

complaint under paragraph (2), terminate the investigation, or continue or expand the investigation. The Secretary shall provide additional status reports at the request of the subject of the investigation and shall promptly notify the subject of the investigation whenever the Secretary terminates the investigation."

(c) INCREASE IN THRESHOLD FOR SHORTENED PROCEDURE CASES.—Subsection (d) of such section is amended by striking "\$15,000" both places it appears and inserting "\$30,000".

(d) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) by striking the section heading and "SEC. 6." and inserting the following:

"SEC. 6. COMPLAINTS, WRITTEN NOTIFICATIONS, AND INVESTIGATIONS.:"

(2) in subsection (d), by inserting "DECISIONS ON COMPLAINTS.—" after "(d)"; and

(3) in subsection (e), by inserting "BOND REQUIRED FOR CERTAIN COMPLAINTS.—" after "(e)".

SEC. 8. FILING AND HANDLING FEES FOR REPARATION COMPLAINTS.

(a) PERMANENT FILING AND HANDLING FEES.—Section 6(a) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499f(a)), is amended—

(1) by striking "(a)" and inserting the following:

"(a) REPARATION COMPLAINTS.—

"(1) PETITION; PROCESS.—"; and

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

"(2) FILING AND HANDLING FEES.—A person submitting a petition to the Secretary under paragraph (1) shall include a filing fee of \$60 per petition. If the Secretary determines under paragraph (1) that the facts contained in the petition warrant further action, the person or persons submitting the petition shall submit to the Secretary a handling fee of \$300. The Secretary may not forward a copy of the complaint to the commission merchant, dealer, or broker involved until after the Secretary receives the required handling fee. The Secretary shall deposit fees submitted under this paragraph into the Perishable Agricultural Commodities Act Fund provided for by section 3(b). The Secretary may alter the fees specified in this paragraph by rulemaking under section 553 of title 5, United States Code."

(b) INCLUSION OF HANDLING FEE IN CALCULATION OF DAMAGES.—Section 5(a) of such Act (7 U.S.C. 499e(a)) is amended by inserting after "damages" the following: "(including any handling fee paid by the injured person or persons under section 6(a)(2))".

(c) CONFORMING AMENDMENT TO TEMPORARY FEE AUTHORITY.—Public Law 103-276 (7 U.S.C. 499f note) is repealed.

SEC. 9. CONSIDERATION OF COLLATERAL FEES AND EXPENSES.

(a) DEFINITION.—Section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)), is amended by inserting after paragraph (12), as added by section 2, the following new paragraph:

"(13) The term 'collateral fees and expenses' means any promotional allowances, rebates, service or materials fees paid or provided, directly or indirectly, in connection with the distribution or marketing of any perishable agricultural commodity."

(b) USE OF DEFINITION.—Section 2 of such Act (7 U.S.C. 499b) is amended—

(1) by striking "commerce—" in the matter before paragraph (1) and inserting "commerce.:";

(2) by striking the semicolon at the end of each paragraph and inserting a period; and

(3) in paragraph (4), by adding at the end the following new sentence: "However, this paragraph shall not be considered to make the good faith offer, solicitation, payment, or receipt of collateral fees and expenses, in and of itself, unlawful under this Act."

SEC. 10. CLARIFICATION OF MISBRANDING PROHIBITION.

Section 2(5) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499b(5)), is amended—

(1) by striking "commerce: Provided, That" and inserting "commerce. However.:"; and

(2) by adding at the end the following new sentence: "A person other than the first licensee handling misbranded perishable agricultural commodities shall not be held liable for a violation of this paragraph by reason of the conduct of another if the person did not have knowledge of the violation or lacked the ability to correct the violation."

SEC. 11. IMPOSITION OF CIVIL PENALTY IN LIEU OF LICENSE SUSPENSION OR REVOCATION.

Section 8 of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499h), is amended by adding at the end the following new subsection:

"(e) ALTERNATIVE CIVIL PENALTIES.—In lieu of suspending or revoking a license under this section when the Secretary determines, as provided by section 6, that a commission merchant, dealer, or broker has violated section 2 or subsection (b) of this section, the Secretary may assess a civil penalty not to exceed \$2,000 for each violative transaction or each day the violation continues. In assessing the amount of a penalty under this subsection, the Secretary shall give due consideration to the size of the business, the number of employees, and the seriousness, nature, and amount of the violation. Amounts collected under this subsection shall be deposited in the Treasury of the United States as miscellaneous receipts."

