal Employees come to work or not. Second, Federal employees are being punished because their lives are being disrupted as they may get a delayed check, but the bills are now due.

Mr. Speaker, it is Christmas time. It should be a season of charity and a season of giving. Instead, it is a season in which Federal employees have been imposed upon yet a second time, unnecessarily so. We could actually compromise and reach a deal, but there is a group on the other side, a crowd that says, basically, "Our way or no way." They want to have \$245 billion in tax breaks or it is no deal.

Mr. Speaker, we could have a balanced budget in 7 years with CBO numbers if they would be willing to compromise on the size of the tax breaks, but they are unwilling to do it. Because of that unwillingness, they are saying, "We are not going to give anyone the votes to pass a continuing resolution that would keep the government open, because you guys will not accept our big tax break."

That is bad for our country. That is bad for our Federal workers. This is not just: We will shut the Government down; this is to say to Federal workers, "We do not respect what you do. We do not appreciate what you do. We take it lightly, but when we put you back to work we want you to work with all the vigor and enthusiasm and commitment you can muster on behalf of the country."

Mr. Speaker, it does not work that way. I hope we can reach a compromise in fairness to our employees, the Federal employees.

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

Mr. CANADY of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Speaker, I respond to my colleagues on the other side of the aisle that 4 weeks ago today the President signed a law, a law that said he would work with the Congress of the United States to enact a balanced budget over the next 7 years using the CBO. For 4 weeks the President of the United States and his minions at the White House, have done nothing, nothing to meet the commitment that they made to the American people and the commitment they made to this Congress.

Mr. Speaker, how long are we going to wait? for 30 years when things got tough in this town, we did the same thing. We blinked and we sold out the American people and our children and our grandchildren are going to get the opportunity to pay for the fact that this Congress, over the last 30 years, refused to meet its fiscal responsibility, its fiduciary responsibility to the American people by balancing the budget.

What we are saying in this Congress this year is that we are not going to do it again. We are going to keep our word to the American people who elected us last November on a commitment that we, for the first time in 30 years, would do our job and balance the budget.

Mr. Speaker, we have laid our plan on the table. All the specifics are there. All the numbers are there. All the policy is there to balance the budget over the next 7 years. When is the President going to tell us what he would like to do? When is the President going to tell us what he does not like about our bill?

The fact is the President wants to spend more money, but he will not tell us how much more he wants to spend over the next 7 years. The President, unfortunately, has gone back to his roots, back to his roots of being a liberal. He wants Government as it is. He is considering the next election and, frankly, we are sitting up here thinking about the next generation.

Mr. Speaker, this is a crisis, I will admit, and no one wants to put Federal employees through what they are going through. It is unfair to them. But quite frankly, what has gone on here for 30 years is unfair to our children and our grandchildren and it has to stop.

Mr. CANADY of Florida. Mr. Speaker, I reserve the balance of time.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Ohio just said this is unfair to the Federal workers, and he and his colleagues are determined to continue to inflict the unfairness to the American workers.

Mr. Speaker, I am surprised to hear the gentleman say that the President has not told the Republicans what he

does not like about their plan. I thought he had told that to the point where they are unhappy. He thinks they are endangering the ability of Medicare to continue to fully fund what older people need. He believes that abolishing the Federal law that says Medicaid will be there and if Americans are sick and old and poor or badly disabled, their medical care will be protected, that that is a mistake.

He thinks that the extent to which they are undercutting environmental enforcement is a mistake. He thinks cutting out funds that now go to help middle-income and working-class students go to college is a mistake.

Mr. Speaker, my Republican colleagues have a right to disagree. But they why do they insist on shutting down the Federal Government? In fact, we have the Republican Party, with a majority in both Houses, complaining that the majority apparently is insufficient for them to accomplish what the Constitution says to do when we want to change policy. They have, therefore, decided that they will shut down much of the Government. They will refuse.

Mr. Speaker, let us be very clear. Within hours we could pass a continuing resolution that simply said the Government will function at whatever level of appropriation my colleagues on the other side decide, until we agree on other things. Mr. Speaker, they are the majority.

In his last State of the Union, Ronald Reagan denounced the practice of withholding basic funding for the Government as a means of exerting leverage over other policy issues. For the first time in a long time, I wish the Republican Party were true to the legacy of Ronald Reagan. Go back to his last State of the Union. He said we do not have Government by extortion, and that is what we have.

Mr. Speaker, my colleagues' quarrel, they say, is with the President. They think he wants to be too profligate. He is going to spend too much money on those sick, old people. Fine. We can fight about that. They do not think he is going to cut enough taxes for wealthy people. But do not shut the Government down to punish him.