SEC. 12. EXTENSION OF SANCTIONS TO PERSONS RESPONSIBLY CONNECTED TO A COMMISSION MERCHANT, DEALER, OR BROKER.

(a) EXCEPTION TO DEFINITION.—Section 1(b)(9) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)(9)), is amended by adding at the end the following new sentence: "A person shall not be deemed to be responsibly connected if the person demonstrates by a preponderance of the evidence that the person was not actively involved in the activities resulting in a violation of this Act and that the person either was only nominally a partner, officer, director, or shareholder of a violating licensee or entity subject to license or was not an owner of a violating licensee or entity subject to license which was the alter ego of its owners."

(b) EXTENSION OF EMPLOYMENT SANCTION.—Section 8(b) of such Act (7 U.S.C. 499h(b)) is amended by adding at the end the following new sentence: "The Secretary may extend the period of employment sanction as to a responsibly connected person for an additional one-year period upon the determination that the person has been unlawfully employed as provided in this subsection."

(c) CONFORMING AMENDMENT REGARDING LICENSING SANCTION.—Section 4 of such Act (7 U.S.C. 499d) is amended—

(1) in subsection (b), by inserting "is prohibited from employment with a licensee under section 8(b) or" after "with the applicant," in the matter preceding subparagraph (A); and

(2) in subsection (c), by adding at the end the following new sentence: "The Secretary may not issue a license to an applicant under this subsection if the applicant or any person responsibly connected with the applicant is prohibited from employment with a licensee under section 8(b)."

Amend the title so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act."

Mr. POMBO (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment in the nature of a substitute be considered as read and printed in the RECORD.

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

There was no objection.

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

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

The 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.

The title of the bill was amended so as to read: "A bill to amend the Perishable Agricultural Commodities Act, 1930, to modernize, streamline, and strengthen the operation of the Act."

GENERAL LEAVE

Mr. POMBO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1103, the bill just passed.

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

There was no objection.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAQ—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-104)

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

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iraqi emergency is to continue in effect beyond August 2, 1995, to the *Federal Register* for publication.

The crisis between the United States and Iraq that led to the declaration on August 2, 1990, of a national emergency has not been resolved. The Government of Iraq continues to engage in activities inimical to stability in the Middle East and hostile to United States interest in the region. Such Iraqi actions pose a continuing unusual and extraordinary threat to the national security and vital foreign policy interests of the United States. For these reasons, I have determined that it is necessary to maintain in force the broad authorities necessary to apply economic pressure on the Government of Iraq.

WILLIAM J. CLINTON.

THE WHITE HOUSE, July 28, 1995.

SUSPENSION OF MALDIVES FROM GENERALIZED SYSTEM OF PREFERENCES PROGRAM AND DESIGNATION OF MOLDOVA FOR PURPOSES OF GSP PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-105)

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

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated beneficiary developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Maldives should be suspended from the GSP program because it is not making sufficient progress in protecting basic labor rights. I also have decided to designate Moldova as a beneficiary developing country for purposes of the GSP program because I have determined that Moldova satisfies the statutory criteria.

This notice is submitted in accordance with the requirements of section 502(a)(1) and 502(a)(2) of the Trade Act of 1974.

WILLIAM J. CLINTON

THE WHITE HOUSE, July 28, 1995.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1289

Mrs. SCHROEDER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1289, the Newborn Infant HIV Notification Act.

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

There was no objection.

THE NEED FOR AN INDEPENDENT COUNSEL

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

Mrs. SCHROEDER. Mr. Speaker, we began this week hearing about how the House had found money for a protocol officer, the new Miss Manners. Many of us really questioned that. But we end this week with a whole raft of newspaper articles that are in the paper today saying that people are very concerned the House ethics committee is risking the charge of a coverup, in re the charges against the Speaker.

My colleagues, if we can find money for a protocol officer but we cannot find money for an independent counsel, the people are not going to accept it.

What is this? It is like pouring perfume on a garbage dump.

The people out there want us to get to the bottom of this, and they do not want some excuses about: Oops, we bungled it; oops, we made a little mistake; oh, my goodness, we are going to have to back away from this. This will not be acceptable.

I really hope this body reads the newspaper articles and many of the columnists calling for an independent counsel and moves forward.

Mr. Speaker, I include for the RECORD the following article:

[From the USA Today, July 28, 1995]

GINGRICH ETHICS SCANDAL DEMANDS OUTSIDE COUNSEL

(By Barbara Reynolds)

"It's vital that the ethics committee hire outside counsel. The trust of the public will accept no lower standard."

That was Newt Gingrich in 1988, leading the charge against House Speaker Jim Wright for an ethically questionable book-publishing deal. Within two months after Gingrich filed a complaint, the House ethics committee unanimously agreed to hire an independent counsel.

Ironically, Thursday it was Gingrich who had to appear before the ethics panel because of a book deal. He signed a contract with HarperCollins to write a book about his plans for revitalizing America. HarperCollins is owned by media mogul Rupert Murdoch, who could benefit mightily from legislation now before Congress; and Gingrich could earn millions from him in royalties.

Despite that conflict, Gingrich sense calls for an independent counsel are "ridiculous."

The Murdoch deal is challenged in one of five ethics complaints filed by Democratic opponents. One has languished for 10 months. At a closed meeting in May, the five GOP members on the 10-member ethics panel voted down an outside counsel, according to a Washington Post report.

Is Gingrich above scrutiny? Allegations against him are serious. At the heart of the ethics charges is GOPAC, the powerful political action committee Gingrich used to train and bankroll GOP candidates. "Since 1986, it has raised about \$17 million, but he refuses to show us where it all came from and how it was spent," says House Democratic Whip David Bonior, D-Mich., who filed two complaints.

A complaint by Ben Jones, who ran against Gingrich in last year's election, alleges that, with GOPAC's help, two tax-exempt foundations organized a college course to advance the speaker's political mission. Tax-exempts aren't allowed to engage in partisan political activity. The complaint also says congressional staff helped prepare the course material.

What's wrong with that? If true, it means taxpayers helped subsidize a politically partisan course. And much of the course material is included in Gingrich's best seller, *To Renew America*.

Other issues not in formal ethics complaints also deserve scrutiny. Gingrich has touted his reading program, "Earning by Learning," which raises money from private contributors and gives \$2 to school kids for each book they read. "The money goes to the kids," Gingrich said in a televised lecture. Yet a Wall Street Journal article last week disclosed that 90 percent of the money last year actually went to Gingrich's official biographer, who runs the program, and two other professors.

Republicans on the panel, of course, have little interest in probing their leader. But

there may be hope. Rep. Nancy Johnson, R-Conn, whom Gingrich appointed panel chair, is under pressure at home to get things moving. A recent poll in her state shows 78 percent of voters want an independent counsel; 85 percent want open hearings.

The ethics panel should do both, and the hearings should be televised. What Gingrich said about restoring public trust in 1988 is still true today.

SUPPORT MEDICARE

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

Mr. VENTO. Mr. Speaker, Medicare is in trouble. It is in trouble all right because the Republicans are in control. The fact is that they do not share the commonsense values in terms of maintaining the commitment to quality health care for older Americans.

Medicare is about to celebrate its 30th anniversary this week. The celebration should be a positive one, but it has a very sour note because the fact of the matter is that the commitment is not there today in 1995 with the Republicans and with the majority in this Congress to support Medicare.

They did not support it when it was initiated. They do not support it today. They are busy looking for excuses to take apart Medicare. The reason for that, of course, is to provide a big tax cut for their wealthy friends.

The fact of the matter is we should be supporting Medicare, not tearing it apart.

Mr. Speaker, it is ironic that as we celebrate the 30th anniversary of the Medicare, drastic cutbacks are being planned for the program.

Before Medicare was enacted 46 percent of seniors had health insurance. Today, because of Medicare, 97 percent of seniors have health insurance. And today, we face a difficult fight in order to preserve a promise that means everything to the security of all Americans.

Republicans are proposing to save the program by cutting \$270 billion. Seniors will have to pay an additional \$3,400 over the next 7 years in health care costs. Some life saver this new GOP majority. The GOP in effect destroys the Medicare Program to save it. These added costs will be a tremendous burden to seniors trying to make it on a fixed income.

Ironically, these additional costs would not even go to the portion of Medicare which has been projected to become insolvent in 7 years. The reality is that these cuts are meant to pay for \$245 billion in tax breaks for the most wealthy Americans.

Instead of sacrificing the health of the seniors of this country to provide a bonus to the wealthiest in America—many of whom don't seek such tax breaks—it is crucial for older Americans and for all Americans that we remain focused on ensuring that Medicare has a bright future and is around for the celebration of its 50th anniversary.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May