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

Mr. Speaker, we have heard a lot of things in this discussion today, but we have not heard an explanation for why the President has not come forward with a plan to balance the budget in 7 years using the CBO numbers as he committed to do. There is no explanation for that.

It has simply not been forthcoming. The President has failed to keep his commitment. The President's position on this is inexplicable to me. We hear that the President is opposed to draconian cuts in medicare. Well, the draconian cut is an increase of around 7 percent a year over the next 7 years, and the President himself, or the President's wife up on Capitol Hill in the

last Congress said that we should slow down the growth of spending in Medicare to a rate of 7 percent. That is what they proposed. Now they say that is a draconian cut and something that is unacceptable and it is keeping them from presenting a balanced budget plan.

Mr. Speaker, I do not understand it. The President says he is against our tax cuts for families. He says that a \$500 tax credit for families with children is too much. But when he was serving on the National Commission on Children, he endorsed a \$1,000 tax credit per child.

What has happened? What is the difference? I do not understand it. I think the President should go back and take a look at the commitment that he made less than a month ago, and he should follow through on what he said he would do.

I am hopeful today that all the parties will get together and we will have the Government up and running tomorrow, but I also hope that the President will get serious about his commitment to the American people, because this is something that affects the future of this country. It is time we got the job done.

Mr. Speaker, I will now say a little bit about this bill. I am very pleased that we have had the bipartisan support for the bill that we have seen. I will note that.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. CANADY] that the House suspend the rules and concur in the Senate amendment to H.R. 660.

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

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendment to H.R. 660 that was just considered.

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

There was not objection.

#### AMENDING UNITED STATES CODE TO LIMIT STATE TAXATION OF CERTAIN PENSION INCOME

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 394) to amend title 4 of the United States Code to limit State taxation of certain pension income, as amended.

The Clerk read as follows:

H.R. 394

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

#### SECTION 1. LIMITATION ON STATE INCOME TAXATION OF CERTAIN PENSION INCOME.

(a) IN GENERAL.—Chapter 4 of title 4, United States Code, is amended by adding at the end the following:

##### “§ 114. Limitation on State income taxation of certain pension income

“(a) No State may impose an income tax on any retirement of an individual who is not a resident or domiciliary of such State (as determined under the laws of such State).

“(b) For purposes of this section—

“(1) The term ‘retirement income’ means any income from—

“(A) a qualified trust under section 401(a) of the Internal Revenue Code of 1986 that is exempt under section 501(a) from taxation;

“(B) a simplified employee pension as defined in section 408(k) of such Code;

“(C) an annuity plan described in section 403(a) of such Code;

“(D) an annuity contract described in section 403(b) of such Code;

“(E) an individual retirement plan described in section 7701(a)(37) of such Code;

“(F) an eligible deferred compensation plan (as defined in section 457 of such Code);

“(G) a governmental plan (as defined in section 414(d) of such Code);

“(H) a trust described in section 501(c)(18) of such Code; or

“(I) any plan, program, or arrangement described in section 3121(v)(2)(C) of such Code, if such income—

“(i) is part of a series of substantially equal periodic payments (not less frequently than annually) made for—

“(I) the life or life expectancy of the recipient (or the joint lives or joint life expectancies of the recipient and the designated beneficiary of the recipient), or

“(II) a period of not less than 10 years, or

“(ii) is a payment received after termination of employment and under a plan, program, or arrangement (to which such employment relates) maintained solely for the purpose of providing retirement benefits for employees in excess of the limitations imposed by 1 or more of sections 401(a)(17), 401(k), 401(m), 402(g), 403(b), 408(k), or 415 of such Code or any other limitation on contributions or benefits in such Code on plans to which any of such sections apply.

Such term includes any retired or retainer pay of a member or former member of a uniform service computed under chapter 71 of title 10, United States Code.

“(2) The term ‘income tax’ has the meaning given such term by section 110(c).

“(3) The term ‘State’ includes any political subdivision of a State, the District of Columbia, and the possessions of the United States.

“(e) Nothing in this section shall be construed as having any effect on the application of section 514 of the Employee Retirement Income Security Act of 1974.”

“(b) CONFORMING AMENDMENT.—The table of sections for chapter 4 of title 4, United States Code, is amended by adding at the end the following:

“114. Limitation on State income taxation of certain pension income”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts received after December 31, 1995.

The SPEAKER pro tempore. The gentleman from Pennsylvania, [Mr. GEKAS] will be recognized for 20 minutes, and the gentleman from Virginia [Mr. SCOTT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GEKAS].

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